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Statehood, Sovereignty and Identities
Exploring Policing in Kenya's Informal Settlements of Mathare and
Kaptembwo

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Abstract

Academic work focusing on Kenya acknowledges that the state does not have a monopoly in the everyday policing of informal settlements. Nevertheless, there is limited scholarly focus on relationships between the different policing actors, the outcome of their interactions, collaborations, contestations, and the implications for the future of policing in Kenya. Few academics have examined how social categories intersect and overlap to shape and construct everyday policing practices and experiences in Kenya. This study seeks to fill these gaps.

Based on twelve months of inductive field research, I explore how the intersection of multiple social categories shapes ways in which policing actors in Mathare and Kaptembwo make claims, project power and enact different logics of order which co-exist, overlap and intersect. While other scholars have highlighted the significance of ethnicity in policing in Kenya, I demonstrate its limitations and instead highlight the importance of economic status, gender and age in negotiating everyday policing practices.

Empirically I also analyse how some of the policing nodes are engaged in negotiating statehood. I unpack in what ways legitimacy and sovereignty are negotiated, contested, constructed, and reconstructed in Mathare and Kaptembwo. Following this argument, I acknowledge the power of the political arrangements that we call the Kenyan state and, at the same time, account for their elusiveness.



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Declaration

September 2021

I declare that this thesis has been composed solely by myself and that it has not been submitted, in whole or in part, in any previous application for a degree. Except where states otherwise by reference or acknowledgment, the work presented is entirely my own.

Patrick Mutahi

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This thesis would not have been possible without the guidance and mentorship of my supervisors Tom Molony and Sarah Jane Cooper-Knock. Thanks so much for the patience and understanding as I navigated the academic terrain. Gratitude also to the Graduate School of Social and Political Science for the scholarship, which greatly supported my tuition and stay in Edinburgh.

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Love and blessings to Carol, Wahome, Njoki and Shiru. Unconsciously, you have been part of this journey, and I dedicate this thesis to you.

Abbreviations

CIPEV	Commission of Inquiry into the Post-Election Violence
CPA	County Policing Authority
CPC	Community Policing Committee
CPF	Community Policing Forum
DCI	Directorate of Criminal Investigations
FGDs	Focus Group Discussions
IPOA	Independent Policing Oversight Authority
KADU	Kenya African Democratic Union
KANU	Kenya African National Union
NGO	Non-Governmental Organisation
OCS	Officer Commanding Station

Glossary

<i>Baze(s)</i>	Communal public spaces where youth hang out with their peers, catch up, socialise, form new social connections and consolidate existing ones
<i>Chang'aa</i>	A local alcoholic brew
<i>Jiko</i>	Swahili for kitchen: A local brewery
<i>Matatu</i>	Public transport vehicles
<i>Mchele</i>	A sleeping drug that looks like rice (mchele in Swahili)
<i>Nyumba Kumi</i>	Literally “ten houses” in Swahili. Households are supposed to form clusters of around 10 houses (the number is not definite, but this is a general guideline) and each elect committee members who liaise with the local police
<i>Sheng</i>	A slang fusion of mostly Swahili and English, commonly spoken in urban towns and informal settlements

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Chapter 1: Introduction

This thesis investigates how everyday policing practices of people's daily lives, and attempts to police their own communities (Jensen 2008: 48) is carried out by different actors in Mathare and Kaptembwo. Understanding how activities undertaken to ensure "the maintenance of communal order, security and peace through elements of prevention, deterrence, and investigation of breaches and punishment" (Baker 2008:5), has been of interest to many scholars studying policing in Kenya. Some of the analyses have focused on the police and community relations (Akech 2005; Hills 2009; Ruteere 2011; Mkutu and Wandera 2013) and private security companies (Ruteere and Pomerolle's 2003; Mkutu and Sabala 2007; Abrahamsen and Williams 2011; Colona and Diphorn 2017). Other studies have outlined how youth are engaged in doing policing work as gangs and vigilantes because of their role in political and criminal violence (Anderson 2002; Kagwanja 2003, 2009; Ruteere 2008; Rasmussen 2010, 2012) alongside providing water, electricity and other social amenities (Mutahi 2011; 2017; Ruteere et al. 2013; Van Stapele; 2016; Megan et al. 2016).

There are also growing studies on the neighbourhood watches and *Nyumba Kumi* (Swahili for ten houses) initiatives (Ayiera 2017; Gitau 2017; Kioko 2017; Mogire et al. 2017). These wide range of works have presented important understandings of the Kenyan state and police relations, collaborations between police and communities, how the private security operates and the policing actors at different periods of time. However, few examine the relationship between different policing actors in the informal settlements and the outcome of their interactions for security governance.

I make an original contribution to this broader body of academic knowledge by providing new insights to policing actors in the informal settlements of Mathare and Kaptembwo, how they form and operate, collaborate, contest and co-opt others, and implications on management of security. Analysis of the outcome of their collaborations and contestations will contribute to the scholarship on security and policing in Kenya and Africa.

To interrogate the nature of policing and the actors present in Kenya and other countries, some of the debates have pointed out that security production, regulation and authorisation is hybrid (Boege et al. 2008) or multi-choice (Baker 2008). Other scholars such as Kagwanja (2008) have understood the nature of policing in Kenya through the 'state failure' and neo-patrimonialism frameworks. As further elaborated in chapters 3 and 5, these approaches do not assist us in understanding how individuals in Mathare and Kaptembwo conceive, regulate, legitimise and contest policing. They miss various historical and structural factors which thoroughly explains the character of policing in Kenya.

I draw inspiration from scholarly work that utilises the rich literature on the nodal governance framework and the anthropology of statehood. Nodal governance articulates how a variety of actors operate and interact to govern. Within this framework, nodes are sites of governance which mobilise knowledge, capacity and resources (Burris and Shearing 2005). As Burris (2004: 341-2) explains, "a node need not be a formally constituted or legally recognised entity, but it must have sufficient stability and structure to enable the mobilisation of resources, mentalities, and technologies over time". I utilise nodal governance analytically to understand better how security nodes such as the youth *bazes* in Mathare, police and the CPC form, organise and relate. In addition, I establish how these nodes utilise their strengths, resources and mentalities to exert influence across security networks.

Nodes and the interactions between them are important sites of policing with different variations of power (Burris et al., 2005). To illuminate the different and sometimes competing forms of authority, I dig into the statehood literature, which points to how ideas about the state and sovereignty are constantly enacted, negotiated, contested and challenged across multiple scales and dimensions. As I discuss from chapters 3 to 8, policing in Kaptembwo and Mathare is the direct result of an evolving negotiation process between the policing nodes.

Some anthropologists have argued that states' powers and practices are also claimed or contested by other actors (Lund (2006; Aretxag 2003; Das and Poole 2004;

Sharma and Gupta 2006). This is one of the things that makes statehood contested, “and the state is an unfinished project of socio-political domination that is constantly in need of renewal” (Glück 2019:36). Drawing from these views, I locate how the CPC and *bazes* draw upon the state’s imagery, mannerisms and language to advance practices of statehood formation and imagine their own state. This has led to multiple imageries of statehood and public authorities, drawn upon in policing. The result is a continued expansion of statehood to include other actors and negotiated orders sustained by legitimate practices. From the analysis, we will see how and in what ways, nodes make claims to public authority in Mathare and Kaptembwo.

This study conceptualises sovereignty and legitimacy as a socially constructed process. This is important since it enables us to accommodate the more general concepts of power and authority “where sovereignty is unbundled and even shared among various institutions” (Dahlman 2009: 31). As I later discuss, relationships among the nodes in Mathare and Kaptembwo are sometimes unstable, shifting and overlap due to different circumstances. I examine the overlapping and competing legitimacies, and sovereignties of the nodes.

One of the limitations of nodal governance is that it does not focus on or reveal much about how identities are deployed and used in negotiating for security. I fill this gap by establishing how identities intersect to shape and construct experiences of everyday policing in Mathare and Kaptembwo. Using intersectionality (Crenshaw 1989; 1991) as a point of analysis offers new ways of understanding nodal governance policing in Mathare and Kaptembwo and other similar areas. The need for intersectionality is underscored by the relative lack of research and analysis on policing in Kenya that specifically addresses “the multiple and interlocking influence of systems of privilege and oppression” (Bowleg: 2012 1267).

One of the questions that this study seeks to answer is, which intersecting social categories significantly shape the form and function of key policing nodes in Mathare and Kaptembwo? Using an inductive research design, I combined several modes of data collection and analysis (see chapter 2) to establish the social categories. I held

formal and informal interviews, focus group discussions, made observations and conducted a critical review of the literature. I also conducted an inductive thematic analysis on an on-going basis during and after completion of the fieldwork, with a view to allowing the theory to develop from the data. It is from this process that the categories of gender, age, economic status emerged as instrumental for the residents of Mathare and Kaptembwo and policing actors in those areas.

While going to the field, one of the assumptions I had is that identities of gender, age, economic status, and ethnicity are significant to reflect and reconfigure power and relationships in each area. Most of the literature on policing in Kaptembwo and Mathare highlighted the importance of these identities in the formation and activities of the policing actors (see for example, Okombo and Sana 2010; Ruteere et al. 2013; Jakobs 2011; Kihato 2015; Van Staple 2015; Ayiera 2017; Joireman and Vanderpoel 2011; Marx et al. 2015; Wairuri et al. 2018; Dafe 2009; Marx et al. 2015; Colona and Jafe 2016; Colona and Diphooorn 2017). However, even though many of the informants in Mathare and Kaptembwo recognised the importance of ethnicity in policing, it was not significant in the same way as gender, age and economic status are. My findings demonstrate the limitations of focusing on ethnicity due to its politicization as the main explanatory factor for highlighting how citizens negotiate with the policing actors.

This thesis does not negate the impact of ethnicity in Kenyan society. Some studies have linked the political leadership and dominance of certain communities to ethnic voting patterns (Bratton and Kimenyi 2008; Omolo 2002; Karen et al. 2014; Kasara 2013). Kanyinga (2006) draws a relationship between the poor performance of some Kenyan civil servants to ethnic politics since some people are hired and promoted on the basis of their cultural identities. Other scholars have analysed how some public services such as roads have been constructed on an ethnic basis, with areas sharing the same ethnicity as the president getting most of the focus (Burgess et al., 2015). Alwy and Schech (2007), while exploring the extent of education inequalities in Kenya, argue that “the underlying cause of unequal access to education is the patron-client

relationship between the ethnic group of the ruling elite and the government that prevails” (ibid:132).

Literature on Kenya police has traced how the British colonialists entrenched ethnic favouritism within the service (Clayton and Killingray 1989; Throup 2017), which continued after independence (Bart 2016). Vanden et al. (2018), after analysing disciplinary records of 6,784 Kenyan policemen who served between 1957 and 1970, establish that “ethnic affinities can undermine the effectiveness and discipline of police officers (ibid:391). They note that police officers from ethnicities associated with Kenya National African Union (KANU), which was the ruling party, conducted offences at a significantly higher rate than other officers. As they conclude, “the emergence of ethnic politics influenced the behaviour of those officers ethnically associated with the ruling party” (ibid:413). Hassan (2017:32), in his analysis of the 1992 and 1997 elections, observes that police were deployed to constituencies largely considered swing areas and populated by members of their ethnic groups to facilitate the rigging of the polls. After the 2007-8 post-election violence, police were said to have taken sides, supporting people from their communities while quelling the violence (Republic of Kenya 2008; Ruteere 2011).

Kenya’s political and election-related violence has mostly been attributed to the mobilisation of ethnicity (Republic of Kenya, 2008; Kagwanja 2001; 2003; Anderson 2002). This has led to scholars emphasising ethnic identities to explain everyday policing, especially in the midst and aftermath of electoral violence (Marx et al., 2015; Joireman and Vanderpoel 2011; Kagwanja 2003; Anderson 2002; Rasmussen 2010). Some of this literature has been on the ethnic mobilisation of youth groups such as the *Mungiki* and *Taliban* (Anderson 2002; Kagwanja 2003; Ruteere 2008; see chapter 4).

Ethnicity is therefore a valuable factor for analysis by other scholars especially those focusing on politics and elections. However, I take a different standpoint and, based on my research in Mathare, agree with Van Stapele (2015:182) that we need to be cautious on the “dominant use of ethnicity as the sole trope with which to understand

violence” in Mathare. To my informants in Mathare and Kaptembwo, ethnicity was not fundamental in negotiating through policing power structures. While analyzing various forms of violence in Mathare, Van Stapele (2015) has also determined that ethnicity was not the basis of some of the tensions and conflicts, especially those not related to politics. She provides evidence of some people belonging to the same ethnic group engaging in violence over the limited economic opportunities in the informal settlement (ibid). As I also establish in this study, even if people come from the same ethnic group, their experiences and meanings of policing are not homogenous. They are mediated by intersection of gender, age, and economic status, which are the basis of many relationships and conflicts, tensions and collaborations.

I recognised the danger of imposing identities on informants could be problematic especially if the researcher is not reflective and might lead to a reproduction of “particular hegemonic power relations and concomitant forms of social and political exclusion” (Dahinden 2012: 536). I mitigated this through establishing feedback loops, reflecting on the historical and political moments the policing activities took place. This is important since social categories “are never natural or neutral, but embedded in political and historical contexts” (Gillespie et al. 2012: 392). Thus, unreflective use of social categories might result in producing knowledge that is not grounded and misses the different ways in which informants “develop their own meanings and positions regarding different categories” (ibid).

This thesis does not claim to be exhaustive and I note that other categories of oppressions and privileges were not discussed by my sample of informants. For instance, there was hardly any focus on sexuality or disability, among other identities. This does not mean they are not present, as other scholarship has shown. For example, Nelson (1987) focuses on ethnicity and sex work when she examines the “notions of sexuality and sex for sale” (ibid:217) from men and women of the Kikuyu ethnic community staying in Mathare. Similarly, White (1991) in her discussion of colonial labour in Kenya has noted how women who migrated to Nairobi during the

1920s, practiced informal sex work, became household heads and independent property owners in Mathare.

Analysing the quality of shelter in Mathare, Mwau and Sverdlik (2020) discuss the challenges that elderly and disabled tenants may face. As they note, “Mathare residents can struggle to access decent housing because of low incomes, as well as based on age, gender, ethnicity, migration status, disability, and other axes of difference (ibid: 497). Morgner et., al (2020) have also argued that people with disabilities and foreigners in Mathare tend to be the most excluded from the social networks, which are important in accessing services and knowing where there are livelihood opportunities. The above studies show that there is considerable effort that has been undertaken to analyse other identities, their impact on relationships and everyday life. Even though these identities are not my primary focus, I have nevertheless drawn on the scholarly works to enrich this thesis.

My analysis is an addition to these contributions and those of the other few scholars on policing in Kenya who have dealt with how identities are reflected in everyday policing (Kihato 2015; Marx et al. 2015; Van Staple 2015; 2016; 2019; 2020; Beringola 2017; Joireman and Vanderpoel 2011. See also chapter 3). I use an intersectional approach, paying attention to how gender, age, and economic status intersect to shape policing in Mathare and Kaptembwo. Analysing an intersection of these identities offers more promise for us to understand how people access and negotiate with everyday policing actors, and which networks and opportunities they can pursue.

Following Lund (2006) and (Hagmann and Péclard 2010), I make an original contribution to the scholarly work on policing in Kenya by establishing how statehood is been claimed, enacted and imagined, and the different orders emerging in Mathare and Kaptembwo. I argue that public authority is contested by the policing nodes in the informal settlements, which has led to multiple forms of sovereignties. Understanding how the policing nodes and residents negotiate for policing, and ways

in which identities shape and configure the relationships is important for deepening the scholarly work on policing in Kenya.

