

ECONOMIC INEQUALITY AND LAND TENURE CHANGE IN MBEERE, KENYA

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INTRODUCTION

Shifting patterns of land tenure among the Mbeere, a Bantu-speaking people of east central Kenya, represent in broad outline processes of social change at work in other agricultural areas of the country. Mandated by the government, the current program of land tenure change emphasizes individual titled ownership of former lineage lands, for it assumes that customary, corporate modes of land tenure inhibit critical development goals such as increasing agricultural output and rural farm income. By divesting kinship groups of their customary control of the land, the government is attempting to remove traditional social constraints on various activities pertaining to the land. Moreover, government officials believe that giving each farmer registered title to his land will accelerate rural development by enabling secure farmers to pledge their farm titles as collateral for agricultural loans.

The program of land tenure change brings some critical social costs in its wake, for it stimulates class formation in once egalitarian societies. Before the major social and economic changes set in motion by colonialism, land scarcity or unequal access to territory was hardly at issue. But throughout much of contemporary Kenya, landlessness characterizes some portion of the rural population at the same time that there is considerable variation in the amount of land held by individuals.

The Kenyan development plan of 1979, for example, emphasizes the value of the family farm as a fundamental unit of rural production, but notes that "the incidence of concentration in land ownership among the better-off small-scale farmers has increased" (Government of Kenya 1979:53). The government officially discourages ownership of large holdings and land speculation, but its concomitant emphasis on private ownership and individual entrepreneurial effort to improve the land creates a climate in which economic stratification, based in part on the amount of titled land one owns, inevitably results.

In this article, I will assess the impact of Kenyan land policy on the Mbeere of Embu District by examining how the current land tenure program has dramatically altered customary patterns of landholding and sociopolitical organization. In many respects, the momentous changes effected by government land policy represent the culmination of processes which first began in the colonial era. Thus, the office of chief, a position created by the colonial administration, provided its incumbents with opportunities to benefit from changing land tenure policies. Through their growing influence and access to government support, the chiefs were among the first people to rise in what was becoming a stratified social order. This discussion leads, then, to conclusions about landed and landless classes in Mbeere, which typify patterns of economic change in other parts of rural Kenya.

THE ETHNOGRAPHIC AND ECOLOGICAL BACKGROUND

Traditionally organized in an acephalous society based on shallow patrilineages and age organization, the Mbeere inhabit the plains south and east of Mt. Kenya. They bear strong ethnographic and linguistic resemblances to the other Bantu peoples of the higher elevations near the mountain, including the Kikuyu, the Meru, and the Embu. The Mbeere are also culturally akin to their southern and eastern neighbors, the Kamba. All the Bantu peoples of central and eastern Kenya maintain mixed economies based on farming and on stockkeeping that emphasizes sheep and goats, although some groups, especially the Kamba, raise some cattle as well. Considerable variation in the relative emphasis on farming or herding occurs between the different ethnic areas as well as within a single area. In Mbeere, for example, the dry plains adjacent to the Tana River are ecologically more suited to herding than are the higher lands of nearly 4,000 feet lying closer to Mt. Kenya. The issues I discuss concerning emergent stratification center on the areas of highest agricultural potential, where the competition for land and concomitant litigation have been most intense (Glazier 1976a). Within Mbeere proper, an area of approximately 600 square miles inhabited by 60,000 people, the zone of highest agricultural potential lies at an average elevation of 3,500 ft. The land is highly prized both for its cash value and for its cash crop potential, especially in tobacco and cotton. Rainfall in this area averages some 40 inches annually, but in some years it is highly erratic, although its reliability is greater than in the lower zones of Mbeere. Farmers cultivate a number of different crops including maize, varieties of pulses, millet, and two very popular perennials, mangoes and bananas. Livestock do not flourish in this zone, and people prefer to concentrate their economic attention on farming, although they raise some animals. Because of the relatively high potential of this area, the government has concentrated its initial efforts at individualizing land tenure here in order to spur agricultural development (Brokensha and Glazier 1973).

