

A Study of The Nature and Role of Traditional Leadership and Governance in Homa Bay County in The Pre-Colonial and Colonial Periods in Kenya.

K'Odipo, Walter Otieno

Kaimosi Friends University (Kafu), Kenya

Abstract: The objective of the study was to analyze the nature and role of leadership and governance in Homa Bay County in pre-colonial period. The findings of the research would help the state to reform the institution of the chief regarding the ever-changing administrative framework for people at the grassroots. The role of chiefs as per the findings of this study was key in socio-economic transformations in Homa Bay County during the colonial period. Chiefs directed virtually the social, economic and political affairs in the communities. For example, the prime movers of the socio-economic activities in today's Homa Bay County, whose economy largely relied on livestock, agriculture, fishing, pottery and weaving were the chiefs. With the establishment of Local Native Councils and later on the African District Councils, chiefs became the fulcrum around which these institutions of governance revolved.

Key Words: Nature, role, leadership, governance, pre-colonial

I. RESEARCH METHODOLOGY

The research analysis was based on qualitative approach. This research relied on both primary and secondary sources. The methodology followed the qualitative research approach and therefore, the analysis was done through the coding of participants' responses in thematic manner before drawing conclusions which were drawn based on the objectives of the study. The work relied on oral interviews to gather the required information from the participants.

The archival sources were quite useful in this work as they provided reliable materials for referencing and evidence about propositions. The Kenya National Archives (KNA) in Nairobi were most useful. Relevant political records were consulted. The staff at the KNA assisted me a great deal in accessing information required for my research work.

Oral interviews were conducted for the purpose of obtaining information from the eye witness accounts. Oral tradition was important to the study because of its advantages. It was easy to gather and through mythology it helped to trace the migration of the Southern Nyanza Luo in Homa Bay County. It helped to understand their religious beliefs and cultural practices of the people in the study area. Mythology in the Oral Tradition helped the people to develop their morals, that is, customs and norms into law and order in their society.

Oral Tradition had some shortcomings. Oral Tradition may not have given the actual date of the events. Periodization therefore faced limitations as some participants could only estimate the

time certain events took place. It can also be vague because there were distortions of information since some informers exaggerated the information in their possessions and might have deliberately been dishonest. Some informers had fading memories because of their advanced age and therefore took their time to recall what the researcher asked them. Oral Tradition may be difficult to carry over after a long period of time.

Through the written sources, the researcher was able to get the exact dating of some historical events in Homa Bay County. Some written materials were by foreign authors who might not have been deeply interested in the history of Kenya and therefore gave Euro-centric views, therefore, early written information had biases and full of racism. In Tripple Heritage, Ali Mazrui argues that the Euro-centric scholars referred to Africans as walking naked. Some of the information contained in written sources may not be reliable because they were not based on eye witness accounts.

Some books were accessed at Moi University, Margaret Thatcher Library (MTL). Newspapers on the research issues were obtained from the Periodical Section of MTL. The study also used internet to access valuable data for the study. It was recognized that today internet and computers have become the most ever powerful tool for man throughout the world for storage and retrieval of information.

The study used purposive sampling procedure to identify participants for the interviews.

Interviews were conducted to key informants who were selected through purposive sampling and snowballing sampling. I identified the participants through purposive sampling of the study population. Snowball sampling was used during the interviews I conducted. This is where research participants recruited other participants for an interview with the researcher. It was necessary to use snowball where potential participants were difficult to find. Ethically, the study participants were not asked to identify other participants but rather they were asked to encourage others to come forward. Snowballing had advantages. It allowed for interview to take place where otherwise it might have been impossible to conduct interviews because of a lack of participants. Snow balling may help the researcher to discover information from a variety of participants.

It also had disadvantages: It took other participants time to arrange for the recruitment of other participants to come and give responses to the researcher's questions.

Leaders in Homa Bay County such as the former chiefs, farmers, educationists and elders were selected as participants as they had the institutional memories. Some residents of Homa Bay County were also purposely sampled taking into account their abilities to give the required information. The information was gathered from oral interviews conducted in locations and sub-locations in Homa Bay County. Because the research was within Homa Bay County, getting respondents was less difficult because I and the research assistant are residents of Homa Bay County.

The researcher interviewed at least 70 respondents in Gwassi, Kanyada, Kanyamwaa, Gem, Kochia, Karachuonyo and Kasipul-Kabondo which in qualitative research will be adequate population for my study. It will be difficult carrying out interviews in all the locations of Homa Bay.

The focus group discussion offered an indepth understanding of the participants during the discussions. This enabled me as the researcher to uncover personal attitudes and beliefs that other research methods could not replicate which in turn meant more insightful results. The focus group discussion with participants was quite interactive. However, some participants were shy to give information they had in front of their colleagues and it took me time to convince them to speak up their minds on the research questions I posed to them.

The study was carried out in Homa Bay County, formerly part of South Nyanza District. The area is mainly inhabited by the Luo / Suba people. Homa Bay County was part of the former South Nyanza District. Participants were drawn mainly from Gwassi, Kanyada, Karachuonyo, Kasipul-Kabondo and Kanyamaa.

In the process of data collection, we realized that some people were not educated but had knowledge about what our research was all about. This called for use of the interview schedule which was found most suitable for qualitative methods which involved thematic arrangement of data. This method provided greater degree of flexibility, greater depth and following the contextual structure of the interviews. The language of Dholuo was used to carry out the interviews. Tape recorders were used to record the proceedings of the interview which would later on be transcribed. We also used our smart phones to record the interviews through audio-visual technique.

Interviews were transcribed and coded using a grounded approach and then analyzed according to thematic areas. Periodic reviews of all collected data were carried out, followed by a summary construction and formulation of more questions to be answered. Peer groups were also consulted with those who were knowledgeable about research procedures to summarize the status of the research and to discuss emerging themes, concepts and interpretation.



Source: Researcher

The Researcher (left) and participants during focus group discussion in Kanyada, Homa Bay at the home of Colonial Chief Odoyo

The Study Area

This research was carried out in Homa Bay County. Homa Bay County borders the counties of Kisumu, Siaya, Nyamira, Kisii and Migori. It's largely inhabited by the Luo and the Abasuba people. In this part, a brief background of the people known as Jokarachuonyo, Jokasipul, Jokabondo and Jogwasi was considered for an insightful understanding of the lives of the inhabitants of Homa Bay County. Karachuonyo was a large location bounded on the North by the Kavirondo Gulf, South by Kasipul, West by Kagan and Kochia on the East by Nyakach. The location on the whole was unfertile, the soil being very dry and sandy. It should be possible to irrigate from River 'Awach', in which case the District should produce large quantities of ground-nuts for export. There was a great deal of tsetsefly at Kanam and a little in Kogweno. The natives were on the whole quiet and amenable, but shy of Europeans and seen afraid to bring forward their grievances.¹

