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# 1

## Introduction

I have no desire to protect Masaidom. It is a beastly, bloody system, founded on raiding and immorality, disastrous to both the Masai and their neighbours. The sooner it disappears and is unknown, except in books of anthropology, the better.

Sir Charles Eliot to Lord Lansdowne,  
19 April 1904<sup>1</sup>

Maverick colonial servant Dr Norman Leys once lamented that the true story of how the British relieved the Maasai of their land would never come out, despite his best efforts to publicise it. He wrote to his friend, the British MP and Quaker Edmund Harvey: ‘Things aren’t bad enough *yet* to give the chance of a scandal. Ten years more and somebody will write a sensational novel or there will be a native rising or in some other way the British public will get disillusioned.’<sup>2</sup>

This is not the novel he hoped for, but its contents are sensational none the less – and more shocking than fiction. It aims to pick up the investigation where Leys left off, frustrated by official obstruction and threats. Using his own unpublished evidence, Maasai and other oral testimony, and archival sources in Britain and Kenya, this study aims to produce new knowledge about the events that cost Leys his career and the Maasai the best part of their land. Though fragments are already known and documented, this book tells a previously untold story of ‘white mischief’ and the making of the so-called White Highlands, carved out of largely Maasai territory. Of course, some will argue that this was not originally Maasai land, that they were marauders who had stolen it from others, and that they cannot claim to be first comers to this territory. The short answer is that Britain recognised the East African highlands as Maasailand from at least the mid-nineteenth century, and

this single word (or simply Masai) is writ large across early maps of the region. But no, the Maasai cannot claim to be first comers; possibly only forest-dwelling hunter-gatherer communities, collectively termed 'Il-Torobo', can claim that distinction.<sup>3</sup> Longer answers will become clear as the story unfolds.

The Maasai people have attracted enormous interest from travellers, traders, missionaries, administrators, historians and anthropologists since the earliest days of their contact with Europeans. Like Zulu warriors, they have almost come to represent Africa for those – largely in the Western world – who know little about the continent. Photographers, researchers, writers, fashion designers and tourists have followed those early adventurers, reproducing images and accounts that have in turn generated a welter of popular interest and representation.<sup>4</sup> In some of this material, exoticisation and demonisation of the Maasai (or who the Maasai are imagined to be) manifest as two sides of the same coin. All in all, the Maasai tend to remain fixed in time and space as archetypal noble savages, embedded in Western images of Africa, exploration and wilderness. Some Maasai themselves play up to this, both in order to satisfy tourist appetites and thereby capitalise on Western fantasies, and to invoke the idea of a 'traditional' idyll which has been shattered by modernisation. Public fascination focuses on whether they have 'moved on' at all since the turn of the last century, when Commissioner Charles Eliot dismissed their 'bloody system', or whether they still adhere to a supposedly timeless, traditional way of life. People are also curious to know whether the Maasai still exist, since news of their imminent extinction has been broadcast since the 1900s, and still abounds today. Some Maasai deliberately invoke this idea when calling for special protection as an indigenous community within the nation state. Little is popularly known or cared about their recent political history.

The ancestors of the Maasai (or more properly Maa-speakers) came to East Africa from southern Sudan sometime during the first millennium AD. They 'settled' in what is now Kenya and Tanzania, and continue to live there today, the great swathe of Maasailand broadly following the line of the Rift Valley and fanning out on either side. By the early nineteenth century, at the height of their power, they lived in and on either side of the Rift, occupying an area stretching from Lake Baringo in the north to central Tanzania in the south.<sup>5</sup> This former territory has been described as lying at a latitude of between one degree north of the equator and about six degrees south, and more than 200 km wide in some places.<sup>6</sup> Beyond mentioning some key events, I do not intend to cover their pre-twentieth-century history in any detail; this has been

ably done by other scholars such as Berntsen, Waller, Galaty and Jacobs.<sup>7</sup> My interest is primarily in the early colonial history of the Maasai in British East Africa (BEA, later Kenya), particularly that of the Purko section, and their relationship with the British from the 1900s. Though some of this period has been thoroughly researched, there are major omissions in the historiography. There is little mention in the published literature of two of the most momentous events in the last hundred years of Maasai history: the forced moves which robbed the 'Kenyan' Maasai of the greater part of their territory, and resistance to the second move from Laikipia to the Southern Reserve which culminated in a 1913 court case brought by the Maasai, with the assistance of Leys and other Europeans in and outside the colonial service. The few historians who have covered these events fail to analyse fully their significance and effects, or to include a Maasai perspective and direct, attributable quotes. The resistance is typically dismissed as insignificant, largely assumed to end at the court case, and not placed within the context of other African resistance movements.<sup>8</sup> Sorrenson, for instance, writes: 'Their losses of land did not breed in the Masai [*sic*] a spirit of rebellion. Unlike the Kikuyu, they did not attempt to acquire European techniques to settle their grievances. The Masai reacted to the new society by ignoring it. Certainly the Masai court case was an exception but in this the Masai acted on the advice of Leys and Morrison, as a last desperate effort to retain Laikipia.'<sup>9</sup> It was in fact a major exception, which disproves his previous claim. By emphasising the roles of European supporters, Sorrenson downplays African agency. Many gaps remain which need to be filled.

