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## Colonial Policies and the Rise of Transactional Sex in Kenya

By Felix M. Muchomba<sup>1</sup>

### Abstract

The literature on the role of policy on prostitution has focused on criminal law, largely ignoring economic and urban policies. This article examines the emergence and development of prostitution in Kibera—an informal urban settlement in Nairobi, Kenya—and the role played by government policy. Records show that a rapid growth in prostitution accompanied Kibera's transition from a military exercise ground to an informal settlement. Drawing on primary and secondary historical sources, this paper argues that colonial government policies of land alienation, taxation, and inequitable urban housing created a social context that promoted the migration of women into Nairobi and into Kibera, with many turning to prostitution. This paper therefore highlights an important but understudied role of economic and urban policies on prostitution.

*Key Words:* Prostitution, Colonialism, Nairobi.

### Introduction

The policy debate surrounding prostitution has focused on the merits and demerits of three government approaches—prohibition, regulation, and decriminalization—and has largely ignored economic and urban policies in spite of their importance in shaping sexual and gender interactions (Carabine, 1992; Harcourt, Egger, & Donovan, 2005; Lundberg, Pollak, & Wales, 1997). Additionally, the regulatory frameworks under consideration focus on whether or not to penalize the prostitutes or the pimps or the clients, or a combination of these groups (Scoular, 2010). Although these frameworks are often considered to be diametrically opposed, researchers who find that seemingly divergent approaches, such as criminalization and legalization, can produce similar forms of prostitution question the conventional wisdom (Scoular, 2010). The disconnect between the intended and realized effects of prostitution policies has led to some researchers questioning, entirely, the relevance of government policy to prostitution (Agustín, 2008). This paper contributes to the literature on the role of policy on prostitution by drawing on historical evidence to argue that economic and urban policies played an important role in the emergence and growth of prostitution in Kibera, an informal urban settlement in Kenya, in the 1930s. Additionally, studies that look at how cities shape the lives of women have traditionally represented women as exceedingly constrained by the male-centric urban environment (Bondi & Rose, 2003). While this paper highlights ways in which the urban environment constrained women in the colonial period it also documents how they contested and negotiated their positions in the urban environment.

One of the many issues brought to the 1932 Kenya Land Commission was what to do with Kibera and its residents (Carter, Hemsted, Wilson, & Fazan, 1934). The commission

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surveyed the settlement and reported that half of Kibera's household owners were women, with many of them working as prostitutes (Carter et al., 1934; Parsons, 1997). Whereas it is likely that the proportion of prostitutes reported was inflated by a loose definition of prostitution, evidence from several sources supports the existence of prostitution in Kibera in the 1930s. This article examines who these prostitutes were and the contextual factors that drove them to Kibera.

The term, "prostitute," usually connotes a person who derives his or her livelihood primarily from exchanging sex for money and who self-identifies as one. The more recent and more general term—sex worker—suggests a similar implication (Weitzer, 2009). Transactional sex in Kibera in the 1930s involved not only women who self-identified as prostitutes, but also women who were in long-term relationships largely motivated by money. Also included were others who derived only a portion of their income from trading sex and the majority of it from other sources such as rentals and the sale of gin (Smedt, 2009). Therefore, I opt to use *transactional sex* to better capture the scope of what was happening in Kibera.

Transactional sex in Nairobi, including the "more professional" sex work, did not appear first in Kibera. The earliest written account of sex work in the city dates back to 1911 when there is record that "native prostitutes" rented Indian-owned houses situated on the edge of a swamp between the Nairobi River and the colonial government offices (Bujra, 1975). Furthermore, historical accounts from Pumwani and Pangani (other African settlements in the Nairobi area) indicate that transactional sex was common in other settlements prior to the 1930s (Bujra, 1975; White, 1986). However, transactional sex in Kibera is unique in its deep connection to the histories of the people who settled there and the role that government action played.

Women who engaged in transactional sex in Kibera likely moved into Nairobi due to personal reasons. Janet Bujra (1975) recounts stories of women who left their homes in rural Kenya due to spousal abuse or to escape forced marriages. Others eloped or were deceived into following strangers into Nairobi only to be neglected by their suitors after arriving at Nairobi. Then there were a few who moved due to loss of a spouse or parents. However, women without kith or kin were an oddity in an area where many communities supported widows and orphans. Many cases involved the women following a mother, aunt, or sister who was already living in Nairobi.

However, looking only at personal reasons neglects the social context of Kibera, Nairobi, and of the colony. The few historical studies on Kibera that have been published do a sound job of recounting how the colonial government handled, or rather, mishandled, the original occupants of the area (Parsons, 1997; Smedt, 2009; Smedt, 2011). Although the colonial handling of residents of Kibera certainly influenced the rise of Kibera as an informal settlement, the literature has not examined the development and nature of transactional sex in the settlement during the colonial period. In this article I look at pertinent colonial policies in order to gain more insight on the origin of transactional sex in Kibera and, therefore, I shed more light on the context around which Kibera, initially a military training ground, turned into an informal African settlement.<sup>2</sup> I look at three policies enacted by the colonial government in Nairobi and in the rest of the country that, I argue, led to an influx of people into Kibera and to the emergence of a social context that engendered transactional sex (including sex work).