Map Of Homa Bay Showing The Sub Counties

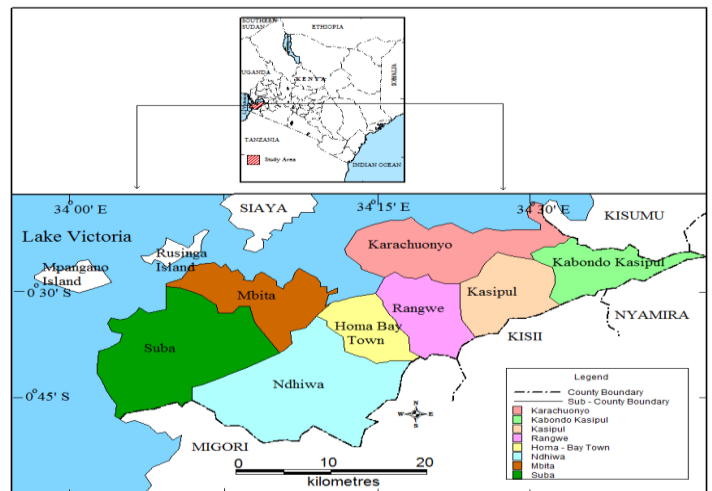


Figure 1: Map of Homa Bay Showing the Sub Counties

¹ KNA-DC/KSI/5/5

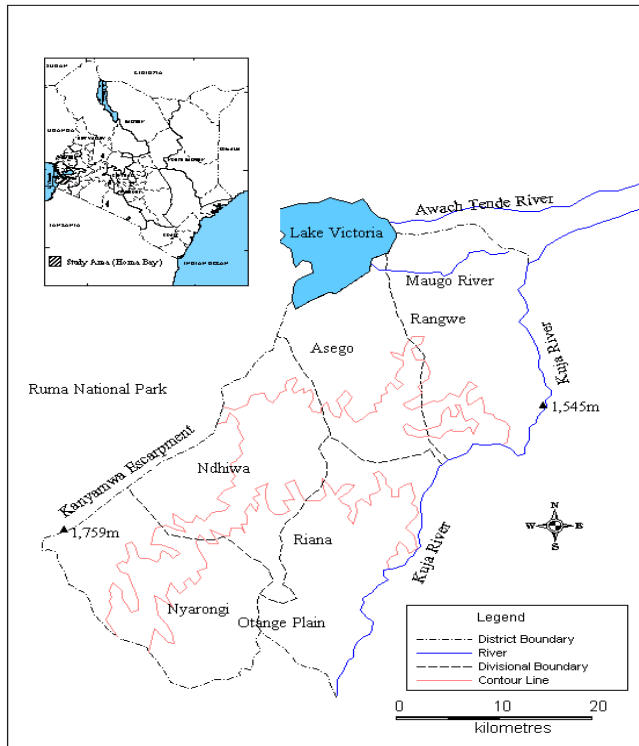
Map Showing The Topography Of Homa Bay County

Figure 2: Topography and Rivers of Homa Bay District with its Divisions.

Source: Moi University Geography Department (GIS).

II. INTRODUCTION

The European colonization of Africa which can be traced back to the Berlin Conference (1884 – 85) which laid conditions for the partition of the African continent into spheres of influence. It marked a new trajectory of governance characterized by chieftaincy at the lowest level of colonial hierarchy. The new governance system was alien to the Africans because most of African communities did not have the institution of chiefs in their governance structures.

After its establishment, the colonial state became the machinery of administrative domination established to facilitate effective control and exploitation of the colonized African states. In order to carry out their imperialistic mandate, the colonial authority involved Africans in their leadership structures for effective control of the newly acquired states, they based their leadership model on the existing traditional African structures.² This new governance mechanism in Africa, would later, fall directly on the shoulders of the African chiefs as cofactors, through the British colonial administrative policy of in-direct rule associated with Fredrick Lugard, the British administrator, in charge of Northern Nigeria in the Sokoto Caliphate.

The main theoretician of it was Lord F. D. Lugard in his political memoranda, “Report on the Amalgamation of Northern and Southern Nigeria (1912 – 1919). The Dual Mandate in British Tropical Africa.” By design, these chiefs were meant to serve in the behest of the colonial authority with restricted powers which respected the chain of command right from the metropolitan. It can be argued that most African communities existed as decentralized entities except the Baganda, Toro, Akan and the Wanga Kingdom to mention a few. The last were governed under the “Nabongo” within a centralized state system. The African chief was the main bridge between society and the colonial state. His duties made no difference whether he was being used “indirectly” or “directly”.

Their duties included; collection of taxes, recruitment of labor for public works like the building and maintenance of roads and bridges, recruitment of police and military conscripts, and legislation in the local native council. The British respected chiefs in areas where armed confrontation had been intense and where they were hereditary, as in the case of the Fulani of Northern Nigeria. Chiefs were also created in stateless societies such as the Agikuyu of Kenya and the Langi of Northern Uganda. It is important to note that the Luo of Homa Bay did not have the institution of chieftaincy but just like in other Luo sub tribes they had the institution of Ruoth. The African chief was generally the most hated political agent. He was bossed and bullied by the colonial political officer and in the course of trying to be effective and successful, he abused his authority. Some chiefs even became the center of African resistance to colonialism. In some areas where “indirect rule” was used, the chiefs remained conservative. They were centers of “tribalism”. In general, the chiefs competed for privileges and promotions from the colonial political officers. Some of their children were the beneficiaries of formal education. It was the peasant who lost during colonial rule. He was a source of labor, capital and land. He was the ruled and therefore he had to keep law and order.³ The Kenyan chiefs were no different from the French ones in that part of their core duties included the collection of taxes which obviously put them at cross purposes with their African subjects. Quite a number of chiefs in Kenya found themselves in the dilemma of choosing whom to serve. It was difficult serving the colonial master and at the same time remaining loyal to the course of the people. The chiefs were on the radar of the colonial state to ensure that the colonial interests were best served. Chief Muhoya of Tetu in Nyeri, Central Kenya was the best example of such chiefs.

In his book *Not Yet Uhuru*, Odinga stated:-

Colonial chiefs also played role in ensuring that the people were vaccinated and treated for various ailments. One year there were instructions that we should go to the Chief’s Camp to be vaccinated against small pox. The District Commissioner was to be there that day and I was curious

² Integrating Traditional Leadership Structures with Contemporary Public Administration Machinery for Innovative Governance and Improved Service Delivery by Shikha Vyas-Doorgapersad and Lukambi Muhiya.Tshombe, p.212.

³ Ogoti Mathias and Kenyanchui S. An introduction to African History 1991 (p.175).

to see him, for though I had seen my first Whiteman in the person of Archdeacon Owen, it had been a fleeting encounter. A friend and I went towards the Chief's Camp, hoping for a close-up view of the White Commissioner, but as we approached a headman caught us and took us by force to the vaccination center.....The first time I saw a bicycle was the day we children were given baskets of simsim and maize to take to the Kadimo Indian shopping center, about twelve miles from our home. Chief Olulo Nyadenda in a white kanzu rode by on a bicycle, passing us so quickly that I was reminded of a snake.⁴

The study shed light on the nature and role of leadership and governance among the Luo of Homa Bay in the colonial period.

III. REVIEW OF RELATED LITERATURE

Traditional Leadership and Governance in the Pre-Colonial Period

This part explains the origins of colonial system and the roles and existence of chiefs among some African communities like the Luo, before the coming of Europeans to Kenya. There was the chieftaincy institution in the pre-colonial period, and the authority of the chiefs was based on cultural and spiritual constructions. It is clear some African communities had Chiefs. For example, the Luo ethnic group in Kenya was ruled through the institution of 'Ruoth', to which they owed total allegiance. They were under 'Ruoth' chieftaincy in Sudan, and were under the same till their settlement in their present day homeland in Western Kenya, including the areas of Southern Nyanza district in the present day Homa Bay County. Even where the office of the Chief existed in the traditional society, as among the Luo, Ochieng says that these leaders did not have coercive power and autocratic power as they later possessed during the colonial period. This system, which checked the Chief's authority, ensured that he could not be biased in his work. Regrettably, in the colonial situation such checks and balances never existed.

This was supported by Ogolla, who writing on Jopadhola Luo group argues that:

A significant complex and subtle relationship existed between kinship and politics in which elders managed their internal affairs with minimum supervision.⁵ The Jopadhola developed a kinship structure which seemed to have been influenced by the political culture in those areas they passed through during the time of migrations. Lamphear convincingly notes that migrations in Africa were largely a gradual process of cultural, political and linguistic interaction.⁶ It is as a result of this that the area of Padhola managed to develop with a shared custom, language and territory similar to those of other ethnic groups. Besides, they must have been influenced by environmental, social and material factors which determined the historical experience which was consolidated into a common goal.⁷

The researcher argues that what was true of Jopadhola kinship and lineage systems in particular were also true of the Southern Nyanza Luo in Homa Bay.

From the above point of view, it can be concluded that the people of Homa Bay County had chiefs in the form of *Ruoth* before the coming of the Europeans to Kenya just like the Jopadhola cousins had. Their functions were not totally at variance with the institution of chiefs that the colonial state would later on juxtapose on Africans. Some of the norms and traditional practices that were observed by the Luo almost naturally became subservient to the legal and administrative arrangements that would be put in place by the colonial state. They were used to the system of governance under *Ruothship*. In the new trajectory, the Luo in Homa Bay would, after the colonial conquest, come under the chiefs appointed by the colonial state. In a comparative analysis, I agree with Ochieng's assertion that the Luo were democratic and exhibited the kind of leadership that made the people to be at peace with them and themselves unlike the colonial chiefs who wielded their authority courtesy of the foreign doctrine of indirect rule. The decisions made by *Ruoth* in most cases took care of the interests of the community as they were made after thorough consultations with other members of the society at different levels.