### Outlining the story

Briefly, the facts are these. In 1904–05, the British forcibly moved certain sections of the Maasai out of their favourite grazing grounds in the central Rift Valley (Naivasha–Nakuru) into two reserves in order to make way for white settlement. One reserve was on Laikipia in the north, the other in the south on the border with German East Africa where other Maasai sections already lived. Under a 1904 Maasai Agreement or treaty, these territories were promised to the people for 'so long as the Masai as a race shall exist'. Seven years later, the British went back on their word and moved the 'northern' Maasai again, at gunpoint, from Laikipia to an extended Southern Maasai Reserve. The second move was not completed until 26 March 1913. White settlement of the highlands was the primary reason for the expulsion; other reasons will be discussed later.

The second move was sanctioned by a 1911 Agreement, which the Maasai later claimed their leaders signed under duress. This Agreement effectively rendered the first one void.

As a result of these two moves, and later forced moves of communities including the Uas Nkishu Maasai from a reserve at Eldama Ravine to Trans-Mara, and the Momonyot of the Loldaiika Hills to the same area, the Maasai of BEA lost at least 50 per cent of the land they had once utilised. (I have not investigated these and other moves of affiliated groups; they will only be referred to where relevant.) Some might inflate this estimate to nearer 70 per cent. It is difficult to come up with an exact figure since land in Maasai use, as opposed to occupation, before 1904 was never surveyed and officially quantified. Today, Maasai point to the fact that many Kenyan place names, including Nairobi, are derived from the Maa language as proof that certain lands were once theirs. Maasai leaders made this point much earlier, in their 1932 memorandum to the Kenya Land Commission (KLC).<sup>10</sup>

The British expected the Maasai to resist violently, as befitted their bloodthirsty reputation. This had partly been created by early coastal traders, and amplified in racy, best-selling accounts by nineteenth-century travellers such as the Scottish geologist Joseph Thomson.<sup>11</sup> Administrators were taken aback when a small group of young men hired Mombasa-based British lawyers and took the government to the High Court in 1913 to contest the legality of the second move and demand compensation for stock losses and depreciation in stock values as a result of the move. The plaintiffs tried to regain Laikipia, claiming that the 1911 Agreement was not binding on them and other 'northern' Maasai who had not signed it. They lost on a technicality, went to appeal, and lost again. However, this was a landmark legal action, apparently the first of its kind brought by indigenous people against colonial rulers in East Africa.<sup>12</sup> It was led by illiterate senior warriors, and initially launched by a charismatic age-set spokesman named Parsaloi Ole Gilisho. In an ironic twist of the tongue, the British anglicised his name as Legalishu. The full significance of the case has not been examined before, while Ole Gilisho is barely mentioned in histories of the Maasai or East Africa.

Illiteracy placed the Maasai at a major disadvantage in their battle of wits with the British, and contributed to their losing the court case. They could not write down their version of events, which has left the whole story largely in Western hands and archives to this day. They were forced, in their dealings both with government officials and their own lawyers, to depend upon translators and semi-literate mediators whose

reliability was questionable. They could not record the numbers and names of people who allegedly perished on the Mau escarpment in the summer of 1911 during the second move, and so were unable to prove that anyone died at the hands of the British (if indeed anyone did, see Chapter 2). They attempted to enter into the colonial discourse through sophisticated verbal debate, as is evident from the allegedly verbatim accounts of meetings between Maasai leaders and British representatives in the run-up to the moves. Public debate and discourse are cornerstones of Maasai society and customary justice, and Maasai leaders assumed they could negotiate, and achieve justice, by employing similar tactics with Europeans. Certainly, there was plenty of talk. But literacy, and the ability to reflect upon and disseminate a contested text, enables a hegemonic power to out-manoeuvre its illiterate opponent more often than not. Things were about to change, but not fast enough in this case. As Leys said of the growth of literacy: 'A new air is blowing in the world. Any people who, like the Africans of Kenya, are determined to learn to read will soon be determined to be free.'<sup>13</sup> Maasai desire for self-determination preceded their literacy, but fell at this first hurdle.

### Approach and timescale

My main focus is the forced moves, particularly the second; resistance culminating in the 1913 court case; and the repercussions of these events and associated land losses. But important subsidiary themes emerged in the course of investigation. These included allegations that Maasai leaders and certain white settlers became blood-brothers in an oath-taking ceremony held sometime before 1911 (see Chapter 6). This came out of oral testimony, and is barely mentioned in any written text. Making blood-brotherhood was practically *de rigueur* among early European explorers, professional hunters and administrators in the region, as they sought to make treaties with 'tribes' and establish the British flag – or in the case of hunters, simply forge useful friendships in dangerous territory. But its significance was completely different in the Maasai context as European settlers sought acceptance from their African neighbours, who in turn sought to make peace with these strange, and potentially threatening, immigrants. It seems the Maasai mistook settlers for government officers and believed that they were, in making blood-brotherhood, forging an official contract. Some elders told me they believed the blood-brotherhood bond still existed, and evidently set more store by this than the official Agreements. If this ceremony happened, it partly explains why the Maasai did not violently resist

European intervention. Even if it did not, stories about it signify an important social metaphor.