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<sup>2</sup> Various definitions for informal settlement exist. The United Nations defines informal settlements as: i) residential areas where a group of housing units has been constructed on land to which the occupants have no legal claim, or which they occupy illegally; ii) unplanned settlements and areas where housing is not in compliance with current planning and building regulations (unauthorized housing).

## **Kibera**

By most standards, Nairobi is a young city. In 1896, Nairobi was merely a trading center and a staging depot for oxen and mules roughly halfway along the road that connected Mombasa, on the Indian Ocean, and Kisumu, in the landlocked Uganda Protectorate (Kobiah, 1978; Smedt, 2011). In 1899, the Mombasa-Uganda railway reached Nairobi, and George Whitehouse, the railway's Chief Engineer, noted that the location's comfortable climate and level ground would provide an excellent site for administration (Gatabaki-Kamau & Karirah-Gitau, 2004). That year, the railway headquarters was moved from Mombasa to Nairobi and a provincial headquarters was also set up. Nairobi grew quickly and, by 1906, there were about 11,000 people living in the township (Obudho, 1984).

In about 1904, the barracks of the King's African Rifles (KAR) were moved to the area that is now Kibera. A 4,200-acre area adjacent to the barracks was allocated to the army as a military exercise ground in 1918 (His Excellency the Governor of East Africa, 1918). This was the ground that the Nubis settled on. The Nubis are a people with a complicated history that traces its roots through Uganda and Sudan. They came to the East African Protectorate (now synonymous with parts of present-day Kenya and Somalia) as soldiers in the KAR. Having lived a military lifestyle for decades and having been disconnected from their original homeland, the Nubis identified with neither Sudan nor the people around Nairobi. Retirement from the army therefore meant they had no place to return to. Fortunately, their service to the crown earned them a place of honor, and retirees were allowed to settle down in the military ground and were exempted from paying either the Hut or Poll Tax for life. Settlement was officially allowed in 1912, and in the next year 101 settlement passes were issued (Parsons, 1997; Smedt, 2011).

From 1913 and through most of the 1920s, the Nubis had every reason to be grateful for Kibera. Kibera was well watered with many rivers crisscrossing the forested area. They settled in clusters on the higher grounds of Kibera, away from the rivers. On the river valley slopes they grew crops, and on the outskirts of Kibera they grazed their livestock. Land was plenty and the retirees and their wives and children lived comfortably and came to call the area *Kibra* (a forested or bushy place) (Parsons, 1997).

The Nubis were financially better off than many of the Africans who were native to colonial Kenya. They grew their own food, and some opened shops in Kibera. Nubi women brewed a gin that was sold to people around Nairobi. During the First World War, many of the veterans and their sons left to fight in the KAR. They once again earned the commendation of Britain: they were regarded as a "better-class African", "with a capacity above that of the ordinary African" (Smedt, 2009, p 204). The demobilization that succeeded the war saw many of the younger Nubis leaving the army to look for work in the town. The higher status they enjoyed in the eyes of the colonial government officials earned them decent jobs after they left the military. Many Nubis worked as policemen, guards, or clerks in the colonial government (Smedt, 2009).

Trouble for the Nubis erupted in 1926. As the world's economies slipped into a depression, the British government trimmed the KAR budget. Administration of Kibera was one of the casualties, and in 1926 the KAR commander withdrew the settlement passes. The colonial government, which now saw Kibera as a prime location that was close to the town center and therefore ideal only for the most privileged people—whites—to settle in, started making plans for the gradual removal of the Nubi. Government officials declared that Nubis had no claim to the land and KAR agreed to not issue any more passes. The government also declared that the

Nubis would be resettled after the planned relocation of the KAR headquarters to Meru (140 miles away) in 1928 (Parsons, 1997).

When the KAR headquarters was relocated in 1928, Kibera was handed over to civil administration. Now the Nairobi District Commissioner oversaw the area. Numerous attempts and plans were drawn up to remove the Nubis from Kibera and clear up the land since the British now saw it as too precious for African (including Nubi) settlement. The Nubis fought against all the attempts and, except for large chunks of Kibera land being hacked off for use by the white settlers, the Nubis succeeded in staying on the land (Parsons, 1997).