Ochieng was supported by Peter Ogingo Kwasa,⁸ who argued that although Chiefs worked as *jonanga*, the former *rwothship* was more caring since there were no collection of taxes from the people. They were also democratic and presided over the cultural issues which supported the development of the Luo people. The new system of chieftaincy emphasized the needs of the colonial authority at the expense of the people.

The Colonial Conquest and Search for Chiefs in Homa Bay County

This part covered colonial conquest and search for chiefs in Homa Bay County. Kenya became a British East Africa protectorate in 1895. The colonial leadership was mainly through the institution of chief at local levels with authority to collect taxes on behalf of the metropole.

Borrowing from the work of Couma, it can be argued that even the government was no better prepared for the task of administration than had been the Imperial British East African Company (IBEACo) since it lacked its own.⁹ This is what compelled Colonel Colville, to send his Valet, Fredrick Spire, to represent him and establish a British administration post in Mumias¹⁰; Dealing, 1974:308; Esese, 1990:191; Owino, 1993:147). Though only a Valet, his presence began the consolidation of British rule in Western Kenya with Mumias as its official administrative station. Spire's administration lasted for only half a year within which he had not established any meaningful contact with the Luo except for Kitoto of Kano in

⁴ Oginga Odinga, an autobiography, Not Yet Uhuru: 1967, p.3

⁵ Vaughn, 1986:177, Ogola thesis, p.7

⁶ Lamphear 1985:55

⁷ Karugire, 1980:2; Ogot, 1996

⁸ O.I. Peter Ogingo Kwasa, Kanyamwa, 24th, July, 2019

⁹ Mungeam, 1966:20. Low, 1982:5

¹⁰ Lonsdale, 1964:98 Ogot, 1967:232

February 1895; he was replaced by C.W. Hobley who remained there until 1903.¹⁰ Hobley's arrival in Mumias considerably increased the administrative presence of the British in the area. It was only a matter of time before effective colonial control was imposed on the Luo of Siaya. It should be noted, however, that the British efforts in Nyanza up to about 1897 were largely limited to protecting communication links. The actual labour demands were light. Even the political aims were limited by the military resources. However, with the mutiny of Sudanese troops in 1897, and rebellion in Uganda, the British position was first threatened, and later strongly reinforced. New troops and supplies were rushed to the scene and this marked the beginning of a period of active domination of Nyanza. The result was increased need for porters (to supply the increased military establishment in Uganda) from a population that was unwilling to provide such labour. Indeed, the expedition against Alego (Siaya) in September, 1898 was one of the first ones to be carried out by Hobley's administration in specific response to a refusal to provide labour.¹¹ And on this and most subsequent expeditions Hobley began to demand labour as a proof of submission.¹² The view that the Luo of Central Kavirondo, offered no armed resistance to colonial intrusion.

On the issue of armed resistance, the researcher was informed that during the colonial conquest in Homa Bay, there was no physical resistance to the establishment of colonial administration in south Nyanza from the people.¹³ This was because the missionaries who were the frontrunners had pacified the people and so people were very peaceful. So there was no record of any expeditions led by the British to confront the people to demand for their allegiance. During the recruitment of labour, chiefs assisted in the identification of the people who were ready to offer labour to the government and in the settlers' farms. This occurred very peacefully.

Ewout Frankema (2010) has argued that the record of state failure in the late twentieth century is so impressive that it is hard to escape the idea that there is something specifically 'African' in the nature and history of African state formation. Scholars widely agree that the process of colonial state formation in Africa embodied some typical features, if only because African state boundaries were drawn on the European drawing table in almost complete neglect of the prevailing social, political, economic and cultural dividing lines.¹³ But the question how colonial state institutions impacted on long run African state development remains contested. Acemoglu et al. (2001) have argued that without significant European settlement, colonial governments were not committed to the development of growth-promoting institutions. Instead, „near absolutist“ governments imposed „extractive institutions“ to facilitate the exploitation of indigenous labour and natural resources through trade, land appropriation, excessive taxation or outright plunder. Much of their story about extractive institutions is based on the African experience. Fiscal policy

fulfils an important role in their argument as one of the main channels of revenue extraction. According to Crawford Young (1994) the revenue imperative“ of African colonial governments was a precondition for establishing European hegemony as it not only provided the necessary resources, but also symbolized the authority and legitimacy of the colonial state. Bush and Maltby (2004) have also stressed that colonial fiscal systems were functional in turning Africans into „governable people“. Taxation and Government Spending in British Africa, 1880-1940: Maximizing revenue or minimizing effort?¹⁴ The governance of these regions by the colonial administration was through in-direct rule spearheaded by the colonial chiefs, as has been laid out in Lugard's influential work, *The Dual Mandate in British Tropical Africa*.

Kenya and Nigeria were ruled through this method of indirect rule which was criticized by some scholars who expressed their misgivings about this alien system and saw it as something that undermined the Africa's leadership organization which were done through the Council of Elders in the a cephalous communities. Opinions were varied on the institution of chiefs in Africa. On this particular issue of indirect rule, Prime Minister Salisbury explained his position:

The condition of a protected dependency is more acceptable to the half civilized races, and more suitable for them than direct dominion. It is cheaper, simpler, less wounding to their self-esteem, gives them more career as public officials, and spares of unnecessary contact with white men.¹⁵

This description of Africans by Salisbury was derogatory because issues of civilization are relative. And obviously the intention of the colonial ruler had nothing to do with African interest but for all purpose and intent was calculated for Africa's subjugation. The undertone of this statement was actually racism and establishment of the "white hegemony" across Africa. The African chief would be a man who would be at the strict service of the Metropolitan. British, among other European powers, colonized many parts of the world. They used different methods of colonial administration to carry out their plans such as direct rule, indirect rule, and assimilation among others.

In order for the British to successfully govern the Kenyan colony as explained by Lange (2004), they used the system of indirect rule. This is because any attempt by the British to rule directly would have probably resulted in failure in their governance. The indirect rule involved creation of the chief system, establishment of local native council and native tribunals.¹⁶ Despite the fact that the ethnic communities were ruled by council of elders in the ancient period, the British had to appoint paramount chiefs whom they could manage and control.¹⁷

¹¹ Jalang'o-Ndeda. 1991:87

¹² Stichter, 1985: 12 Jalang'o-Ndeda, 1991:87

¹³ Ayittey, 2005

¹⁴ Ewout Frankema Utrecht University.p.1

¹⁵ www.en.m.wikipedia.org

¹⁶ (Ndege, 2009).

¹⁷ Stephen Irungu (2019) The role of colonial chiefs in Kenya Their impact on Kenya's security standards, educational system and agricultural sector.

Chiefs also were involved in prosecutions of migrant labour. According to Cocumu (2001) it should be noted that the British efforts in Nyanza upto about 1897 were largely limited to protecting communication links. The actual labour demands were light. Even the political aims were limited by the military resources. But with the mutiny of Sudanese troops in 1897, and rebellion in Uganda, the British position was first threatened and then strongly reinforced. New troops and supplies were rushed to the scene and this marked the beginning of a period of active domination of Nyanza. The result was increased need for porters from a population that was unwilling to provide labour.

The colonial Chiefs who comprised the chief system were to act in the interests of the British for economic, political and social development. The effective administration carried out by the colonial chiefs' who collaborated with the British, played an important role in enhancing the country's development. Other than collaboration, the colonial chiefs such as warrant chief Okugo, Lenana Laibon who practiced resistance also contributed to development. These were as a result of organized strikes by the chiefs to protest their grievances against the British.¹⁸ The multiple factors discussed below explains the contribution of Colonial chiefs towards the development of the country.¹⁹

The back bone of the colonial administration was particularly the collection of taxes through the African chiefs. As argued by Cokumu, in 1910, the new Governor, Sir Percy Girouard issued an official memorandum outlining his own directions of policy, based on Lugardian theory of indirect rule. The memorandum, which was sent to all provincial commissioners in Kenya contained the following statement:

The fundamental principal and the only humane policy to be followed in dealing with peoples who have not reached a high standard of civilization is to develop on their own lines and in accordance with their own ideas and customs, purified in so far as necessary.....not only is it my wish, but it is the direct order of the secretary for the colonies, that we should support the authority of the chiefs, council of elders and Headmen in Native Reserves, and the prestige and influence of the chiefs can be held by letting the peasantry see that the Government itself treats them as an integral part of the machinery of administration. By upholding the authority of the chiefs and elders, I do not wish to imply that officers are to sit and enforce blindly all orders issued by these men who, after all, are only savages. The main object of administering the people through their chiefs is to prevent disintegration amongst the tribes, but active interests, supervision and guidance on the part of the officers of the administration are all necessary for the prevention of abuses.²⁰

The colonial state was essentially concerned with security, for the maintenance of which, the administration would bank on

colonial chiefs whose powers were to subordinate to those of British administrative officers.