Other crucial subsidiary themes also jostle for attention. They include the environmental and disease impacts of the forced migration, not only for the migrants but also for other Maasai groups into whose territory they were pushed; the role played by European and African dissidents in challenging colonial policy in this period, and the ways in which individual whistle-blowers connected to the broader anti-imperial movement; the link between land grievances and the battle between British forces and Maasai warriors at Ololulunga, western Narok, in 1918; and the return of significant numbers of Maasai to their former northern pastures after World War I, where many worked for European farmers and went on to re-establish a community. Throughout, I am as interested in exploring people's perceptions of events as in finding out what actually happened.

In order to present the main and subsidiary themes as clearly as possible, the book is divided into three parts. Part I will investigate the moves and what led up to them. Part II will examine the aftermath of the moves, including the court case and environmental impacts. Part III will look at various interpretations, including examining what blood-brotherhood represented, and trace the trajectories of Maasai who reversed the exodus from Laikipia to return north. The story is told largely by interweaving and comparing these contested narratives (that is, those of the Maasai, British administrators, dissidents, settlers, scientists and others). There was also contestation within all these categories; for example, there was little or no consensus on administrative policy within British government circles either in BEA or in London. The Maasai also disagreed among themselves about the Agreements, the wisdom of the second move in particular, which leader to follow, how to respond to European intervention, and whether or not to resist. These disagreements continue today, when many Maasai are unable to discuss these events (now popularly linked to long-term underdevelopment, impoverishment and marginalisation) without blaming somebody. Dissidents – both African and European – had different ideas about methods of resistance. Leys in particular constantly wrestled with the dilemma of what he should do, with whom, and how.

My immediate focus is 1904 to 1918, with the broader frame of reference the last quarter of the nineteenth century to the present day. The story largely features events and personalities in East Africa, and I shall not dwell upon the British political scene, or individuals and organisations in Britain, in this period. The style of language is deliberately less

academic than the doctoral dissertation upon which this book is based. I make no apology for sounding 'journalistic'; I am also a journalist, and wish to make the story both readable and widely accessible.<sup>14</sup>

### Sources: oral

My informants included Maasai elders old enough to have taken part in the second move as small children; many have since died. Interviews were also conducted with members of Ole Gilisho's family (primarily his sons), and with the descendants of Ole Gilisho's son-in-law Ole Nchoko, who became first plaintiff in the 1913 case. Their testimony is rich, and touches on many other interrelated subjects. It raises issues that do not appear, or are barely mentioned, in any written text. There are almost no Maasai voices in the existing literature, which weakens an already sparse resource. This deficit also applies to the wider literature; that is, the historiography of the Maasai as a whole, quite apart from accounts of the moves and court case. In this regard, an example to scholars is set by the non-academic writer Gerald Hanley, who includes many direct quotes from Maasai and the full transcript of his interview with Marianyie Ole Kirtela, an interpreter for the British at Rumuruti and (according to King) an advisor to Ole Gilisho.

Scholarly exceptions include Brockington's work on Mkomazi, Tanzania.<sup>15</sup> In a key article, Berntsen lists and names his informants, and states where the full transcripts are available to other scholars.<sup>16</sup> Tignor also names his informants, but does not use direct quotes.<sup>17</sup> King tends to name his informants, and uses some direct quotes. Jacobs quotes his informants in composite form, but does not attribute information to named individuals other than Justin Lemenye, administrator Hollis's chief informant. There may well be other exceptions. Overall, however, as a result of the widespread omission of directly quoted testimony, I cannot do what Jan Vansina exhorts scholars of oral tradition to do: examine 'the whole corpus, or at least a large corpus of recorded tradition' in order to understand the testimony one has gathered in relation to 'all others'.<sup>18</sup> The term 'recorded tradition' is also problematic; in this literature it tends to refer only to stories about nineteenth-century and earlier history. There is an abrupt cut-off at 1900.<sup>19</sup>

The paucity of Maasai voices results in another major omission: little or no sense of Maasai conceptualisation of their colonial experience in general, and of the moves and resistance in particular. Their version of the story has largely been expunged from the historical record. By listening to and citing oral testimony, one can begin to excavate Maasai

conceptualisation and move beyond an appraisal of the material facts (such as who moved, how many stock died, what diseases there were in those days, who said what to whom) to a perceptual realm. Material ‘facts’ dominate the literature, rendering many texts curiously one-dimensional in their pursuit of history as a reconstruction of events. This book attempts to redress the balance. While covering a sequence of events from several perspectives, it aims to add a metaphysical and perceptual dimension to the literature, and allow space for people’s perceptions in the belief that these form a major part of ‘reality’.

Within the performance that accompanies the delivery of oral history (‘history cannot be divorced from the circumstances of its telling’), there was a definite sense in my interviews of very elderly Maasai wishing to have the last laugh before they faced death.<sup>20</sup> They did so in part by calling Europeans fools. With both African and European informants, there was also a knowing theatricality in the interview encounter.<sup>21</sup> The great age of interviewees (many in their 80s and 90s, some over 100) added poignancy to the performance and was possibly an incentive to share information; some elders were literally on their deathbeds. Therefore, people may have been keen to unburden themselves in the knowledge that I and my Maasai assistants intended to disseminate what they had to say, and add value to it by placing it in the public domain. Moreover, by imparting information, interviewees were symbolically asserting their power and authority over the colonial discourse and transcript. As Tonkin puts it, ‘the act of authoring is a claim to authority’.<sup>22</sup> Some testimonies could be categorised as hidden transcripts, a concept developed by James Scott to describe both speech and gestures/activities which are used largely by subordinate groups to counterpoint public transcripts created and controlled by the dominant class.<sup>23</sup> Of course, one must add a dose of scepticism: were informants telling the ‘truth’, or having a laugh at my expense, too? There is no knowing, except that a fairly consistent narrative emerged from information gathered from people who were mostly interviewed separately, often many miles apart, and (outside the Lemek area) often with no prior notification.