Since the 1960s an increasing number of farmers have expressed interest in producing cash crops, but only a small minority have actually taken the risk. In my research site, the high-potential area of Nguthi sublocation in northwestern Mbeere, tobacco drew the attention of most cultivators interested in cash crops, but they had to balance the labor demands of the subsistence food economy against similar labor requirements to produce tobacco. Because farmers were required by the local cooperative to cure their own tobacco, this critical aspect of tobacco culture necessitated the construction of a curing barn on each farm. These barns are considerably larger than the traditional huts or other structures around a typical homestead, and a good deal of labor goes into their construction. People who have decided against raising tobacco emphasize their fear that the high labor expenditure for erecting a curing barn, in addition to the work of planting, weeding, harvesting, and curing the crop, would put at risk the more essential tasks surrounding the production of food crops. Recurring cycles of famine—at least one every five years—are an intimate part of the experience of every farmer, creating understandable caution in regard to any major agricultural change. Conservative rather than innovative attitudes predominate, primarily because the average farmer's margin for error in calculating how he will feed his family and obtain some cash is very small. In these circumstances, poor people are less likely than their more prosperous counterparts to take risks (Hunt 1975).

Space does not permit a detailed examination of the customary organization of land tenure, which is now almost completely altered; a brief summary must suffice. The critical social group controlling land under customary law was the patrilineal descent group, a shallow lineage of some three or four generations which corporately controlled major transactions involving its landed estate. Except for the established right of individual farmers to control what they planted and to dispose of their harvests, the lineage limited any member's freedom of action regarding his portion of corporate land. Agnatic permission was essential if a farmer wished to sell or loan any of the gardens he had gained by virtue of his lineage membership. Such a limitation did not constrain a farmer's prerogatives regarding nonlineage land he had claimed or secured through his own efforts.

The system of customary land tenure embedded within shallow lineages provided sufficient land for the people but began to be transformed in the face of increasing monetization of economic transactions, including the ready convertibility of land into cash. Beginning in the 1960s, increasingly large pieces of land were claimed by a few individuals, thus maximizing the gain which could be achieved through sale. Larger claims resulted in an artificial shortage, not because of sudden increases in the population but because relatively small groups of people of single lineages were claiming land parcels out of all proportion to their need for maintaining economic holdings capable of boosting output beyond the subsistence level. Consequently, many other less fortunate individuals, whose lineages suffered legal reverses in their efforts to make similar claims, were left with subsistence holdings of only a few hectares or even with no land at all.

Under the new rules, land titles registered to individual farmers will markedly expand the limits of personal maneuverability, which the government regards as essential in the new rural economy taking shape in Kenya. Specifically, the residual interests of kin in a farmer's land will ultimately be dissolved, and cultivators will more easily secure loans by pledging their titles as collateral without any interference from agnates.

From Traditional Councils to Appointed Chiefs

In the precolonial era, age-sets and generation classes were fundamental features of Mbeere sociopolitical organization (Glazier 1976b). Chiefs and hierarchical political offices were unknown in what constituted an acephalous system built on the influence of elder males of senior age-sets. Civil order was maintained through elders' councils, which were ad hoc bodies of eight or ten men assembled at the invitation of disputants in order to mediate conflicts. Particular individuals gained a reputation for skillful arbitration and thus would be regularly called to council hearings. But these councils, which occurred throughout Mbeere neighborhoods, were not standing bodies, since they existed only for the life of the particular issue in question. They exercised considerable influence without the authority of office; their capacity to effect settlement ultimately lay in the willingness of individuals to accept a council decision. A man's eligibility for service on an elders' council followed the circumcision of his first child, either male or female, when he would undergo the rite of elderhood.

Confronted by a political system which diffused rather than concentrated power, the new British authority, beginning with the conquest of Embu district in 1906, set about to centralize local government. It began by appointing headmen and chiefs—individuals who had gained respect in their local areas, sometimes as regular members of the ad hoc councils. These first appointees had enjoyed nothing resembling chiefly prerogatives before the intrusion of the colonial regime; they had exercised no authority over large areas and had issued no commands of office. In other words, the first headmen entered a civil administration as salaried public servants under the control of the British district commissioner, and they exercised a political authority vastly different from anything that had existed up to that time. Over the course of colonial rule in Embu District and continuing after independence in 1963, tendencies toward centralization and specialization in the civil administration grew more pronounced. The ad hoc councils of elders waned in significance as their role in conflict resolution was assumed by courts. On a more informal basis, the headmen and chiefs often intervened in local disputes and brought about settlement through the coercive authority of their new positions. They were generally more feared than respected.