The intention of 1910 Ordinance was to tax a man in proportion to his wealth which was estimated by the number of wives he had. The argument was that although a man would be less well off after paying cattle for his wives, he was a potential producer of wealth in terms of the number of acreage he was able to put under cultivation and in the number of daughters, who in their turn, would be married off.²¹

Qualitative studies that have been carried out, such as the research by Schmitt (2015) reveals that, one of the key factors towards the development of a certain place is availability of high standards of security. The role of the colonial chiefs such as Ogola Ayieke, to maintain law and order attributed to development as it eradicated crime crisis. Deflem, 1994 Land dispute which was the major dispute among communities was resolved by the chiefs who made binding orders and final decisions over the matter. Through the demarcation of land boundaries and creation of public meetings the chiefs advocated for peace and unity among conflicting parties. Other than land disputes, the chiefs also played a role in minimizing cattle raiding which also caused insecurity among the civilian population.

Awino argued that under Chief Magak, on the matter of demarcation of boundaries, an attempt had been made by the chief to move Kachien people of Kasipul to Kanyamkago following a request by Chief Pius Olima of Kanyamkago. Chief Olima wanted the people of Kachien to go and occupy his area to help his people clear the bushes in order to control the tsetsefly menace. The Kachien people refused these overtures and for some time there was bad blood between the Kachien people and the Konyango people because they believed that a proposal to move them out of Kachien was done in order to allow the Konyango and Kokal people to take their land. So the plan was vehemently rejected by Kachien people. Luckily there was no military force that was deployed to move the people of Kachien to Kamkago.²²

Military units are of significant contribution for any political development as explained through the pioneered work of (Finer 2017). Recruitment of men into military units was another important role carried by the colonial chief that enhanced political development. The men were used to construct local administration and military centers thereby improving the domination by the colonial chiefs in the realm of politics.²³

Additionally, a number of works have been done on colonial African chiefs in Kenya and Africa. Those worth mentioning

¹⁸ Ahluwali, 1996

¹⁹ (ibid)

²⁰ KNA/DC/CN/5/5

²¹ KNA-Memo.DC/CN/3/5

²² O.I. Fredrick Otieno Awino, Kachien Location, 10th September 2020

²³ Ibid

include: Richards and a government of Kenya booklet, *The Work of an African Chief in Kenya*.²⁴

It observes that:

Because of deficiency in administrative manpower, the British colonial state had to rely heavily on traditional African rulers, chiefs and religious authorities to help in administration. In this way, the indirect rule system permitted traditional rulers and chiefs to take part in administration, but under the careful supervision of European authorities. This observation, however, does not clearly show how chiefs came into local administration and the challenges they experienced.

These have been provided in this study which carried out a rigorous investigation on how Chiefs were coopted into the system of local government administration. The chiefs with close proximity to the colonial authority were able to bring up their scions in positions of influence thereby becoming the first strata of the African elites.

Ogola has further argued that: It is pertinent to argue that Johnston, like other British administrators deployed elsewhere in other parts of colonial Africa, was determined to implement the Dual Mandate policy put forward by Lord Lugard in which Lugard proposed to rule Africa through the indigenous rulers or Native administrators.

The scheme also included establishing formal education to make the colonized people become literate, abolish slave trade and replace it with legitimate trade. The aim was to exploit Africans from within their localities and to use Christianity to prepare or pacify the ground for effective administration.²⁵

Much has been said about the negativity of the African chief also. There were also positive things about them. The fact that they were more inclined to listen to their appointing authority could not have been an act of ambivalence on their part as such. This has been supported by Bogonko who argued that: Of all the colonial administrators, African chiefs have perhaps been most misunderstood and their actions most misinterpreted by African historians especially those of nationalist bent. Whilst the positions and roles of the District officers (Dos), District Commissioners (DCs) and Provincial Commissioners (PCs) have been seen quite rightly as important parts of that chain of administrative machinery whose main duty was to establish colonialism in any one given colony, for some queer reasons, African colonial chiefs have been expected to have acted differently. African Chiefs ought to have supported the wishes of their kith and kin to the hilt, for instance, in their struggle for political freedom and socio economic emancipation. Because many chiefs did not do this they have been branded as

clamorous collaborators with the European colonialists and as tyrants, self-seekers, conservatives, swindlers and terrorists of their own people. But the above cannot be all that chiefs were or did. They must have played important roles in their politics of and socio-economic development of their people in that period. Attempts were made to question why chiefs were expected to act all contrary to the dictates of their jobs. Did E.S. Atieno-Odhiambo, Semakula Kiwanuka and, to a lesser extent, William R. Ochieng', to name just a few, really understand the office the African colonial chief played before they began writing. That office was not created to protect the African, but to see to the establishment and germination of colonialism in Africa. To think that the chief, because he was black, was different from the D.O., D.C. or PC who were white is ridiculous, to say the least. The chief was the single most important link between his employers (the colonizers) and his kith and kin (the colonized). It was the chief in the final analysis who represented the government to the people. Naturally his loyalty was first to the government, his employer.²⁶

It should be noted that, the executions of chief's duties were done through some ordinances during the colonial period. These ordinances did not have the input of the local people. In 1907, Courts Ordinance set up tribunals under headmen and chiefs to deal with tax defaulters and rebels against authority. The 1911 Tax defaulters Tribunal rules (TDTR) recognized the constitution of council of elders in accordance with traditional customs to administer justice. The 1921 Native Authority Ordinance (NAO) set guidelines to appoint headmen and chiefs over specific areas (locations) with ethnic boundaries drawn (later in 1926). These measures were taken to stem bogus or weak and unaccepted leaders and to get trusted loyal servants fairly at ease with their community.

At independence, chiefs, who were first installed by the colonial government became a symbol of impunity, torture and absolute authority. The village chief was a god: He presided over kangaroo courts, passed guilty verdicts, fined culprits on the spot or took house hold items by force. When he spoke, people froze to listen. To understand their power, one has to look at how they came to be. Having subjugated the "natives" as its subjects, the British colonial government retained their system of governing through clan elders at the village level.²⁷

Between 1907 and 1912 the powers of the colonial chiefs were increased by further legal promulgations. The 1907 Courts Ordinance created Native Courts and recognized tribunals under the direct authority of the chief.²⁸ Later, in 1911, the Native Tribunal Rules recognized the constitution of the

²⁴ Geller (1987: 122-140) cited in Yokana Ogola, thesis (2015, p.16), Chiefs and Local Government Administration in West Budama County in Uganda during the Colonial period, 1900-1962

²⁵ Ajayi and Espie, 1965:39

²⁶ Colonial chiefs and African development in Kenya with special reference to Secular Education, S.N. Bogonko Transafrican journal of History Vol.14, 1985 1-20

²⁷ Interview with Dr L. S. B. Leakey, 01 July 1970. 2 Political Record Books, Muranga District; K. N. A., Nairobi. 3 Secretariat, Southern Province, to Chief Secretary, 17 August 1923; CSO 26/I 09253/, Nigerian National Archives, Ibadan. 4 W. H. Cooke, Annual Report for Onitsha Province, 1920-21; CSO 21/5, I3, N.N.A., Ibadan 5 Machakos District Political Record Book, 1925-30; KNA/DC/MKS 4/8, 1927, K.N.A., Nairobi. 6 Quarterly Report, Ulu, Machakos, December 1909²⁷

²⁸ Ogot, 1963: 254 Middleton, 1968:351

council of elders in accordance with traditional custom.²⁹The Native Authority Ordinance enlarged the formerly relatively minor powers of the Chiefs and lay down that they were to be appointed over specific areas.