Some obvious limitations should be mentioned. My Maasai informants were largely members of the Purko section, which bore the brunt of the second move, together with a sprinkling of interviewees from other sections. They were also overwhelmingly male. Though women have stories to tell about how the moves affected them, and some are included here, they were not – so far as one can tell – party to the political discussions that surrounded the moves and court case and did not,

at this time, play a key role in the public political arena. Since this is my primary focus, I make no apology for the gender imbalance that has resulted; this is simply a rather male narrative, and gathering more women's stories would be another story and a different task. Facing time, budgetary and other practical constraints familiar to any researcher, and lacking a good female assistant/interpreter, it made sense to narrow my enquiries. I do not purport to show a gendered, pan-Maasai picture, which is beyond the scope of this study. No scholar has yet produced a broader sectional overview that might tell a very different story of these events from a range of Maa-speakers' perspectives, and illuminate from other angles such issues as the internal decay and tensions within the Purko community in this period.

Maasai oral testimony is augmented by interviews with the descendants of leading settlers, including the current Lord Delamere, their former employees, and other Europeans such as retired veterinary officers and the great-nephew of Andrew Dick, reputedly the first white man to be killed by the 'Kenyan' Maasai, after the Kedong massacre of 1895. A freelance trader and former accountant with the IBEAC, Dick disobeyed British orders in attempting to take revenge for the massacre, and reportedly killed up to 100 Maasai warriors before being speared himself.

### Sources: written

My other key primary source is a collection of letters written by Norman Leys to British MPs Edmund Harvey and Ramsay MacDonald, which were discovered in a family archive where they had lain unseen since they were written in 1910–14. I shall call them the Harvey Letters, since they were primarily addressed to Harvey. In this correspondence, which was intended to inform parliamentary debate in Britain, Leys championed the Maasai cause in particular, challenged colonial policy towards the Maasai, and heavily criticised other aspects of 'native' administration. They are highly revealing of his motivation and philosophy, and of his clandestine actions to defend African rights through a network of contacts. They augment what is already known about his activities in this period from his letters to Gilbert Murray (to whom a few of the Harvey Letters were copied), J. H. Oldham, the Anti-Slavery Society and others. They also provide answers to some key questions raised by scholars who have studied Leys, and fill crucial gaps in their work.<sup>24</sup> Leys introduced Ole Gilisho to a lawyer friend, Alexander Morrison, after suggesting to Morrison that the Maasai needed legal help. It was officially assumed that Leys had instigated the legal action, and this led to his

effective dismissal from service in East Africa by transfer to Nyasaland in 1913. He was not actually sacked, but it amounted to the same thing; his career in the colonial service never recovered, much to his regret.<sup>25</sup>

From the Harvey Letters it is clear there was a great deal that the government did not know about Leys's anti-establishment activities. In his published writings, and in other private correspondence, Leys never fully revealed his role in what may be called the Maasai affair. Hence John Cell could write after editing Leys's letters to Oldham: 'My conclusion is that Leys did precisely what he admitted, no more' – that is, he had simply done the Maasai a favour by putting them in touch with a lawyer.<sup>26</sup> The Harvey Letters supply some of the missing parts of the puzzle. Most importantly, they retrieve this episode from the flames: in an apparent fit of despair towards the end of his life, Leys burned his large correspondence on African and imperial matters. The few letters that remain are all the more valuable for that.

My main secondary sources for information on the moves, case and administrative context are Sandford, Cashmore (unpublished), Mungeam, Sorrenson and, to a lesser extent, Tignor.<sup>27</sup> The few available Maasai texts may be written from a Maasai viewpoint, but are not necessarily more accurate as history. Civil servant George Sandford's contemporary account, an official history of the Maasai Reserve and its colonial administration based upon government papers and records, should be differentiated from those of professional historians. If Leys and his friend William McGregor Ross may be counted as historians, they also covered these events in some detail, in a highly partisan fashion.<sup>28</sup> Colonial archives (including government registers, official correspondence, White Papers, district and provincial annual reports and veterinary reports) are an extremely rich source of information, some of it surprisingly candid. Likewise, references to these issues in the memoirs, letters and diaries of early administrators and other players are sometimes full and frank.

