

## INFLUENCE OF COLONIAL POLICIES ON ISUKHA MARRIAGE, 1894-1945

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**ABSTRACT:** *This paper examines the Isukha marital institution before the establishment of colonial rule and the transformation that occurred when it interacted with colonial economic policies. Specifically, the paper explores and highlight how colonial rule generally conflicted with and undermined Isukha traditional practices including the institution of marriage. In particular it looks at the various explanations behind British occupation of Isukha land, forceful encouragement of male labour migration, the introduction of taxes and how these affected Isukha marriage system and family relations. It is therefore important to provide a synopsis of the early contact between the Isukha and Europeans as examined in the paper. Methodology for this study involved data collected from secondary and primary data derived from archival and field research. The conclusion drawn from the study is that before colonialism in Isukha there existed stable marriage system. This stability was guaranteed by the kinship system and community interest. All social and economic security system gradually collapsed, with introduction of colonialism exposing men and women to any eventuality. Consequently, colonial rule drove more able men out of their localities, as forced labour and taxation became the words to describe localities of Isukha during this period. With frequent absence of men, who left their villages to seek paid employment in urban areas or settlers farms and the decline of traditional institutions and uncertainty arising from changes in society, more and more women ran away from their marriage to urban centres because they could not cope with the general deprivation in the rural areas.*

**KEYWORDS:** Colonial rule, Isukha, Marriage

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## INTRODUCTION

### **Migration and Settlement of the Isukha**

The Isukha or (Abisukha) are part of the Bantu people of western Kenya known as the Luyia (Nabakayashi, 1981). Before settling in their present-day localities, the Isukha were preceded by the Kalenjin and the Maasai (Were 1967, p.67). Evidence from historical records and oral traditions recognize the fact the Isukha have no common ancestor, they emerged in the same framework of interactions and assimilations that took place in Luyia. For example, Ileho, Lubao, Ilucheho, Kakamega, Ichirovani, Ingolomosio and Indidi which are Maasai and Kalenjin in origin and meaning. (Muchanga 1998,p.76). The inculturation between these groups and the Kalenjin as well as the Luo and the Maasai resulted in various clans that formed Isukha. Each clan moved and settled independently in their present habitat. As various clans moved, their migrations were rational processes which reflected their perception of what, in the long run would be in their best interest. Since most of these clans practiced subsistence agriculture, there was a link between rainfall, soil and migrational patterns (Mwayuuli 1989).

Clans and lineages in Isukha used to be the core of the social system in the pre-colonial era. It was possible to describe the traditional Isukha clans and lineage system as segmentary in the sense that the society was divided into segments along the cleavages of the clans and there were no institutionalized central authority ( Oral Interview, Joseph Shikundi Mbalilwa, 30/12/2017). The boundaries of the clan territory could be a river, a path or a watershed, but sometimes there were boundaries between neighbouring farms or homestead. Looking through the origin of many clans found in Isukha, the crucial point was trying to put across their relationship as far as marriage was concerned. It has been noted that Isukha consisted of many clans but of different origins. The Isukha are forbidden from marrying into or from the same clan or clans with pacts, which prohibited members from marrying one another. Taboos existed to reinforce marriage prohibitions. It was, for example, believed that children born in a relationship involving relatives would “ripen” like bananas and die. Such marriages would be doomed. Marriage among the Isukha thus, brought together people from two different clans so long as there was no blood relationship as far as clan and totem aspect was concerned.

**The Social Organization and Division of Labour in Pre-colonial Period**

As already mentioned, the Isukha organized themselves into clans. These clans were made up of lineages, each claiming descent from a common ancestor. Each clan had a leader who was vested with the responsibility of determining clan affairs. Within the clan, were families with extended relationships due to marriage alliances. Each family lived in one homestead. A homestead was the basic unit of lineage. In some homestead there were more than one household each comprising of the husband, wife (wives) and children. In the whole of Isukha the individual family constituted basic social group that co-operated most widely and intensely in the activities of everyday life (Osogo, 1965, p.43). Marriage was initially patrilocal. As a rule each individual family lived in an isolated homestead, erected in the middle of the family gardens. The round living-hut was shared not only by the husband, his wife and their small children, but usually also by the livestock (Wagner, 1939, p. 6).

There were no formal schools in the traditional set-up. The family and village played the role of school. Oral instructions were given with the development of language and basic cultural traits learned. Through education Isukha language, religious beliefs and technical skills were taught. These were passed on from one generation to the other. Education that was taught was meant to correspond to the needs of life and to emphasize the right relations with the other people. Education was thus meant to promote social integration within society. Personal responsibility and individual creativity were stressed. Children were assigned responsibilities according to their sexes. Boys learned from their fathers while girls learned from their mothers. All these rules were taught to prepare the youths for good parenthood in future. Sexual roles were related to the whole life of an individual. This was reinforced by means of taboos. The grandparents had a role of telling instructive tales which vividly depicted the consequences of violating some taboos. Economically, the traditional family was essentially self-sufficient unless abnormal events such as droughts, hailstorms or prolonged sickness upset the family economy it did not depend upon outside help or trade for its food-supply. Although experts existed for every craft, the economic significance of such specialization remained very small (Ibid.). The traditional craftsman pursued his craft more as a hobby than as a profession. The skill required being low, nearly every man or woman was an expert in one or two of the dozen traditional crafts and knew something about the others. Only magical and medical practitioners, whose

occupations required a higher degree of skills, training, or personality, appeared at times to derive substantial gain from their profession.