However, the relocation of the KAR ushered in a different set of changes to Kibera. Up until 1928, Kibera's population grew only gradually. Under civil administration, Kibera's boundaries became very porous, and there was an influx of non-Nubi Africans moving into the area. By 1934, it is estimated that the Kibera population was between 1,500 and 1,700. This is a surprisingly large number considering that only 291 settlement passes had been issued by 1934. Certainly, included in the estimate were the wives and children of the pass holders; however, family members of former soldiers with KAR passes were not numerous enough to account for the entire population. An estimate from the 1932 Kenya Land Commission put the number of non-Nubis in Kibera at two-thirds of the total population with 320 of the 571 houses owned by non-Nubis (Carter et al., 1934). The commission further reported that many of the women in Kibera were "prostitutes" (Parsons, 1997; Smedt, 2011). According to the commission's report, these "undesirable" women owned a large number of the houses in Kibera:

More than half of these householders are said to be women, of whom the majority are of undesirable character. ... One of the reasons for wishing to abolish the native settlement at Kibira is the desire to be rid of a somewhat disorderly location, and to effect a distribution so that those natives who can justify their presence in the town should go to Pumwani; undesirables should return to their reserves; and the residue of Sudanese [i.e. the Nubi] should be moved into a garden suburb or village settlement within reach of Nairobi, where they might cultivate in security (Carter et al., 1934, p.171-173).

These undesirable women, the commission asserted, had to be removed. According to the commission, "The urgent part of the problem [was] to deal with the natives who have entered the location [Kibera] without authority and [were], for the most part, leading disorderly lives." Eviction of the non-Nubi was deemed "urgently required in the interest of general discipline" and therefore the commission did not "think that there [was] any obligation to allow any further houses to be built." For the Nubi, however, the commission "recommended that all existing Sudanese householders [had] right to be compensated" and that "there [was] perhaps less need for haste" to evict them (Carter et al., 1934, p. 173).

Not only were non-Nubi women undesirable, they were thought to harbor Nairobi criminals. Consequently, the deputy Governor also supported their eviction:

The nucleus of the inhabitants are old men and widows, strict Muslims according to their lights, detribalized, deruralized, and obviously incapable of being accommodated anywhere but near a town. Such veterans are mainly ex-soldiers, porters, and personal servants...who played a useful and honourable part in the pioneering days...Round this respectable nucleus have gathered...natives,

generally from local reserves, who live by their wits and on their fellows. Retired prostitutes have set up lodging houses, which are also brothels and refuges for the criminal classes....nearly all are undesirable in Nairobi. Most have assumed a veneer of Islam but the tenuity of this can be judged by their addiction to illicit brewing and drunkenness. They are neither detribalized or completely deruralized: they prefer the amenities of town life which gives them a greater scope for their criminal proclivities....I see no reason why they should be encouraged or permitted to live in Nairobi to prey on the working population (White, 1990, p. 134).

The urgency to remove the non-Nubi women involved in transactional sex was compounded by their opinion that they were rapidly reproducing and consequently filling up Nairobi with immoral offspring. In 1931, the District Commissioner of Nairobi stated, "The old Nubian is a man to whom the colony owes much, but the second generation and the hybrids arising from mixed unions are degenerate." He added that there was, "all over Nairobi a race of detribalised natives, born to prostitutes, ...who cannot be sent home as they do not know to what reserve they belong, or have lost all desire and even the means to live in the reserve to which their fathers belonged." Nairobi, he said, "had no place for these parasites (Van Zwanenberg, 1972, p. 36)." The only hope "that their children could grow up to be decent people" was to send them back to the rural settlements (White, 1990, p 134). Otherwise, the state officials believed, if the children of these undesirable women "continue living in town there is little hope of that" (White, 1990, p. 134).

### **Transactional Sex**

Who were these women and how did they come to Kibera? The foremost explanation would point to intermarriage of the Nubi men with women from the local ethnic groups, such as the Kikuyu. There is some evidence that some Nubis intermarried with local ethnic groups. These women, being "outsiders" might have been regarded as prostitutes by the colonial government. However, intermarriage was at a small scale in the 1920s.

The rest of the non-Nubi outsiders fell into several broad categories. First, there were the house-helpers and farmhands who worked for the Nubis. Many of these people lived in huts in the farms (away from the Nubi compounds) or in sheds in the Nubi compounds. Over the years, they got married and started families. Other people (mainly from the Kikuyu ethnic group) were allowed to live in Nubi farms in Kibera in return for a portion of their harvests. They often lived on the river valley slopes. One estimate reports that 112 Kikuyus were working for the Nubis as sharecroppers in 1935. Some of the house-helpers were alcohol (gin) brewers, who the civil administration considered to be extremely deviant. They lived in abandoned houses or in the forest or in sheds in the Nubi compounds. They were hired by Nubi women to provide labor for the gin distillation process, which, due to frequent raids by police, was increasingly being carried out in the forest and at night (Parsons, 1997; Smedt, 2009).

There were also people who came into Kibera and stayed only for the day. These were often traders who brought clothes, utensils, vegetables and various other produce. Usually, men sold clothes and utensils; and women, who were mainly Kikuyu, sold food produce. The women would walk from nearby Kiambu and return by the end of the day (Smedt, 2011).