Sandford was Private Secretary to the Governor when he wrote his so-called 'Blue book'. It was compiled from official papers, so one assumes that the views expressed were not his own, merely a repeat of what his superiors had written. A comparison of this authorised version of events with alternatives, both written and oral, reveals an astonishing tale of administrative bungling, lies and cover-up. The elements of political spin will become apparent later, but Sandford should be credited with some frankness. For example, he admitted government failure to adhere to the terms of the 1904 Agreement, in not keeping a connecting road open between the two reserves. He also admitted that the British,

to their cost, wrongly recognised the prophet Olonana and later his son Seggi as Paramount Chiefs, because certain officers ‘had not carefully investigated the facts of the case’. They had mistaken the authority of the prophets for political power, and backed the wrong men in making some of them chiefs – notably these two. Over time, it was realised that the power of prophets was largely magical and ritualistic, and not binding on the Maasai as a whole. Furthermore, Sandford (lifting Eliot word for word) noted that ‘the centre of political gravity was not with the elders or chiefs but with a republic of young men’ – the warriors – ‘governed by ideas of military comradeship and desirous only of military glory’. By 1918, the British were forced to recognise the warriors because the elders were so weak.<sup>29</sup> It is clear from this and other contemporary accounts that the British did not know who they were dealing with, or understand the relative authority and representativeness of different leaders (prophets, elders, age-set spokesmen and other principal warriors). If some did know, they did not act upon this knowledge.

### Maasai social system

To give a brief overview, the Maasai are a Nilo-Hamitic people, divided into socio-territorial sections or *il-oshon* that straddle Kenya and Tanzania. No one seems to be agreed on how many sections there are; the number given varies from 14 to 22, though some earlier sections are now defunct as a result of internal warfare and incorporation.<sup>30</sup> Each section enjoys grazing and other resource rights in a particular area, with sections subdivided further into localities or neighbourhoods called *inkutot*. As transhumant pastoralists the Maasai use land seasonally, moving from highland to lowland pastures according to the rains, which allows grazing and other vital resources to regenerate. The community is divided into five clans (there is some disagreement over numbers) and two moieties, red and black. The prophets of Mbatiany’s family, including sons Senteu and Olonana, all belong to the *en-kidong* (pl. *in-kidongi*), a sub-clan of the Il-Aiser (anglicised as Laiser).

Maasai society and economy revolve around livestock, with cattle valued particularly highly as a mobile form of wealth, medium of exchange and marriage, source of food, symbol of relationships, and for their sacred significance. However, increasing numbers of people no longer follow an exclusively pastoral mode of life or restrict their diet to livestock products, if indeed they ever did. The first incomers to the region were originally agro-pastoralists, and pastoral specialism only developed later. Earlier ethnographers (including Jacobs, writing in the mid-1960s),

tended to paint the Maasai as purely pastoral and contrast them with mixed economy 'Iloikop' or 'Kwavi' Maa-speakers, but this sharp division is no longer accepted as true. Also, the importance of their trading exchanges with neighbouring societies tended to be overlooked in the past, and their dietary preferences for blood and milk overstated. Like many pastoralists in Africa, the Maasai are 'exchange pastoralists' who culturally value milk and meat above all other foods but who have, for many years, varied their diet with foods exchanged for other goods when the need arose. Livestock is owned individually, the family being the principal stockholding group, but land was not 'traditionally' owned by any one person. Before individual land ownership was introduced, land was (and is still ideally) viewed as a community resource.

Customarily, the Maasai are acephalous and do not have 'chiefs' or headmen. These were only introduced by colonial governments; since independence, Kenya has perpetuated this system. Political authority 'traditionally' lay with councils of elders and age-set spokesmen, elected for their leadership qualities, while prophets wielded spiritual authority. The age-set structure is the fundamental organising principle of Maasai society, and instils values of egalitarianism, sharing and respect. Reference to age-set chronology dating back to the mid-eighteenth century is one of the only ways to ascertain what year an event took place, since elderly Maasai do not tend to think in terms of calendar years.<sup>31</sup> Women and girls do not belong to age-sets, although they pass through rites of passage that parallel those of males as they graduate from boyhood to elderhood, and join their husband's age-set on marriage. Councils of elders constitute the main decision-making bodies, though some of my evidence challenges this model and suggests that younger men also are or were central to decision-making processes. A few women are becoming more influential politically. The idea that Maasai and other pastoral societies in Africa are intrinsically patriarchal has been increasingly challenged by women anthropologists such as Hodgson, revisionists of an ethnography previously dominated by male scholars who tended to focus upon male roles – partly because their informants were predominantly male, too.<sup>32</sup>

The fluidity of ethnicity in Africa is implicit throughout this book. Maa-speaking peoples are characterised by fluidity rather than by fixed, ahistorical models, as other scholars have demonstrated.<sup>33</sup> But when describing informants' origins, I shall use their preferred terms; for example, the Il-Laikipiak (more properly Il-Aikipiak) is an extinct section said to have been wiped out by a combined force of Purko-Kisongo warriors in the mid-1870s, yet many individuals continue to claim that

they are Ol-Aikipiani. There is growing Laikipiak nationalist sentiment in this community on Laikipia today. The non-governmental organisation Osiligi (Organization for Survival of Il-Laikipiak Indigenous Maasai Group Initiatives), one of the groups involved in making land-reparations claims against Britain in 2004, was created expressly in order to champion Laikipiak interests.