Mamdani (1996) notes that in the state's communities, colonial imposition could not resonate with any aspect of tradition. Often, ethnic groups were created on the basis of territorial integrity as villages were brought together under a single administrative authority. Chiefship was similarly manufactured, imposed and based on administrative appointment. Hence, the chief was liberated from all constraints from tradition and made a decentralized despot. This argument partly formed the basis of analysis in this study, especially when examining the recruitment and appointment of chiefs in Homa Bay County.

William Ochieng' wrote about the history of South Nyanza Luo but did not specifically account for the reigns of chiefs in Homa Bay in socio-economic and political transformations of their areas of jurisdiction. Ochieng has pointed out that the explanation for this state of affairs stems both from the role which they played in the big task of turning the wheel of development. On the one hand, they were supposed to support the wishes of their kith and kin in all ways, for example in the fight for emancipation. Yet, at the same time, they were supposed to clearly follow and implement policies of their masters.

Written materials on African Chiefs in Homa Bay County are still scarce. But some archival materials may be obtained about African chiefs in Homa Bay during the colonial period.

IV. DISCUSSION OF FINDINGS

The Pre-Colonial Luo Environment

The earliest known inhabitants of Kenya lived by hunting and gathering. Over most of East Africa food production came about 3000 years ago.³⁰ Food production was low and man had to supplement it with hunting and gathering. With time man accumulated vast ecological knowledge. Most societies used fire, wood and store for clearing the bushes for cultivation. Using environmental perception and cultural adaptation, man was able to use indicator trees and grasses to identify the quality of soil and its potential for crop production.³¹ Ogot (1967), states that the initial entry of the Luo was peaceful and they settled in areas adjacent to and probably suitable for use by the farmers in the area. As more waves arrived, the Luo were forced to be more aggressive, given that the original settlers hated to leave their land. The Bantu groups were forced to abandon the lakeshore and the plains and moved to the higher and safer areas due to Luo invasion (e.g. Gusii). The Bantus moved North and South in search of new sites. In most cases, however, the Bantu families, which opted for peaceful

coexistence, were assimilated. They became Luo because there is no trace of their languages and culture. The numerous clashes between the Luo and the Bantu did not interfere with cultural exchanges or intermarriages between them. The Luo language prevailed and became the language of those absorbed. Ibid.

The Luo migration was political, social, economic and had ramifications for the localities they moved into. Their migratory patterns led to population growth in the East African region and possibly also led to population growth in the East Africa region and possibly led to the disintegration of some societies. Inter-clan struggles over land resulted in the emergence of securing final settlement in Nyanza province (present day Siaya, Kisumu, Homa Bay and Migori counties). Their migration might have led to the introduction of new crops like sorghum, groundnuts and simsim as products of an economic activity and in some parts of Uganda were also introduced to nomadic pastoralism.³²

According to Asenant Odaga, the Luo lived in homesteads housing in which several families were often connected by kinship. A homestead was surrounded by a high euphorbia hedge and had a gate that was securely locked at night. The homestead, pacho or dala or dipo, therefore, formed the basis of their social life and the source of the beliefs such as beliefs in Nyasaye, Were: the 'Supreme Being', who controls people's lives and from whom all powers originate. Besides the 'Supreme Being', they contend that each individual has his or her own god, Nyasache, who in collaboration with the ancestors of that particular individual, is responsible for his or her luck and wellbeing. The Luo believe in the powers of magic and medicine. Those whom they know as being endowed with these mystic powers are referred to as *jornariiek* – the wise ones who are capable of making people die as they wish. They are feared to the extreme. They can make *bilo*, which is a potent herb mixture. According to the Luo, the dead and the living communicate. The ancestors are therefore considered to be alive and play an important part in the lives of the living who must appease them regularly with great gifts of sacrifices to be on the safe side. This partly explains why dead relatives are buried with care and pomp among the Luo. The relatives make sure that all rituals are performed correctly to avoid revenge in the form of misfortunes which would arise from the displeasure of the dead.³³

Mildred Ndeda argues that it was possible that in Western Kenya there were small bands of hunter gatherers and the area was settled by Bantu speakers who practiced a mixed economy initially with an emphasis on cattle breeding.

However, with the increase in population, loss of cattle through diseases or raids or pressure from the expanding Luo by the second half of the nineteenth century, agriculture was

²⁹ Ogot, 1963: 254 Middleton, 1968:351

³⁰ Ochieng (190:23)

³¹ Samuel K.Mutiso (1995): International Institute for Sustainable Development (IISD)/Kenya Energy and Environment Organisations (KENGU) p.1.

³² (Malinwonski, as quoted in Anderson 1970:10)

³³ Educational values of 'Sigendini Luo' by Asenath Odaga thesis Master of Arts in literature, 1980, p.22.

becoming a more important economic activity. The agricultural techniques had become more defined and advanced indicated by the notion of crop rotations and fallow periods. Different kinds of grains or different varieties of the same grain were sown together. Ash was used to fertilize the soil for cultivation.

Ogot states that:

Nineteenth century economy of this people was able to produce surplus. Among the Luo Nyanza, it is likely that there was a complete transformation in the food production system during the second half of the nineteenth century. This transformation could have contributed to significant change in the social and political organization. In the Sudan, their systems were dual determined by the environment conditions, which forced them to disperse to the hills during the floods and move to the permanent rivers in the dry season.³⁴

The Luo, Luhya and the Gusii shared much. Their economic systems were adapted to the same environment and their common words for domestic crops and tools indicate an intimate contact. Moreover, between 1870 and 1900 they had fixed markets where all groups exchanged their products of different environments. These groups did not live in isolation from each other they had various levels of interaction thus practicing convergence and conversion. This paper has examined the movement, settlement and the construction of society to the east of Lake Victoria among the Bantu Gusii and the Luhya and the Nilotic Luo on the eve of colonial rule.

Bole Odaga on the Luo belief system is supported by O. I. Hezron Obong' Nyiego Kachien, Kasipul 12.7.2019 who informed us that when it came to spiritual matters, the Luo were very committed. In times of famine and drought, the elders went to the hills in Got Wire or Wire Hill to make direct communication to God to bring rain. And he said sometimes the elders hardly descended from the hill before a heavy downpour of rain. According to him, although the Luo in Homa Bay accepted Christianity, their prayers to Were Nyakalaga, the indigenous name for God, worked well.

The major part of Luo production system was, of course, geared to food production. Their multifaceted food economy included agriculture, pastoralism and fishing, hunting and gathering. Before and during the nineteenth century, the Luo clans that had arrived in Nyanza were mainly nomadic pastoralists. They kept large herds of cattle but practical minimal agriculture. Due to numerous natural calamities, which affected their cattle, they were forced to change the balance between pastoralism and agriculture. By the arrival of the British, the first sector of food production was agriculture. The late nineteenth century was a dynamic period for the Luo economy with new options in agriculture, hunting and trade. Some of the former economic

options were cut off by the rinderpest epidemic. There were three major changes in crop technology and growth of markets and trade networks. Many occurrences in the 1880s and 1890s combined to decrease the relative importance of pastoralism within the overall economy of the Luo.³⁵ Hay argues that the patterns of work in most of the small-scale societies of pre-colonial Kenya seem to have been very similar, and much like those in other parts of Africa. In the more sedentary societies in which pastoralism was combined with shifting cultivation, men were responsible for the initial clearing of forest or bush (which since cultivation was shifting, was a regularly recurring task), and for the initial turning of the earth so cleared. Groups of men usually built houses and other buildings. Married women planted, weeded and harvested the food crops on which everyone depended, and were assisted in this by their unmarried daughters. Small boys herded the cows, sheep and goats which were kept near the homestead, and both adult men and women milked them when this was required.³⁶