However, tenants comprised the majority of outsiders in Kibera. Initially, there were few accommodations in Kibera. Often it was provided as a favor and not as a rental business. However, as the influx of migrants into Nairobi continued, some Nubis capitalized on the housing shortage. Some added extra rooms and others created private entrances to already existing rooms in their houses. The first tenants to occupy these rental rooms were mostly men who worked for Europeans who lived in nearby expatriate neighborhoods (Smedt, 2011). Another group of tenants were women who engaged in transactional sex. They often lived in abandoned houses and were sometimes taken in by aged Nubi men as concubines or caretakers (Carter et al., 1934). Some rented rooms from Nubi women, who would build temporary structures to house them.

It does not appear that the women who engaged in transactional sex were working under pimps or organized into brothels. Colonial officials often regarded the rental units as brothels and the landlords as brothel managers. However, Nubi landlords, who were often women, did not control the transactions of their tenants. Women engaging in transactional sex acted independently (Bujra, 1975). The women were probably also not organized into a group. The only form of organization would probably have been cases of women who had been in Kibera for a long time who were assisting those arriving who were of the same ethnic group or who were coming from their original villages. This appears to have been the case for women from the Nandi ethnic group, who lived in another larger African settlement in Nairobi (Bujra, 1975).

Many of the women provided domestic services to men, which sometimes included sexual intercourse, in exchange for money and gifts. During a visit, a man would get a place to spend the night, cooked food, and some company. Company was hard to come by in the 1930s because the housing policies forced men to leave their wives and families behind when they moved to Nairobi. The women did not go openly looking for men, but as was the case in other African settlements, men coming into Kibera, probably drawn by the growing reputation of its gin, would visit houses that were occupied by the women (Smedt, 2009; White, 1986), as one woman recounts:

They knew that the house belonged to a woman who never had a husband, so they knew it was a safe place to come because the owner had no husband to beat them. If a man saw me and liked me, then he would come to my door and knock and ask to come in.... The best way to find men was for them to come to your room and you talk, you make tea for them, and you keep your house clean, you keep your bed clean, you have sex with him, and then he gives you money...I didn't go openly looking for men, and men came to my house with respect. No one could tell that they were boyfriends and not my husband just from looking (White, 1986, p. 259-260).

The forms of transactional sex that the women engaged in underwent several transformations in the late 1920s and early 1930s. First, daytime visits called "short-time" emerged (White, 1990). A nightlong visit to a woman (called "full-time") was beyond the financial reach of most men in Nairobi. Consequently, women became available for the less lucrative short-time visits. During a short-time visit, a man could receive sex and a small amount of food or food and a conversation. As one woman recounted, the provision of more domestic services and maintaining repeat customers were ways to improve the profitability of short-time visits:

If you spoke to these men, and told them about yourself, and kept your house clean, and gave them bathwater after sex, he would give you a few more pennies, and if he liked you he would come again, and if he came again, even to greet you, you would give him tea, and if he came again for sex you would also give him tea, and then he would have to give you even 75 cents. ...If a man knew you and came to you regularly, he could give you as much as a shilling, but if he was a stranger to you it would be 25 cents (White, 1990, p. 57).

The second transformation to transactional sex was the emergence of street-based sex work. According to White, there are no references to street-based sex work in Nairobi between 1925 and 1928 (White, 1990). Starting in 1928, Nairobi experienced an economic boom and the number of employed African men increased. With the boom, Nairobi saw an emergence of street-based prostitution with African women affording to rent houses around Nairobi even at high prices (White, 1990). These women could walk around town looking for men and return to their homes in the town. The final transformation in transactional sex practices was the shift away from domestic services and towards sexual services. Women who engaged in transactional sex in the late 1920s often emphasized their domestic services. They thought that it was their submissiveness and cleanliness that earned returned visits and therefore more money (White, 1990). In the 1930s, however, sexuality and provision of sexual services became the focus of the women. Indeed, women who started engaging in transactional sex after 1930 rarely mentioned the importance of domestic services such as cooking and cleaning (White, 1990).

Who were these women's clients? Initially, clients were primarily African men who were either self-employed (e.g., householders and merchants) or skilled service-sector workers (e.g., house servants and gun bearers) (White, 1990). These were the few men who earned enough to pay for full-time visits. Men with clerical jobs (e.g., with the municipal native council or the railways) could also afford full-time visits but not as frequently as the self-employed and the skilled service-sector workers (White, 1990). However, with the emergence of short-time transactional sex, it is likely that the clientele of the women became more diverse.

The economic boom and the emergence of street-based sex work saw Europeans and Indians also engaging in transactional sex (White, 1990). A visible part of the economic prosperity was the increase in the number of automobiles in Nairobi. The automobiles, which in 1928 were exclusively owned by Europeans and Indians, enabled the owners to find women and take them to a place where they could engage in sexual relations (Joelson, 1934).

