The Nature of indigenous forms of government among the Jo-Asembo in East Asembo, Rarieda Sub-county, Siaya County, Kenya up to 1898

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ABSTRACT

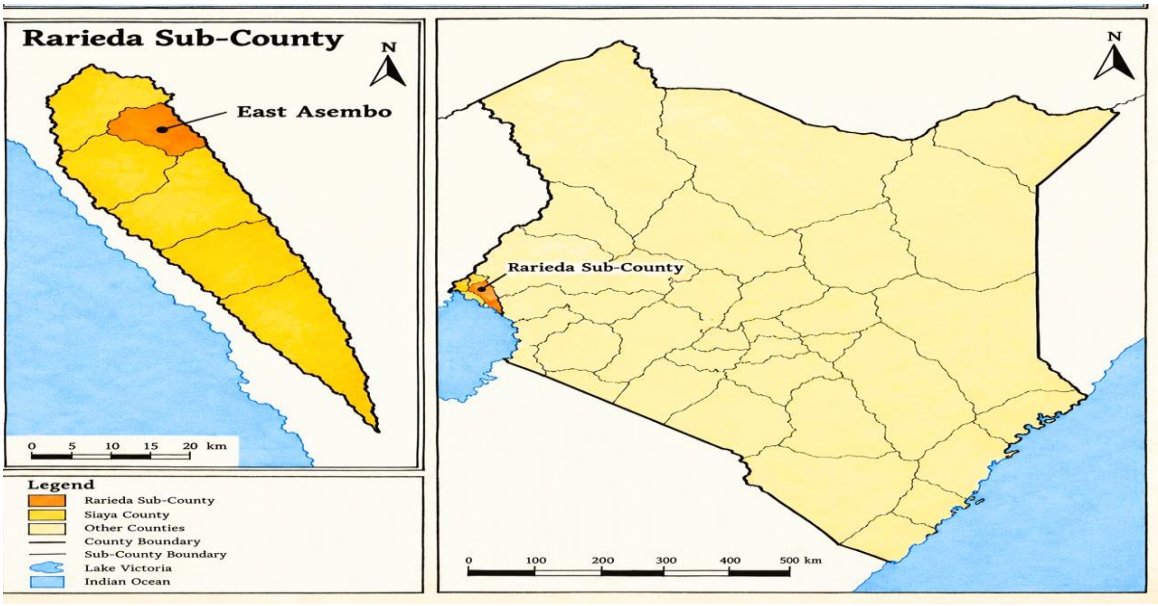
This study was on the nature of indigenous forms of government among the Jo-Asembo in East Asembo in Siaya County up to 1898. The study employed the descriptive research design. Data was obtained from oral, archival and secondary sources. The researcher interviewed a total of 30 respondents who were purposively sampled using snowballing technique. The study corroborated data from oral, archival and secondary sources to ensure the validity and reliability of the study. Great Man theory was utilized to examine the nature of indigenous forms of government among the Jo-Asembo up to 1898. The theory allowed the researcher to demonstrate how the selection of influential individuals and their decisions affected the socio-political and economic activities of the Jo-Asembo. The study established that the indigenous governance structure among the Jo-Asembo was highly decentralized and clan-based, the selection and recognition of traditional elders and clan leaders, commonly referred to as jodong dhoot or ruoth, was guided by culturally established criteria, the ability to articulate ideas clearly and persuasively in public forums played a vital skill for Asembo elders, these indigenous leaders were expected to have exemplary ethical principles, belonging to a prominent lineage or founding family of a clan was of great significance in East Asembo's indigenous governance structure, individual families were allocated specific homestead locations, referred to as dala, along with nearby garden areas designated for agricultural purposes before colonialism, education transmitted orally took place in an informal setting, and that healthcare was predominantly traditional, characterized by the presence of herbalists, spiritual healers, and midwives who operated primarily at the clan or village level. This study has contributed to the pre-colonial historiography of the Jo-Asembo in East Asembo, Rarieda sub-county, Siaya County, Kenya.