### **The place of Maasai in the early ‘colonial’ state**

Until 1920, when BEA became a colony, the Protectorate was technically a foreign territory. It grew out of commercial interests pursued by the ill-fated Imperial British East Africa Company (IBEAC), founded in 1888 by Scottish shipowner William Mackinnon. Several ‘Company men’ (including Hopley, Ainsworth and Jackson) went on to become administrators in BEA and the neighbouring Uganda Protectorate. The establishment of BEA in 1895, and subsequent white settlement, was very much an afterthought to strategic considerations including the need to protect the Suez route to India, and repel largely French and German encroachment in this region.<sup>34</sup>

The fact that BEA soon became ‘settler country’ set it on a collision course with the Maasai. They simply did not fit into the new equation – though as Chapter 8 will show, many went on to reinsert themselves as labourers on European farms. As Berman and Lonsdale have written, a settler ‘playground [was] carved by the colonial state from the dry-season pasturage of the former lords of East Africa, the Maasai’.<sup>35</sup> Within a short space of time white pastoralists had supplanted black ones in the country’s most productive, resource-rich heartland of the Rift Valley and highlands, and private land tenure has taken precedence over communal land regimes from that day to this. Furthermore, up until April 1902 thousands of Maasai had lived in the eastern province of the Uganda Protectorate. Then the boundary changed to bring this province – which included most of the highlands, and the much-prized grazing grounds around Naivasha – into BEA, so that the new Uganda Railway (see next chapter) could be managed by one administration. The railway ran through the best Maasai grazing grounds in the Rift, and divided the sections. Nothing was to be the same again. One wonders what might have happened if some of the Maasai sections had stayed on the Uganda side of the border, where European settlers never held sway. Uganda ‘was considered unsuitable for European settlement’ and was soon regarded as ‘a black man’s country to be developed along the lines of the West Coast

territories'.<sup>36</sup> A different kind of state might have valued African pastoralism more highly, and supported the development of the sector – so long as it did not compete with European stock production, as it was seen to do in BEA.

One of the peculiarities of BEA was the relentless tug-of-war between powerful settlers, the local administration and the metropole. The settlers sought self-rule, their unofficial leader Lord Delamere telling his wife Gladys years later: 'Of course if once we got any real control of any part they would never be able to stop us governing the whole. Don't mention this to anyone.'<sup>37</sup> The Maasai became pawns in that struggle, as Chapter 2 will explain, largely because of where they were on the map and how their lifestyle, cattle economy and economic contribution to the state were perceived. Race, or more precisely racial perceptions, were central to these early manoeuvres and the debates around them – though some officials initially advocated Indian rather than European settlement, hence this was not entirely a black and white issue. As for class, the Maasai did not fit the overlord–peasant model that characterised relations between colonial capitalism and Africans, simply because they were not poor peasant cultivators. Their wealth in cattle allowed them to remain relatively aloof from the state, until the single Southern Reserve was created, taxation increased, and freedoms were curbed by regulations governing labour, mobility, cattle trading and the rest.

The earliest relationship between the Maasai and the British had been relatively friendly, and featured a military and patron–client alliance. When British administration was first established, the Maasai were recovering from a series of devastating blights – rinderpest, bovine pleuro-pneumonia, smallpox and drought – following in the wake of civil warfare, which had brought them to their knees. These disasters were known collectively as *emutai*. Whole communities sought refuge in British forts and with neighbouring peoples, while many child 'debt pawns' were taken in by missions. Some prophets forged mutually beneficial alliances with white administrators; notably Olonana was made Paramount Chief (a nonsensical position, as it turned out), placed on the government payroll, and gained British backing in his protracted fight against his half-brother and rival, Senteu. Warriors were only too glad to lend their services to British punitive expeditions, which hired hundreds of them as auxiliaries, paid in raided stock. This enabled certain sections to rebuild their herds and strength, and some (notably the Purko) recovered remarkably quickly. Ole Gilisho himself led some of these mercenaries into battle on behalf of the British. Maasai were also

hired and prized as interpreters, caravan guides, herders and personal servants. Colonial conquest had its advantages, then, but it put an end to Maasai domination of a space whose epicentre was the central northern Rift Valley.

These early alliances turned sour as settlers rode in on the back of the railway, and demanded their share of the Rift. The Maasai were assumed to represent a threat to the railway, lines of communication and European settlement around 'the iron road'. Also the vast cost of building the railway had to be recouped somehow. Official priorities shifted away from the protection of 'natives' to the promotion of commercial agriculture by Europeans on either side of the line. Eliot summed up this new thrust in 1903:

East Africa is not an ordinary Colony. It is practically an estate belonging to His Majesty's Government, on which an enormous outlay has been made, and which ought to repay that outlay.<sup>38</sup>

Berman and Lonsdale's remarks on the early situation cannot be bettered. The state was 'institutionally incoherent', and brimful of contradictions. These included 'the contradictions between settler accumulation, which required great pressure on the supply of African labour, and the conditions for stable political control over African societies'. White settlement was believed to be an economic necessity, and meant 'the baronial consolidation of conquest', yet simultaneously it represented 'the chief threat to the politics of control'. It 'marked and maintained boundaries, the very essence of state-building' partly because whites created buffer zones between warring ethnic groups. Most crucially for pastoralists, 'white settlement would pin down pastoralism, the way of life that kept Africans idle, unnervingly on the move, and impervious to the benefits and constraints of civilization. The politics of conquest was brought symbolically to an end with the Maasai moves of 1904 and 1911. These fenced pastoralism out of the best grazing in the Rift while fencing capitalist ranching in.' As we shall see, however, in the long run 'pastoralism was not pinned down, it merely became subversive'.<sup>39</sup>