The final group of men who visited Kibera women was comprised of individuals drawn to the settlement by its liquor. By the 1930s, Kibera was well known for its illicit gin (Smedt, 2011). The Nubis had started to sell their gin as early as the 1910s and produced ever-larger quantities, attracting many non-Nubi Africans, especially on the weekends (Smedt, 2011). Gin production increased in the 1930s despite increased fines, prison sentences and more frequent "liquor raids" by the police (Smedt, 2011). Production of the liquor and engaging in transactional sex were often thought to go hand in hand (Parsons, 1997).

Transactional sex and gin consumption exacerbated the already negative image that colonial officials had of Kibera and non-Nubi Africans. For instance, a 1936 article in the *Sunday Post* reported that "Drunkenness is rife every weekend all over Kibera" (Smedt, 2011, p. 159-160). The issue with gin consumption, according to the District Commissioner of Nairobi, was that "drunken natives staggering about the main roads of Nairobi every weekend and many



evenings during the week” were a nuisance in the town (Smedt, 2011, p. 159-160). The identification of the gin drinker as a “nuisance”, along with the view that “it is not the resident native of Kibera that is seen drunk, but it is the Kikuyu, a Kavirondo cook, houseboy labourer type”, hastened the need to remove non-Nubi from Kibera, in particular the gin-producing and sex-selling women (Smedt, 2011, p. 159-160). Transactional sex in Kibera and in other African settlements irked the Nairobi administration. Indeed, one of the arguments that the administration employed to support the removal of Africans from Kibera and other settlements around the town was to control sexually transmitted diseases. So concerned were the officials that one of the first administration-funded buildings erected in Pumwani was a venereal diseases clinic (Bujra, 1975).

### **Colonial Government Policies**

The rest of this article is devoted to exploring colonial government policies that promoted the arrival and settlement of these women into Kibera. The colonial government had three economic priorities: acquisition of arable land; establishment of an income base for the government; and the creation and mobilization of labor. White settlement and agriculture required extensive amounts of land and labor. The government also needed labor to build infrastructure and to staff the administration of the colony. Addressing these priorities required government intervention. And this had to be done profitably (Ochieng & Maxon, 1992).

These governmental economic priorities were interrelated and policies devised to address one often addressed another. One of the earliest government interventions, outside of military activity, dealt with the land issue. In 1902, the government enacted the Crown Lands Ordinance, which provided for the colonial government to grant land that did not contain African settlement to white settlers. White settlement was encouraged and promoted, and already by 1922, the Lands Department was reporting that there was no more land left (Morgan, 1963). There were instances where the already oppressive ordinance was abused, resulting in unjust alienation of land and seizure of livestock (Benschop, 2002). By the mid-1930s, a third of all usable land in Kenya was under white settlement (Ochieng & Maxon, 1992). Land alienation also involved the labor issue. Without arable land, the central means of economic productivity, Africans were compelled to enter the wage labor market.

In addition to land, taxation was another important avenue of colonial government intervention. Leonard Barnes (1939, p. 175), p, a British anti-colonialism journalist wrote in 1939:

Wherever and whenever British government was set up over African tribes, the first preoccupation of the Governor was to make the Africans concerned pay the cost...What is more, these newly established colonial governments wanted to make their collections and extractions in cash. It is rather embarrassing, if you are a new government, to have taxation paid to you in goats and cattle, and tax payment in kind, though occasionally permitted, is always discouraged at the earliest opportunity. But the use of coined money was nowhere known in tropical Africa before the coming of the Europeans. So, if Governments were going to stipulate for payment in cash, there was only one thing they could do. That was to put money into the hands of Africans, and then take it away again.

This sarcastic but telling remark points to the Kenya colonial government's need for money and explains its resultant actions in the colony. The government instituted the East Africa Hut Tax Ordinance as early as 1903 and, later, in 1910, the Native Hut and Poll Tax Ordinance (His Excellency the Governor of East Africa, 1910). The hut tax was an amount levied annually on every occupied hut in the colony. The poll tax, on the other hand, required that every African male over the age of 16 who did not pay the hut tax pay a similar amount regardless of his ownership of property. Initially, women were excluded from taxation, but by 1934 all women were forced to pay hut tax if they owned any huts (His Excellency the Governor of the Colony and Protectorate of Kenya, 1934). The only way for an African to pay these taxes was to either join the labor work force or to sell products for which a market existed (Barnes, 1939). With no opportunity to acquire land on which to produce crops for sale, Africans were forced into the labor market.