Locating Kaptembwo and Mathare

This study is located in Mathare and Kaptembwo informal settlements of Nairobi and Nakuru counties, respectively. The choice of these two informal urban spaces is deliberate since the multiplicity of policing options available in these locations presents an excellent case of plural governance structures.

Situated six kilometres from Nairobi's Central Business District, Mathare is also often referred to as Mathare Valley, due to its location along a valley. In everyday discussion and within academic literature, Mathare and Mathare Valley are used interchangeably. For consistency in this thesis, I will use the term 'Mathare.'

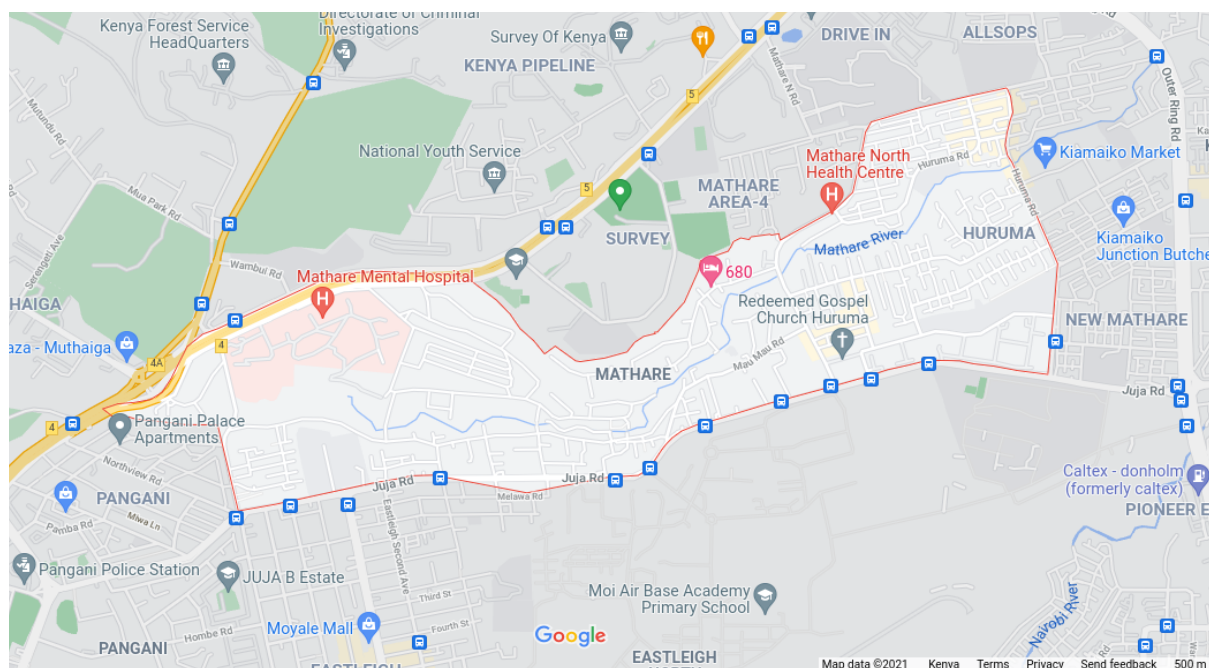


Figure 1. 1 Map of Mathare
Source: Google Maps (2021).

Established in the 1920s (Ngau and Mboit 2020), Mathare is an agglomeration of 13 villages, namely Mashimoni, Mabatini, Village No. 10, Village 2, Kosovo, Mathare 3A, Mathare 3B, Mathare 3C, Mathare 4A, Mathare 4B, Gitathuru, Kiamutisya, and Kwa Kariuki. Villages refer to clusters that were settlements built by Africans on the

outskirts of the new towns during colonial times (ibid:5-6). I visited and conducted fieldwork in all of these villages.

The village names play an important role as urban landscape symbols (Wanjiru and Matsubara (2017:21), providing a historical perspective of the settlement. The naming of some of the villages was influenced by village elders and administrators who gave themselves the mandate of allocating land to residents. These include: Village 2 (Kiandururu), Mathare 3B (Kwa Josphat), Kiamutisya and Mathare 4B (Kwa Gitunguru). Kiamutisya is named after Mutisya who was a village elder in the 1950s when the village was established. Kiandururu was named after Ndururu wa Kiboro, a former politician/administrator, while Josphat, Kariuki and Gitunguru are former village elders (ibid: 37). Other villages such as 4A, 3C, No.10 and others are associated with the numbers' residents were given when attempts were made in 1999 to allocate them land (ibid).

In 1999, some villagers residing in Kiamutisya Village were to be resettled in present day Kosovo village but a conflict emerged when other people also claimed the land and wanted to settle there. This violence led to the name Kosovo village, after the Kosovo War which was happening at the same time (ibid:35). The villages are not physically demarcated but informants referred to their boundaries using physical landmarks such as Juja Road, Nairobi River, a foot bridge or a school.

In line with the colonial racial policies of the British, Mathare was established as a settlement for Africans who were working in Nairobi, mostly for the white population (Obudho and Aduwo1989). Colonial policies worked on the assumption that "the African man worked in the urban centre while his wife and children were in the rural areas, he had to return home frequently and did not need a permanent house" (ibid: 18). That is why the colonial government did not encourage the building of permanent houses, or factor it into the urban development plans (ibid). This neglect continued in independent Kenya.

According to the 2019 national census, 206,564 people reside in Mathare and major ethnic groups include the Kikuyu, Luhya and the Luo (Republic of Kenya 2019). According to my informants, most of the residents are unemployed and some go to look for income opportunities elsewhere for example in the neighbouring Eastleigh estate and the Nairobi Business district. Others operate small businesses for example selling food, water, *Changaa* (traditional brew), household items among other goods. Some of the young men are *boda boda* (motorcycle) drivers and others pull handcarts for a living. Essentially, the people living in Mathare are involved in different forms of income generation activities, what Van Stapelle (2021:57) and Thieme (2021:37; 2013:389) have termed as a hustling economy.

Mathare residents occupy an area that the government has neglected in terms of infrastructure and social services since it is not recognised as a part of the city (Mitullah 2003). Mathare has insecure land tenure, poor housing, lack of drainage and sanitation infrastructure (Winter et al., 2018; Mwau and Sverdlik, 2020). Most of the roads inside the informal settlement are footpaths, and the houses, usually made of metal sheets, are not built to any structural standard. Most of these houses are owned by absentee landlords who collect rent, but are under no obligation to maintain the premises and provide basic services (Werlin 2006). This stops those living and working in the informal settlements from enjoying their basic rights. For example, access to safe water and sanitation is limited. Oxfam (2009: 4) has estimated that only 12 percent of Nairobi's informal settlement residents have access to clean piped water, as compared to 71–72 per cent of the city population. Consequently, informal settlement residents buy water from private vendors, “often paying up to eight times more than other city dwellers” (Oxfam 2009: 14; Amnesty International, 2009: 14).

The marks of violent, colonial racial policing remain obvious in Mathare. In an attempt to subjugate Africans living in the informal settlement, and to prevent them from agitating for independence, the British built police stations surrounding the area (Anderson 2005). I mostly used Juja Road to access Mathare from the west. On that side, one encounters Pangani police station. The police officers there are in charge of the informal settlement. Other times, I used the northern entrance, where one finds

Muthaiga police station, which borders the affluent Muthaiga estate. To the east of Mathare is Huruma Police station and the Moi Airbase military barracks lie to the south.

Essentially, one finds police stations at every entrance to and exit from the informal settlement. The colonial policing architecture which was used to maintain the racial superiority of the British as we see has been retained, signaling that the mentalities of policing those living in the informal settlements has not changed. As I later discuss in this thesis (chapters 5,7 and 8), rather than policing for the informal settlements to be safe, the police just like in the colonial times, continue criminalising those living in the informal settlement and not those living in the middle- and upper-class areas. Essentially, race has been replaced by economic status as a basis of division and exclusion in policing.

Kaptembwo is in the Nakuru West constituency of the Rift Valley region with most of the residents belonging to Kalenjin, Luo and Luhya communities. The 289 hectares settlement borders Gilani to the north, Kenlands Estate to the northeast, Rift Valley Institute of Science and Technology to the west, Kwa Rhonda informal settlement to the east and River Njoro to the south (Republic of Kenya 2013).

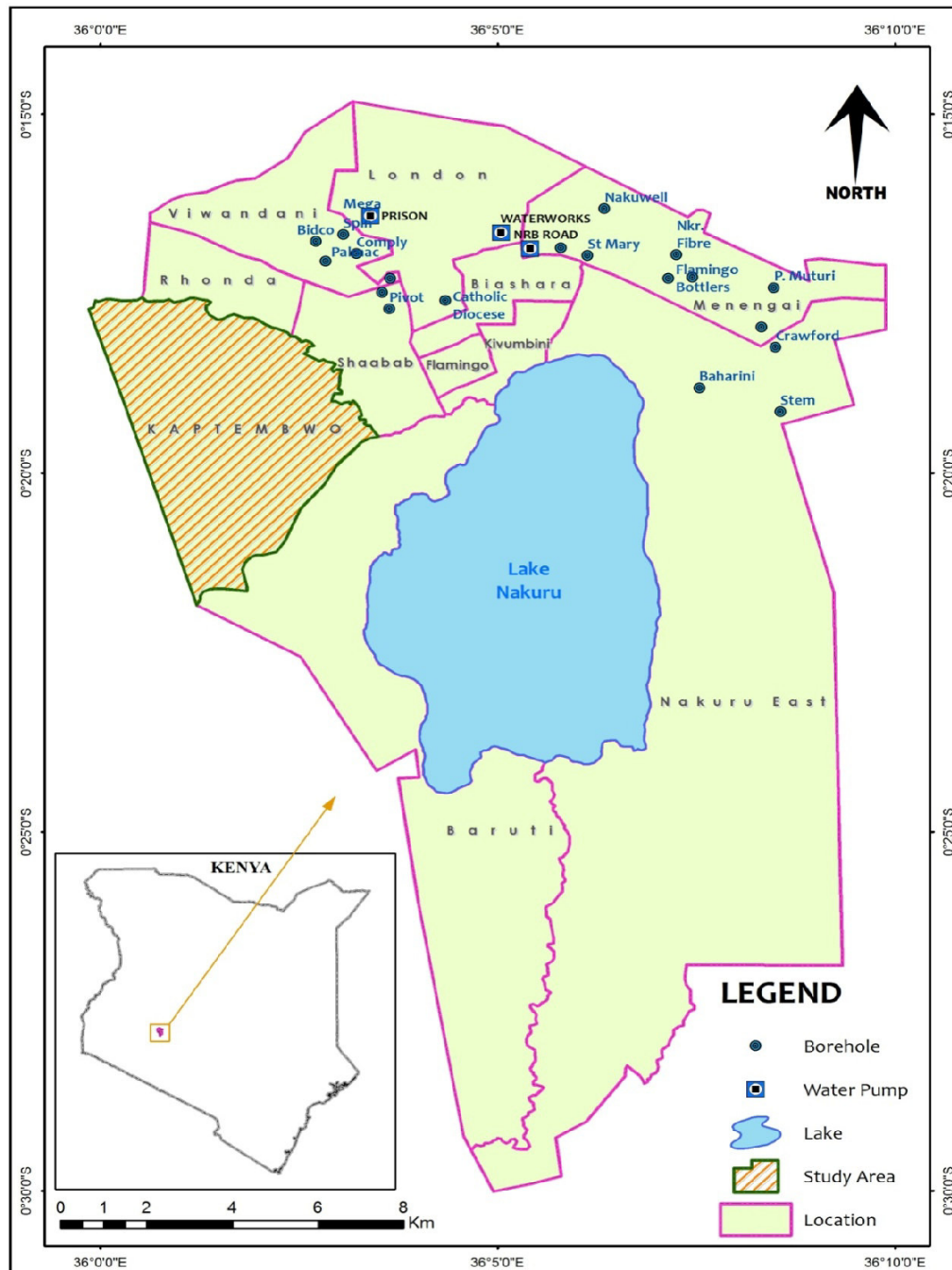


Figure 1. 2 Map of Kaptembwo

Source: Google Maps (2021).

Similar to other former colonial settlements, Kaptembwo has six villages, namely Checkpoint, Dip, Honey Cup, Nakuru West, Soko Mjinga and Technology. Since there are no physical borders, it is hard to demarcate where each village starts and ends. The villages are named after landmarks in Kaptembwo. For instance, ‘Dip’ village is named so because it had the only cattle dip in the area and “people used to say they

are going to the dip” (interview, Kaptembwo, 15 May, 2021). Honey Cup was the first bar in the area and played music from dusk to dawn. Technology is named after the Rift Valley Institute of Science and Technology, “a community college where everyone in the area contributed money for it to be constructed” (interview, Kaptembwo, 15 May, 2021).

Located almost three kilometres from Nakuru town centre, 79,480 people live in Kaptembwo (Republic of Kenya, 2019). Similar to Mathare, most of the informants noted that residents have to hustle for a living. The informal settlement is near Nakuru Central Business District where some of the informants said they are employed in restaurants as waiters, others especially men are mechanics, guards, masons, *matatu* (private public transport) drivers and touts. The women I met are house helps, stay at home mothers, while and others operate businesses alongside the road.

I noted that Kaptembwo resembles Mathare, in that it is a crowded space with poor housing conditions, lacks adequate drainage, water and sanitation systems, access roads, and inadequate street lighting. Residents live in houses made of iron sheets or one-bedroom permanent houses, some of which were developed during the colonial times and have since become increasingly dilapidated. Private developers have also built permanent one-storey houses for rental. At the time of conducting this research, Kaptembwo Police Station was a wooden structure, but a permanent one was being built. While the holding cell was inside the police station, the Gender Desk officer operated under a tree in the station compound.

This background enables us see the similarities and differences of Mathare and Kaptembwo informal settlements. I chose these two areas since they allow for comparison and contrast between the two sites, which gives a more profound and richer look at each case study (this is further discussed in chapter 2). Both informal settlements as earlier discussed, have poor sanitation facilities, are congested and the residents have to hustle for a living. As I further show in chapter 4, Mathare and Kaptembwo share almost similar histories, framed by colonial past of racial exclusions, post-colonial marginalization and criminalisation, state-sponsored

violence and repressive police force. These experiences have shaped how my informants engage in policing and the forms of actors that are involved in the production, contestation and regulation of policing.

Bayley (1999: 6) argues that comparisons allow the researcher to define the characteristics of each context more sharply and see particular features and factors in specific settings. This thesis examines how the policing nodes interface in their contexts, blurring the boundaries that define their work and operations, tensions, and ambiguity arising from their interactions. Moreover, it establishes how multiple layers of reality, power relations and dynamics framed by age, gender, and socioeconomic status impact policing. The “closeness of the case study to real-life situations and its considerable wealth of details” (Flyvbjerg 2006) is vital for nuancing these dynamic variables and how they affect policing.

Forms of Policing Authorities

In this thesis, I focus on policing organisations and formations that were the most active in Mathare and Kaptembwo. Borrowing from Buur and Jensen (2004), I use the term policing “formations”, to describe “both formal and temporary groups which emerge in response to specific needs such as crime waves” (ibid:149). As we later see in this thesis, policing formations in Kaptembwo and Mathare are formed and operate due to mistrust of police in dealing with crime. However, these groups do not entirely operate independently, and there is a close association and blurring between the state and policing formations.

At the beginning of the field work, I started with an initial scoping exercise where I outlined the various policing actors. As the field work progressed and through inductive analysis, I narrowed my focus to those actors who were active in policing, as discussed below.