Both sexes men, women and children finally joined fairly equally in the task of planting weeding and harvesting. Children were trained at an early age to share the duties of family life, soon after they have themselves learnt to walk properly. Boys as well as girls were taught to carry about and generally “nurse” their younger siblings and to make themselves useful in various little ways. At about the age of six boys began to herd goats, then sheep and later on cattle, a duty which they outgrew after they had been circumcised. The girls assisted their mothers in the daily work of carrying water, gathering firewood, wild roots and vegetable and above all, in the weary task of grinding sorghum for the morning meal. The wife cooked for all members of the family, but they ate in two groups. The mothers, the daughters and sometimes small boys-ate together in the cooking partition while the father and the older sons took their meals in the front partition (Oral Interview, Jennifer Ayosta Aluvala, 04/01/2018).

The matrimonial relationship became fully established only after the birth of one or several children. It was only then that the bond between husband and wife was considered permanent. The pair then established their own household and not as “boy” and “girl”. They could receive visits from and offer hospitality to their parents and other persons who were married, who before would not have entered their house. A prolific wife commanded more respect from her husband and his kinsmen than a wife who was barren or who bore daughters only, a fate for which the wife alone was held responsible (Oral Interview, Peris Kavukha, 06/01/2018). Although neither of these two misfortunes was openly accepted as grounds for divorce, they were often the real cause for divorce, especially if the husband was poor and could not marry again without having first recovered the bridewealth that he had given for the first wife. However, a variety of magical rites and sacrifices were performed throughout a number of years. Their aim was to detect and remove the cause of barrenness, which was chiefly attributed to the anger of ancestral spirits. Impotency of the husband, on the other hand, could disrupt a marriage for reasons of sex but hardly so for reasons of procreation, as with the husband’s tacit agreement, one of his brothers stepped into his place. In the frequent cases where old men married young wives this was quite a customary arrangement which did not often seem to lead to divorce. (Oral Interview Dinah Shilazi, 06/01/2018).

The husband held exclusive sexual rights over his wife. Any extra-marital indulgence on her side was considered adulterous, and the husband could demand a cow as compensation both from the wife's father and the lover. For repeated unfaithfulness husbands divorced their wives and demanded their bridewealth back. The only exception to this was the custom that before the birth of the first child the brother of the husband was to have occasional sex-relations with the wife which the husband was expected to tolerate. Even after he had children, a husband could not legally accuse his brother of adultery with his wife but had to secure his rights by the less drastic means of persuasion or by asking his father to intervene on the strength of his paternal authority. The wife on the other hand, had no exclusive sexual rights to her husband, as under the conditions of polygamy, any courtship that he might carry on with an unmarried woman would be regarded as possibly leading up to a second marriage. The only mutual right was their sexual relationship was the claim to sexual attention from the marriage partner. If either husband or wife persistently evaded his or her marital duties, the dissatisfied partner brought a complaint before the forum of the husband's or the wife's kin as in any other matrimonial conflict (Oral Interview, Edward DC Konzolo, 16/01/2018).

The formal "social" relationship between husband and wife was, like wise ill balanced. The husband enjoyed a superior status and expected formal obedience and certain outward sign of submission from his wife. This state of affair was clearly reflected by the arrangement of the homestead and soon became apparent to the observer of the daily routine of the family life. For instance, the front partition of the hut with the main entrance and the front yard was called the "husband's side" while the rear partition with the cooking stones, the side door, and the back yard was the "wife's side" of the homestead (Oral Interview Peter Lubelela, 02/01/2018). It was the husband's privilege to possess and sit on the stool while the women sat on the ground. Both husband and wife maintained the social relations with their respective kin on an equal level. The status of women was quite different from that of men. While with age men would become completely independent, women remained dependent on male guardians either as daughters or wives. However, age and seniority helped women to have some limited power.

A first wife in a polygamous family exercised authority over her co-wives especially by influencing the husband. In fact, a hard-working first wife needed to be consulted if another wife was to be married. In other instances, she could encourage the husband to marry and would even pick a girl for him. The main aim of getting co-wives was to help in the provision of the much needed agricultural labour. But

despite her privileged position, the first wife was answerable to the male head either a husband or the first son of the widow. The wife could pay frequent and especially during the first years of matrimony extended visits to her parents. Although the husband gave his formal permission, he seldom prevented his wife from paying these visits. The husband's and the wife's relatives were usually accorded an equal degree of hospitality in the family household. Although wife beating occurred and was not considered a serious disgrace to the matrimonial relationship, there were safeguards against a husband's cruelty. The wife could always return to her parents or brothers where she was given protection until some agreement was reached or the marriage was formally dissolved by the return of the marriage cattle. (Oral Interview, Joseph Mahero, 27/12/2017).

All material objects, whether they accrued to the family from without, through inheritance or as the result of the family's combined economic effort, were owned by the husband, including even the various household utensils which were daily used by the wife. She had no right to dispose of any of those objects unless she acted upon her husband's order. Whatever she realized through the sale or barter of any goods "belonging" to the household or even produced by her (such as pots) came under the husband's control. If the marriage became dissolved a wife had no claim to anything in the house except her own dress and personal ornaments. The husband's rights of ownership, on the other hand, were limited only by a number of kinship obligations within his lineage group.

The low status of the wife with regard to property was paralleled by the fact that she had no right over her children in her role as a mother. If the marriage became dissolved, even if entirely due to the husband's fault, the wife could under no circumstances claim any of her children, in the sense that she would have a right to take them with her to her father's house or to her new husband and there brought them up. If the divorced husband had no other wife and no near relatives in whose house his children could stay, he could temporarily let them go with his divorced wife. But he could fetch them back whenever he wanted to do so, and in all circumstances he would receive the marriage cattle given for his daughters and had to furnish the same for his sons. If the husband died the widow had the option of remarrying one of her deceased husband's brothers or of marrying any one she liked, in the latter case the marriage cattle or part of it was to be returned to her husband's heirs (Oral Interview, Joseph Mahero, 27/12/2017).