### **Critics of empire: Leys and McGregor Ross**

These two men apparently first met in BEA in 1907, when Ross caught a fever and became Leys's patient at Mombasa.<sup>40</sup> Leys originally planned to collaborate with Ross in writing a book on Kenya together. He became

frustrated and vexed when Ross did not come up with the goods quickly enough, as is evident in Leys's letters to Ross's wife Isabel, and in the end they published separately, three years apart.<sup>41</sup> Though critics of colonial policy in Britain were dismissed as sentimentalists who knew nothing of local conditions, the same charge could not be levelled at them. They, too, were 'men on the spot' whose experience lent weight to their opinion, as settlers were so fond of saying of themselves. And as colonial civil servants, they had access to information that was potentially explosive. They used this to great effect. Wylie credits them with '[helping] to thwart the acquisition of greater political power by settlers while African protest matured'.<sup>42</sup>

Leys was born in Liverpool in 1875, and as a child lived mostly with his grandfather, a Presbyterian minister in Lanarkshire, after his mother died giving birth to younger brother Kenneth. (Incidentally, Leys, McGregor Ross and Harvey were all close age-mates of Ole Gilisho: their life dates were respectively 1875–1944, 1877–1940, 1875–1955, and c.1875–1939.) There was a tussle between his grandfather and Scottish barrister father over custody of the two boys; when their father converted to Catholicism, the grandfather took them to America to prevent them from being reared as Catholics. Later, Leys studied medicine at Glasgow, where he first met Gilbert Murray (who became his life-long mentor and correspondent) and lived and worked in the slums – a formative experience.<sup>43</sup> He arrived in Africa in October 1901 to work as a doctor with the African Lakes Corporation at Chinde, Portuguese East Africa. He transferred to BEA in September 1905<sup>44</sup> and stayed for seven years as a government medical officer based successively in Mombasa, Nakuru and Fort Hall. He wrote an influential 1911 report on sanitation in Mombasa, which earned him government praise. In this and other reports he drew links between socio-economic conditions and ill health, which were by no means obvious to policy makers at the time.<sup>45</sup> After his own forced move to Nyasaland, he became interested in the Chilembwe uprising of 1915, interviewed many of the survivors in prison, and wrote about 'this new kind of unrest' as a footnote to his analysis of Kenya.<sup>46</sup> His later life, while a GP in Derbyshire, was devoted to writing and activism.

Leys devoted a chapter of his first book *Kenya* – which he had been planning since 1911 – to the story of the Maasai moves and court case and what led up to them. His major problem, as Wylie has pointed out, was the lack of official data to back up his claims about the effects of administrative policy upon the Maasai, or any other accurate facts and figures for Kenya. He had to rely upon estimates and hearsay, drew

heavily on Sandford and complimented him: 'There are a few notable omissions in the story as told by the Blue book, but in the main it is candid and impartial as few official statements are.'<sup>47</sup> He repeated Sandford's account of the 1895 Kedong massacre (in which, after extreme provocation, Maasai warriors killed 456 men in a 1400-strong trading caravan of 'Swahili' and Kikuyu passing through their grazing grounds in the Kedong Valley) and the impression that subsequent British justice (the Maasai were exonerated) made upon Olonana.<sup>48</sup> Leys commented: 'Very typical is the immediate recognition by a savage people of a standard of justice higher than their own.' One can never be sure when Leys was being ironic. It seems unlikely here, despite his knowledge of the way in which the British legal system ultimately failed the Maasai, since he also declared: 'Railways and courts of justice are the two great boons our Governments have given to the people of tropical Africa.'<sup>49</sup> He believed the railways were a godsend because they saved the lives of African porters, and stopped the spread of disease along caravan routes.

Leys recognised Ole Gilisho as 'the most influential Masai in the northern reserve'.<sup>50</sup> His writings were also highly revealing of Arthur Collyer's role and attitude. As District Commissioner of the Northern Reserve and a Maa speaker, Collyer was probably the administrator who was closest to the Maasai, and most genuinely concerned with their welfare. Leys described Collyer's disquiet over the moves, and suggested Collyer was his main informant in the administration. Although this admission came many years after Collyer's premature death from tuberculosis in September 1912, official knowledge of Collyer's relationship with Leys may well have cost him his job with the Maasai, and the accompanying distress may even have hastened his end, as Collyer's family believe today.<sup>51</sup> Collyer had promised Leys he would write the Maasai chapter for *Kenya*, but after his death it had to be written without his help. Leys quoted from a private letter Collyer sent him just before the final move, in which his disgust was palpable:

As regards the Masai move, this sudden change of front has staggered me though I hold it was the right thing to do, if done long ago. The manoeuvres, etc., that have been employed with regard to the Masai have sickened and embittered me. I have always said that the policy of putting the Masai into one area was right, but I cannot uphold the methods that have been employed to bring this about. If in five years' time you write a book and I am in a position to give you the information on the Masai, you shall certainly have it.<sup>52</sup>

Leys obscured his own role in fomenting opposition to the Maasai moves. But he rather gave the game away by issuing a warning to would-be protesters: 'Whether it was right or wrong to protest against the Masai move may be doubtful. In any case, the reader who may live and work in Africa should be warned that if he ever takes a similar step he will do harm as well as good. If he feels he must, then he should. But the fact is that there is very little use in trying to stop these things. What is needed is rather to appoint governors and others in authority who will not attempt them.'<sup>53</sup>