Police are by law, authorised to attend to crime. The National Police Service is established under Chapter 14 of the 2010 Constitution as one of the three organs of national security, the other two being the National Intelligence Service and the Kenya

Defence Forces. The National Police Service comprises the Kenya Police and the Administration Police (National Police Service Commission 2019). The Administration Police are responsible for apprehending offenders, law enforcement, border security, protection of government buildings and vital installations, protecting personnel, emergency response, providing specialised stock theft prevention services, coordinating and complementing government agencies in conflict management and peacebuilding (ibid).

The Inspector-General of Police heads the National Police Service and is assisted by two Deputy Inspector-Generals (ibid). The Kenya Police and Administration Police are established under the same law, the National Police Service Act 2011, and their functions complement each other (ibid). Due to this close relation, any reference to police in this thesis refers to both units and where necessary, a distinction is made.

The Kenyan police service is said to have low human resource and financial capacity to effectively combat crime (Akech 2005; Ruteere 2011; Ayiera 2017), and therefore, the government has been encouraging citizens to take part in policing within their localities. Much of this discussion has focused on the need for the community and individuals to contribute and support the police in their work, what Garland (1996) termed as the concept of responsabilization.

As Garland (1996: 451) states, in responsabilisation, the central government seeks to “act on crime indirectly” by working with other actors. This does not mean the state is ‘taking a back seat’ in policing but acts at a distance, “seeking to implement social and situational forms of crime prevention that involve the reordering of the conduct of everyday life” (Garland 1996:453).

The Kenyan Government has encouraged citizens to participate in policing, including gathering intelligence and conducting patrols (Kioko 2017). The CPC is a responsabilization strategy which, according to the National Police Strategy, requires every citizen to become an active ally in addressing crime (National Police Service 2017). It started being implemented in Kaptembwo in 2017, but nationally, community

policing has been pushed by development agencies and donors from the 1990s to address the capacity gaps of the police in fighting crime and encourage public cooperation (Okia 2011).

Ruteere and Pommerolle (2003) note that community policing was introduced to Kenya in 1999 by the Institute of Justice, which worked with the Kenya Human Rights Commission (KHRC) and the Nairobi Central Business District Association (NCBDA) in two projects. They discuss how these community policing initiatives were unsuccessful because they largely “fail[ed] to address or deliberately ignore[d] the wider political context...[a]nd did not fully embrace the meaning of democratization in policing matters” (ibid: 602-603).

Despite this, the community policing concept has subsequently been adapted and translated by Kenyan actors. In 2004, the government revived the community policing policy under the Governance, Justice and Law and Order Sector Reform Programme. In 2017, the government released the community policing guidelines (National Police Service 2017) built upon the assumption that there is an indivisible link between effective, people-orientated policing and creating the right environment for durable peace and development. According to the guidelines, community policing recognizes the local community’s voluntary participation in maintaining peace and the need for police to be responsive to the communities and their needs (ibid). It pointed out the need for joint identification of problems and solutions “while respecting the different responsibilities that police and the public have in crime prevention and maintaining order” (ibid).

There are various scholarly debates regarding community policing initiatives mostly related to the very idea of ‘community’ and its lack of uniform definition (Brogden and Nijhar 2005; Fielding, 2005). Scholars such as Brogden (2004) and Steinberg (2011) have questioned the usefulness of applying a concept from the United States of America and the United Kingdom to the very different context of South Africa. Their conclusions echo other scholars who have questioned the tendency of failing to incorporate community policing initiatives into local ideas and understandings

(Bayley, 2008; Brogden, 2004, 2005; Fielding, 2005). While this thesis does not delve into these debates or attempt to analyse the merits or not of community policing, it nonetheless uses the term to denote particular styles of policing promoted through the application of the community policing guidelines issued by the Inspector General of police in 2017.

In Kaptebwo, police work together with the Community Policing Committee (CPC). The National Police Service Guidelines of 2007 provide the legal framework for the operationalisation of the CPC. Its officials are elected by members of the community through the Community Policing Forum (CPF) as per section 98(4) of the NPS Act 2011, for purposes of coordinating, leading and managing the activities of the group (National Police Service 2017). Elections for the Kaptebwo CPC were held on 28 March 2018, and 28 members were elected to office for two years as stipulated in the guidelines. Most of the CPC affairs are conducted by the executive committee (Excom), which comprises the Chairperson, Vice-Chairperson, The Secretary, and Organising Secretary.

The CPC brings together different policing actors, including civilians, police, the chief, village elders, youth and women leaders (National Police Service 2017). It builds on Kenya's devolved governance structure and is supposed to start right at the sub-locational level, build up to the location, station/ward, sub-county and county level CPC, which reports to the County Policing Authority (CPA). The CPA is the highest County-level policing structure chaired by the Governor. It is supposed to incorporate members of the county government, security bodies and the citizens in security management at the county level (Lid and Okwany 2020). While guidelines to operationalize the County Policing Authority were issued in 2015, their formation has been a challenge mainly due to disagreements between the National and the County governments on implementing the CPA guidelines (ibid). By the time I conducted the research in Kaptebwo (August to December 2018), the Nakuru County CPA had not been formed.

I focus on the CPC in Kaptembwo because it is active and robust. It enjoys support from the Officer Commanding Station (OCS), police and community generally due to its role in arbitrating disputes in the community and helping address crime (interview with CPC official, 28 November 2018). Even though the police, as I discuss in chapter 5, project state authority in the CPC meetings, the close working relationship between the actors has enabled community policing to be well established. CPC officials get benefits, such as knowledge, skills in policing, and stipends (see chapter 6), which are also a motivation for them to make it work well.

Apart from conducting investigations, the CPC mediates cases that are brought to its attention by disputing parties. Mediation is a form of alternative dispute resolution which aims at reconciling different parties with the help of another person (Sone 2016). It is always assumed that the third party is neutral and will help the parties reach an agreement (ibid). This is the role that the CPC officials undertook in various cases which I discuss in chapter 6,7 and 8. The CPC has authority to facilitate discussions to reach a mutually satisfactory settlement. As I discuss in this thesis, the power is assumed from their institutional position and concomitant authority in the community.

Use of mediation in resolving cases is not unique to the CPC. Weeks (2018; 2015), Billaud (2015), and De Lauri (2010) have noted how mediation is used to solve disputes and criminal cases in Kabul and KwaZulu-Natal. Among the Pokot and Marakwet communities in Kenya, mediators are freely chosen by the parties and they play a neutral role, facilitating the process to find an amicable solution (Sone 2016). This method of solving cases is preferred since it is quick, cost effective, and is not adversarial to the parties (ibid; Weeks 2018).

In other instances, the CPC engages in arbitration. Arbitration as Weeks (2015:234) notes, “is different from mediation in that the proceedings are decidedly adversarial and the third party makes the final decision as to which of the parties wins and loses the matter.” In some of the cases I encountered and later discussed, the CPC made decisions which were to be obeyed by the parties. Since the officials had limited

enforcement capacity, they sometimes involved the police as guarantors to the settlement (chapter 5).

CPC regularly holds public meetings dubbed Community Policing Forums (CPF). The CPFs are usually held in a social hall or common grounds. In those that I attended, the CPC used the opportunity to introduce themselves and get feedback from the residents on the crime situation. Kaptembwo Officer Commanding Station (OCS) and the gender officer usually represented the police, sometimes accompanied by officers from other police posts in their area of operation.

During the CPF meetings, different issues affecting the community are discussed, ranging from counselling parents on raising children, updating citizens on government services that the chiefs were providing, and sometimes depending on whether the area Member of Parliament or Member of County Assembly was present, residents presented their development demands. More often than not, public discussions during CPF meetings revolved around residents voicing displeasure with police inefficiency in handling crime.

This study does not analyse the CPC in Mathare because it is quite inactive with most informants saying they do not trust its members to arbitrate cases (FGD, Mathare, 15 March 2019). “There are other actors who have been providing better security, such as the *vijanas*” (male youth), noted an informant (interview in Mathare, 28 April 2019). As a result, interviews with CPC in Mathare did not provide data that could help us understand how security is provided and governed in the informal settlement. It is on the basis of the limitations of the data available that I chose what to study and leave out.

Nyumba Kumi (Swahili for 10 houses), as a local responsabilisation policing mechanism, is also excluded from the in-depth analysis. In *Nyumba Kumi*, households within a neighbourhood are supposed to form clusters of around 10 houses (the number is not definite, but this is a general guideline) and each elect committee members who liaise with the local police (Kioko 2017; Ayiera 2017). The

clusters are supposed to develop their schedule of meetings within their area and provide crime information to the Chief and local police. Membership to the Nyumba Kumi committees is voluntary since it is assumed there is a shared interest in enhancing security in the neighbourhood (ibid). Nyumba Kumi officials in Mathare, according to most of the informants, are rarely available for policing work. While they reside in the informal settlement, people do not trust them. In Kaptembwo, members of *Nyumba Kumi* are also inactive, and most of the policing work is done by the CPC. The research, therefore, excluded them from the analysis.

Elders and Chiefs as forms of policing authorities are present in Mathare and Kaptembwo. Elders can be individuals and members of the council of elders, commonly referred to as *wazee wa vijiji* (village elders). These elders sometimes coalesce under their ethnic groups, such as the Kikuyu council of elders, Luhya elders, and Luo elders. They are mostly tasked with cultural affairs, including negotiating dowry, creating inter and intra-ethnic cohesion, and promoting other practices to promote their traditions (interview, Kaptembwo 15 December 2018). Other scholars (McIntosh 2009; Nyamweru and Chidongo 2018; Chome 2013; Carrier and Kochore 2014) have noted that council of elders are engaged in national and local politics, sometimes mobilising their communities to support some electoral candidates.

Elders appointed by the Chief in consultation with the residents are generally referred to as *wazee wa chief* (chief's elders). Previously known as part of the Provincial administration (which comprised of District Commissioner, Provincial Commissioner, Chiefs and Sub-Chiefs), Chiefs are a colonial relic. The British authorities established them to act as their representatives at a local level, coordinating government activities in the field and chairing several committees (Anderson 2005; Wamagatta 2009; Branch and Cheeseman 2006; Osborn 2020). Similar to the colonial times, in post-independence Kenya, they were largely the face of repression and dictatorship, especially during the regime of President Daniel Moi (Branch and Cheeseman 2006). They gained infamy for their roles in disrupting opposition rallies, surveillance against

critics of the government, detaining and torturing people, amongst other human rights abuses (Mati 2020; Mutua 2008; Branch 2011).

Under the old constitution, Kenya had eight provinces, each headed by a Provincial Commissioner. The provinces were then subdivided into Districts (led by District Commissioner) which were further split into Divisions. A Division was made of several Locations, which had been created out of Sublocations. The Chiefs were in charge of a location, while their assistants were in charge of sub-locations. They worked under the District Commissioner, who oversaw the District (present-day 'County'). After the promulgation of the 2010 Constitution, Chiefs were reclassified under the National Government Administration Office (NGAO) in the office of the President but continued overseeing sub-chiefs and elders.

There is little that separates these versions of elders and as later analysed, they have positioned themselves as key liaisons between the youth, police and residents in the informal settlements. All the elders I interacted with were male who exercised gerontocratic powers to shape the mentalities and practices of policing and act as gatekeepers to mediate access to jobs and livelihoods. One could be a community elder and, at the same time, be appointed by the chief. Some of the elderly men in Kaptembwo and Mathare commanded authority and power due to their advanced age and did not necessarily have to be in CPC or appointed by the Chief.

The CPC male officials in the executive committee identified themselves as elders and were also recognised as such. This, I noted, was due to the positions they held in the CPC executive committee. Elders appointed by the Chief or community usually undertook their policing duties as CPC members. The three village elders I interacted with in Mathare were from Mathare 3C, Mathare 4A and Mabatini. The men had been residents of their respective villages for a long time, meaning they had intimate knowledge of the area and people.

In Mathare, I focus on youth in the *bazes* as a policing actor since informants pointed them out as the ones doing most of the policing work. *Bazes* are common public

spaces where the youth met with their peers to catch up and socialise, form new social connections and consolidate existing ones. They also served as sites of social practice and identity construction for young men (Van Stapele 2016). I conducted interviews in *bazes*, which are shops, car wash places, water selling points, and restaurants. Others were social joints for the youth, including video halls and drinking dens. Sometimes I sat with the young men on a bench outside, where they usually met to smoke, catch up with peers, or drink.

Jones et al (2019:9) have noted that women in Mathare have created a security infrastructure “that while often taken for granted and invisibilised, infiltrates every aspect of life”. This holds true for my research in the informal settlement. As I discuss in chapters 7 and 8, policing in the *bazes* is gendered, and the role of women is not publicly visible. Some of the female members I encountered though they identified with particular names of the *bazes*, I normally found men there when I visited. The women however took part in policing activities, as I have discussed in chapters 7 and 8. Other women in Mathare I spoke to belonged to a network of wives, and mothers, of survivors and victims of police violence. Some of them had lost their sons due to police violence and others had bailed them out of custody (see chapters 5 and 8).

In Kaptembwo, some of the women I interviewed were members of the CPC. Others belonged to women self-help groups who had been enrolled by a local NGO for capacity building exercises on community policing (chapters 5,6 and 7). The NGO had conducted a mapping exercise to identify women groups, relying on their existence and operations in Kaptembwo.

Using the analytical concept of intersectionality, I will analyse how these police nodes are formed and conduct their policing work. I also show how interaction of age, gender, and class overlap to creates opportunities for some individuals to negotiate through power structures in the policing nodes, leading to different and particular kinds of relationships, conflicts, tensions and collaborations.

Overview of the Chapters

Following this introduction, in chapter 2 I explore and explain the rationale for the methods that I pursued in this research: key informant interviews, focus group discussions and observations. In doing so, I highlight the potential limitations of these approaches. I also reflect on my positionality, especially on 'doing research back home'.

In chapter 3, I engage theoretical literature on policing, statehood, nodal governance and intersectionality. I explore debates on policing, teasing out hybrid and multi-choice policing, which scholars have used to understand the multiple actors providing security mainly in African contexts. Limitations of these approaches are discussed and a case made for understanding the interactions between policing nodes in Mathare and Kaptembwo as part of the process of negotiating statehood.

The policing landscape in Kenya is a product of political, economic and social changes, which have affected the composition and structures of the policing actors, their mentalities and practices. As I argue in chapter 4, policing mentalities and practices have been carried over from colonial times and have mixed with other forms of present-day policing, shaping political and social order. This analysis aims at discussing the various policing nodes from a historical context, establishing how they are formed and regulated. By doing this, the chapter aims to contextualise the study and historicise it at the same time in order to show how the past has fundamentally shaped policing, and to a large extent continues to do so in present times.

Using negotiating statehood framework, this thesis will argue in chapter 5 that non-state policing actors are not always a response to a weak or absent state but rather as an extension of the state. The *bazes* in Mathare and the CPC members in Kaptembwo project their own power and sovereignty, but also through their activities, citizens imagine and enact the state as an ideal or as a reality within their contexts. This is important to note since people imagine and represent the state in their everyday lives, contributing to the transformations of imageries and discourses of policing, which are created and contested.