Unmarried youth were generally engaged in hunting, stock raiding and in inter or intra-tribal fighting, and were directed in these activities by older unmarried males (generally all men up until their late thirties). Domestic work was invariably, the preserve of married women assisted by their daughters, in pre-colonial Africa such work probably consisted mainly of the preparation, storage and cooking of food. Both men and women were engaged in trade, the women generally being restricted to those kinds which could be practiced near to the homestead, the barter of foodstuffs and of home-made beer being the two most common. Men seem to have monopolized the long-distance trade in both livestock and food-crops, largely because of the need for such trade to have military protection.³⁷ The main crops in late nineteenth century according to Ndeda were sorghum-the red and white varieties. Sorghum was important as part of the meals and for beer and entertainment. According to Hay (1976), sorghum held a predominant position in the agricultural system of the Luo in the 1890s. They also had finger millet, which was not used for food but beer. They also had crops such as barley (dongo), sesame (nyim), pumpkins (budho), small red beans (ngor), green grams and small ears of maize could have been a later nineteenth century introduction because she states that when Lugard visited Nyanza in 1890 he saw little or no maize.³⁸ With the increasing emphasis on agriculture, clear practices of land ownership and division of labour had to occur. Men cleared the fields. As population increased, a land tenure system emerged out of the belief that every person had an alienable right to a piece of farmland. Whereas agricultural production was largely the domain of women, the major economic occupation of Luo men and boys was the herding and protection of cattle and other livestock, like goats and sheep. Pastoral training in the pre-

³⁴ Ogot (1985:14)

³⁵ Hay 1975:93

³⁶ Ibid

³⁷ P. Morris and A. Somerset, African businessmen: Study of Entrepreneurship and development in Kenya, Nairobi(1971), pp.30-43, R.M.A. Van Zwanenberg

with Anne King, An Economic History of Kenya and Uganda 1800-1970 (London,1975),pp.147-59;J.Forbes Munro, Colonial Rule and the Kamba.

³⁸ Hay 1976:69

colonial era included military exercise due to the hazardous nature of the area.³⁹

Hay was supported by Jaramogi Oginga Odinga on the issue of Luo traditional agricultural practices who argued that:

In the village, the authority of the elders was so much respected, indeed it was never challenged. The elder gave the signal that the season for clearing the fields, planting, weeding or harvesting begun. The elder was the first man in the village to build granary, and the first wife of the head of the village was the woman who gave the signal to bring in and store the harvest. No villager would have dreamt of opening a season without the initiation of the work by the elder. No one was permitted even to taste the maize from the land or bring it for cooking before the Chief elder's wife had cooked her new season's maize and eaten it in her house. It was a bad omen and a breach of village discipline not to wait for the chief elder to act first, and the land elders the 'jodong gweng' – regulated all activities connected with our land.⁴⁰

Odinga pointed out that common ownership of land was accompanied by a system of communal cultivation. You had your own plot but you helped others dig, plant and weed theirs and your turn to be helped came round in strict Rota. When the village worked your land you supplied food and water; when you helped others they fed you. The system was known as 'saga' farming. Communities of anything from two to five hundred people, headed by the elders, decided which 'shamba' would be farmed each season and then plot by plot, from those alongside the river to those extending to the hill tops, all would work side by side.

Land was communally owned as supported by O. I. Mzee Dishon Olewe, Kachien, Kasipul 13.7.2019 who confirmed that there were no fences erected for land ownership demarcations. Land was used for the common good of the community. He recalled how Chief Magak was very keen on development of agriculture in Kasipul Kabondo. He went round urging people to double their efforts in food production and control of soil erosion through the erection of terraces.

Leadership in Africa was organized as either centralized or decentralized. In view of their diversity, it was useful to place African politics on a continuum along which they changed from a solidarity group based on a corporate kinship model – as in a stateless society – to one based on an implicit contract between the rulers and the subjects as in kingdom.⁴¹ The legitimacy of the African ruler rested upon the consent of the people to be ruled and was contingent upon the ruler's satisfactory performance of certain duties (an implicit contract). This consent or contract could be withdrawn for nonperformance. Failures were blamed on the ruler (scapegoat king), not on the ancestors, foreigners or imperialists, if the harvest was poor

because the ancestors were "angry," the ruler was faulted for failure to perform the necessary propitiating rituals. The ruler was seen as necessary for the social order and therefore desired by the people. But by embodying a power that, to be effective, had to be vast and unquestioned, he was also potentially dangerous. For, being unquestioned, the power was subject to abuse, and it could betray the expectations of those who conferred it. Accordingly, various mechanisms were devised to prevent this abuse of power: constitutional checks (Queen-Mothers, advisers, councilors, assembly of freemen, etc), religious sanctions, spontaneous peasant revolts, etc. Their efficacy was, of course, debatable but not their existence.⁴² According to Asenath Odaga, some of the most important leaders among the Luo were often rich men or medicine men who supposedly possessed certain mystic powers. But elders in a homestead also saw to the everyday running of social affairs. For example, before harvest or sowing time, an elder in the locality performed some ceremonies. These were important and nobody was expected to go out to harvest or to sow before such ceremonies were performed. The elders from several homesteads in a locality was/is called gweng in Luo, men quite often. They met and held consultations with each other on matters of general importance regarding the people's welfare. On the whole, the leadership was carried out through consensus and was therefore democratic in nature. Traditionally, the Luo women were not supposed to give their views openly on any important matters. But privately, they were consulted.

Before a man took an important decision which could affect the family, he might say, 'we adhi apenj orindi mondi' wait, let me go to consult with the head rest before I give my view'. The head rest was in most cases a wife, frequently the first wife.

During the wet seasons, the family was controlled by the household head, but in the dry season, the leadership was held by the prominent families.⁴³ The political system remained rudimentary. The Luo had closely linked economic and social systems that continued to evolve as they moved. It was difficult to separate one from the other. The Luo had homesteads, which housed several families often connected by kinship. The homestead formed the primary religious, social and economic unit. Each elementary family consisted of the father, his wife/wives, unmarried children, married sons and sometimes servants (wasumbini). In some homesteads, the head of the home (wuon dala) could invite his brothers and cousins to stay with him. The size of the Luo family depended on the number of wives a husband had. In certain cases, the wealth of an individual could also swell the size of his family.⁴⁴

Polygamy was a desirable index of a man's worth and an indication of a man's wealth and enhanced his economic and political status. For a woman, however it was characterized by competition with co-wives. This was corroborated by Mzee

³⁹ Ochola-Ayayo 1980:38

⁴⁰ Not Yet Uhuru pp.12-15

⁴¹ (Kopytoff 1986,67)

⁴² <https://brill.com/view/book/9789047440031-Native-System-of-Government-A-summary-and-Assessment>.

⁴³ Ibid.

⁴⁴ Ibid.

Olewe Nyamuthe (O. I Kachien location) who confirmed that men were the heads of households whose economy of the clan depended upon. That men organized agriculture and were in charge of taking care of livestock of course women also played significant role in the production of food.

The analysis of Ndeda on the Luo socio-economic transformation in the precolonial period has been supported by other scholars. For many millennia the many communities in Kenya adjusted themselves to their ecological niches as consequence communities such as the Agikuyu and the Mijikenda developed agricultural economies (Sheriff, 1985). Others, including the Maasai and the Samburu practiced pastoralist forms of production. The majority such as the Luo and the Abagusii adapted themselves to a mixture of crop cultivation and livestock keeping. Ibid Agriculture in pre-colonial Homa Bay was basically subsistence in character. It was based on traditional horticulture. The people were involved in hunting and gathering for food security. Also livestock keeping was at the center of their economic activities.

According to Onduru, the organization of crop production was aimed at providing food both at the homestead and communal levels. Each head of the homestead had own special garden, 'mondo'. All the family members were supposed to cultivate, weed and harvest crops from this garden. Communal work or 'saga' was very popular. It was organized during occasions such as tilling land, weeding or putting up a new house. There was no payment for those who participated in 'saga'. The only thing which was provided after the work was food.⁴⁵ Onduru, writing about food gathering in Kano argues that food gathering was a common practice. There were numerous edible greens which were gathered. These included Osunga (*Solanum nigrum*), atipa (*Asystrasia Dchimperil*) and dek (*Gynandopis gynandra*). Other greens which were gathered were locally known as apoth, ododo, odielo, ombok-alika and awayo. The people also gathered roots, fruits, herbs and medicines. Mushrooms were also gathered, two common ones were known as oruka and olando. There were also some insects which were gathered, sisi, agoro, onyoso and ngu'en. These could be eaten raw or fried.⁴⁶

Some traditional rituals were performed at the stage of planting golo kodhi, weeding and harvesting. The man who was the head of the house was supposed to sleep in his first wife's house ahead of planting day. Other wives could only plant their gardens after the first wife had done so. The leadership of Luo elders was instrumental in guiding the traditional agriculture especially the rituals associated with farming.