A necessary corollary to the lack of property status of the wife was the fact that she had no economic independence or individuality. That is to say, a wife by herself could not take legal action, nor has she any personal legal responsibility for her conduct. Before a woman married, her father (or his substitute) was her legal guardian. After her marriage the guardianship became divided between father and husband. If the wife committed an offense against a “third party”, for instance, if she sets fire to a neighbour’s house or injured someone else’s child, her father and the husband jointly raised the fine. Conversely, if the wife was the victim of an offence, her father or husband took legal action on her behalf, and the compensation paid usually went to the one who had made the case and paid the court dues. If the wife committed adultery, her father had to compensate the husband, as per acceptance of the marriage cattle a father assumed responsibility for his daughter’s marital conduct (Oral Interview, Peter Lubelela 02/01/2018).

The relationship between parents and children was characterized by the strong desire for numerous offspring’s. The reasons which participants gave for this attitude can be summed up under three headings:

A large family enhanced, a man’s prestige, as through it his name became known to many people who would accordingly respect and listen to him. Secondly, a man with many children could obtain justice, as he would be feared by the people, who would not dare to take his cattle or other things away from him by force. Lastly, where there were many children there would always be statements that “many sons would capture many cattle in war (Oral Interview, Timona Burinda Khamalia, 09/01/2018).

The truth of these assumptions is confirmed when they are viewed against the general economic structure of traditional Isukha life. All these reasons for favouring large family implied, male and female children were not valued equally highly. Although a fairly even distribution of sons and daughters was appreciated, it considered far less of a misfortune if a wife bore sons only than if she bore daughters only. This different valuation cannot be fully explained by the conditions under which the individual family lived. One of the participants argued that: “Before her marriage a daughter at least was a useful member of the family household as a son. After she was married, (a daughter), it was true she saw her parents less frequently than a married son, but she continued during her regular context of family life (Oral Interview Thomas Shikundi, 30/12/2017).” As a wife grew old and became the mother of adult sons and daughters, her social position improved. Her husband and other people no



longer called her “a wife” but “an old woman” a term which implies respect and social standing. The relationship between husband and wife in old age became more personal as they spend most of their time together, maintaining less strictly the segregation in work and recreation that prevailed in their former matrimonial life.

### **Establishment of Colonial Administration in Isukha land**

In period 1895- 1900 Isukha land was little more than a supply route to Uganda (Murunga, 1944, p.10). The British declared a protectorate over Uganda on 10<sup>th</sup> June 1894. Colonel H. Colville, the Commissioner of Uganda dispatched a company official, Mr. Valet Frederick Spire to establish a station at Mumias, which was roughly 30 kilometers west of Isukha land, in the same year (Esese, 1990,p.191). In 1895 Mumias became a recognized British administrative centre and it started acquiring a morphology that corresponded to this new reality. Various grass-thatched houses and mud-walled structures were built to house the administrators. It was at this time that the building of the Uganda Railway towards Port Florence (renamed Kisumu) commenced in 1896. During that period Mumias was the headquarters of North Nyanza District. At the same time, the importance of Mumias was not seen in relation of Port Florence because there was no direct connection between the two. But in 1896, the Sclater road built for Ox-Carts reached Mumias from Fort Maxsted (Kakamega) (Matson, 1972, p.206). Thereby bringing Kakamega in line with urban development in the region (North Kavirondo District Annual Report 1919/20, KNA,DC/NN/1/3). In 1901, the railway reached Port Florence (Kisumu), and this witnessed the transfer of the former Eastern Province of Uganda to the British East Africa Protectorate on 1<sup>st</sup> April, 1902. Since the administrative post for Nyanza province had been moved from Mumias to Kisumu, Mumias remained the district headquarters of the then Elgon district that later became North Kavirondo district and Isukha Location was part of the district (Memon, 1976, p.141).

The transfer of the Eastern Province of Uganda to the British East Africa Protectorate was therefore a culmination of the need to consolidate infrastructure within one territory and one administration. The Sclater Road being less significant to the British compared to the railway could not ensure the centrality of Mumias to colonial policy. However, Mumias was retained as a significant centre in North Kavirondo district thereby remaining the most important administrative centre in among the Luyia as



it housed the early District commissioners of North Kavirondo District and the attendant British bureaucracy that was necessary for administration of the District. The centre was indeed an early microcosm of British modernity, a place where British values and norms were inculcated and emulated. The first lessons of obedience, law and order had been initiated from Mumias. With the establishment of Native Authority, the Isukha people came under proper British colonial rule and were subjected to the British state as tax-payers. Each of the Luyia clans formed an administrative location under the jurisdiction of a colonial chief whose main task was to collect government tax and maintain law and order based on customary law. Colonial penetration in Isukha area, however proceeded at a slow pace. Although by 1895 the colonialists had arrived at Mumias, it was not until 1905 that the colonial strings had strongly tied the Isukha to the general global capitalist system (Muchango, 1998, p.143). The establishment of colonial rule was easily achieved through the maxim gun. In as much as Nabongo Mumia accepted to befriend the white man, some Luyia communities opted to resist but with little success. This was due to military and technological gap between the Isukha and the British colonizers where the hand- made spears and arrows could not match the mighty gun. Colonialism thus became forcibly entrenched in Isukha land that affected their social, economic and political systems. Colonialism therefore fashioned the entire pre-capitalist institutions to the liking of the metropolises.