Chapter 6 discusses how volunteering and the activities of a local non-governmental organisation (NGO) in Kaptembwo impacts policing mentalities and cultures. Though the CPC work is supposed to be on a volunteer basis, a local NGO pays the officials allowances to attend meetings. It also provides stipends to residents who join the community forums. The organisation's activities have promoted different ways of imagining order and security, framing crime and those involved in it. It has, to a large extent, blurred the distinction between voluntarism and low-paid work. I also discuss how CPC officials benefit from their volunteer positions and engaged in social constructions of moral visions of good citizen primarily based on Christianity. This gives us important insights into how Christian beliefs intersects with policing to enact moral orders that discriminate against the youth, perpetuate patriarchy and gender discrimination

In Chapter 7, I examine how the CPC officials and *baze* members perform masculinities and femininities and shape everyday policing practices. I do this by establishing ways in which the policing actors and residents see, imagine and act different gender roles in policing. Also, I extend the debate from chapter 6 and interrogate how gender capacity building exercises by the local NGO in Kaptembwo were blind to patriarchy and affirmed gender hierarchies and power inequalities in the CPC. I explore intersections of age, economic status, and gender and how they influence men and women in Mathare and Kaptembwo performing masculinities and femininities.

Chapter 8 locates how young men and women and the *baze* members legitimised and resisted different forms of authority and regulation imposed by the elders, police and CPC. I analyse the interconnections between multiple formations of oppression related to crime, criminal justice, and conceptualisations of deviance. This will help us make sense of the experiences of young people who find themselves living at the intersections of social identities, illuminate the systems that maintain power hierarchies and inform interactions with the different policing nodes.

I conclude the thesis in chapter 9, by bringing together the main findings and conclusions of the various chapters. I will show how the research questions have been answered and recap the study's contribution to academia. I will also highlight gaps arising from the research, which can be explored further.

Chapter 2: Methodological Framework

Introduction

This chapter discusses the research methodology and data collection approaches I utilised. Observations, focus group discussions (FGDs), interviews and literature reviews were the main methods of collecting data. I also establish how my positionality was perceived and related to by the informants and its impact on the research. Following Noor (2008:1602), I define research methodology as “a strategy or architectural design by which the researcher maps out an approach to problem-finding or problem-solving”. This plan needs the right tools to capture people’s daily experiences, which I analyse in this chapter.

This thesis seeks to answer two questions: first, how is policing conceived, regulated, legitimised and contested in the informal settlements of Mathare and Kaptembwo? Which intersecting social categories significantly shape the form and function of key policing nodes in each area? To answer these questions, I adopted qualitative research methods to collect data which enables us to understand how insecurity permeates daily life and how people deal with it.

Qualitative research involves collecting information using various means, including interviews and observations, and validating that information through collaboration with other sources (Fossey, Ellie et al. 2002; Cho 2017; Cho and Trent2014). In this study, I use an interpretive research approach, which Bhattacharjee notes (2012:103), provides that “social reality is not singular or objective but is shaped by human experiences and social contexts”. “Interpretive researchers understand phenomena through the meanings’ participants assign to them,” Orlikowski (1991:5) notes, bearing in mind that knowledge of reality is socially constructed (Walsham 2006). I use an interpretive research approach and recognise that the meaning of policing and actions by the nodes and residents of Mathare and Kaptembwo can only be understood in their context and will also shift depending on who you ask and how they are positioned (See chapter 4 for discussion on the context).

This study seeks to understand how the different policing nodes and the citizens in Mathare and Kaptembwo interpret and understand policing. Age, economic status, and gender shape how the informants experience these realities. As I noted in the introduction, these are the three most significant social categories but they are not the only identities that people hold. All these identities intersect and impact how people conceive, regulate, legitimise and contest policing.

A number of scholars argue that there is a lack of effective intersectionality methodologies. Cuádriz and Uttal (1999: 158) note that translating the theoretical call for studying intersectionality into methodological practices is not easy. Phoenix and Pattynama (2006: 189) observe that intersectionality “does not have any methods associated with it or that it can draw upon.” While Nash (2008:4) argues that there is no clearly defined intersectional methodology, Hancock (2007: 74) calls upon scholars to “develop research designs and methods “that can capture effectively all of the tenets of intersectionality theory”.

I am not convinced by these arguments and agree with Shields (2008: 311) that intersectionality theory “by virtue of its description of multidimensional nature of identity makes investigation through qualitative methods seem both natural and necessary”. Intersectionality for this research opened up a critical analytical space that helped identify the shifting, contested and negotiated identities and not account for only one category. For example, instead of just focusing on women, in the research and analysis, I also included other markers such as class, ethnicity, disability, among others, in order to evaluate how people identify and differentiate themselves.

Gillespie et al. (2012:540) and Butler (1988:520) have rightfully argued that “categories are performative”, and people appropriate them in various ways. They further note that social categories are embedded in political and historical contexts, and hence how they acquire meaning in everyday life will shift with time and context (ibid). Following these arguments, I note in this thesis how age, gender and economic status are (re)constructed in the political and historical contexts of Kaptembwo and Mathare

and performed by individuals in these broader contexts. For example, as I argue in Chapters 4 and 8, how youth are perceived and their role in policing has shifted from the pre-colonial times to the present. I also inductively pay attention to how the informants performed the social categories during my research period, to establish how they saw themselves, which also shaped how I did the categorisations. However, I am aware that even those I spoke with during my research are bound to change their categories in another piece of research, meaning that there “is no independent way of assigning a person to their “true” category (ibid: 392).

I note that the use of interviews and FGDs to gather multiple and intersecting narratives, as I have done in this thesis, is well established by feminist scholars. Many feminists who study intersectionality also use case studies (McCall 2005). I further, argue that the interpretive research approach is essential in intersectionality since it aids in locating meanings and their accounts within the broader web of society in a manner that does not privilege those who occupy positions of authority and power (Hesse-Biber 2010). Using an interpretive research, I recognise and account for the patterns and themes, linkages and fluidity between legitimacy, accountability and power relationships in Mathare and Kaptembwo.

This chapter explains the methods used to collect empirical data. I use Mathare and Kaptembwo as case studies that help us interrogate relationships and power dynamics that arise from interactions between the policing nodes and communities. A case study is an empirical inquiry that “investigates a contemporary phenomenon within its real-life context” (Yin 1993:59). It allows researchers to interrogate complex realities that people live in and their everyday social interactions in their most complete form (Orum et al., 1991:9). Case studies also enable the exploration of new processes and behaviours or ones that are little understood (Hartley 1994: 209) and can be generalisable to particular settings (Pearson et al. 2015).

I conducted fieldwork from August 2018 until July 2019, but it was not my first time in Mathare or Kaptembwo. I had previously conducted research in the two informal settlements for a regional security and policing think-tank based in Nairobi. I had

developed valuable contacts in the field from these assignments, particularly with key gatekeepers and opinion leaders in those areas. By the time I was returning to Kenya for this thesis fieldwork, I had discussed the overall research goals with some of these contacts, and they connected me with other relevant informants. As a result, I took less time settling into the field and starting data collection than others might have done.

I was affiliated with two NGOs in Kaptembwo and Mathare during the period I conducted fieldwork. These two organisations conduct research and monitoring into police violence and offered me an entry point through which I could make contact with policing actors. In return, I volunteered to edit the organisations draft publications and advice on their monitoring and research activities. I also trained some of the staff on basic research skills.

While my everyday experience was different, my research routine was almost the same. I would meet the research assistant in the morning and plan for the day. Often, we would start with interviews or discuss some of the data from the previous day. On other days, I would sit in the offices of the NGO I was affiliated with or chat with police officers at Kaptembwo Police Station and those positioned at the Chief's office. When scheduled, I attended the NGO's activities. At Kaptembwo, I attended and observed six trainings, which I discuss in chapter 6 and 7. I sometimes accompanied and assisted the NGO officers as they conducted their meetings in Mathare and Kaptembwo, even though it was not directly relevant to my research. I recorded the events, observations, and thoughts in a notebook.

I conducted observations in Mathare and Kaptembwo and semi-structured individual interviews and focus group discussions with 79 men and 68 women. 34 men were from Kaptembwo and 45 in Mathare. 40 of the women informants came from Kaptembwo and 28 in Mathare. I held 33 FGDs, 15 in Mathare and 18 in Kaptembwo. In the following sections, I explain the rationale for using interviews and observations. I reflect on data analysis and how my positionality, shaped by being affiliated to the NGOs, ethnicity, class, age and gender, impact the research.

A Brief Explanation of the Research Methods

I identified informants through purposive sampling, a deliberate manner of selecting research participants (Cresswell and Plano Clark 2018). An informant is a person with information and deeper insights into the inquiry setting and willing to share with an observer who seeks to understand the phenomena (Patton 2002). The young men and women who are residents of Mathare and Kaptembwo were purposely chosen if they engage or had interacted with the police, *bazes* or CPC in policing.

Police, *baze* members, CPC officials, and elders were interviewed for this study since they engage in policing. I also purposively interviewed community members who had interacted with the policing actors for example through having their cases arbitrated or solved, others had bailed out their kin from police custody or negotiated for their release. All the informants were willing to provide the information needed to answer the overall questions.

In order to reach these informants in Mathare and Kaptembwo, I used the snowballing technique. In this method, the researcher is introduced formally or informally to other key informants through those previously interviewed (Vogt et al., 2012). To a large extent, the snowball technique addresses fears and mistrust of informants since the researcher is more trusted through introductions by the social network (ibid). This method is crucial and significant in getting access and enlisting relatively closed populations such as elites, gangs and extremist groups (Cohen and Arieli 2011: 428).

The snowballing technique is fraught with disadvantages, including the likelihood of being introduced to people having the same views, and/or excluding individuals who do not belong to the groups or networks (Van Meter 2012). If this is consistent, there is the likelihood of bias, thereby reducing the validity and reliability of the data collected (ibid). These challenges were controlled in Kaptembwo and Mathare by initiating multiple parallel snowball networks, including police, NGO officials, Chiefs, other researchers, friends, religious leaders, amongst other informants. The process generated a large sample with diverse views for the individual interviews and FGDs.

Informed Consent

Fostering rapport, trust and connections with the informants was necessary for building long-lasting relationships and obtaining relevant information. Upon meeting the informants as individuals or in a focus group, I introduced myself and disclosed the purpose of the study, which is to understand policing in their area. I made it clear to the informants that their responses were confidential, and though some of them would be quoted at length and verbatim, this would be anonymised.

Confidentiality as used in this study means “not discussing or sharing information provided by research participants with other people” (Wiles et al 2008:418). Anonymity involves “modifying parts of the empirical data, so that the research participants cannot be identified” (Vainio 2013: 686). It is normally done to ensure confidentiality of the information and informants. As this research covers sensitive topics, I have taken precautionary measures to protect my informants. When referring to the police, *baze* members, CPC officials and community informants, I use pseudonyms to protect their identities. I have done this by broadly describing informants’ characteristics, such as occupation, place of interview and their social categories. When seeking interview consent, I promised informants that their names would not appear in the thesis. They also had the opportunity to request any other identifying categories be removed.

I am aware that anonymity sometimes cannot be fully guaranteed. The informants’ stories were personal and changing some of the identifying details is not fully sufficient to avoid them being known by other residents and researchers in Mathare and Kaptembwo. Walford (2018:518) has also argued that It is hard to maintain anonymity while dealing with large groups of people since they will identify each other in the focus group and they know the kind of research been done in that area. While I recognise some of the limitations, I took steps as outlined above, to ensure confidentiality and anonymity of the data. It for this reason that I have used vague descriptions and describe the informants in broad terms. In doing this, I took care not to distort informants’ views and representation of their identities.

To ensure data accuracy, I requested informants to allow for note-taking and audio recording of the conversations. The right of informants to decline to be involved in the study or renegotiate participation at any stage of the research was emphasised during the informed consent process. At the end of the interviews and focus group discussions, I reviewed the purpose of the study, reminded informants of informed consent, the voluntary nature of the process and the importance of confidentiality.

Consent was an ongoing negotiated process with the informants. I obtained verbal consents (in English and Swahili languages) to conduct the fieldwork, which I taped on the audio recorder. From the onset of the research, I had decided and agreed with my supervisors not to insist on written and signed consent, unless the informant requested it. This is because demanding that informants sign a consent form sometimes can raise unnecessary suspicion (Crow 2006 et al.). For example, some would fear that by sharing sensitive information on policing, it could be traced back to them. Others might be afraid of legal implications if they sign a document, or subsequent surveillance from government authorities, police or other actors.

Interviews with residents of Mathare and Kaptembwo were largely one-off. I had more than one interview with most NGO officials, police, CPC, some *baze* members, and elders to seek clarity to issues, updates or accompany them on everyday policing duties. With time, these repeated informants became familiar and comfortable with issues surrounding consent. I nevertheless continued seeking it before proceeding with the interviews, even if it was multiple times.

The process of negotiating consent to conduct interviews is important since, as Crow et al. (2006) notes, it leads to better-quality data. It “can help to guard against ‘hit and run’ research in which there is little or no accountability, and where the quality of the data collected could be considered questionable” (ibid: 86). Informed consent makes research informants feel respected, valued and not treated as just research subjects (Chin 2018: 38). In addition, it puts a responsibility on researchers to be aware of possible consequences of their work, allowing them to attempt to anticipate and

guard against harmful consequences for informants (Sin 2005: 279). These could include trauma and anxiety brought about by talking about some of the issues in policing. The informed consent process was ongoing, constantly negotiated with informants and I did not take it for granted at any stage of the research.

Conducting Interviews

Police, Chiefs, CPC officials, baze members, elders, youth and women were interviewed through semi-structured interviews. There are four chiefs based in Mathare, Mabatini, Mlango Kubwa and Hospital wards. I only managed to interview the Mabatini Chief because the others were unavailable during the research period. Mathare Chiefs also stay outside the informal settlement and rely on the elders for updates. For this reason, I found it more important to focus on the elders for the interviews (see chapters 6 and 8). I also interviewed Chiefs of London, Kapkures, Baruti, and Kaptembwo locations, whom informants noted as key actors in response to insecurity in Kaptembwo.

Semi-structured interviews were preferred since they help gather detailed information from informants, granting more significant insights into experiences and perspectives. They assist in the collection of individual and collective stories to comprehend how people make meaning within their social world and giving voice to their experiences (Hesse-Biber 2010: 455). They focus on the 'how' and 'why' questions, besides emphasising the significance of contextual factors in understanding social phenomena (Hartley 2004; Baxter and Jack 2008; Babbie 2013). For this study, this qualitative research method aids in getting data that will help understand the actions of the different policing nodes as embedded in their unique realities.

The interviews and FGDs lasted between one and two hours. I also amassed quality data through less formal, unstructured interviews, which are insightful and informative to this thesis. I got informed consent from all the informants as I later note in this chapter. These interviews lasted anywhere between a fifteen minutes and four hours and were conducted in a mixture of English, Swahili, and Sheng, a fusion of mostly

Swahili and English, commonly spoken in the informal settlements (Githiora 2002; Githinji 2006).

The interview tool served as a guide to ensure informants answered questions related to the overall research objectives. It was modelled along the “tree-and-branch” structure (Rubin and Ruben: 2005: 140), combining the primary and follow-up questions, which were modified as the research went on. I used probing phrases to keep the interview moving in a positive direction, such as “would you explain further?” “Would you give an example?” “Let us talk about that case...” posed to seek immediate clarification of unclear answers, follow up on issues, and steer the sessions in case the conversations deviate from main topics. This method is effective when studying how an interviewee relates to a specific subject and helps keep the discussion from veering off (Bryman 2012:112).

I emphasised structured interviews at the beginning of my research, as I was still trying to gain the knowledge and trust of the policing actors. I conducted more unstructured interviews when I gained more rapport with informants and repeat interviews of the NGO officials, police, CPC, some baze members, and elders. This permitted the informants to expound on some of their responses and address gaps I noticed in the emerging analysis. Some of the unstructured interviews form part of the data I use for analysis in this thesis.