The critically important positions of headman and chief enabled the incumbents of these offices to benefit more than any other individuals from the rewards of collaboration with the colonial regime. These men, who were among the first to receive a regular wage, also became relatively affluent by accumulating livestock and other unofficial gratuities from individuals seeking favors from them. They became patrons to various constituents and could serve as brokers in relationship to the civil administration. The Mbeere chiefs, as well as their

counterparts among the other "tribes" of Embu District, served on the local native council, a district governing body headed by the district commissioner. This council further concentrated government power enabling it to operate in the context of a single administrative body rather than through the various elders' councils throughout the district. The elders' councils, together with the age-sets, continued to suffer a decline after the institution of the local native council in 1924; the balance of power in the district increasingly shifted from the diffuse role of elderhood to the chiefs, who also dominated the local native council. Thus the institution of chiefs fundamentally altered the political relations defining precolonial life and created not only a system of political hierarchy but also a new pattern of economic differentiation, with chiefs usually rising to the top. The power and patronage of chiefs enabled the more successful among them to benefit from both the formal rewards of government service and the informal, often coercive demands they placed on local people. Whether through salaries or gratuities from favor-seekers or others unable to resist the importuning of these new officeholders, who were empowered to arrest people, chiefs as a group were able to accumulate large holdings in land and livestock. In the many disputes accompanying land tenure change in Mbeere, the chiefs also exercised extraordinary influence at court and before adjudication committees composed of local elders. Most chiefs benefited accordingly.

The Impetus to Class Formation Under Colonialism

Few conflicts centered on issues of land before the far-reaching changes of the colonial era. Land existed as an abundant, essentially unrestricted resource, and the few disputes occurring in case records in the Mbeere court, even up to 1959, center on conflicts over boundaries separating gardens. These disputes were usually settled easily in a hearing between the two litigants without extensive involvement of men from their respective lineages. Virtually no disputes over entire land parcels amounting to hundreds of acres occurred, although litigation of this sort involving entire lineages has not been uncommon since the beginnings of tenurial change. Success at law by a contending lineage is rewarded by registered land for its members, while losing groups have to content themselves with less land or perhaps no land at all. A critical problem of land loss and the dramatic stratification of a previously egalitarian agrarian economy has become especially acute in recent years, but its roots extend deeply into the colonial past, when political stratification began. Colonial land policy and initial attempts at reformulating rules of land tenure among indigenous peoples began among the Kikuyu, the largest ethnic group in Kenya. Although some high-potential areas of Mbeere are amenable to cash crop production and support a variety of staples, thus resembling the generally richer land of the Kikuyu to the west, most of Mbeere offers less economic potential than Kikuyuland because of more erratic rainfall and inferior soils. Colonial reports throughout the period of British rule emphasized the marginal aspects of the Mbeere ecosystem, particularly its vulnerability to famine and drought. Indeed, informants readily provide a chronological list of Mbeere famines, named, like age-sets, after some noteworthy event during the designated year or else commemorating a particularly grueling aspect of the famine (the famine of 1898, for example, is referred to as the famine in which "they ate skins," *karĩa ndwara*.)

As a result of its generally tenuous economic position, Mbeere never suffered land alienation to European farmers, who were drawn instead to the excellent highland areas of Kikuyuland. The latter area, of high agricultural potential and political conflict between European settlers and dispossessed Kikuyu farmers, became the crucible in which colonial land policy in central Kenya was formulated, and that policy by the 1950s was intimately tied to efforts at political control of an increasingly restive population. Title deeds providing security of tenure were intended to insulate rural African loyalists from the Mau Mau movement, which developed primarily over the alienation of land from the Kikuyu to European settlers. Mbeere lay outside the mainstream of these policies until the late 1960s, after independence, when changing land tenure rules, originally inspired by the colonial government, were officially extended to other parts of the country. Beginning in the 1930s, the problem of overcrowding of Kikuyu on the

reserves ("tribal" or "trust" land set aside by the government for the Kikuyu and distinct from the "scheduled" areas alienated from the Kikuyu for European settlement) spilled over into Embu District, thus conditioning policy there and eventually affecting the Mbeere. Population pressures in the Kikuyu reserves and a quest for more secure tenure spurred many Kikuyu to migrate into Embu District. In the wake of this population movement, serious problems of unauthorized land sales developed, especially when particular individuals sold portions of lineage land without permission from their agnates. Growing pressure on land and an increasing monetization of land transactions, together with numerous complaints about secret sales, spurred the local native council to take action, but all its efforts failed to stem the tide of land sales and the increasing tendency toward private, individual gain at the expense of the corporate concerns of the lineage.