Keywords: Nature , Indigenous , Government , Asembo, East Asembo, Siaya County

1.0 INTRODUCTION

Indigenous authorities such as chieftaincies and councils of elders, were integral to the governance structures that existed prior to the establishment of colonial rule in various African communities. Listowel (1965) reveals that the inhabitants of East Africa were organized into smaller social units known as tribes governed by a chief. The chief held significant authority and responsibility over the tribe's affairs. Reader (1997) examines empires governed by absolute monarchs, highlighting a political structure similar to those in European and Asian societies. McIntosh (1999) contends that political power must also include the capacity to engage with supernatural elements, which play a significant role in shaping social dynamics and governance in various cultures. Chabal et al., (2004) characterize traditional institutions as essential social systems with populations under ten thousand, governed by hereditary leadership and limited governmental structures. Boone (2012) examines 'stateless' societies that functioned without centralized authority like kings or chiefs, highlighting that these societies utilized structured administrative systems and collective decision-making. Ayittey (1991) observes that pre-colonial African societies exhibited strong social cohesion through governance structures that

reflected the people's will, since leaders were chosen for their ability to represent community interests rather than through coercion or heredity. Ubink (2008) explores the revival of traditional leadership in Africa amid ongoing democratization. In his observation, traditional leaders, play vital roles in organizing and mobilizing local populations. It was against this background that a study on the nature of indigenous forms of government among the Jo-Asembo in East Asembo, Siaya County, up to 1898 was carried out. Figure 1 shows Map of Kenya showing the location of East Asembo.



Source: Self

2.0 METHODOLOGY

This study employed a descriptive research design. Kothari (1985) notes that descriptive research is concerned with describing, recording, analysing, reporting and presenting the features of particular conditions as they are. Kathuri and Pals (1993) demonstrates that the systematic and scientific nature of the descriptive research design brings valid and reliable outcomes. For Kombo and Tromp (2006) descriptive research is majorly used to describe the state of affair as it exists and it allows for both qualitative and quantitative research. Descriptive research design was used in this study as it enabled the researcher to collect, describe, record, analyse, report and present the nature of indigenous forms of government among the people of Asembo, Central Kavirondo up to 1898. This study also fitted within the provisions of descriptive research design because the researcher collected data and reported the way things were without altering any variables.

Data was analysed by the use of Qualitative Data Analysis. Qualitative data obtained from the open-ended questions were qualitatively analysed based on content analysis. This was influenced by the data obtained from primary sources, archival sources and secondary sources which were corroborated to meet the reliability and validity of the study.

The researcher presented an introduction letter to the respondent and with the consent of the respondent, the interview was conducted. Research permit was obtained from the National Council for Science, Technology, and Innovations (NACOSTI). The researcher booked appointments with the respondent to conduct the interview prior to the interview. The purpose of the interview was explained to the interviewee who participated in the interviews wilfully and where the interviewee sought to remain anonymous, the researcher respected the will of the respondent guided by Israel & Hay (2006).

3.1 FINDINGS OF THE STUDY

This section discusses findings on the nature of indigenous forms of government among the Jo-Asembo in East Asembo up to 1898.

3.1.1 The Nature Of Indigenous Forms of Government among the Jo-Asembo

Leadership Selection

Opiyo & Ndiege (O.I, 2026) observed that the selection and recognition of traditional elders and clan leaders, commonly referred to as *jodong dhoot or ruoth,* within the Asembo community was a process that was guided by culturally established criteria rather than by any formal political structure. This distinction highlights the organic nature of leadership within this community, which is deeply rooted in cultural practices and social norms. The oral data of *Jo-Asembo* provided rich insights into the various attributes that contributed to the elevation of certain individuals to these respected and highly esteemed leadership roles. Among these attributes, advanced age emerged as the most prominent factor, as it was closely associated with the qualities of wisdom, knowledge, and the capacity to make sound decisions, all of which are highly valued in Luo culture. This reverence for age reflects a broader cultural understanding that experience and longevity in life are critical components of effective leadership, thereby reinforcing the community's reliance on its elders for guidance and decision-making.