The completion of the railway had to some extent entrenched colonialism in Luyialand, the entire Nyanza Province and the Protectorate of Uganda as African resistance were easily suppressed as transportation of soldiers became easier via the railway. It also intensified trading activities making possible European settlement in the western highlands with the encouragement of Commissioner Charles Eliot. Eliot argued that settler farming would make the Uganda Railway pay for itself (Ainsworth, 1955). By 1905, Ainsworth had identified potential farming lands in Trans-Nzoia and Kitale. He described this land as a “wonderful” asset in the Kavirondo region (Ibid). Be that as it may, the creeping colonial capitalist system and the commoditization of production changed the nature of Isukha family and marriage relation through land ownership, livestock keeping and labour promotion that had been preserved for long. This was done through the various land ordinances and labour laws that were instituted.

## **Objective of the Study**

The specific objective of the paper was to explore how Isukha marital structure responded to the colonial policies.

## **RESEARCH METHODOLOGY**

The study was carried out in Shinyalu Sub-county among the Isukha. The Isukha people are part of the patrilineal Luyia community who live within Kakamega County in Kenya. Administratively, Shinyalu Sub-county that has six wards namely; Isukha North, Isukha South, Isukha East, Isukha West, Isukha Central and Murhanda. According to the 2009 census results the approximate population of the Isukha was 159,475 (Republic of Kenya, *The County Government of Kakamega: The first county Integrated Development Plan 2013-2017* ).

This study was based on both primary and secondary sources. Primary sources included archival information, anthropological data and oral interview. During field research at the Kenya National Archives in Nairobi from October- November 2017 and May-June 2018, records consulted included District deposits for North Nyanza and Kakamega; Provincial deposits for Nyanza and Western Province; native council reports, native affairs reports, colonial government publications, confidential reports; missionary reports; colonial land; labour and taxation reports, old journals; Complaints and Petition; The *East African Standard*, community and development reports of colonial. It was on the basis of the content of each available documents and other literature that key variables were abstracted especially those concerning the Isukha during the colonial period. Efforts were made to narrow down these sources to the area under study.

Information for the study was also derived from oral interviews that were conducted among the Isukha in December 2017- January 2018. The oral interviews were conducted based on prepared unstructured interview schedules. A total of 60 participants among the Isukha were interviewed. The participants were identified through purposive sampling and snowballing sampling procedures. Focused Group Discussions were also used to gather additional information for the study. Interview schedules were open-ended that allowed participants to maximize discussion. Interviews were recorded by note taking and voice recording (with the consent of the participants). The voice recording information was later transcribed. All the information were later scrutinized and subjected for analysis with a view to arrive

at viable historical conclusions. Since there was possibility of some participants to exaggerate certain information, the researchers corroborated the information gathered from different participants so as to ascertain the truth.

In addition, secondary information was used to support an analysis and discussion based on primary sources and in search of information relevant to the study. The library materials that were utilized to write this thesis included both published and unpublished work of both electronic and non electronic books, journals, newspapers and dissertations. This information was accessed in major libraries in Kenya namely: Moi University's Margaret Thatcher Library; University of Nairobi's Jomo Kenyatta Library; Kenyatta University Post Modern Library and Kenya National Library Services in Eldoret town were visited in search of the information relevant to the study. The secondary data gave various interpretation scholars had given on family and marriage not only in Kenya but also in Africa and other continents of the world. This study however, relied heavily on primary sources for purpose of originality.

Data analysis was done using two methods. The first one involved extensive field notes gathered during oral interviews were corroborated with archival and secondary data. This was done to remove any bias and to ensure accuracy and reliability. Lastly, collected data was analyzed qualitatively. This method provided ways of discerning, examining, comparing and contrasting, and interpreting meaningful patterns or themes on which conclusions were drawn.

## **RESULTS AND DISCUSSION**

### **Introduction of Hut and Poll Tax and its Impact on Isukha Marriage**

Before Isukha people experienced the effect of land tenure changes, they experienced the impact of hut tax. Taxation was charged on men depending on the number of wives one had. As already observed, Isukha men were polygamous on the advent of colonialism. This period also witnessed many changes. For example, almost all able-bodied men became liable for labour recruitment. As such, this was difficult time for most women especially married women in Isukha who took over the responsibilities of men. In many instances women had to be away from home, either working in their own farms or in

minor communal labour projects. Many women did not even have time to take care of their children. Equally, older children who could assist in taking care of the younger ones got occupied as well.

In 1930 the senior medical officer complained of the rising numbers of reported cases of children who were either burning or getting lost (Compulsory Labour, 1931-1932, KNA, PC/NZA,3/13/28). The colonial administration attempted in many circumstances to “cover its face.” That was why the Provincial Commissioner (PC) of Nyanza could not admit any form of female labour in the province as had been envisaged by Women Workers Protection Rules (Crop Production 1931, KNA, PC/NZA/3/20/17/2). In 1931 the PC of Nyanza acknowledged that: “the question of communal labour is a difficult one and it must be admitted that abuses sometimes occur and they would be no less likely to occur if the labour was paid for natives given a little authority are often apt to be bullies.” (Compulsory Labour 1931-1932, KNA, PC/NZA, 3/13/28). This was the reality in Isukha. It was abuse of women and children as there were insufficient men to do the work (Oral Interview, Jedida Ahebiriwa Musava, 12/01/2018). To the colonial administration, communal labour was to promote economic production, trade, transportation and mobility of labour and to limit “idleness” on the part of Africans. Forced labour and forced recruitment became extremely sensitive areas of policy-making and policy implementation in Kenya.