An oral interviewee Mzee Olewe Nyamuthe opined:

Before colonialism, individual hunting community in Homa Bay was not large since hunting and gathering did not involve all members of the community. There were farmers and pastoralists in Homa Bay. Those who participated in hunting and gathering were not quite held

in high esteem. They were called Jodwar. Animals were kept and millet, sorghum planted, bushes were cleared to pave way for tilling of land for agriculture. The chiefs ensured that land was used in a manner that did not interfere with the quality of soils hence they encouraged people to practice shifting cultivation. The chiefs were democratic and did not force people but ensured that in the planting of seeds the Luo rituals associated with it were not violated.⁴⁷

The people of Homa Bay were able to trade surplus crops with the Abagusii neighbours who were Bantus and therefore made iron implements. The Luo had adopted the hoe culture from their Bantu neighbours. They became both agriculturalists and animal keepers. In all this effort, the chiefs ensured security for traders on both sides of the divide as they transacted their businesses.

The Role of the Kinship, Lineage Heads and Ritual Leaders among the Pre-colonial Luo

According to Asenath Odaga, the Luo lived in homesteads housing several families who were often connected by kinship. A homestead was surrounded by a high euphorbia hedge and had a gate that was securely locked at night. The homestead, pacho or dala or dipo, therefore, forms the basis of their social life and the source of their beliefs such as beliefs in Nyasaye, Were, the 'Supreme Being', who controls people's lives and from whom all powers originate. Besides the 'Supreme Being', they contend that each individual has his or her own god, Nyasache, who in collaboration with the ancestors of that particular individual, is responsible for his or her; luck and wellbeing. The Luo believe in the powers of magic and medicine. Those whom they know as being endowed with these mystic powers are referred to as jorariiek – the wise ones who are capable of making people die as they wish. They are feared to the extreme. They can work bilo, which was a potent herb mixture. According to the Luo, the dead and the living communicate. The ancestors are therefore considered to be alive and play an important part in the lives of the living who must appease them regularly with great gifts of sacrifices to be on the safe side. This partly explains why dead relatives are buried with care and pomp among the Luo. The relatives make sure that all rituals are performed correctly to avoid revenge in the form of misfortunes which would arise from the displeasure of the dead.

The elementary social relationships were organized around the normative principle of patrilocality that cements the relationships between father, mother and their children. This unit was known as jokawuoro, that is, people of the same father. In situation of polygamy, relationships then started from the matrifocal unit, jokamiyo that combines a mother, her sons and unmarried daughters as an independent set of people. The jokamiyo implied affiliation to the mother rather than to the father per se. In the monogamous situation, the position of the father was very strong, as there was no rivalry. In a polygamous

⁴⁵ Onduru T.A. Economic Change among the Southern Nyanza Luo p.37

⁴⁶ Ibid.

⁴⁷ Mzee Olewe Nyamuthe O.I. Kachien Kasipul

situation, then, the position of the father was weakened substantially in favor of the mothers and grandmothers. Beyond the grandmother and grandfather line, at the third and to the fifth generation, the keyo appeared as the next organizational form. People descending from the same great-grandfather made up a keyo. The elders of the keyo acted as representatives in disputes between various keyo. They were also intermediaries between younger members and ancestors and therefore acted as foster father guardians. They formed the first organized council to arbitrate land and boundary disputes between members of their keyo. At this stage social control of the community was exercised partly through the authority of these elders and partly through the control of means of accumulation, which the leader of the group protected. Control and accumulation of resources was a basic requirement for subsistence and competition in Luo society.

On the subject of marriage, she shed light on this by affirming that in a polygamous situation, the first wife mikayi played significant role among her co-wives. She was in charge of the domestic itineraries and directed where the husband would be spending his night. Things were not done haphazardly. This ensured equity and fairness in family life.⁴⁸ When it came to marriage, kinship relations and the seniority principle were of primary importance. The marriage was arranged between families of different clans. The Luo custom was that the senior son of the senior wife should marry first. When he was of age, he was first given a cow and a young bull, which lineage members took to the bride's homestead. Daughters of the same mother also married in order of seniority.⁴⁹ In an oral interview with Mzee Busa, he recalled that:

In the pre-colonial period the Luo people were being ruled by the institution of chief known as Ruoth. The kinship and lineage systems played an important role. The institution of Ruoth was a kin to the institution of chieftaincy that came with the advent of colonialism in Kenya. The Luo people respected chieftaincy as a leadership institution. The chiefs were great people who earned a lot of respect from the community. Most of them were wealthy people and thus their greatness in leadership of the community. The chiefs were fully aware that nobody would listen to a poor chief and thus wealth was paramount in the institution of chieftaincy not only among the Luo in Homa Bay but in the entire Luo-land, during the pre-colonial period. Because of their wealth they could intervene and organize for food for those in the community who were living in wants.⁵⁰

Most of the decisions taken in the community were done through Ruoth and his council of elders. Spiritual matters were solely their work. The people were supposed to live harmoniously with one another. And in case of lack of food,

those with food were supposed to share with those who did not have through a system of kisuma.

The next level in the lineage was libamba, which involved descendants of a common ancestor, usually from four to seven generations back. It was a maximal lineage of landholding co-operating agnates and generally considered to be the backbone for settlement, household and family formation, and social reproduction. Pritchard (1965); Southall (1952); Parkin (1978). Its members characteristically met often at the keyo level to discuss the distribution of land, land conflicts and other property disputes. The Luo economic structure could be studied most conveniently in terms of the operation of the libamba units, because these units defined maximal frameworks for economic, social and political competition. According to Ochola-Ayayo (1976:121) 'the Luo sum up in the libamba all those forces of friction and competition, which weaken the solidarity of a lineage segment and lead to its further subdivision'. Thereafter, the next level was the clan (dhoot).

In the basic Luo polygamous homestead the house of the senior wife (mikayi) was at the center back. The second wife's house was at the right hand side of mikayi and was called nyachira. Then came a third wife (reru) whose house was on the left hand side of mikayi. Women married after the third wife were called nyi-udi, which means the daughters of the house to which they were attached.

This was supposed by O. I. Gati Sewe Kabonyo Village, Kanyamwa 5.8.2019 who said that the lineage system was well structured and it governed all the ways of life of a Luo be it marriage or economic matters. For example, people were not allowed to marry within their clans or from libamba because of blood bonds. People were only allowed to marry from wasigu clans. Wasigu were those people that they did not have blood ties with.

By 1890, the Luo had a tight-knit society with leadership from *Ruodhi* or regional chiefs. It was respect rather than loyalty that characterized the relationship between the chiefs and their subjects. The institution of *Ruoth* provided leadership to the community. They were the guarantors of the community's peace and prosperity, as well as the custodians of the community's cultural matters. The major roles of the Luo chiefs during the precolonial period were for the mobilization of the community for agriculture and other economic activities besides presiding over the community's various rituals. *Ruothi* were found virtually among the major groups that made up the Luo community in East Africa. They were also a symbol of unity as the people rallied around them whenever important matters that required their attention emerged. It could be the matter of "a runaway wife" or accusation of witchcraft leveled against any member of the community or even decision to go to war against another tribe.

⁴⁸ O.I. Mzee Hezron Obong'o Nyiego Kachien Kasipul 13.7.2019.

⁴⁹ Kinship relations among the Luo by Paul Hebinck and Nelson Mango: Kinship structures and enterprising actors. Anthropological essays on development, publisher: Wageningen, Editors: J Anderson, M. Breuser, pp.37-57

⁵⁰ O.I. Mzee Busa, Kanyada.