Ouma (O.I, 2026) highlighted that elders who had lived through various generations, seasonal shifts, and significant community events were regarded as capable of providing knowledgeable advice on matters affecting the lineage or clan. These elders, having accumulated a wealth of experience and wisdom over the years, were seen as invaluable resources for guidance, especially in navigating the complexities of familial and communal relationships. This perspective was echoed by another oral respondent from Kandaria, Owuor (O.I, 2026) that the accumulation of wealth facilitated acts of generosity, a cultural value held in high esteem among the people. Elders would organize community gatherings, engage in ritual ceremonies, and assist families in need, thereby reinforcing their roles as leaders. These insights suggest that to be recognized as a traditional leader within the East Asembo community, an individual needed to possess a significant amount of wealth, including livestock, harvested crops, and land, which collectively contributed to their status and influence in the society.

Clan Authority

The oral data collected revealed that the governance framework among the Jo-Asembo in Central Kavirondo, was characterized by a decentralized and clan-based socio-political system. This particular organizational structure was deeply aligned with the broader indigenous governance traditions of the Luo people. In this context, political power was derived from critical factors such as lineage, seniority, and consensus, rather than being concentrated in a centralized authority (Ochien'g & Ouma, O.I, 2026).This imply that the decentralized governance system allowed for a more communal and participatory form of governance in East Asembo among the Jo-Asembo.

It was also explained that belonging to a prominent lineage or founding family of a clan, often associated with a common ancestor, was of great significance in traditional leadership among the *Jo-Asembo.* This observation was made by Okeyo (O.I, 2026), who indicated that clan leadership was predominantly hereditary within lineages, though it was not always strictly patrilineal. This was carried forward into the colonial era where the colonial government appointed the chiefs based on the family lineage they were linked to. The importance of lineage in this context cannot be overstated, as it served as a foundation for authority and governance within the community. Additionally, some elders acted as ritual specialists, such as rainmakers or diviners, which conferred upon them extra authority and respect within the clan.

According to Odhiambo (O.I, 2026) British colonialism had a profound and transformative impact on the decentralized, elder-led governance systems that were characteristic of the Luo people residing in western Kenya. The pre-colonial communities, which included Asembo, Sakwa, Seme, Uyoma, Ugenya, and Kisumu, operated under a framework of clan-based authority, consensus-driven decision-making, and customary law. This governance structure was essential for managing land resources, resolving conflicts, and maintaining social cohesion within the communities. However, the advent of colonial intrusion prompted a variety of responses from these communities, reflecting their unique circumstances and historical contexts. Notable examples include the Ugenya resistance of 1896 and the Kisumu incident of 1898, both of which showcased the capacity of traditional governance structures to mobilize collective action against external threats.

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The partnership established between *Jo-Asembo, Jo-Gem,* and the British played a crucial role in facilitating their incorporation into the rapidly evolving colonial administrative framework. This integration not only granted them access to Western education but also opened doors to religious institutions and introduced new forms of political recognition that were previously unavailable to them. However, it is essential to recognize that this partnership was not without its drawbacks, as it brought about considerable social and economic cons-

equences that would reverberate through the communities involved. Traditional leadership structures, which had long been the backbone of these societies, were significantly undermined. Both the communities that chose to collaborate with the British and those that resisted their influence faced severe repercussions, including land dispossession and disruptions to their established ways of life, all of which were a direct result of colonial policies (Ochieng, O.I, 206).

Customary Law

Oral sources indicated that the ability to articulate ideas clearly and persuasively in public forums, a skill referred to as *tero bedo,* was not merely advantageous but rather a vital skill for individuals who were regarded as elders within the Asembo socio-political framework. This proficiency in public speaking was essential, as elders were frequently called upon to mediate disputes, provide counsel during ceremonial events, and engage in discussions that required well-founded and culturally pertinent arguments. Equally important was a thorough understanding of cultural laws and customs, known as *chike,* which encompassed the traditional norms and procedural expectations that governed interpersonal relationships, property rights, marriage practices, and clan obligations (Oduor O.I, 2026).