Having failed to maintain a consistent labour supply, the government made the next attempt by passing the Registration of Native Ordinance in 1920. The introduction of “Pass system” (*kipande*) represented an attempt to systematize the labour control system. This is because once a worker was registered he could not be deregistered. The *kipande* was designed as an instrument to be used to keep track of labour supply. It facilitated the enforcement of labour contracts in that it enabled penal sanctions to be returned to their former employers. Tracing of runaway employees was possible because local chiefs helped in tracing such deserters. The *kipande* also restricted workers; freedom to leave their workplace and change employers. Finally, the *kipande* system led to standardization of low wages because it made it virtually impossible for a worker to bargain with a new employer for a wage that was higher and unrelated to his former wage as recorded on his *kipande* (Zezeza, 1982, p.52). The impact of the *kipande* system on Isukha marriage was heavily felt because Isukha men who had migrated to work away from home took too long before coming back. This is bearing in mind that *kipande* ensured and enforced prolonged periods of employment. Those who ran away would be easily

traced, punished and sent back to their employers. Even when called upon by their wives to attend to most pressing problems back at home, most Isukha men were unable to return to their rural homes. Many are cases where Isukha men were alerted to their land being taken away but they could not go home. It's worth noting that while some women perceived, others ran away with other men. Labour laws also brought to the fore others forms of polygamy. As men stayed away from their wives for a long time, they decided to marry women whom they met in their new places of work. As such, while such men were "polygamous" in theory, they were not responsible to all their wives in practice.

Resident labour or squatter labour was another system of labour in colonial Kenya. Because the Africans were managing to make payments in cash, in 1918, the Resident Native Ordinance required that future payments be made in labour and not cash. During this period, there was increased growth in urban wage labour employment due to push factors rather than pull factors. The wages were low and living conditions were also generally poor. Men and husbands migrated as they left their women and wives to subsidize the colonial capital accumulation. The colonial government was, however, determined to force Africans to fully participate in the development of the colonial economy. Imposition of taxes was a method used to disengage Africans from their economic production. Taxation served two purposes: it encouraged wage employment and stimulated peasant commodity production but it also delimited peasant accumulation.

Taxes were introduced in 1901 but it was not until 1910 that they were paid in monetary rather than kind (Ibid). By in 1902, the hut tax had been introduced to areas that were under proper administration (Dilley, 1962, p.239). It was later extended to other regions as colonial administration became properly established. It was, however, only after the First World War that they began to be increased sharply and to be collected efficiently (Tignor, 1976). The hut tax was nevertheless limiting in the collection of revenue because only married men were required to pay as owners of dwellings. To rectify this status in tax collection, a poll tax was introduced in 1903. It was payable by all male adults of over sixteen years. The tax targeted young men who had not yet married and were, therefore, not taxable under the hut tax. Probably this was done after realizing that men were shying away from marrying in order to avoid paying hut tax. Moreover, the colonial administration may have realized that men were shying away from marrying many wives as a way to avoiding paying more taxes as each wife was entitled to her own hut. The new tax requirement prescribed alternatives to cash payments: either

payment in kind or labour on public works at the rate of one month's labour for each three rupees due. Most of the time the value of payment in kind exceeded the cash tax due while one month's labour for a private employer returned more than three rupees (Okuro, 2002, p.100). Taxation of non-married Isukha men had an impact on their appetite for marriage. This is because young unmarried Isukha men began experiencing hard life and many of them were scared to engage in marriage as life would become even hardest. And for those who married, few of them would dare enter into polygamous marriage.

As most population pyramids in a developing country shows, young people must have been more (Musalia, 2010, p.86). The rate of tax increase and not taxation was the major issue for Africans. If the rates remained low, it would have been possible to raise it from their production. However, rates continued to be raised and more taxpayers enlisted as the government sustained pacification of Africans. Raising taxes pushed more married men into seeking wage labour and leaving their wives to undertake multiple roles on their behalf. By 1913, it was officially acknowledged that taxation was the best way to force Africans to wage labour as noted by the then Governor : "we consider that taxation is the only possible method of compelling the native to leave his reserve for the purpose of seeking work. Only in this way can the cost of living be increased for the native, and it is on this that the supply of labour and the price of labour depend." (Wolff, 1974, p.98). Refusal to pay taxes in any form was punishable by confiscation of an African "hut", other property and imprisonment for unspecified number of days. By 1919 the rate for almost all Africans was five rupees. In 1920 the maximum was again raised this time to ten rupees equivalent to 12 shillings while fixed penalty of two months labour for not payment (Ibid, 117). Having been made mandatory, tax became a sure way of forcing Africans into wage labour.

The colonial taxes thus, rose drastically after World War I and provided the largest proportion of internal revenue in Kenya. This in a way increased the burden of taxation on Africans, hence reducing their purchasing power. In the Labour Commission Report of 1927 it was observed that:

The total money earning of a typical African living in a reserve varied from 90 to 110 shillings per annum. The average direct tax payable by the head of such a family for all its members amounted to about 28 shillings with a direct tax bill in the neighbourhood of 30% of earning and indirect taxes on imported goods averaging 20%, it is safe that African labourers only very rarely had anything left

of their earnings after outlays for taxes and minimal living expenses (Local Native Council General 1927, KNA, PC/NZA/3/33/8/25).