Semi-structured interview questions elicited life story narratives on everyday policing. This is useful for this study since it allows informants to highlight some of their vivid illustrations, iconic moments and experiences, as authentic accounts of subjective experience related to wider contexts (Rubin and Rubin 2005). Life-story narratives provide the potential for empirical analyses of the intersectionality of identities since positionalities are linked and interrelated to each other in everyday experiences (Christensen and Qvotrup 2012: 109). Life stories also contain structure and agency narratives and provide a context for probing sensitive issues (ibid).

I acknowledge scholarly work that outlines limitations of oral histories since they rely on memory and some informants can omit or mix facts and exaggerate others. Lynch (2018) in her discussion of testimonies from Kenya's Truth, Justice and Reconciliation Commission (TJRC) details how speakers presented different versions of the same incident during the public hearings. Batty (2009:111) has also noted that "because oral histories are inherently unique to each individual, their generalisability and power to understand wider social developments is also questioned". While these arguments have merit, I find oral histories useful for this study since responses elicited through life story narratives and experiences, enable informants to "speak in their own voice and express their own thoughts and feelings" (Berg 2007: 96).

In order to guard against limitations of using oral histories, I held many interviews in Mathare and Kaptembwo and in the process filled some of the gaps and collaborated several of the key events and incidences. I also contextualised the narratives within the settings they took place using material from the literature review. Through this, I gained an insight into the lived experiences of interviewees, put their policing responses in context and understood their actions. When analysed, the narratives assist in constructing meanings of policing in Mathare and Kaptembwo and establish the impact of the intersection of identities in shaping power and relationships in the nodes.

Focus Group Discussions

FGDs involve people getting together to discuss a specific issue in which they have a common interest and knowledge (Krueger 2015; Marshall and Rossman 1995). It is a method used by researchers to get the opinions and perceptions of many people. For this study, focus groups help to generate information on individual and collective interpretations and meanings (Gill et al. 2008: 293) of policing in Mathare and Kaptembwo.

I held separate focus groups of men, women, CPC officials, reformed criminals (who identified themselves as such), *baze* members, young men and women who are residents of Mathare and Kaptembwo. As I highlighted above, the informants I spoke

with were purposively chosen, and each group had between six and ten people. This ensured that the informants, from social stratification basis, have common ground and led to better interaction especially noting the sensitivity of discussing about policing.

As Morgan (1997) notes, prior vetting of the focus group discussion informants is important to ensure one has the right mix of informants, homogenous enough to stimulate honest discussions. This does not mean that the informants shared the same views on policing. Sometimes they disagreed with each other and I used those opportunities to probe further and expand the discussions. This provided me with deeper and varied insights into peoples' experiences and practices of the policing actors.

Conducting different FGDs helped break down some layers of power, for instance, based on age and gender, which could have possibly hindered some people's participation. Kamuya et al. (2015) show how men and elders in the Kenyan Coast have more power in the households, especially when interviewing family members. Most of the time, the men who would speak on behalf of the family and women, when asked to respond, would defer to men's choice or decisions. Likewise, in Kaptembwo, during the public meetings, the youth rarely spoke (see chapters 5 and 8), but we had lively and open discussions in their own focus groups.

I have also noted in chapter 7 how policing is largely seen as a duty for men in both Mathare and Kaptembwo. By holding the separate FGDs, I was able to get data on how women also participate in policing from the women themselves, which could have been difficult if the informants were of mixed gender. Similarly, young men and women made their views freely known in their own FGDs.

Morgan (1998) and Cronin (2008) have argued that the strength of FGDs lies in the use of a moderator to steer the conversations. In all the FGDs, I guided the interviews by posing the questions, and informants engaging in discussions. This research method is not without its problems. In some instances, I had less control over the

proceedings of the group discussion, which could sometimes veer off the topic. For example, in some CPC FGDs, we spent considerable time discussing a case of a baboon that had attacked a child, and the officials were interested in establishing how to get compensation from Kenya Wildlife Service. Kaptembwo neighbours Nakuru National Park and cases of baboons and monkeys attacking people are common. While this particular case was not relevant to the study, I had to let them discuss it, since it seemed to be bothering the CPC at the time of research, as they were looking for strategies on getting the compensation. I then would strategically intervene to bring the deliberations back to focus. As a result, the transcription of some of the audio recordings took longer than necessary.

In other FGDs, two or more informants spoke at a time, creating an atmosphere of confusion. A few individuals also attempted to dominate the discussions, which often skews the conversation to the dominant person or group. I had to rely on my moderation skills to ensure that one person spoke at a time, encouraging all informants to contribute and challenge the views of each other. Also, some informants found it difficult to express themselves within the group, and I had to nudge them to speak continually. These challenges are not unique as other scholars (Bryman, 2012; Marshall and Rossman, 1995; Morgan 1998; Cronin 2008) have highlighted them. As I have noted, I was able to mitigate these issues, and I got worthwhile insights and data despite the limitations.

To ensure data accuracy, I used note-taking and audio recording simultaneously. This twin approach is essential because, as Berazneva (2014) noted, reflecting on her work in rural western Kenya, the audio files helped identify and correct any concerns with the notes, including missing, illogical or inconsistent values (ibid: 294). When I listened to the interviews as I transcribed them, I interpreted the informants' views in their original form. I could also easily make connections between the different informants and draw up themes during the data analysis.

Immediately after the interview and FGD, I noted in the field diary emerging issues from the discussion. Some of the notes include informants' background information

and identity, such as age, ethnicity, socio-economic status, among others, which assisted in contextualising the responses. Other times, the field notes served as an initial set of data analysis to draw out conclusions, collaborations or sharp differences of opinion of the informants. I wrote all my initial thoughts and perceptions, which helped in refreshing the memory on interviews and events during the analysis stage.

Observations

Observation is vital as a data collection method since it allows researchers to study initiatives within their “natural” context, complexity and depth (Gorman and Clayton 2005: 40). I attended six CPC trainings as an observer, two *barazas* (public gatherings normally facilitated by the Chief) in Kaptembwo and one in Mathare. In these settings, my role was to listen and observe debates. I also held many interviews and spent time at the Kaptembwo police station and Chief’s camp, which provided an opportunity to see how the residents, the CPC, police and Chief engaged with each other. Observation as a method was practical when walking around Mathare and Kaptembwo, and it allowed me to understand better and visualise the locations and where the policing actors operate. For example, it was only by routinely walking through Mathare that I could map out the different *bazes* since some are not marked.

While discussing the methodological importance of observation, Shah (2017:47) argues that by engaging in the research informants’ life, “this method can help question assumptions and pre-existing theories” made before fieldwork. It was through observations that I was able to notice the ethnic divisions within the settlements. For instance, in Mathare, the Luo and Kikuyu communities live in separate areas divided by a river that flows through the informal settlement. In Kaptembwo, there are places where informants pointed out they are mainly occupied by either Luo, Luhya or Kalenjin communities. Despite this, ethnicity did not emerge as a significant identity that influences policing actors, though I had assumed it would feature while going to the field (see chapter 1). When combined with the interviews, the observations enable me to reconsider my thinking about the influence of ethnicity in policing.

Participatory observation relies on the pronounced flexibility of the researcher “to follow objects, metaphors and narratives” (Marcus, 1995: 111). As a researcher, my role was to listen and observe debates, operations and decision-making on everyday policing matters. I followed narratives on security and policing in Mathare and Kaptembwo and made empirical observation notes in the field diary. I describe events, people, conversations, interactions, context, and personal reflections in the notes. If need be, I used the notes to add new questions in the interview protocol or followed up some of the emerging issues with informants for clarification. Making these changes as the fieldwork progresses is important since, as Yanow (2009) argues, reflexivity comes at a stage where the researcher, having processed and internalised the data, changes some of the initial goals in light of the new field experiences.

Data Analysis

Coding, analysing and triangulating data is an ongoing process, while I started while in the field, and this has continued. I analysed the data from interviews and field observation notes using qualitative content analysis. Using an Excel sheet, I placed the data in categories and themes relevant to the study questions. This enabled me to identify recurring patterns and themes, which I corroborated and cross-checked with other sources. As the “mountains of data” (Breen 2006:463) grew, I switched to using the NVivo data analysis tool to help me establish the correlations. I contrasted and compared coded statements to confirm the validity of categories and codes, highlighting those that recurred and were rich with empirical evidence. I developed these themes into empirical chapters of this thesis, and deepened them with evidence from relevant literature.

I found it helpful to start data analysis and triangulation while I was in the field. A preliminary analysis led me to self-reflect on how the research is proceeding and consider making any changes. For example, when I was in the second month of research, I realised I was not getting adequate information about the CPC. I was not happy with the quality of interviews I had conducted, and upon reflection, I realised

that I needed to hold multiple interviews with the CPC executive officials. That is how I became more familiar with the CPC.

By starting analysis early, I was able to know when I had enough data. By July 2019, 11 months into the fieldwork, I had reached a theoretical point of saturation, “when there is enough data to build a convincing theory and argument, yet no novel information that will impact the study can be found” (Morse 1995: 148). By this time, preliminary data analysis had started forming themes or patterns to create what Yin (2003:126) calls “converging lines of inquiry,” and the research study questions answered. I could not have known when I had reached the point of saturation if I was not analysing the data as soon as I collected it.

Positionality and Reflexivity

Drawing on my fieldwork experiences, I reflect on positionality in this section, specifically the intersection of my age, gender, professional background, social, economic status, and impact on the research. Positionality is the individual’s worldview, which most of the time is informed by values, beliefs, political allegiance, race, ethnicity, amongst other identities (Jacobs-Huey 2002). One has to readily recognise these identities and be aware of how they can impact research design, fieldwork, data analysis, and writing.

My research informants were mainly people from poor backgrounds, ranging from the youth to the elderly, both men and women. In this setting, my identities as a PhD student, middle-class Kenyan citizen and young man impacted how informants viewed me. This led to different levels of engagement and access to informants.

I was conscious and acknowledged my middle-class status and the privileges that it carries while doing research in an informal settlement. While it is hard to completely reduce the differences of power and privilege in such a research setting, I tried to narrow them.

During the interviews, I normally used the statements “*pole sana*” (Swahili for I am very sorry), “I am sorry you are going through this”, “I can see how that would be

difficult”, “I cannot imagine what you must be going through”, to empathise with the informants’ circumstances. Empathy, is a “research reality especially in settings where questions of poverty and injustice are in focus (Jones and Ficklin 2012:103). It is by accepting empathy as a field reality that a researcher “can better understand their own assumptions and prejudices which influence how others respond to him/her in research encounters” (ibid: 111).

I sometimes broke the ice with some informants before beginning of the interview with a brief chat about the weather. In other cases, we shared refreshments and snacks and this also helped the informants and myself to settle down and feel at ease. I also covered transport costs for some informants, especially those who had travelled from a far distance to the interview venue. I promised my informants that I would share findings with them, which I did in April 2021.

For some young men and women informants, I found it easier to initially get the conversations going through discussions of Kenyan and European football leagues and music generally. Most of the elders and older people (both men and women) I regularly interacted with, mostly saw me as their son due to my young age. “*Kijana wetu*” (our son/boy), one of the CPC officials, used to call me every time we met (Kaptembwo field notes, 14 December 2018). According to a female informant I interviewed several times, I was “the PhD student who is asking many questions” (Kaptembwo field notes, 14 December 2018). I emphasised this identity of a PhD student to encourage dialogue and pose questions. That is why the police and CPC allowed me to sit in some of their meetings.

As highlighted in chapter 1, ethnic identities are important in mediating everyday life in Kenya. Going to the field, I was conscious that my Kikuyu ethnicity could shape engagements with informants and impact the research. Major ethnic groups in Mathare include the Kikuyu, Luhya and the Luo, and in Kaptembwo, it is Kalenjins, Luos and Luhyas. At the time of research, I did not hear sentiments or notice actions that profiled me using ethnicity to facilitate or hinder access to the field.

I ensured my safety in the field in several ways, such as carrying out a risk assessment, obtaining a research permit from the National Commission for Science, Technology and Innovation (NACOSTI) and corresponding relevant permits from Nairobi and Nakuru County governments. I also informed and shared copies of the research permit with the local police commander, chief and county commissioners in Nairobi and Nakuru Counties. In general, I held interviews where the informant was comfortable, mostly at their house, a restaurant, or a business location. In other instances, I conducted some of the interviews and focus groups at the NGOs offices where I was affiliated. This was a safe working environment for informants who did not want to be interviewed elsewhere.

Warden (2013), in her ethnographic research in Guatemala, describes how by volunteering in a local NGO, she was able to access hard to reach areas, which would not have been possible without significant risk of life. The NGO also afforded a safe space with privacy to interview informants. Being affiliated with the two organisations meant I carried two different roles: researcher and practitioner.

My engagement with the informants sometimes varied depending on how they perceived me. Even though I identified myself as a PhD student, some of the people I met thought I work for the NGO. This offered me access to more informants, especially the police officers. I was also aware that being seen as an NGO worker could lead to expectations, for example, some of the informants declining to be interviewed since I was not providing stipends for the interviews (the NGO in Kaptembwo was paying people to attend its meetings. This is further discussed in chapter 6). However, no informant refused a request for an interview.

To reduce the chances of the research stalling if the informants declined interviews, I used multiple and parallel snowball networks to get informants. I also spent time with CPC officials to build rapport and obtain access to research the sites. Regularly walking through with the CPC officials as they went around the informal settlement enabled me to gain direct access to their knowledge and experience, grasp how they determined cases. By expanding the range of networks and informants I could access

through different gatekeepers, I reduced the danger of encountering research fatigue, which often occurs “when community members feel exhausted or overwhelmed by university research — particularly when they do not see tangible results from research activities” (Way 2013: ii).

I was aware that being too familiar with the field might lead to missing some things or getting partial, incomplete information. It can also “cloud judgment, facilitate a hasty agreement with participant interpretations, and diminish critical analysis” (Wiederhold 2014: 606). In order to ensure I continually collected relevant data to answer the study questions, I periodically (roughly every three weeks) took a step back from the research, analysing the field notes to establish the links and anything else that needed to be followed up. I regularly consulted and discussed the emerging data and preliminary analysis with my PhD supervisors, who ensured that I remained on track, collecting relevant data.

Two research assistants (one in Mathare and the other in Kaptembwo) helped find suitable areas to hold interviews, identify informants and arrange the FGDs. Hiring local research assistants to assist conduct interviews, translation, identifying informants is common in social science research. This is because they are “in a better position to recognise and understand culturally biased strategies” (Vincent and Sorensen, 2001: 13). While this is the case, there arise several methodological concerns. One is that the research assistant could be biased, affecting the data collected. Since the research assistants come from the local area, “there is a risk of transgressing political, social or economic fault lines that the researcher may not be aware of” (Jacobsen et al., 2003). Also, I was cognisant that if the research assistant is perceived to be associated with any of the policing nodes or their membership, this might influence the quality of the data collected or even access to informants.

I requested some of the contacts I was familiar with in Mathare and Kaptembwo to suggest suitable research assistants. I interviewed those proposed to establish if they could do the fieldwork and discuss any concerns that might affect the research. I did this because research assistants have their own biases and dynamics, which can

compromise data. I trained the two assistants I hired on the data collection processes and tools, research objectives and ethical considerations of the study.

Conclusion

This chapter has provided an overview of the research techniques and methods used to collect data for the study. I also discuss challenges and how I addressed them. Using interviews, observations and literature review, I collected that establishes everyday policing activities by the policing nodes and engagements by residents of Mathare and Kaptembwo.

I adopt interpretive and social construction frameworks to identify and understand the policing nodes, their different realities and logics. As I discuss in the rest of the thesis, these approaches enable me to construct a more profound and robust understanding of the actions and behaviour of the policing nodes in their unique realities.

It is critical to pay attention to positionality, reflexivity, and the power relations inherent in research processes (Sultana 2007: 380). As I have noted, my positionality in the field was shaped by an intersection of class, gender, and a PhD student. It is important to recognise identities and perceptions of positionality in fieldwork since they impacted how I interacted with the informants.