Land alienation and taxation led to migration. Many Africans left the areas designated for African settlement to become squatters on farms now owned by white settlers. Over time, as the squatter population grew due to more Africans moving into white farms and due to younger generations reaching adulthood, there was less and less land available for squatters. By the late 1920s there was a second wave of migration; this time it was squatters moving out of the settler farms. It is remarkable how extensive the migrations were and how large the population of people who remained as squatters was. It is estimated that of the fewer than five million people in the colony, 120,000 were still squatters in 1930 (Martin, 1949). According to Ochieng and Maxon (1992), this meant that 20% of settler land was occupied by squatters. Eventually, many African men and women moved to Nairobi in search of work, with the African population in Nairobi growing from 6,351 in 1906 to 26,761 in 1931 and then to 65,939 in 1948 (Obudho, 1984).

Nairobi attracted men and women in search of work. In the early 1920s, the town already had a high demand for unskilled labor. This demand rose drastically after 1926 when a construction boom hit Nairobi. Furthermore, public expenditure in Nairobi quadrupled between 1926 and 1930, further increasing the demand for workers (Hake, 1977). Nairobi, in the late 1920s, enjoyed high employment rates; 20,000 adult African males were in registered employment out of the 25,000 Africans in the town (Hake, 1977). High wages in Nairobi further increased the migration of people into the town. For instance, a house servant in Nairobi, after the mid-1920s, sometimes earned three times as much as a man doing the same job in a nearby rural area (Clayton & Savage, 1975).

On arrival to Nairobi, they found a new set of challenges. From its establishment, Nairobi Township was meant to accommodate Europeans. Africans were to come in only as temporary laborers, and therefore only minimal provisions were created to accommodate them. Most Africans lived in villages beyond the township limits. (Kileleshwa, a village within the town's boundaries, was an exception.) Africans were not allowed to construct houses in the township, and it was only after 1922 that they could build homes in Pumwani (His Excellency the Governor of East Africa, 1920). However, the cost was prohibitive and only 317 houses had been built in Pumwani by 1929. It is estimated that about 42% of these houses were owned by women. Bujra, who interviewed most of these women landlords in 1971, reported that majority had engaged in transactional sex at some point in their residence (Bujra, 1975). Unfortunately, Kileleshwa, being within the town, was considered too valuable for African settlement and was demolished in 1926. This British act of demolition limited the accommodations for Africans in

the town. The influx of migrants into Nairobi and the limited housing options created a housing shortage (Anderson, 2001).

In addition to scarcity of housing, the quality of housing units for Africans was very poor. The racially segregated zoning left Africans living in squalid conditions, as reported by Dr. J. Isgaer Roberts (1936, p. 471), a medical entomologist:

African locations, have premises conforming more or less to a type. The municipal laws do not allow any building to be roofed with grass or other vegetable matter, so that every roof in these areas is built of iron in some form or another, such as corrugated iron or beaten out petrol tins. The walls of most of the houses are made of poles and mud, but sometimes pieces of tin are used for filing in purposes. The floors of all houses are formed of the normal soil of the area, well trodden down in the centre of the huts but loose below the walls. In this area the rats nearly always live in earth warrens.

European locations on the other hand were much better:

buildings...occupied by Europeans...vary in construction, some being of stone and some of corrugated iron, but most have iron roofs....There are few rat-attracting foodstuffs and rats are scarce.

Kibera, being close to the town, emerged as an attractive housing and employment option. The withdrawal of the military led to relaxation of the administration of Kibera, which meant people could move into Kibera without scrutiny from the government. Furthermore, the poll tax was not collected in Kibera until 1946, which made the area extremely attractive to the migrants who arrived in the township in the 1930s. The Nubi, who occupied a privileged position, were also financially better off, and they could provide employment, accommodation, or both to the migrants (Parsons, 1997).

## **Consequences**

The influx of “prostitutes” and outsiders, and the growth of Kibera that resulted pushed Kibera further into trouble. The government embarked on a policy of neglect, hoping to make Kibera unlivable and thereby drive the women and the rest of the residents away (Smedt, 2009). Kibera slid gradually into poverty but continued to grow in population, defying the hopes of the administrators (Parsons, 1997).

The neglect was most readily demonstrated in the shortage of clean water. In 1937, most of the nearby springs ran dry, mostly likely due to drought (Anderson, 1984). The Kibera residents had to turn to the unreliable Athi River for drinking water. The Nubis asked the government to establish a permanent water supply, but the request was turned down. Instead the government offered to assist the residents to relocate to legal African settlements where there was water (Parsons, 1997). The District Commissioner for Nairobi argued that provision of water would promote illegal activities in Kibera and in particular production of gin:

The process of manufacture of Nubian Gin requires large quantities of water both for the making of ‘wash’ and for cooling the distillation plant. No doubt the

Municipal [water] supply would be ideal for this and probably would produce a purer quality and better flavoured beverage than is produced at present. While of course it would guarantee a steady output regardless of weather conditions (Parsons, 1997, p. 103).