However, since previously married men worked for highly specific purposes and only for a short period of time, their behavior remained that of community impressed into the service of the industry. Their attachment was to their rural villages and was expressed in terms of remittances sent back to their wives, families and kinsmen. They did not bring their wives and womenfolk to the labour camps which were largely reserved for married and unmarried men. However, during this period, migrant labour became more and more institutionalized as rural areas' principal mode of involvement in the money economy, interaction between villages and town correspondingly increased and married and unmarried migrants stayed for even longer periods in the colonial plantations. These occasionally made some of the married labourers to invite their wives to live with them. The condition was coupled with the worst drought and disease epidemic while wage labour for Europeans remained the chief and almost the sole source of earning money. In 1929 it was identified that very old women, the blind and the lame and the lepers were included in the hut and poll registration. Defaulters were punished by being put in tax camps (North Kavirondo District Local Native Council Estimates, 1930, KNA, PC/NZA/3/33/8/9).

In Nyanza, Isukha included, the PC was forced to consider some provision for widows' exemption. In 1932 he listed the following as grounds for exempting widows from tax payment. For example, if a man 'inherits' a widow after she has passed child bearing age the man, should not be called upon to pay tax. If a widow was young and capable of bearing children her inheritor paid taxes on her behalf. War Widows and taxation 1930-1940, KNA, PC/NZA/2/19/12). There were other people who asked for tax exemption as they lacked cattle, which they could sell to raise money for taxes. Several huts were confiscated and none was supposed to reside in them, some destroyed and others were burnt to ashes as defaulters got themselves jailed (Finance hut and poll tax collections 1937-43, KNA, PC/NZA/3/10/167). This definitely had an impact on an old-age Isukha practice of wife inheritance.

Migrant men equally had difficulties when paying taxes. In 1934 wages and employment were greatly cut down but taxes remained the same. Cattle which were the African source of capital also, had decreased greatly not only in quality but also in price. In this poor state of affairs caused by depression, tax defaulters found themselves facing jail terms. Imprisonment impacted a great deal on both married and unmarried men. As for married men, their wives were left to fend for themselves and their



dependents. On the other hand, imprisonment delayed the marriage age for unmarried men. Criminal cases for native hut and poll tax offences recorded that in the year 1931, 1932 and 1938, individuals convicted for not paying taxes were 463, 298 and 306 respectively (North Kavirondo District Annual Report 1931, KNA/DC/NN/1/12, North Kavirondo District Annual Report 1932, KNA/DC/NN/1/13, North Kavirondo Annual Report 1938, KNA/DC/NN/1/20). Some men even refused to go back to their homes whenever they had a lot of debts to clear. In 1937 the PC of Nyanza gave a break down of men and women liable to taxation in the Province on the request of Hon. Colonial Secretary. The figure below contains the main features of his report concerning direct taxation schedule in Nyanza province:

**Table 3.1 Report concerning direct taxation schedule in Nyanza Province**

	Old Method	Proposed Method
For 1 single woman or widow	Shillings 12/=	5/=
For 1 single man	“ 12/=	10/=
For a man with one wife	“ 12/=	15/=
For a man with two wives	“ 24/=	20/=
For a man with three wives	“ 36/=	25/=
For a man with four wives and so forth	“ 43/=	30/=

*Source: KNA, PC/NZA/3/10/167, Finance hut and poll tax collections 1937-43*

It can be concluded, from Table 3.1 the proposed tax revisions were aimed at discouraging polygamy and encouraging monogamy. The proposals also discouraged bachelorhood. Cases requiring exemption would be far fewer than they were under the present method. DC' meetings in Nyanza had, on two occasions, asked for the change. Unless you go round in the field you don't see the hardship (Finance hut and poll tax collections 1937-43, KNA, PC/NZA/3/10/167).

According to the PC the modification of hut and poll tax was based on the belief that the monogamous family was the best economic unit. It denied the contention that a man with two wives was twice as well off as a man with one wife or a man with three wives three times as well off. It also denied the

argument that a bachelor was as well off as a married man. Among the natives who left the reserve to work for non-native employers return showed that there were at least as many married as unmarried. When the married man returned home he found his home, stock and land (*shamba*) ready for him, the single man did not. From the schedule, several observations could be made. To be granted exemption, the widow avoided “inheritance.” Additionally, independent women who were liable for taxation were registered. These independent women comprised those women with marriage problems and were staying with their relatives or in their natal home or runaway women. The schedule indicated that while it was the responsibility of men to pay taxes, the 1930s witnessed taxes levied on women. Taxation was extended to women because, by 1938 the Isukha economy was on the downward trend. There was limited trade, money was scarce owing to the low prices of primary products, a reduction in wages and lack of work. The purchasing power of the Africans remained at very low level compared with more prosperous previous years.

As labour and taxation remained major aspects of the colonial administration in Isukha, other antecedent factors also got into the interplay. Though socio-economic in nature, they also touched on health status of families. The end of the World War I witnessed the demobilization of men to the reserves. Available colonial documents after the war point to the wide spread of diseases, key amongst them were yaws and syphilis in North Nyanza (Sanitation monthly Report North Kavirondo 1937-1940, KNA, PC/NZA/2/14/29). In fact these two diseases were predominant after the war in Kakamega either due to returning soldiers or returning labourers. Oral data indicated that these diseases were common among migrant labourers in Isukha (Oral Interview, Lena Khakhuya, 25/12/2017). Return of both soldiers and labourers to their rural home also introduced new uncustomary practices which they had adopted from other people wherever they worked. One of the participant stated that some of the men returned with promiscuous sexual customs that was contrary to the Isukha customs relating to sex. The returnees, upon return, organized dances through which they practiced promiscuity and spread sexually transmitted diseases (Natives in townships 1931-44, KNA, DC/KMG/1/1/148). They had adopted the practice of sharing women because there was short supply of women whenever they went to work. Access to the few women was, in most cases, only possible through prostitution.