In light of the methodological and research design considerations, including practical field issues that I have discussed, interviews and observations were appropriate for data collection in this study. They provide means to gain insights into everyday policing in Mathare and Kaptembwo and interpret the experiences, which I analyse in the chapters that follow.

Chapter 3: Conceptual Framework

Introduction

In this chapter, I discuss the main concepts of the study, namely policing, statehood and intersectionality. I examine the scope and limitations of the different ideas as articulated in the literature in order to provide conceptual clarity to the thesis before using them to analyse the empirical data.

I start by discussing the theoretical literature on policing, namely hybrid political orders and multi-choice policing, which are used to analyse policing in many African countries. I argue that these approaches are not suitable for theorising and analysing how policing is conceived, regulated, practiced, contested and legitimised in Mathare and Kaptembwo. Nodal governance is then examined as a conceptual framework that partially aids in fulfilling this task since it helps us map out, and examine, the complex web of state-society dynamics and power relations between the actors.

Nodal governance has been criticised for minimising the state's position in the provision of security. Echoing these concerns raised by nodal governance critics (Boutellier and Steden 2011; Loader and Mulcahy 2003; Loader and Walker 2007; Crawford and Lister 2004), I bring the state back to the discussion by analysing policing through the lens of state and statehood. Specifically, I argue that to understand policing in Mathare and Kaptembwo, we need to see policing practices of the different actors as part and process of negotiating statehood (Hagmann and Péclard 2010).

In this thesis, the analytical concept of intersectionality (Crenshaw (1989; 1991) helps establish how identities impact policing, and present us with a whole picture of the kinds of statehood being claimed, enacted and imagined, and different orders emerging in Mathare and Kaptembwo. Multiple struggles based on social identities and structural positioning are bound to reconfigure power and relationships, affecting how policing actors interact with each other and with the residents of Mathare and Kaptembwo. This research treats the resultant tension and contradictions as sites of

productive inquiry (Harman 2017), which can help us understand how policing is conceived, legitimised, contested and negotiated.

Echoing Lund (2006), I locate the Kenyan police as a public authority that is never definitely formed but is constantly forming. It has to negotiate and contest for authority with other actors, which has led to a reconfiguration of its powers of coercion. Sometimes it has delegated and outsourced the power to other actors.

In Mathare and Kaptembwo, the policing nodes are not always a response to a failed, weak or absent state. Instead, these actors in everyday policing practices are engaged in ‘negotiating statehood’ (Hagmann and Péclard 2010) processes, sometimes mimicking the state. Through these nodes, the residents enact, claim, and imagine the state as an ideal or as a reality. Besides mimicking the state, the nodes project power and sovereignty which is shared and among the various actors. These dynamics can only be understood if one looks at how the nodes and residents negotiate their relationships with the state, and how identities shape and configure the policing outcome.

Conceptualising Policing

Policing in this thesis is seen through overlapping agencies, different processes and institutional arrangements (Reiner 2000: 2–3), including the police, neighbourhood watch groups, community policing, individual citizens, private security companies, youth, women groups, business people and other forms of entities. In this context, the state “does not have a privileged position as the institution that provides security, welfare and representation; it shares authority, legitimacy and capacity” with other non-state actors (Boege et al., 2008:10). I agree with Stenning (2000) that “it is now almost impossible to identify any function or responsibility of the public police which is not, somewhere and under some circumstances, assumed and performed by private police in democratic societies” (ibid: 328).

This thesis analyses policing as a site of regulation (Garland 2001; Goodwin 2006). It is any activity which seeks to ensure “the maintenance of communal order, security

and peace through elements of prevention, deterrence, investigation of breaches and punishment” (Baker 2008:5). In undertaking these policing activities, the actors make different and “overlapping claims to power and logics of order, which co-exist” (Boege et al. 2008). As I discuss in this thesis, this makes policing to be a contested issue, more so understanding the role and place of different players who “bargain and negotiate with each other over the nature of the order to be established and the mechanisms for accomplishing protection” (Baker 2008:5).

Colona and Jaffe (2016), while discussing hybrid security governance arrangements in Nairobi (Kenya) and Kingston (Jamaica), illustrate how state and non-state activities become blurred in everyday life. They argue that the analytical framework of hybrid governance is advantageous since it focuses on relations between the different actors. Such an analysis provides a nuanced understanding of the overlaps and interrelations between the actors, their specific interests and shifting roles over time (ibid).

I agree with Colona and Jaffe (2016) and Boege et al. (2008) that the state and non-state actors intertwine in providing security, but also note the concept of hybridity is fraught with problems. One key issue is that it does not appreciate history. Different agencies, including “elders, kinship and community-based groups, have always done policing work” (Etannibi 2009: 489), and these policing actors have continued to present times. Thus, as Etannibi (2009) cogently notes, it is a mistake to assume that the existence of other actors doing policing work is a new development. In Tanzania, Cross (2014) has outlined how contemporary community policing is informed by the historical legacies of one-party era. Following these paths, I argue in chapter 4 that historicising the policing actors is crucial for understanding the nature of policing in Mathare and Kaptembwo.

The concept of a hybrid form of security governance is sometimes seen as something that is both good and distinct from the state but it is not. Situating her analysis on *Ulinzi Shirikishi* in Tanzania, Cross (2016) notes that since residents were supposed to contribute money to those providing police services, this disadvantaged the poor.

She warned that this hybrid policing formation could become a commercial security outfit over time, leading to the powerful pursuing private gains and not the public good. Bagayoko et al. (2016) also make similar observations to Cross (2016), arguing that hybrid formations do not work equally well for everyone, especially for the marginalised.

Meagher (2012), using the cases of *Rassemblement Congolais pour la Démocratie — Mouvement de Libération (RCD-ML)* in Eastern DR Congo and Nigeria's Bakassi Boys highlights that these hybrid orders ended up reproducing rather than challenging predatory and unaccountable modes of governance. Likewise, Cross (2014) while discussing *Ulinzi Shirikishi* (participatory policing) in Tanzania, questions the extent to which community policing is "a more accountable, responsive or 'democratic' form of policing" (ibid: 517).

Hybridity as an analytical framework has also raised concern. Goodfellow and Lindemann (2013) argue that "the idea of hybridity has been used rather loosely to refer to a range of different institutional arrangements, some of which are more accurately characterised as institutional multiplicity (ibid:5)." They warn that institutional hybridity is distinct from institutional multiplicity. Further, they rightfully argue that hybridity is not the same as the co-existence of, or competition between, different institutions or governance (ibid).

Limitations of hybrid security governance highlighted above, in not providing an analytical tool for exploring issues of power, legitimacy and relationships, constrain the use of this concept in this thesis. Understanding how residents of Mathare and Kaptembwo individually and collectively conceive, negotiate, contest with the policing actors is central to this study. I also examine how power and relationships are reflected and reconfigured in policing and how different individuals contest legitimacy.

Apart from hybridity, another context in which scholars have analysed the nature of policing in African states is through the concept of multi-choice policing. Baker (2008)

introduced the idea of multi-choice policing and argued that commercial companies, non-state authorities of policing, individuals, and governments are all involved in policing. He noted that these multiple policing providers “form a complex set of options for Africans as they seek to negotiate a measure of protection from crime and abuse in their daily lives” (ibid). While this concept usefully highlights the plurality of policing actors that exist, the concept of ‘multi-choice policing’ is problematic because while people choose to engage one policing actor in preference to another, sometimes individuals do not always have that option. As I show in this thesis, most policing actors emerge from specific contexts, collaborate, and work together, limiting the concept of choice.

Multi-choice policing is mainly descriptive and does not fully engage with policing as a site of political-economic struggle where power and resources are contested (Scarpello 2016). In this thesis, I explore the political economy of policing, asking questions about power and resources, including discussing “how,” by “whom,” and for “whose” benefit is policing. I also analyse how policing is linked to broader contestations over power and resources. Multi-choice policing, as presented, is not an adequate analytical, theoretical framework for my study.

Having noted the restrictions of multi-choice and hybrid approaches, I now discuss the nodal governance framework (Stenning and Shearing 1980; Shearing and Froestad 2010). I will use it to map and explore networks and relationships between and among the policing actors, including their ability to mobilise resources and achieve their security objectives.

The idea of ‘nodal governance’ as a conceptual framework to understand policing was proposed by Clifford Shearing and Phillip Stenning (Stenning and Shearing 1980). They argue that a “node” is another way of referring to an auspice (e.g. state, civil society, private etc) under which security is governed (Dupont et al.: 2003). Nodes are “a site where knowledge, capacity and resources are mobilised to shape the flow of events” (Burris et al. 2005:37-8). A node, Burris (ibid:341) continues to note, “need not be a formally constituted or legally recognised entity, but it must have

sufficient stability and structure to enable the mobilisation of resources, mentalities, and technologies over time”. The nodes I interacted with and which form the focus of this study are *bazes*, Community Policing Committee (CPC), police, elders and women groups who operate alone or collectively (See chapter 4 for more background analysis on the nodes).

The nodal approach emphasises the relationships and linkages between nodes and networks they form, and so one, therefore, cannot comprehensively talk about policing by focusing on one node and not the others. Due to the multiple and overlapping roles that these different actors play in policing, I do not classify them as formal and informal actors. This is because such categories are not mutually exclusive in the context that I studied. As the empirical findings from Mathare and Kaptembwo show, these nodes operate alone, collaborate, co-opt and contest with each other.

Emphasising the distinction between formal and informal policing might obscure the fact that some actors commonly categorised as ‘informal’ such as neighbourhood watch, women and youth groups, and community policing committees, engage in formal practices such as having written standards and procedures (Bagayoko et al. 2016:5). At the same time, many seemingly formal actors are regulated and indeed held together by informal understandings and unwritten precedents (ibid). Hence, using the term ‘policing nodes’ and not ‘state/non-state policing’ in this thesis is deliberate. It helps us not make presumptions about the actors and their relationships since they are complex, dynamic, and temporal (Diphoorn 2016). It also does not seek to privilege one node over the other since they are interrelated and form part of the performers in the policing ecosystem.

According to Burris (2004:341), four characteristics are essential to a node: “a way of thinking (mentalities) about governance; set of methods (technologies) for exerting influence over the flow of events; resources to support a node’s operations; and institutional structure that enables the directed mobilisation of resources, mentalities and technologies over time” A mentality refers to the way “nodes think about and

view the world they govern” (Burris et al. 2005). Resources include but are not limited to “finances, local knowledge and information, social capital, expertise, authority, legitimacy, strategic position” nodes use to insert their influence to achieve their objectives (ibid). Technologies are the “set of methods and tools a node relies on”, such as laws, surveillance, street patrols, and responses to crime, which enable the mobilisation of resources and mentalities to pursue security (Shearing and Johnston 2010).

Technologies are the set of methods and tools a node relies on, such as laws, surveillance, street patrols, and responses to crime, which enable the mobilisation of resources and mentalities to pursue security (Shearing and Johnston 2010). These characteristics provide us with the tools to better map and analyse security nodes in Mathare and Kaptembwo. By analysing the nodes and networks they form, I will draw attention to what Burris et al. (2008:127) characterise as the nodes’ individual “internal constitutions, their cultures, their resources, and the strategies they use to amass and project power”.

Echoing (Shearing and Wood 2003), I argue in this study that nodes, and networks that they form, are often fluid, and membership is not static. People can be permanently located in one or more nodes, but they can also switch between them. At other times, the nodes and networks may work together or co-opt the other. Nodes, Martins (2013: 148) argues, “may also sometimes pursue divergent or even conflicting priorities whilst operating within the same network”. Some nodes wield power by regulating others. In such cases, nodes would want to get into networks with nodes that are perceived to be influential to ‘capture’ their power, access to other nodal networks, resources and mentalities (Holley and Shearing 2007:167).

Nodal interactions have come to be seen as essential policing sites (Burris et al. 2005:37-8), “generating different variations of power – mainly for their own interest – but with far-reaching collective impacts”. As I discuss in chapters 5-8, the CPC and *baze* members perform policing roles of investigating and solving crime. Noting the legal legitimacy claimed by security officers in crime management, the nodes

sometimes mimic the police, and enact statist practices, to ascertain authority. Ayiera (2017) also uses the nodal governance framework to establish a clear partnership and networking between policing nodes in Dagoretti, a poor neighbourhood in Nairobi. She analyses how the Dagoretti Landlords Association supports police patrols and crackdowns by fuelling the police vehicle so that the officers can travel to various parts of the informal settlement. At the same time, occasionally, vigilante groups are used by the landlords to carry out patrols and scare off thieves (ibid).

Some scholars have noted that while nodal governance provides a sound framework to understand policing, it also minimises the state's key position in security provision. Boutellier and van Steden (2011) argue that the nodal governance framework fails to account for the critical role states play in the security governance process, yet it "holds the unique position of setting binding guidelines so that democratic governance can be guaranteed at the local level" (ibid: 477).

Basing their discussions on a case study of local security policies in the city of Eindhoven, the Netherlands, they conclude that in order for nodal arrangements to function to their full capacity, they need to be more 'anchored' and 'directed' by the state, more than nodal theories presuppose (ibid). Their concerns are echoed by Crawford and Lister (2004), who note that the state should be conceived of as more than merely one node among many, since their role remains pivotal in respect of both symbolic power and its regulatory capacity. Loader and Walker (2007) also argue that the state plays a crucial role in regulating administration and execution of security, while Loader and Mulcahy (2003) have re-emphasised the role of the state in exercising the symbolic authority of law enforcement, maintaining security and the constitution of national identities.

This thesis associates itself with these arguments, and I argue that there is merit in rethinking the role of police and the state in nodal governance. This is crucial since, as the field data shows (chapters 4-8), the police play a fundamental role in shaping how the nodes are formed and how they operate. As I discuss in this thesis, people see the police as the ultimate guarantor of security. Further, police are one of the

primary links between the state and society, and they are fundamental to the state's efforts to maintain its power and authority (Marenin 1982). This shows that the police are not just one of the many nodes but occupy a strategic position. As Dupont (2006:8) has put it, "the erosion of the public police monopoly has not prevented it from retaining a central status in the governance of security." This is mainly because the state holds symbolic and real authority in policing and is tasked with protecting the public interest.

Using nodal governance as a point of analysis, I intend to enrich the limited but growing studies by scholars of Kenya who have utilised the framework to analyse security actors and the relationships they form. Ayiera (2017), using nodal governance framework, maps out security providers in Kawangware and Mlango Kubwa neighbourhoods of Nairobi. She lists the police, youth and women groups, and private security companies as nodes and notes the different relationships established to ensure security governance. There is little analytical engagement with social and power relationships that emanate from these interactions and how they shape people's mentality about policing. Similarly, she does not engage with the different interests that lead to the nodes forming or interactions with others.

Smit (2018) uses the nodal approach to map out key urban governance stakeholders in Kisumu City in Kenya, who are involved in developing and implementing strategies to govern the city. While he notes how the different state and non-state actors mobilise skills and resources, challenge each other's legitimacy, and form networks such as the Kisumu Local Interaction Platform (KLIP), his article does not lead to a better understanding of the urban governance processes in Kisumu City. This is mainly because there is hardly a discussion of the broader political economy of nodes, where they are embedded and what it means for security governance.