In their assessment of the agrarian trends in Embu District, various colonial administrators failed to appreciate that custom itself included spirited individual action built into such traditional activities as council service, which rewarded the most skilled councillors with prestige and gratuities (Government of Kenya 1945). The elders' councils of the age organization thus preadapted the Mbeere and their neighbors to the competitive individualism accompanying the developing cash economy, the growing monetization of agricultural transactions, and the increasing capitalization of the economy by European settlers. The people of Embu District and Kikuyuland were not interested in the constraining power of custom to maintain the government's vision of the past but rather wanted to avail themselves of the same kinds of opportunities enjoyed by Europeans. These included security of tenure, cash crop production, and the accumulation of capital—goals that introduced new sources of social differentiation based on relative wealth and landholdings.

Because government land policy followed a dual course—European and African—developments in the African areas which smacked of entrepreneurial speculation or other individualized efforts at maximizing income or capital were discouraged. In this way, the ready supply of African labor was guaranteed, for Africans simply were prevented from taking advantage of opportunities available to European farmers. District reports thus regularly express alarm at the mounting evidence of African land speculation and differential holdings. European agricultural development was to proceed on an individual basis, while African development was envisioned in corporate terms. Thus Europeans enjoyed freehold tenure in the highlands from the earliest days of colonial rule. Africans, on the other hand, living on native reserves or trust lands, were expected to utilize land in conformity with the government's view of customary tenure; that view considered indigenous land tenure in communal terms. Before the 1950s, African efforts to gain individual title along lines established for the European areas came to naught as the government sought to control individual aspirations of African farmers. Government emphasis on "traditional authority" and "custom" stemmed from this dual policy and its goal of holding individualism in check. In this way, the African population could be consigned to trust lands whenever African farms were alienated to Europeans; individual grievances were thus submerged as the government simply added more land, usually less desirable, to the trust areas (Sorrenson 1967:22-24).

Despite the government's wish to bolster community controls, land acquisition and sale in the African areas continued unrestrained, with chiefs and other salaried individuals, especially those in the lower echelons of the civil administration, effectively exploiting available opportunities. Despite government efforts to constrain spirited individualism from manifesting itself in land sales, the process of rural class formation was under way by the 1930s.

INDIVIDUALIZATION OF LAND RIGHTS

Land tenure reorganization, which began in the 1950s in Kikuyuland, was intimately tied to British attempts to quell the Mau Mau movement. The consolidation of dispersed fragments of land into a single farmstead and the registration of this land were the centerpieces of the new government program. Articulated in the Swynnerton Plan (1954), the reforms began a series of alterations in the rural landscape which had been under consideration since the 1930s. The crisis of martial law, the Emergency, set in motion a series of policies designed to undercut the appeal of the Mau Mau movement. By providing registered titles to consolidated holdings, the government hoped to reward African loyalists and remove the causes of the insurgency—land tenure insecurity, crowding in the reserves, and the frustrations of a people oriented strongly toward economic achievement.

Along with these changes, the government planned that agricultural credit would be made available to farmers who pledged their newly acquired land titles as collateral in order to improve farming and increase productivity. Previous concerns about rural entrepreneurs acting independently of kin and the creation of a landless class dissipated as the government reversed its earlier policy (Swynnerton 1954:10). With some differences of emphasis, the changes promulgated in the Swynnerton Plan have continued to inform much thinking regarding rural development in the years since Kenyan independence.

Government-sanctioned land tenure change began in Mbeere in 1968. Before that time, Mbeere remained relatively unaffected by the Swynnerton Plan, which had been aimed at Kikuyuland and the areas of Mau Mau insurgency. The Mbeere, however, were little affected by the Mau Mau movement; their land had not been alienated to Europeans, and consequently the critical grievances precipitating the movement never developed among them. But the agrarian transformations taking shape in Kikuyuland in the wake of the Mau Mau soon became enshrined in a series of legal statutes enacted following independence. These transformations included land demarcation, adjudication of outstanding disputes under customary law, and registration of land titles to individuals.

Before 1968 and the formal commencement of land registration in Mbeere, a few men took advantage of the availability of loans, and the record of these loans was to have profound implications for subsequent land adjudication. To have secured a loan in the 1960s was tantamount to proof of uncontested "ownership," since at that time the land in question could otherwise have been the subject of dispute.