The policy of neglect was also applied to schools and other amenities. For instance, Reverend Leonard Beecher, the Legislative Council Member for African Interests, observed in 1944 that the educational needs of Kibera's 200 to 300 hundred children were unmet since the area's only government school was closed down. He attributed the area's high crime rate to poverty and lack of education, and argued for rehabilitation:

The place is really a most awful slum; the roads are bad, the housing disgraceful, and the whole place filled with an air of neglect.... Indeed, it is only by a rebuilding of Kibera, with the erection of clubs and social halls and schools, under the charge of a European location officer that I consider that the menace of Kibera to Nairobi can be reduced (Parsons, 1997, p. 105).

Continued neglect led to more freedom to engage in transactional sex. Soon, Kibera was synonymous with prostitution, illegal brewing, and bootlegging. Kibera's reputation as an "easy outlet for liquor and women" attracted large numbers of men from Nairobi and surrounding areas (Parsons, 1997, p. 104). In 1936, the "Plain Speaking" column of the *Sunday Post* placed the blame for Kibera's "disorder" on the civil administration (Parsons, 1997, p. 99). The column argued that the administration had allowed "Kibera to fill up with all the rag-tag and bob-tail of East Africa, and among this scum the decent old sober-living Nubians, who have given the best part of their lives to the service, [were] compelled to live".

However, by the late 1930s, the Nubians had started losing the respected position that they enjoyed. A 1938 editorial article in the *Kenya Weekly News* ridiculed the Nubis' claim that they were not responsible for illegal activities in Kibera (Parsons, 1997). In that same year, a police post was established in Kibera to deal with drunkenness and crime in the settlement (Parsons, 1997).

Transactional sex in Kibera and other parts of Nairobi also came to be associated with syphilis. Medical authorities became alarmed when the number of syphilis cases in Kenya more than doubled, in the late-1930s. They surveyed 645 African domestic servants Nairobi and the surrounding areas and found that 230 (36%) of them were infected with syphilis (De Mello, 1948; Gachuhi, 1973). The survey reported the following breakdown of syphilis cases among women: 1) 45% of patients were Swahili, Somali, Abyssinians and Nubi (many of whom were "prostitutes from Uganda"); 2) 25% of patients were of Nandi and Luo ethnicity; 3) 20% were of Maasai and Kamba; and 4) 10% were Kikuyu women (who "were mostly prostitutes") (De Mello, 1948, p. 14). These statistics likely further denigrated the Nubi and women who engaged in transactional sex.

Eventually, some authorities became resigned to the necessity and cost-effectiveness of transactional sex in supporting African life in Nairobi. Such positions supported continued neglect of Kibera. Eric Davies, the Municipal Native Affairs Officer, wrote that transactional sex saved the municipality from the cost of providing family housing:

25,886 males employed and living in Nairobi have only 3,356 female dependents in the town. This is a proportion of just over one to eight. A demand arises at once for a large number of native prostitutes in Nairobi....The immigration into Nairobi of young Kikuyu girls is continually mentioned by the Kikuyu Local Native Councils urging that steps be taken to stop it. The position here is aggravated by the lack of proper native housing; whereas the needs of eight men may be served by the provision of two rooms for the men and one for the prostitute, were housing provided for these natives and their families six rooms would probably be needed (White, 1990, p. 94).

## **Conclusion**

The colonial government policies played a significant role in the emergence of transactional sex in Kibera. Oppressive policies of land alienation, taxation, and housing engendered a social context that saw many women migrating into the city and turning to transactional sex. Unfortunately, the government resorted to oppressive measures such as police raids, mandatory eviction, and neglect to reduce transactional sex and other undesirable practices in the settlement. These measures, however, failed to achieve their aims. For the women, engaging in transactional sex was a way to survive and even to amass wealth and property.

This paper raises questions that warrant further research. Questions that should now be addressed include: What did transactional sex workers do with their earnings?; At what age did women enter transactional sex and how long did engage in it?; and How did the women and the government deal with the increase of syphilis infections?

The history of Kibera presented in this paper highlights how government policies can reorganize society and therefore have significant yet unintentional role on transactional sex. The current policy debate, which is focused on identifying the appropriate regulatory system to implement, may therefore be ignoring an important, or more important, aspect of the role of policy.