In view of the limitations of the nodal governance framework outlined above, I go beyond a simple mapping of the nodes and their architecture. In order not to lose sight of the important role that states play in security governance, in this thesis I draw from the statehood literature out of anthropology studies. The works will help us

anchor the state in the policing arrangements and explore outcomes of relations between the nodes. Motivated by Hull's (2012) work on materiality, I also analyse the state's symbolic, material, and political importance in creating rules, practices, perceptions, and policing outcomes. I argue that policing objects like police vehicles have capacities to create rules, practices, perceptions and outcome of policing (see Chapter 5). Beyond this, I analyse and locate the policing nodes as existing and operating beyond the state, drawing authority and legitimacy, which is unstable and keeps shifting, from the community.

Viewing policing through the lens of statehood is helpful for us to understand how sovereignty and legitimacy to govern and address crime have been reshaped in the face of competition for authority at all levels by different actors and institutions. I will establish how different policing formations and organisations mobilise for security and how this is tied into broader attempts to assert public authority. Crime prevention approaches, such as community policing pushed by governments as part of responsibilisation strategy (Garland 2001), seek to extend the responsibility for the governance of crime and safety to other non-state actors working with the state, local communities, residents, and businesses. In this regard, as discussed in chapters 4, 5 and 6, policing duties of investigating and solving crime have become a moral duty of other people and agencies working alone or with the police. While doing this, the policing nodes use their human resource - namely local knowledge and capacity-on risk identification, surveillance and crime prevention. They also use a wide range of mechanisms, including mediation and arbitration. In other instances, the business community has directly provided resources to police by donating cars, money and other materials (Ayiera 2017).

Understanding the State and Statehood

Discourses on the state and its coercive power as a guarantor of law and order are pervasive to the imaginary of modern state power (Comaroff 2004). In Africa, this is due to the violent history that most states, including Kenya, emerged from, whereby the colonial state was constructed, entrenched and sustained by violence (Mbembe 2001; Mamdani 2012). The colonisers used violence and torture to subjugate Africans

and construct a moral superiority based on race and class. As analysed in chapter 4, despite a regime change, practices and institutions of violence were maintained by most of Africa's post-independent states, including Kenya. These performances and attempts by the state to produce social order using violence, or threat of non-coercive force, to assert its sovereignty and legitimacy as Comaroff (2004) notes, need to be interrogated from a historical basis.

In the late 1980s, the Cold War was ending, and most African countries were undergoing political changes, with many allowing multi-party politics. The democratic transitions that took place also led to political instability in Kenya and continent-wide. This led to some scholars defining the African states as “failed”, “fragile”, or “failing” since the legitimacy, authority and capacity of state institutions were seen as to be dramatically declining, weak or broken (Nay 2013).

Most of the literature that promoted the failed state thesis argued that for a state to be seen as functioning and legitimate, it had to have the ability to establish peace and security, economic development, and social order (Krasner and Pascual, 2005; Zoellick, 2008; Kraxberger, 2007). For Rotberg (2003), he constructed a ‘hierarchy’ of political goods, in which he saw the provision of security as the “prime function” (ibid: 3) of any state. Further, he argued that a state was deemed to have failed once “[t]hey are consumed by internal violence and cease delivering positive political goods to their inhabitants” (ibid).

Others have criticised the ‘failed state’ thesis. Some argue that the concept prioritised western liberal democracy, which is seen as the ideal other states must reach for them to be legitimate. Those who did not were considered inferior (Stremlau 2018; Hagmann and Hoehne 2009; Steppatut and Engberg-Pedersen 2008). It is argued that the ‘failed state’ notion functions as a moral label (Bøås and Jennings 2005) and was unhelpful in analysing situations facing African countries. It also did not consider that many African leaders used security apparatuses for political repression (Nay 2013: 44), and yet their countries were considered weak because of their inability to be coercive. Being a state-centric argument, the failed state argument

underestimated the complexity of socio-political systems in developing countries. This is especially the role of non-state actors and institutions (Brooks, 2005; Batley and McLoughlin, 2010) and sub-national political entities in enacting and claiming violence (Kaplan 2008; Hagmann and Hoehne, 2009).

Some scholars have termed the Kenyan state as weak or fragile due to its inability to provide public services, rampant corruption, a non-performing economy, and rising incidents of violence and crime (Mueller 2011; Kagwanja and Southall 2009). This labelling is not helpful and offers little in advancing theoretical arguments on how to perceive the state. As I argue in this thesis, the use of violence in Kenya and most African countries has never been a monopoly of the state and has been devolved and used by other actors to advance social-political and economic objectives. This means that the authority usually perceived as for the state is shared amongst multiple institutions, including the youth and women groups, and elders, community policing actors, who work or contest with each other or police. Through their activities, as I later discuss, these institutions and actors sometimes make use of violence in their everyday policing practices, leading to an erosion of the state's legitimacy, claiming, enacting, reshaping and contesting it.

Sharma and Gupta (2006) have made a critical point on the need to shift in the way that the state can be studied. They argue that scholars should consider looking at the state as made of constituted and (un)constituted practices and the way these practices are encountered (*ibid*). Flowing from this, theoretically, I thus argue that the state is an idea, which as Mitchell (1991) has insisted, needs to be analysed 'not as an actual structure, but as the powerful, metaphysical effect of practices that make such structures appear to exist' (*ibid*: 94). These practices are undertaken by different elements, including bureaucrats, policies and institutions, imageries, symbols and discourses (Hagmann and Péclard 2010:543).

By seeing the state as ideas, I am thus able to account for its existence and elusiveness at the same time. This enables us to understand how ordinary people, while carrying out policing practices, imagine and represent the state in their everyday

lives through appropriating the ‘fragmented imageries of stateness’ (Nielsen, 2007: 695). Using this argument, I advance that the state’s image as having the monopoly of authority remains just an idea, because its power is negotiated, claimed and enacted by citizens.

Without decentering the importance of the set of institutions we call the state, we need a theoretical framework that recognises the importance of the interactions between all the actors involved in constructing and reconstructing public authority. Moreover, this understanding will invite “greater intellectual flexibility in considering contemporary and future approaches to governance and statehood in Africa” (Moe 2012:13). In this respect, I argue that the negotiating statehood framework (Hagmann and Peclard 2010) provides a basis to interrogate how the state is enacted, produced and contested through everyday policing practices and discursive constructions undertaken by a multitude of actors who compete over the institutionalisation of power relations. (ibid, 539).

As Hagmann and Peclard (2010) have argued, understanding statehood as being negotiated is a way of looking at and grasping dynamic and complex dimensions of statehood. The negotiating statehood framework “emphasises the profoundly contested nature of the state and the host of conflictive interactions inherent in defining statehood” (ibid: 545). It leads us to study how statehood is negotiated by different actors using diverse strategies, competing for power and sovereignty using different “assets, entitlements, legitimacy and styles of expression” (ibid).

Contrary to the idea of chaos associated with perceived state retreat, non-state actors in Mathare and Kaptembwo provide security at local levels. Using the negotiating statehood framework, I analyse how non-state authorities engage and disengage with the state in policing and institute public authority. Order is thus a result of institutionalised yet dynamic power relations involving state and non-state actors and everyday practices of ordinary people. Echoing Hagmann and Peclard (2010:11), I also argue that these dynamics “can only be understood if one looks at how actors negotiate their relationships to the state and each other, how they at times

‘produce’ statehood without realising it, and how at other times they consciously and willingly contribute to ‘constructing’ the state”. Further, I also recognise and have argued in this thesis, that imaginaries of statehood are multiple and diverse. Sometimes people living in Mathare and Kaptembwo are creating forms of public authority that are not about statehood and compete with it.

Looking at the power relations through a negotiated statehood framework enables us to conceptualise sovereignty as a socially constructed source of power (Diphoorn 2016:316) reproduced and shared by various policing actors through daily practices. I approach sovereign power as “the ability to kill, punish, and discipline with impunity wherever it is found and practised” (Hansen and Stepputat 2006: 279). In everyday policing, sovereignty is based on the policing nodes’ ability to enforce punishment through violence or the threat of using it (Dahlman 2009: 31). While engaged in violence and coercion, the policing nodes are ‘performers of sovereignty’ (Hansen and Stepputat 2006: 279), which leads to an array of relationships between the sovereignties, cutting across the state and non-state actors.

In such an environment, relationships are in flux, co-exist and overlap due to shifting temporal and spatial circumstances (ibid). For example, when state authorities attempt to assert control and authority, a wide range of citizens acting alone or as a collective, such as the CPC and *bazes*, may also claim to exercise sovereignty and challenge the government’s claim to exercise political and legal authority. This results in relationships that cut across the state versus non-state; legal versus illegal divides which have the capacity to de-legitimise, weaken, or challenge different forms of authority.

Analysing statehood as fragmented and negotiated enables us to conceptualise when the state’s powers of coercion are decentralised, allowing and encouraging their sub-contracting and outsourcing (Mitchell 1991: 94). The effect of this is that there are multiple actors who are contributing to the state’s sovereignty and at the same time demanding, contesting and performing sovereignty. This notion of overlapping and different sovereignties (Sieder 2011) is beneficial for considering the everyday

policing practices in Mathare and Kaptembwo, since the Kenyan state is “an unfinished and continuous project of control and subordination, whose power is increasingly dispersed” (Hansen 2006: 172).

Those who act illegally, Cooper-Knock (2017) argues, “must negotiate their impunity with other citizens and the state, so as to avoid repercussions for their actions either within or beyond the criminal justice system” (ibid: 29). These negotiations are fluid and fragile but allow the public to act as sovereigns without repercussions. I use this notion of permissive space to interrogate the use of street violence in Mathare and Kaptembwo (chapters 4, 5,7) in negotiating statehood. As I discuss, the experiences of violence and impunity create different imaginaries of the state’s legitimacy and exercise of authority, which may persist among ordinary people as they pursue their everyday lives. For example, *bazes* participating in street violence (chapters 5, 7 and 8) are engaged in constructing and manifesting local forms of sovereignty. Further, by the police outsourcing violence and or expressing unwillingness to control it, these are, in fact, the mechanisms through which ‘the state’ itself is being broadly deconstructed (Sieder 2011). Using the idea of permissive space, I will elucidate the different forms of power and relationships been negotiated and contested by the *baze* members and Mathare residents whom I interviewed.

Migdal (1988:15) has rightfully noted that “[w]hile the state may occupy a privileged place in our collective thinking, its empirical reality in large parts of the world is much more complex.” While some have sought to evaluate the state in Africa based on its presence, authority and reach, others see it from the point of failure and weakness, unable to provide public goods and services. My approach in understanding the Kenyan state is that of ideas in constant formation through practices and resources. Considering that power and authority are shared among the different actors, I understand statehood as the effect of the actors in the ‘field of power’ (ibid 15). This means that public authority is projected in different ways, which ensure that order remains deeply anchored in a ‘language of stateness’, reinvented by the state and non-state actors (Hoffmann and Vlassenroot, 2014; Titeca and De Herdt, 2011).

Intersectionality

The term intersectionality is credited to Crenshaw (1989; 1991), who argues that social stratifications do not exist separately but intertwine to produce a whole new being and experience. While locating her analyses and discussion on black women and the intersection of gender and race, Crenshaw provides an analytical framework that assists in developing thinking about the relationship between multiple identity structural positions that are complex yet fluid. Using the intersectionality, I will analyse how social categories overlap to shape and construct policing in Mathare and Kaptembwo.

Despite the promise of opening “intellectual spaces that allow for different approaches to knowledge and research” (Weber and Fore 2007:204), intersectionality faces definitional dilemmas, to paraphrase Collins (2015). Scholars conceptualise and use the term differently. For example, Cole (2009: 179) states intersectionality, “is a paradigm for theory and research”, which offers new ways of understanding the complex causality that characterises social phenomena. Bowleg (2012) argues that intersectionality is not a theory because “it has no core elements or variables to be operationalised and empirically tested (ibid 1268). For this reason, she favours the term theoretical framework or perspective.

Other scholars such as Davis (2020) and Bilge (2013) have outlined how feminist scholars have increasingly expressed their worries about the depoliticisation of intersectionality. Davis (2020) notes that intersectionality has not been used as a tool for social justice as it was meant to be, and it has become a buzzword in NGOs and social movements who want to ‘diversify’ and label themselves ‘intersectional’ (ibid 115). Due to the contested ways in which the concept has been adopted and used, Bilge (2013:405) points out that intersectionality might need to be saved from feminist intersectionality studies.

While these debates are useful, I note that what cuts across most of the literature is the emphasis on the need to undertake research and analysis that locates social categories as mutually interactive to reinforce or challenge power relations and

inequalities. In this thesis, using intersectionality, I identify and examine both individual and group identities in Mathare and Kaptembwo and explore how they intersect to influence and challenge the power of the policing nodes.

Collins (2015) has provided a sound framework that I use for analysing the social, political, and cultural realities of policing nodes and residents of Mathare and Kaptembwo. She advances that intersectionality is a lens, that enables us to recognise historical contexts of violence and systematic discrimination (ibid:12). This view is shared by Bilge (2013:420), who notes that “disciplinary use of intersectionality requires paying proper attention to historical contingencies in specific contexts”. Crenshaw (2011) also advocates the use of intersectionality as “a heuristic device for illuminating discriminatory situations” (ibid: 232).

As I analyse in this thesis, policing discourses and practices in Kenya have historical roots that have impacted generations. The everyday policing undertaken by the *bazes* and CPC is influenced largely by colonial police practices adopted after independence in 1963. Police violence and criminalisation of the poor have continued despite some changes and discontinuities from the past. Flowing from history to the present, I use intersectionality as a lens to establish how everyday policing is conducted in Kaptembwo and Mathare, paying attention to power relations and social inequalities.

The second way I use intersectionality is as an analytical strategy. Collins (2015) argues that deploying intersectional frameworks leads to new knowledge about the social world. Cho et al. (2013:795) has also argued that intersectionality is an “analytic sensibility” that highlights the “complexities of oppression” while Bowleg (2017:512) terms it as an “essential analytical framework”. Intersectionality, Nash (2008:1) notes, has become a “primary analytic tool” for looking at “identity and oppression”. In this thesis, my contribution to academia is examining policing in informal settlements from new angles of the policing nodes, their practices and interaction with identities, power and inequality. Drawing on Collins’s (2000:84) concept of the “matrix of domination”,

I incorporate and interrogate economic status, gender, and age as interacting identities that impact policing.

Identity is used in this thesis to describe how individuals and groups define themselves and are defined by others (Deng 1995; Wendt 1992). For example, some informants saw themselves as “mother,” “father,” “businessperson,” “youth,” “reformed criminal”, among other identities, or I categorised them as such after interacting with them. As I have argued in Chapter 1, I am also conscious that these are socially constructed terms that sometimes can be used simultaneously, are multi-layered, and change over time. They also may mean different things to different people in a particular moment. For example, one can be both a businessperson, youth and a father today and widower the next day. Further, it is notable that people have multiple identities that impact how they negotiate everyday policing practices.

Intersectional scholarship advances that social identities and experiences should be analysed in multiple and interactive terms rather than seeing them as single interactions to be added together. In his analysis of disabled people, Vernon (1999) argues against the additive analysis asserting, “one plus one does not equal two oppressions” (ibid 385). Likewise, Begum (1992) has stated, “notions of ‘double disadvantage’ or ‘triple jeopardy’ do nothing to facilitate understanding of multiple or simultaneous oppression” (ibid 17).

Stuart (1992) also rejects the notion of “double” or “triple” oppression, noting that individuals experience simultaneous oppression. In other words, to fully appreciate an individual’s experiences, one must seek to understand them as interconnected. After all, power, privilege, and oppression are multiplicative and intersecting according to different social identities and categories. Bowleg (2008), while researching on black lesbian women, notes that quantitative research often fails to employ intersectional approaches. While advocating for intersectionality and a mixed-methods approach, she argues that quantitative research is intrinsically additive in the assumption that one can separate and then add or multiply such experiences.