Land Governance

Oral accounts indicate that the allocation of land among the *Jo-Asembo* people of Central Kavirondo was governed by traditional, clan-based principles that were deeply embedded in the concepts of kinship, lineage, and communal ownership. This system of land management was not characterized by private ownership in the modern sense that we understand today; rather, it was overseen by patrilineal descent groups and senior elders who held significant authority within extended families and clans (Kwesi & Adora, O.I., 2026). The land itself was collectively owned by clans, referred to as *oganda,* which were extensive kin groups that traced their ancestry back to a common male progenitor, thereby reinforcing the importance of familial ties and heritage in land ownership.

Ochieng & Okaka (O.I, 2026) demonstrated that the elder of the clan or lineage, known as the *jadong dhoot,* held the crucial authority to decide how land was utilized and allocated within that particular group, ensuring that the needs and traditions of the community were respected and upheld. When a man entered into marriage, he would typically receive a portion of land from his father or another elder male relative, which would serve as the foundation for establishing his own homestead, referred to as *dala.* This land would then be inherited by his sons, who would usually see it divided among them as they each established their own homesteads, thus perpetuating the cycle of land ownership and familial responsibility across generations.

According to the customs of the Luo people, the first individual or lineage to settle on such land would acquire recognized rights to its use and stewardship, which were respected by the community(Oduor, O.I, 2026). However, it is important to note that these rights did not equate to absolute ownership in the modern sense; land could not be sold, permanently alienated, or treated as a mere commodity to be bought and sold at will. Instead, land was regarded as a communal asset, held in trust for both present and future generations, ensuring that it remained a resource for the entire community.

Omondi (O.I, 2026) highlighted that prior to the arrival of Europeans and the establishment of colonial governance in Asembo, individual families were allocated specific homestead locations, referred to as *dala,* along with nearby garden areas designated for agricultural purposes. This allocation was crucial for the sustenance of each family, as it provided them with the necessary space to cultivate crops and raise livestock. This arrangement exemplified the Luo perspective on land as a communal asset rather than a private possession, highlighting its intrinsic connection to lineage identity and the collective well-being of the community.

Dispute Resolution

According to Odhiambo (O.I, 2026) elders were anticipated to embody exemplary ethical principles, which included not only fairness and honesty but also a sincere dedication to the overall well-being of the community. These principles were not merely suggestions; they formed the very foundation of the elders' authority and influence within the community. Their legitimacy relied heavily on their perceived neutrality when it came to settling disputes, their unwavering integrity in making decisions related to land ownership and usage, and their prudence in navigating delicate matters such as marriage negotiations. The role of an elder was one of immense responsibility, and any elder who was viewed as corrupt, biased, or driven by personal gain risked forfeiting the community's respect and trust.

Data gathered from oral data revealed that land in Asembo was distinctly regarded as a communal inheritance, a concept deeply rooted in the cultural and social fabric of the community. This land was allocated through intricate clan and lineage systems, which were essential in maintaining the social order and ensuring that resources were shared equitably among members of the community. Elders, who acted as custodians of customary law, played a pivotal role in overseeing the allocation and transfer of land. Their authority was not merely administrative; they were responsible for ensuring that property remained within the male lineage across generations, thereby preserving family legacies and reinforcing the importance of lineage in Asembo society.

According to Okaka (O.I., 2026) the decisions made by elders were regarded as final and binding, which meant that once a resolution was reached, it was expected that all parties would comply. Adherence to these decisions was ensured through social norms, respect for authority, and, in some cases, spiritual sanctions such as curses, referred to as *chira,* which served as a powerful motivator for compliance. Complex or ongoing disputes could be escalated to a clan chief, known as ruoth, or a council of elders, referred to as *jaduong* or *jodongo*. The rulings of these higher authorities carried more weight and were rarely invoked, but when they were, they were decisive and final. This system reflected the integration of kinship, customary law, known as *chike,* and communal ethics in regulating land and maintaining social order, illustrating the deep-rooted values that guided the community's approach to conflict resolution.