At the apex of the community were the ruothi but this did not mean that the Luo were a centralized state. They were organized into clans, each with a common ancestry. The clans were organized into larger units (Gwenge) which were self-governing. Each Gwenge was administered by a council of Elders. The council administered justice and served as a final court of appeal. The council coordinated religious functions. They had a system of chieftainship Ruoth who administered with the help of Council of Elders. There were ritual experts such as diviners, medicine men and healers. There existed a class of warriors for the defense of the community standing army. They believed in the existence of One God Nyasaye. They prayed to God through priests. They even worshipped the ancestral spirits. They had sacred places set aside for worship. They practiced initiation rites e.g. removal of lower teeth / front teeth. They celebrated important occasions e.g. harvest, in a comparison of Luo kinship and the Acholi kinship revealed a lot of similarities. Colonialism weakened ruoth among the Acholi and ruoth among the Luo. According to Leslie Whitmre in his thesis the importance of rituals, jogi (ancestor spirits), and traditions greatly influenced the chieftom building process, and thus helped to create the Acholi identity.⁵¹ Before chieftoms emerged, each village had its own jok or jogi, traditions and rituals that the head of the chieftom, or rwot, used as unifying factors for all lineages within the chieftom. Traditionally, there were rituals and traditional symbols that legitimized the rwot's position and the sovereignty of the chieftom as a political entity. Therefore, the social more of the members of the chieftom directly influenced and legitimized the political nature of the chieftom. Without acknowledging and incorporating the traditions, jogi, and rituals of his people, a rwot could not expect them to acknowledge him as their legitimate leader.

The rituals, symbols and religion of the Acholi shaped the traditions of chieftoms. By honoring those aspects of chieftom life, the rwot solidified his position as his chieftom's traditional leader. During the colonial period, the British displayed a lack of regard for Acholi traditions in several significant ways. In addition to the colonial administration, the British established the Native Administration. By 1937, only three rwodi traditionally succeeded to the rwotship. Ritual heads and elders had no authority. Most rwodi were strangers to their chieftoms or commoners. Traditional rwodi generally had no political authority. New rwodi were usually from the educated class. A division rwot told Girling they had to rule by fear. He thought that the colonial government style promoted progress, and it was his duty to produce at the desired level to achieve progress. A District Commissioner said fear was necessary for change. He hoped strides in education would eliminate the need for fear.

A typical Luo homestead (dala) consisted of a site where the monogamy or polygamous domestic groups built their houses, in the surroundings of which they had their fields. The smallest social unit in the homestead was the 'household'. A homestead

was made up of at least two generations, that of the father and the mother(s), and that of their offspring. Occasionally, households of brothers of homestead's owner were also to be found there, as well as servants and 'strangers'. Several homesteads made up a gweng and resembled what we now recognize as villages or settlements. Residence in a village was based upon kinship but also upon alliances developed out of strategic considerations.⁵²

After looking at the kinship and lineage system among the Luo, the study argues that the Luo in Homa Bay County did not have chiefs as defined in colonial literature in their socio-economic and political dispensations. However, it was the function of ruoth that became synonymous with that of the African chiefs who would later on be the brainchild of the colonial administration in Africa. The distinction was that ruoth was a ritual leader while the colonial chief was the embodiment of the colonial administration's grip on the governance of their colony in Kenya.

In other places in Kenya, the kinship system defined leadership of the community. For example, pre-colonial times chiefless communities maintained political order through differing institutions. The pastoral Masai were divided into two age groups, roughly of warriors and elders. The latter met in councils to resolve disputes and make policy. The warriors defended the community and raided for livestock and other forms of wealth. The agricultural Kikuyu, and the partly agricultural and partly pastoral Kamba, had similar age-grading structures with councils of elders meeting for judicial and policy matters. There were other cross-cutting political units. The Kikuyu had influential and wealth family groups (mbaris), swollen into quasi-political and economic entities by the existence of tenant farmers (muhoi) and hangers on. The basic economic and political structure of the Kamba was the utui (homestead), composed of a small number of unrelated families linked together for economic co-operation. The Ibos were congregated in village groups, governed by councils of elders. All four societies were decentralized and fragmented into a number of autonomous communities administered by councils. They gave wide political influence to men of singular ability, but the influence of these men was not hereditary or authoritarian. Their positions depended on tendering good advice and having it accepted by their peers. Standard works include: C.K. Meek, Law and Authority in a Nigerian Tribe (London,1937); Jomo Kenyatta, Facing Mount Kenya: the tribal life of the Kikuyu(London,1938);H.E. Lambert, Kikuyyu Social and political institutions(London,1956) These pre-colonial institutions were disrupted by British colonialism.

During the pre-colonial period the Luo were being ruled by the institution of chief known as Ruoth. The Luo respected chieftaincy as a leadership institution. Chiefs earned a lot of respect from the community. Most of them were wealthy people and thus their greatness in leadership of the community. Chiefs were fully aware that nobody would listen to a poor

⁵¹ Leslie Whitmre-thesis, The Creation and Evolution of the Acholi ethnic identity (2013), Clemson University.

⁵² Southhall 1952:27, Cohen and Atieno Odhiambo 1989:14.

chief and thus wealth was paramount in the institution of chieftaincy not only among the Luo in Homa Bay but in the entire Luo-land. Because of their wealth, they could intervene and organize for food for those in the community who were living in wants.⁵³

The appointment of the chiefs before the establishment of colonial rule in Homa Bay was done and certain qualities were considered in a person before his appointment as a chief. The physical look of a person was very important therefore well-built persons stood a great chance of being appointed the chiefs. But it was not only the physical look, but this consideration was tempered with wisdom in that person. A polygamist was considered a frontrunner because his polygamous life was a manifestation of his ability to run the society. Monogamists were not held in high esteem to be tasked with duty of chieftaincy of the community.⁵⁴

According to O. I. Samuel Aloo:

Some of the chiefs rose to their positions of leadership by the mere fact that their origins could be traced back to the clans which were associated with leadership of the community. This was explained by the assumption that because ones' father was a leader even their sons would also make good leaders. Some people actually believed that marrying from the family of the chief would lead to their children also becoming chiefs. That was the case with the ascendants to chiefship by Matunga Kasuku.⁵⁵

The community also attached leadership values in the bravado of men who excelled in sports. They were considered energetic and therefore were ideal people to be chosen chiefs in case of vacancies occurring. The throne to Chieftaincy and even succession to it were done in amicable ways even in the face of disagreements. Violent take overs were totally disallowed by the community. One had only to convince the community that he was capable of leading them through good deeds.

V. CONCLUSION

This study argues that Homa Bay County before colonialism did not have chiefs but were ruled through the institution of *Rwoth*. The nuclear family was headed by the father who in most cases was polygamous. Each wife was responsible for the care of her children. There was the division of labour that took into cognizance the gender roles. Women were drawers of water, collected firewood, cooked and weeded the farms with their daughters. The girls also assisted their mothers with other domestic chores. The boys looked after cattle while the adult men slashed the farm fields in readiness for cultivation and planting. The adult men also formed the warrior group for the territorial defense.

The family was part of the clan which was an amalgamation of other relatives brought together through blood kinship. Leadership among the Luo was not hereditary but was based on the leadership qualities one posed including personal traits like

good character, physique and exhibitions of courage and bravery.

The first chief to be appointed by the colonial state in Homa Bay County was Gor Ogalo who was a medicineman and had actually reluctantly accepted to be a chief in Kanyamwaa. He attached more premium to his work as a ritual leader rather than as a colonial chief. The other chief to be appointed in the early years of colonialism in Homa Bay County was Chief Omune of Kanyada Location. The two chiefs were part of the first generation of African chiefs to be appointed by the colonial authority in Homa Bay County.

When the First World War broke out, the African Chiefs recruited young men to serve in the British army as career corps. One of the known people from Homa Bay to serve in the First World War was Gideon Magak Odeka of Kokal in Kasipul and Petro Koko Apaka Olielo of Kodumo in Kabondo.

The emergence of Mumbo cult posed a serious threat to colonial authority in Homa Bay. Hence the chiefs were ordered to ensure that the carrying of spears and shields was banned and anybody going against the order would face legal consequences.

The frontier of entrepreneurship was not so much developed. However, Indians were already doing businesses in Marindi, Homa Bay and Oyugis.

The African chiefs were expected to show total loyalty to the colonial state. Any chief who was expected to do the contrary was reprimanded.

This thesis concludes that the coming of colonialism interfered with the structure of the Luo leadership under *ruothi*. Their leaders did not collect taxes from them but the community had their own ways of assisting themselves socially and economically. *Ruothi* guided people in the right direction for peace, security and prosperity of the community.

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⁵³ O.I. Joseph Acheing, Kanyamwaa.

⁵⁴ Ibid.

⁵⁵ O.I. Samuel Oloo Wiganda, Magunga 23.7.2019. 32