Married migrant labourers who indulged into prostitution also indulged in adultery contrary to Isukha customs. Thus, colonialism was accompanied by several repercussions to marriages. Migrant men

upon their return infected not only married women but also unmarried young girls with different types of diseases. The notable among the Isukha was syphilis. As there was no adequate form of treatment for women and girls, several of them suffered secretly and even became barren. These diseases weakened many women and men, such that the health status among the Isukha deteriorated remarkably during the same period (Ibid).

Using land, labour and tax policies the government was able to restructure Isukha economic organization subsequently transforming family organization. The responses to these changes affected marital stability among the Isukha. Participants claimed that under normal conditions, the need to pay taxes was not the most important factor influencing men to seek employment. The reasons given included; desire to have many wives, a desire for various consumer goods (particularly clothes), and a curiosity to see new places and relief from ennui of rural life (Oral Interview Andrew Mulima Shirandula, 31/12/2017). However, in famine years, wage employment became a necessity, not just for taxes but sometimes for subsistence as well.

### **Migrant labour and Run-away Wives among the Isukha, 1919-1945**

Going to the work place at Kakamega gold field and other towns like Eldoret, Mombasa and Nairobi began to be regarded as superior activities and was quite attractive and by 1930s (Labour employment of servants mines labour 1933-47, KNA, DC/KMG/1/9/8). It was developing as part of Isukha culture so that young men were frequently asked “where do you work” as part of the introduction. It was very respectable to respond by stating the area of employment and rather embarrassing to be a mere “just at home”. In fact it was beginning to affect marriage arrangements in that part of the bridewealth was now paid in cash and the person with ready cash was mostly respected. It was also becoming respectable for a woman to contract marriage with a man who worked as a wage labourer, however, if a woman was unlucky as to be married with a man who was just at home she had to persuade him to go and seek wage employment. These concepts were given high value irrespective of where, a person worked, how much he earned or whether all he had was borrowed. Borrowing became common among the Isukha because they always wanted to create a different impression when they went home. It is only later that many women began to discriminate between farm workers and labourers. Isukha people were beginning to attach value to a system without realizing its exploitative nature.

There is evidence that more people were leaving for work with the consent of wives if they were married and relatives if they were not. Married women valued the whole idea of going to work because it was prestigious and also the source of items they could not hitherto afford. During research, most female participants responded that women were happy to be married to labour migrants or when their husbands decided to migrate. These women also acquired a new status of respect. This was particularly obvious either when they returned from the occasional shopping visits to Kakamega town or when they received remittances in cash or kind basket with assortment of goods were sent. But in spite of this value to the whole migrant labour system, many women were disappointed particularly when their expectations did not materialize. They were promised remittances that were either not forthcoming or irregular. The migrants who had only left as “target workers” had found wage work attractive and were beginning to make longer stays in the work places. Some of the workers came back home only occasionally. What this boils down to is that the whole system was not devoid of nasty effects.

As early as 1927, the Labour Commission Report stated that; “it was realized that repeated absence of male adults even for a short period was detrimental to family life and so recommended that whole families should be encouraged to become permanently resident in the alienated areas where satisfactory conditions should be provided for them (KNA, Report of the Labour Commission of 1927, (Government Press, Nairobi: 1927,57). It was evident that Africans were becoming detached from their localities and wives. Many of the wives travelled to the husband’s working places but the frequency of travel was conditioned by the requirements of the agricultural cycle, as well as the number and ages of children, financial considerations and whether or not their husbands wanted them to visit. The younger wives visited more frequently. Desire to become pregnant again was one other thing that made wives visit husbands frequently and stay for longer periods away from their matrimonial homes. As responsibilities increased the visits became less frequent. The contact between husbands and wives was also maintained by visits to the rural areas by husbands and also by letter or messages sent through intermediaries who might be travelling to the area.

Some women only visited husbands because they were forced to. For example, one of the participant “Sara” stated that she never wanted to go to the work place of her husband because she felt bored. She enjoyed home chores so she nagged her husband until he let her to go back to her matrimonial home. She allowed the husband to marry another wife who could stay with him in town (Oral Interview, Sara

Shitambatsi, 27/12/2017). Esther did not go to her husband's place of work at all because it was; "wasting time at either at the place of work or in rented houses (Oral Interview ,Esther Busolo Bulinda 9/01/2018). But Lena's relationship with her husband was not good starting from 1933 to1956 when she made the first and last visit but only to confess her sins to her husband because she had accepted Jesus as her Saviour." (Oral Interview, Lena Khakhuya, 25/12/2017). There was also fear that other women would scorn at them because they had no grain in the granaries.

Although women would have their husbands go to earn cash, the situation was hardly free of anxiety and worry for wives. They worried that husbands would not be reliable in sending money but use it on either beer or would marry and spend it all on other women. In addition, the women were fearful that children might not know their fathers and would lack the discipline and control of their fathers, although of course, other male relatives were available to discipline them. Young wives had more problems. They were trying to find their way in a new marriage and here they were left in the care of aging parents or brother-in-law and other co-wives. When the women became lonely or unable to cope they established closer links with their natal homes. The young wife became increasingly worried particularly if she did not have children because it was through them that one established her position in the marriage. Women also faced the problem of multiple roles. Economically women were not only involved as agricultural producers but also as makers of various handicrafts such as pottery and baskets. Some of the handicrafts were made for home consumptions while others were made for exchange purposes. Where there were cattle, it became the responsibility of women to tend them. Women also undertook their normal chores of housekeeping and caring for children. Although non-productive, these concerns were essential to the wellbeing of the family and could be considered economic work. Duties such as cooking, fetching water, collecting firewood could be considered non-productive because no tangible value accrued from the labour expended. Women were sometimes harassed by tax collectors who took chicken and even grain (Hut and Poll Tax Collection 1937-43. KNA, PC /NZA/3/10/167).