Gender and Inheritance

According to Nyawanga (O.I, 2026) Asembo women were prohibited from owning land in their own names, which significantly limited their autonomy and economic independence. Instead, their access to land was largely contingent upon their relationships with male family members, such as husbands, sons, or brothers. This dependency created a complex dynamic where a woman's ability to utilize agricultural land was intricately tied to her status within the family structure.

Despite the vital contributions that women made to farming and agricultural practices, their rights to land were often limited to usufructuary arrangements. This means that while they could use the land for cultivation and sustenance, they did not possess ownership rights in the same way that men did. This situation was deeply embedded within the broader patriarchal framework of lineage-based land ownership, which prioritized male lineage and inheritance over female agency and rights (Achien'g, O.I, 2026). The implications of this system were profound, as it not only restricted women's economic opportunities but also reinforced their subordinate status within both the family and society at large.

Education

Achien'g (O.I., 2026) explained that education primarily took place in an informal setting, transmitted orally and deeply embedded in family and clan structures rather than through formal institutions. This approach to learning was not confined to classrooms or structured curricula; instead, it thrived in the everyday interactions and experiences of community life. Knowledge was conveyed through direct engagement, observation, and active involvement, with elders, parents, and skilled members of the community serving as the main educators. These individuals played a crucial role in shaping the minds and characters of the younger generation, ensuring that the wisdom of the past was passed down effectively.

Healthcare

Data gathered from the oral respondents further indicated that healthcare was predominantly traditional, characterized by the presence of herbalists, spiritual healers, and midwives who operated primarily at the clan or village level. These practitioners were not just healers; they were integral members of their communities, deeply embedded in the social fabric. Elders, revered for their wisdom and experience, played a crucial role in coordinating care, overseeing rituals, and conducting cleansing ceremonies that were intimately connected to health and illness. This decentralized approach to healthcare allowed these healers to effectively cater to the unique needs of their local communities, ensuring that care was personalized and culturally relevant (Odhiambo & Okoth, O.I, 2026).

Environmental Management

According to Nyawita (O.I, 2026) the elders and clan leaders in Asembo played a crucial and multifaceted role in managing the use of natural resources within their community. They were not merely figureheads; rather, they were the custodians of traditional environmental ethics that emphasized the importance of fostering sustainable relationships with the land. This stewardship was evident in their meticulous adherence to various practices designed to protect and rejuvenate the environment. For instance, they implemented fallowing techniques on cultivated fields, allowing the soil to recover its nutrients and maintain its fertility over time. Additionally, the practice of tree-cutting was strictly regulated, requiring the approval of the elders before any specific species could be removed, thereby ensuring that the ecosystem remained balanced and healthy.

Akoth (O.I, 2026) demonstrated that fishing during spawning seasons was either strongly discouraged or completely prohibited, a measure taken to safeguard fish populations and ensure their continued abundance for future generations. Similarly, hunting young or pregnant animals was considered a serious taboo, reflecting a deep respect for the life cycles of wildlife and the need to maintain biodiversity. Furthermore, certain clans took it upon themselves to maintain sacred groves or protect specific trees, which served dual purposes as both conservation areas and sites for important rituals. Violations of these customs were not taken lightly; they could lead to fines imposed in the form of livestock, as well as the necessity for cleansing ceremonies aimed at restoring social and spiritual balance within the community. Through these customs and practices, the elders exercised a form of authority that harmonized practical resource management with moral and cultural obligations, ensuring that the community thrived in a sustainable manner while honouring their traditions.

CONCLUSION

Clan and lineage connections have remained vital in East Asembo, significantly influencing social interactions, support networks, and grassroots organization within the community. These kinship systems operate alongside formal governance frameworks, creating a dual structure where traditional authority complements and enhances modern administrative functions. This interplay between the old and the new is crucial, as it allows for a more nuanced approach to governance that respects cultural heritage while addressing contemporary needs.

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