McGregor Ross was a year younger than Leys, also of Scottish stock, born in Southport, Lancashire, in 1876. Having trained as a civil engineer, he came to BEA in 1900 to work as an Assistant Engineer on the Uganda Railway. He was Engineer-in-Charge of the Nairobi water supply from 1903. By the following year, at the age of 28, he had risen to become Director of Public Works, but was forced to resign in 1923 after agitation from settlers over his alleged mismanagement of public funds. McGregor Ross's face had never fitted the colonial scene. He was fiercely teetotal, moralistic, bookish, aloof from clubhouse camaraderie, and seen as a bit of a prig. (The evidence for this is in Wylie, but more directly in Ross's diaries of his early years in Africa.) As a member of the Legislative Council from 1916–22, a position that came with the job, his politics were seen to be soft on 'natives'. It was here that he became more and more anti-settler, forced to listen to 'the crude, crass clamour of self-interest'. In a progression that paralleled Leys' own political and philosophical maturation, his East African experience turned McGregor Ross into something of a radical and activist; he also became a Quaker and pacifist.<sup>54</sup>

In *Kenya from Within*, McGregor Ross devoted a chapter to the Maasai, focused on the moves, court case and their experience in the Southern Reserve. It was more broadly a diatribe against the arrogance of settlers and their abuse of privilege. Ross aimed to alert the British public to the fact that this class of mostly unelected men was running things in Kenya, to the detriment of Africans. His writing style was like a gossip-laced conversation, sarcastic and ironic by turns, punctuated by many exclamation marks and asides in brackets. It would never have worked to try and combine his style with that of Leys; maybe Ross knew this when he balked at collaboration. His obituary writer noted: 'Pungent as were his criticisms, the book was marked by a racy humour that saved it from the bitterness to which the enthusiastic crusader may too easily become subject.'<sup>55</sup> This sounds like a dig at Leys.

McGregor Ross was clearly reliant on Sandford for much of his information, but he also made some fresh, key points. After Kedong, he

claims that a naïve belief in the trustworthiness of the British government ‘clung to the Masai for years’ in the face of contradictory evidence. Speaking from experience of building the railway through Maasai country, he said they ‘behaved in exemplary fashion, giving Government no trouble whatever’. It is important to record this peaceful response, since fear of Maasai violence towards white settlers around the railway, and their perceived threat to the line itself, was used to justify their removal from the Rift. On retiring, he threw himself into humanitarian and political activism in Britain and Geneva. He and Leys were members of, among other organisations, the League of Nations Union Mandates Committee and the Labour Party’s Advisory Committee on Imperial Questions. Towards the end of his life, Ross became more concerned with peace activism, and spent less time advocating for Kenya’s Africans.<sup>56</sup>

### Parsaloi Ole Gilisho

Born Laikipiak but forcibly assimilated as a child into the Purko section, Ole Gilisho (c.1875–1939) was a member of the Il-Mirisho or right-hand circumcision group of the Il-Tuati II age-set, and an important age-set spokesman. He launched the initial legal action in 1912, but his son-in-law Ole Nchoko became first plaintiff in the case when it reached court, while Ole Gilisho became a defendant in favour of the action. He is still spoken of today as a folk hero and ‘king’ of the Maasai, who is celebrated in praise songs.<sup>57</sup>

There is little written information to suggest what kind of person Ole Gilisho was, never mind what motivated him. Therefore I have had to rely on oral testimony in order to flesh out his character and actions, while bearing in mind that my informants were likely to be biased towards him since they were largely Purko, and several were also of Laikipiak descent. In the early colonial record, apart from Frederick Jackson’s glowing testimony, he was largely dismissed as a troublemaker, a conservative, and a lone voice in the wilderness who was not supported in his opposition to the British by the majority of ‘northern’ Maasai.<sup>58</sup> That attitude was to change in later life, when Ole Gilisho became something of a model elder in western Narok, though some local administrators continued to see him as difficult and obstructive.

From childhood, he appears to have been an unusual person. Father Frans Mol has written: ‘Maasai informants say that his birth [on the Leroghi Plateau] was surrounded by a number of unusual circumstances. His mother is said to have been an *enkaibartani*, a young unmarried girl

recently circumcised but still in the official status of partial recluse and untouchability after circumcision. Her circumcision may have been speeded up when she was found to be pregnant.<sup>159</sup> This would actually make him unclean in Maasai eyes, since it breaks taboos around purity and should have precluded him from leadership in later life. But the Purko who snatched him during a raid may not have known the circumstances of his birth. His biological father was called Magiro (though one son, Mapelu, claimed he was Maatany), and his adoptive father was Leposo. His mother gave birth while crossing a stream or river. One informant said that he was pulled out of the water clutching stones in both hands, a mystical sign associated with prophets. He began exhibiting leadership qualities very soon after circumcision in 1896–97, was appointed *ol-aiguenani* or spokesman for the age-set, and kept the position for life. He went on to marry nine wives (some say 12), and had ten sons and eight daughters. I met his last surviving wife in 2000, when she was close to death. Senile, and unable to be interviewed, she lived with her son Leperes and his wife Kirapusho near Lemek, western Narok.

These three characters, especially Leys and Ole Gilisho, are central to the story that follows. Enigmatic, stubborn, often infuriating, supremely moralistic, and ahead of their time, they were to stir many passions and shake the very fabric of the colonial state.

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