There was also the fear of thieves who stole cattle and sometimes grains in the granaries as well as wild animals which came occasionally and ate goats and sheep in their sleeping places.

During famine, the women became extremely anxious, particularly if they had many mouths to feed. Their anxiety also increased during the rains when some of the grass thatched houses leaked profusely. Apart from these fears, due to long absence of most migrants, women became heads of households.

They assumed authority from their male kins, not as a defiance of male authority or a remaking of gender relations, but because they had to. It is evident that families witnessed extreme hardships in surviving in the Isukha area especially in the rural areas in the absence of males and sometimes for long periods. Many women accepted their position and settled in their marital homes despite male absence even though there was a small group that could not cope who fled their marital homes.

A major effect of the absence of husbands was the issue of “runaway” wives. This was an issue of major concern particularly in the 1930s. In 1939 PC stated that the practice of “runaway” wives was on the increase and seemed to be undermining the social life of the Luyia (Hut and Poll Tax Collection 1932-46, KNA,PC/NZA/3/10/170). Most of the run-away wives did so because of loneliness. Some husbands did not communicate with their wives at all and took long before going back to their homes in Isukhaland on leave. Moreover, the woman was left with the relatives of the husband who were sometimes harsh. Women were also likely to have been attracted by the well calculated moves of the returnee migrant and sometimes by the attraction to the place of work of returnee migrants. The experience of the labour migrant was new. Migrant labourers acquired contact with the wider world as a result of this. Most migrant labourers no longer looked with respect at the old rules for guidance. The migrant returned to the village with a new outlook, an attitude of skepticism and respect for elders went down. This created disruptive moral standards and family life. There were disputes over long absence and the laxer morals of the returned workers.

The young migrants who returned home briefly were not only eloping with young girls but also with young lonely wives of their fellow migrants. For example, some of the young migrants went to the extent of eloping with young wives of those who did not migrate. Numerous complaints were made at the Provincial Commissioner’s office by husbands of the women, that their wives, after a very short residence in the settled areas, proved unfaithful and that due to the distance of Nyanza the husbands were robbed of the means of redress. The offenders were mostly from Nairobi. In certain cases, they seduced and made off with women or other peoples’ wives. The Thika District Commissioner felt that the moral outlook of the women from Nyanza was notoriously Catholic. Consequently, “any out-of-work Don Juan from Nairobi found them easy prey” (Letter PC Nyeri to PC Nyanza, 15.6.1934, Marriage, divorces and succession: African general correspondence KNA,PC/NZA/4/11/1). But it is likely that the acclaimed husbands had in fact eloped with these women in the first instances. During

the depression the situation grew worse. There was an unusual amount of young-able bodied men living in the rural areas. One would have expected the outcome of this to be a great increase in the production of crops, a marked improvement in the methods of planting and harvesting and storing due to the experience learnt on European farms. However, the most noticeable feature was the number of complaints because these young men spent their time irresponsibly. Worse still many married women were forsaking the husbands and going off with these young men, usually impecunious who had no fear of the consequences.

Another major development was the growth of organization and individualization. A man and his wife or wives began to be viewed as a single unit. The traditional lineage and neighborhood work groups, although still functioning, were beginning to lose importance. Ties and obligations of kinship and neighborhood were beginning to be irksome to the men who could earn money and aspired to a new way and standard of living. Not only were the effects of migration on the family extensive in terms of the numbers affected but there were also indications of long-term effects influencing the family's life for many years. For example, a man who spent approximately 40% of his working life away from home (about 20 years) was absent in the most critical years of marriage and during years when children were growing up. This meant that family members lived apart for much of the time and this eventually led to the erosion of family relationships. Effects of long separation must have been substantial and long lasting. In certain instances, women established relations with other men that led to birth of illegitimate children within the migrant's household. These women survived in their marriages only because the Isukha community kept such issues secret. Since it was an anathema to mention such, it was extremely hard during research to obtain specific examples of women who got such children. These are problems which could not be solved by remittances. Separation at families definitely led to undesirable associations and yet the migrant system was almost the only viable economic choice the African male could make.

## CONCLUSION

This paper has discussed Isukha marital institution before 1945. It has shown that colonial administration, through its mechanisms such as taxation, communal labour, male labour migration, poor wages, saw rampant collapse of marriages, that transformed the traditional Isukha culture and



economy. In particularly, changes in land tenure systems increasingly led to diminishing household land holdings. The practice of using women to secure additional land died gradually. In addition, the introduction of hut tax placed a lot of demands on young men to migrate from their homes. The wages which they earned were insufficient to enable them bring up children, let alone pay bridewealth for numerous wives. The introduction of monetary economy also led to the gradual decline of livestock as a currency with which to pay bridewealth. Evident also in the paper, was the extent to which socio-economic and cultural structures collapsed. The collapse witnessed new structures emerging to control family and marriage relationships, especially to those women who were responding to stresses caused by the colonial administration in the “native” area of Isukha. The experience of widows was equally not favourable as their belongings were not spared during taxation so long as they had hut (Ethnology Tribes North Kavirondo District 1913-1915, KNA, PC/NZA/3/31/8/1).

Colonial policies transformed Isukha marital institution. This led to the breakup of integral economic and social systems and the introduction of difficult and highly exploitative work. It also occasioned break ups in marriages as women could no longer hold these heavy burdens.

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