## References

- Agustín, L. (2008). Sex and the limits of enlightenment: The irrationality of legal regimes to control prostitution. *Sexuality Research & Social Policy*, 5(4), 73-86.
- Anderson, D. M. (2001). Corruption at city hall: African housing and urban development in colonial Nairobi. *AZANIA: Journal of the British Institute in Eastern Africa*, 36(1), 138-154.
- Anderson, D. M. (1984). Depression, dust bowl, demography, and drought: The colonial state and soil conservation in East Africa during the 1930s. *African Affairs*, 83(332), pp. 321-343.
- Barnes, L. (1939). *Empire or democracy? A study of the colonial question*. London, UK: V. Gollancz, ltd.
- Benschop, M. (2002). *Rights and reality: Are women's equal rights to land, housing and property implemented in East Africa?* Nairobi, Kenya: UN Habitat.
- Bondi, L., & Rose, D. (2003). Constructing gender, constructing the urban: A review of Anglo-American feminist urban geography. *Gender, Place and Culture: A Journal of Feminist Geography*, 10(3), 229-245.
- Bujra, J. M. (1975). Women "entrepreneurs" of early Nairobi. *Canadian Journal of African Studies*, 9(2), 213-234.
- Carabine, J. (1992). 'Constructing women': Women's sexuality and social policy. *Critical Social Policy*, 12(34), 23-37.
- Carter, M., Hemsted, R. W., Wilson, F. O., & Fazan, S. H. (1934). *Report of the Kenya land commission*. Nairobi, Kenya: Government of Kenya.
- Clayton, A., & Savage, D. C. (1975). *Government and labour in Kenya, 1895-1963*. London: Cass.
- De Mello, J. (1948). Syphilis in Africans. *East African Medical Journal*, 25, 14.
- Gachuhi, J. M. (1973). *Venereal disease and society: Discussion paper no. 178*. Nairobi, Kenya: Institute of Development Studies, University of Nairobi.
- Gatabaki-Kamau, R., & Karirah-Gitau, S. (2004). Actors and interests: The development of an informal settlement in Nairobi, Kenya. In K. T. Hansen, & M. Vaa (Eds.), *Reconsidering informality: Perspectives from urban Africa* (pp. 158-175). Spain: Nordic Africa Institute.
- Hake, A. (1977). *African metropolis: Nairobi's self-help city*. Sussex, UK: Chatto and Windus for Sussex University Press London.
- Harcourt, C., Egger, S., & Donovan, B. (2005). Sex work and the law. *Sexual Health*, 2(3), 121-128.
- His Excellency the Governor of East Africa. (1910, March 15). An ordinance to amend the laws relating to the taxation of natives. *The Official Gazette of the East Africa Protectorate*, pp. 96.
- His Excellency the Governor of East Africa. (1918, July 10). Nairobi military area. *The Official Gazette of the East Africa Protectorate*, pp. 577.
- His Excellency the Governor of East Africa. (1920, February 11). An ordinance to amend the law relating to vagrants. *The Official Gazette of the East Africa Protectorate*, pp. 98.
- His Excellency the Governor of the Colony and Protectorate of Kenya. (1934, July 10, 1934). A bill to provide for the levy of a native hut and poll tax. *The Official Gazette of the Colony and Protectorate of Kenya*, pp. 984.
- Joelson, F. S. (1934). *Eastern Africa today and tomorrow* (2nd ed.) East Africa.

- Kobiah, S. M. (1978). *Origins of squatting and community organization in Nairobi*. (Master's thesis, Department of Urban Studies and Planning, MIT). , i-208.
- Lundberg, S. J., Pollak, R. A., & Wales, T. J. (1997). Do husbands and wives pool their resources? Evidence from the United Kingdom child benefit. *Journal of Human Resources*, 32(3), 463-480.
- Martin, C. J. (1949). The East African population census, 1948. planning and enumeration. *Population Studies: A Quarterly Journal of Demography*, 3(3), 303-320.
- Morgan, W. T. W. (1963). The 'white highlands' of Kenya. *The Geographical Journal*, 129(2), 140-155.
- Obudho, R. A. (1984). *Nairobi, Kenya: A bibliographic survey*. Monticello, IL: Vance Bibliographies.
- Ochieng, W. R., & Maxon, R. M. (1992). *An economic history of Kenya*. Nairobi, Kenya: East African Educational Publishers.
- Parsons, T. (1997). "Kibra is our blood": The Sudanese military legacy in Nairobi's Kibera location, 1902-1968. *The International Journal of African Historical Studies*, 30(1), 87-122.
- Roberts, J. I. (1936). Plague conditions in an urban area of Kenya (Nairobi township). *The Journal of Hygiene*, 36(4), 467-484.
- Scoular, J. (2010). What's law got to do with it? How and why law matters in the regulation of sex work. *Journal of Law and Society*, 37(1), 12-39.
- Smedt, J. d. (2009). "Kill me quick": A history of Nubian gin in Kibera. *International Journal of African Historical Studies*, 42(2), 201-220.
- Smedt, J. d. (2011). *The Nubis of Kibera: A social history of the Nubians and Kibera slums*. (PhD diss., Faculty of the Humanities, Leiden University). , 1-284.
- Van Zwanenberg, R. (1972). *History and theory of urban poverty in Nairobi: The problem of slum development*. Nairobi, Kenya: Institute for Development Studies, University of Nairobi.
- Weitzer, R. (2009). Sociology of sex work. *Annual Review of Sociology*, 35, 213-234.
- White, L. (1986). Prostitution, identity, and class consciousness in Nairobi during World war II. *Signs*, 11(2), 255-273.
- White, L. (1990). *The comforts of home: Prostitution in colonial Nairobi*. Chicago, IL: University of Chicago Press.