Loans were to be provided by the government-sponsored Agricultural Finance Corporation, which defined a "large-scale" farmer as one with "fifteen acres of land and able to produce five hundred pounds income after the loan" (Government of Kenya 1966). Taking advantage of the new loan opportunities, a few lineages and coalitions of agnates from different lineages of the same clan corporately awarded land to a single member seeking a loan. In one case, for example, a chief and some of his clanmates used land as collateral to secure an agricultural loan, and they did so without the objection of neighboring farmers of other clans, who only later contested the transaction when they learned that their tacit support constituted strong proof of "ownership" by the chief's group. The chief and his agnatic kin also obtained a grant of over 1,600 Kenya shillings from the British-American Tobacco Company, which eventually established a tobacco nursery on the land. This type of evidence proved pivotal during the subsequent period of land adjudication; in complementing more customary forms of testimony such as genealogical recitation, evidence of loans nearly guaranteed successful case outcomes. As a result, individuals of other agnatic groups, who had farmed portions of this same land over the years when "ownership" was inconsequential, found themselves vulnerable to eviction. The granting of loans between 1963 and 1968 continued a process of differential reward which had begun during colonial rule. The initial beneficiaries of the loan program for increasing agricultural output were the chiefs, other government functionaries, or those with agnatic bonds to such people of influence and relative wealth. Chiefs, especially because of their

positions of influence and power, gained rewards in support and salary from their collaborative services in the civil service administration. The government regarded these people as possible models of progressive farming, who would build on a new system of private control of land, although even more dramatic rural stratification would ensue in Mbeere.

Although changes in landholding have been intimately tied to Kenya's economic development plans, the program threatens the security of a considerable number of its people. Fear of land loss has pervaded the high-potential areas, as a complex, interlocking series of land suits have been filed in the tribal court since Mbeere was declared a land adjudication area in 1968. As one of its goals, land legislation sought to curtail litigation, thus saving farmers considerable time and money. But the program itself stimulated an unprecedented number of suits. Amidst the legal tangle of conflicting claims, most informants feared that they might ultimately be given title to smaller holdings than they had been cultivating under customary land tenure rules or that they might lose their land altogether. All agreed that the Mbeere people had never experienced land shortages; hence the prospect of a marked disparity in land distribution among them, including the possibility of landlessness following land tenure change, has been especially appalling.

The monetization of land transactions, the growing cash value of the land itself, the prospect of gaining freehold tenure, and the independent actions taken by administrative functionaries and others with cash incomes or access to political influence have led to new patterns of self-seeking unknown in the past. In the 1970s, a casual visitor in the high-potential areas might see signs outside of homesteads warning "Fierce dog" and other signs clearly but forcefully proclaiming "No trespassing." People not only fear their neighbors' intentions regarding land claims but also express great concern that even their clanmates may be conspiring to seize large portions of land at their expense.

CONCLUSION

Nguthi sublocation comprises an area of 56 square kilometers with a population of some 6,000 people. By the mid-1970s, approximately 4,000 hectares of land had been registered. Holdings ranged from .20 hectares, a minimum set by law, to more than 25 hectares. Large landholders tended to control nonconsolidated multiple plots. Of approximately 1,800 registered pieces of land, the average garden was less than 2 hectares in size. After completion of the land registration, it thus appears that most farmers will cultivate subsistence plots; many farmers will gain title to more than one piece of land, but the total size of most farmers' holdings will fall below 6 hectares. Because of natural increase as well as the migration of people from lower elevations to the high-potential areas, pressures on land have grown intense; thus the population of the research site increased from about 4,000 to 6,000 between 1969 and 1979. The rate of population growth also threatens to reduce further the amount of land each man holds if customary inheritance patterns giving land to each son are not altered. On the other hand, inheritance by primogeniture or some other restrictive mechanism will facilitate the creation of a class of more or less permanent rural workers laboring for the better-off landholders or in the nonfarm rural economy, which remains very small. Others will participate in the long-term rural-urban migration to seek employment in the city.

Many people deprived of good land continue to appeal pivotal case results from the land adjudication proceedings. Although some adjustments are occurring, the prevailing pattern I have described is unlikely to change. The small group of large farmers, controlling more than 20 hectares each, stands to gain most from the various development schemes and loan plans. The second and largest group, composed of farmers owning subsistence plots, will lead their economic lives much as before. A third group will have lost land through the adjudication process and will either work for wages in the rural economy or seek land in the less desirable areas. A process of rural class formation, which began in colonial days, thus continues to transform a

traditional subsistence economy into one increasingly bound to development strategies oriented toward capitalist production, bringing with it inevitable and often dramatic wealth differentials.

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