An intersectional approach differs from unitary and multiple methods of analysis. A unitary focus is only on one identity, for example, gender or socioeconomic status. Multiple methods operate under an additive assumption that treats multiple marginalisations or privileges as individual categories that can be layered (Hancock 2007; Bowleg 2008). This is not an intersectional approach, and I agree with Yuval-Davis (2006:205), who has noted that attempts to distinguish individual forms of privileges and oppression inevitably construct identities in essentialist ways.

Some of the policing scholarship in Kenya has analysed peoples' experiences with policing and security as being impacted by singular identities, limiting our understanding of their everyday policing practices. For example, in their comprehensive study of Korogocho, Kawangware, Kibera and Mathare informal settlements, Okoth and Olang' (2010) highlight the importance of ethnicity in policing formation. They note how these neighbourhoods are ethnically segregated, and policing actors form and operate along the same cleavages. For instance, they note how the *Taliban* group patrols only the Luo-dominated sections of Kibera in Gatwekera, while the *Mungiki* have extended their operations in Kibera's Laini Saba, where members of the Kikuyu community stay.

In Korogocho, the Borana have their own group that protects Somali/Borana interests, while in Kawangware, the Bakongo operates to safeguard the security of the Congolese population in the Congo ward (ibid). Similarly, locating their analysis in the 2007-8 post-election violence, Jakobs (2011) and Ruteere et al. (2013) have emphasised ways in which groups such as Luo-affiliated *Taliban* group and *Mungiki* (associated with Kikuyus) created ethnically-framed visions of social order by patrolling 'their' areas, demanding to see identity cards, carrying out evictions and attacking the homes and retail premises of members of opposing ethnic groups.

Dafe (2009) argues that a combination of political affiliation and economic interests more than ethnicity is important to understand land allocation in Nairobi's informal settlements. She notes that since chiefs allocate private or public land in these areas,

either illegally or legally, they expect some reward through cash or political patronage (ibid). Dafe's analysis does not consider that the informal settlements are divided ethnically, and any landlord would want to put up structures where their ethnic kin reside to have safety in numbers. In this case, ethnicity and ability to purchase are equally important; one is not less important than the other. In addition, she overlooks that payment of rent is a political issue in the informal settlements, which has led to ethnic-related violence (De Smedt 2009; Kagwanja 2006).

The above scholarly works have taken an additive and layered nature to understand policing and security, which has hindered a comprehensive understanding of how identities are linked and interwoven to impact individuals' experiences. Nevertheless, they have provided valuable starting points that drive us to pay more in-depth attention to how identities are deployed, constantly contested, negotiated and rejected in everyday life.

Intersectionality requires considering how crime narratives are constructed and how authority, domination, and power coalesce in lived human experiences (Henne et al. 2019) across different sites and scales. In order to capture these experiences in criminology, intersectionality is commonly used to explore how individuals and groups' identities and statuses are connected to their experiences with crime, policing, and related issues (Potter 2013: 305).

Bowleg (2008; 2012) has encouraged scholars to move towards a 'matrix' level of analysis where various points of difference and inequality are interrogated as interlocking and mutually constitutive. Borrowing from her work, and that of other intersectionality scholars, in this thesis, I interrogate how gendered identities intersect with age and economic status to generate particular experiences for residents of Mathare and Kaptemwo. I also analyse how these experiences intersect with discourses such as patriarchy and gerontocracy, and institutions (CPC and *bazes*), which sometimes perpetuate discrimination. For example, the women I interviewed in Kaptembwo and Mathare are single mothers, married, widows, unemployed or engaged in business. They are from different ethnic groups and social status. The

young men and women are in college or have dropped out of school. They engage in menial work or any activity that provides them with an economic opportunity. They also were from different ethnicities and economic status. The informants articulated a range of tactics of leveraging their agency and interaction of their various identities to engage with the *bazes* and CPC. From this mix of identities and constructs, a holistic experience arises.

To understand policing in Mathare and Kaptembwo, I use the growing body of intersectionality literature that makes important arguments regarding how power operates in everyday life. Else-Quest and Hyde (2016: 3), for example, note that “intersectional research always must attend to the power and inequality tied to the experience of multiple social categories”. (Kapilashrami and Hankivsky (2018) have shown the importance of intersectionality in illuminating power structures and processes that give rise to them. From a policy angle, Hankivsky et al. (2014) argue that intersectionality encourages critical reflection to move beyond singular categories and underlines processes of stigmatisation and the operation of power in policy making. Drawing from these scholars, I take a holistic approach to analysing and thinking through how authority, domination, and power coalesce in lived human experiences. Significantly, I locate broader interconnections between multiple formations of oppression related to crime, policing and punishment.

The limited literature on policing in Kenya that takes an intersectional approach demonstrates how insightful such an approach can be since researchers have greater latitude to explore the interconnectedness of different phenomena. Kihato’s (2015) work on Laini Saba, and Gatwekera shows how the intersection of violence, culture, masculinity, and politics is manifested through acts of ethnic and gender-based annihilation of opposing groups during the 2007-08 post-election violence. By interrogating intra and inter-ethnic negotiations that led to swaps between tenants, her study can also be used to establish how some people employ political affiliation, economic interests, and ethnicity to ensure personal and collective security.

Likewise, Marx et al. (2015) and Joireman and Vanderpoel (2011) demonstrate the intersection of ethnic identity and social-economic status in determining rental prices in Kibera. They contend that residents pay higher rents and live in lower quality housing when the landlord and the locality chief belong to the same community. They also establish that chiefs generally side with co-ethnic tenants in case of rent disputes. Even if this study does not focus on ethnicity, Marx et al. (2015) and Joireman and Vanderpoel (2011) have determined its relevance in Kibera.

While discussing the 2007-8 post-election violence in Kenya, Beringola (2017) analyses sexual violence and cases of forced circumcisions through an intersection lens of gender, ethnic, and political discrimination. She contextualises these crimes by establishing their connections with social factors of discrimination, namely gender, ethnic, and political identities in the Kenyan context. Beringola's work helps us see how intersectionality can illuminate social meanings of circumcision in the broader ethnopolitical context of Kenyan society.

Discussing the various articulations of masculinities in Mathare, Van Stapele (2015, 2020) argues that intersectionality of gender, marginalization, poverty, age, and patriarchy have determined how young men play roles of adults early in life as embodied masculine subjects of husbands and fathers. As she notes, most of the young men she interviewed are struggling to live up to the masculine ideal of being a breadwinner while at the same time "taking care of a grandmother, a mother and several sisters and relatives" (ibid 2015: 123). She also argues that groups of young men in Mathare who engage in alcohol production and the drug trade, whom she calls "working gangs" (ibid 2015: 310), are "predominantly shaped by notions of work and dominant standards of masculinity, rather than by ethnicity or political affiliations (ibid). Her research work is valuable in highlighting the intersection of age, gender, economic status and extreme inequality within local power structures of Mathare.

The above studies demonstrate the utility of intersectionality since it enriches the analysis. Conversely, in this thesis, the intersectionality of gender, age, and economic status is utilised to explain how they impact residents of Mathare and Kaptembwo as

they negotiate through power structures, form relationships, conflicts, tensions and collaborations between the nodes. These identities are not parallel categories to be added and analysed separately (Simien 2007) but I consider how they intersect to create distinct experiences. In addition, I do not intend just to name and recognise the different multiple social identifiers. Instead, I analyse how economic status, gender, and age overlap to shape and construct the experiences of policing and the social world in ways that singular analysis fails to explain (Jones and Abes 2013: 141).

This thesis is motivated by scholars who have employed intersectionality to shed light on power structures and interrelated systems of oppression (Collins 2000) and how law and regulation disproportionately affect populations along intersecting social categories of difference (Dottolo and Stewart 2008). Aligning with feminist criminologists, I interrogate and analyse the interface between patriarchal control mechanisms and everyday policing practices.

Locating gender as socially constructed, I analyse gender relations through the matrix of domination (Collins 2000), establishing how it intersects with age and economic class. For example, as discussed in chapter 7 and 8, those men who would ordinarily not go to the *bazes*, are forced to do so lest they are seen as to be “weak as women”. This is despite the fact that, in case of police arrests, it is the women who are mostly called upon to save the young men and to negotiate with police, playing the role of protectors. Patriarchal views have informed how policing is gendered and perpetuates the belief that men are the sole bearers of the right to manage law and order. These events remind us that social and political meanings often change in different contexts and are disputed and restructured both at the level of the individual meaning and experiences and in relation to society (Yuval-Davis 2006).

In policing studies, as elsewhere, we need to pay attention to who has the power in the nodes and how individuals oscillate between structure and agency at any given moment (Giddens 1979, Bakewell 2010). I will explore and call attention to how intersecting systems of power act since “people simultaneously experience both oppression and privilege; no individual or group can be entirely privileged or entirely

oppressed” (Burgess-Proctor (2006: 36). For example, as discussed in chapter 7, the experiences of women are structurally linked, with some of them benefitting from the oppression of other women who occupy a lower social position.

As I have noted in this thesis, crime and order are socially constructed, and an intersectionality approach enables a more nuanced analytical account, which establishes how forms of inequality shape the perception of crime and its management (Henne et al.: 2019:467-8). Van Stapele (2016; 2015) while analysing police violence in Mathare illuminates how an intersection of criminalization of young men by the state, age, locality and gender intersect to determine who the police profile as a criminal. As I later discuss, the intersecting identities of economic status, gender, and age affect how people act, the policing opportunities available to them, and how their behaviour is socially defined. Echoing left realist scholars in criminology, this study argues that “social reactions, not just to crime but more generally to the poor, the unemployed, women, and young people are implicated in the aetiology of crime” (Hudson 2000:174).

From a social constructive understanding of age, I will examine how this identity intersects with gender and economic status to provide Mathare and Kaptembwo residents opportunities to negotiate and contest with other nodes. I will also establish relationships accruing out of the interactions and the impact on security provision. This is important because research has shown that power struggles based on tensions between generations reflect in everyday policing. In his study on policing in Nkomazi, Jensen (2008) establishes that young and older people see and imagine security differently, each drawing from their own age identity.

While the older people and cultural authorities appeal to notions of respect, the youth drew from the revolution of the 1980s (ibid). Older people usually policed youth behaviour, and re-enactments of generational hierarchies functioned as a means of reaffirming their particular social order since they also had resources to support it (ibid). Similarly, Barker (2009), in his study of the Cicadas, a densely-populated neighbourhood in the capital city of Bandung, West Java in Indonesia, establishes

that the older generation of leaders in the area built their authority based on fear of violence. The younger generation based it on narrow political and economic interests.

An intersectionality approach in this thesis allows us to determine how identities impact authority. The power and relationships between policing nodes, business people, landlords and tenants living in Mathare and Kaptembwo as I later argue is impacted by an intersection of gender, age and economic status. Most of the informants identified landlords, landowners and business people as those of higher economic status. While in Kaptembwo, I interviewed landlords who stay within the informal settlement; in Mathare, informants said most are absentee and collect rent using agents.

Depending on where the house is located, those staying near Juja road (this is the main road in Mathare) and are in permanent house pay monthly rent of between Kshs 4,000 – 5,000 (£26.0-£33.0). For the semi-permanent houses, rent is between Kshs 1,500-3000 (£10.0-£20.0) per month (field notes, Mathare, 25 June 2019). In Kaptembwo, monthly rent for semi-permanent houses ranges between Kshs 1,500 – 2,000 (£10.0-£13.0) while permanent ones can reach Kshs 2000 (£13.0) for a two-bedroom house (field notes, Kaptembwo, 14 December 2018). As I discuss in chapters 5,6, and 7, some of the landlords use their higher economic status to claim and enact power, sometimes influencing the mentalities and operations of the policing nodes.

This study extends the analysis of previous work that has looked at how economic status shapes the mentalities and practices of policing. Some scholars have highlighted the differences in how policing is carried out in poor and affluent areas (Ruteere and Pomerolle 2003; Mkutu and Sabala 2007; Abrahamsen and Williams 2011; Colona and Jafe 2016; Colona and Diphoorn 2017). Van Staple (2015) has noted that even though men are landlords in Mathare, women outnumber them “both as household heads and illegal property owners” (ibid: 38). She argues that these landlords have become powerful and “exerted control over the Council of Elders through bribes and other types of reciprocity (ibid:41).

Dafe (2009) has noted how chiefs allocate land in the informal settlement areas depending on the amount of money they are getting. Marx et al. (2015) and Joireman and Vanderpoel (2011) have also conducted a political, economic analysis of rent and housing in Kibera informal settlement. They conclude that some residents pay higher rents because they are from a different ethnic community with the landlord. Similarly, Van Stapele (2015) has noted how elders look out for the interests of both the chief and the landowners in Mathare. She argues that both benefit from proceeds of the illegal alcohol industry (ibid: 41),

In chapter 4, I discuss how the two informal settlements were established, first along racial lines during the colonial times and in the present day are defined by economic status. This identity intersected with gender positions, as men in Kaptembwo were majorly the landlords and business people, whom I note in chapter 4, sit in the CPC. In chapters 5,6, 7 and 8, I establish how these male officials enact orders that sometimes favour their private interests. In Mathare, I draw out how children of women who brew *chang'aa* are not criminalised. The police, as I elaborate in chapter 8, are bribed by the *chang'aa* brewers and have strong ties to them.

I employ an analytical framework that recognises multiple, intersecting inequalities. Intersectionality is incorporated as a necessary element to account for lived experience and to avoid exclusions of groups that remain on the margins (Rodó-de-Zárate 2015). It helps us understand how individuals, through practices, construct identities, process symbolic representations, support social structures or challenge them (ibid). Failure to recognise the interaction of social identities to conceive, negotiate, regulate and contest policing means that the research might miss other important factors which wield significant influence over the dynamics of policing in informal settlements.

Conclusion

I have engaged theoretical literature on policing, teasing out hybrid and multi-choice policing, which scholars have used to understand the multiple actors providing

security, mainly in African contexts. Limitations of these approaches are discussed and nodal governance presented as a framework, which will be used in the study to help us to understand better how policing actors operate and interact. The outcome of their collaborations and contestations is the interest of this thesis, and the analysis will contribute to the scholarship on security and policing in Kenya and Africa.

I do not seek to undermine the police as the provider of security, re-centre it in the debate or view it in the lenses of its failure or absence. The analysis seeks to refocus the debate on groups doing security work in the informal settlements by seeing them as important policing nodes. This does not entail minimising some of their criminality but explores it as part of everyday policing practices of constructing and deconstructing the state. This is an analytical angle missing from most studies on security in informal settlements in Kenya.

As I understand it, public authority is never exerted exclusively by one power but by different groups that compete over the institutionalisation of power relations. As this thesis argues, policing in Mathare and Kaptembwo is carried out by many other actors beyond the police. These actors make multiple claims to power and project particular logics of order which co-exist, overlap and intertwine. The state's imagery of order is just one of the many, but it is influential in how everyday policing is carried out due to its centrality.

As the chapter has noted, the Kenyan police enjoy a great deal of normative legitimacy regarding the delivery of security. As discussed in the rest of the thesis, all actors involved in policing expect the state to provide this service and the idea of the state as the final actor in security provision is not being challenged, which gives it a high degree of symbolic power. It has to negotiate and contest for power with other nodes and policing actors, which has hindered the state in automatically establishing itself as a central authority in security governance.

There is a need for a theoretical framework that recognises the importance of the interactions between the police and other nodes and allows for the state to remain

important. Jaffe (2013:736) discusses the need to examine “how the state is produced and contested through everyday practices and discursive constructions”. Hansen and Steppatut’s (2001) work on the “languages of stateness”, that is, “symbolic languages of authority” and “practical languages of governance”, provide us with a way of interrogating the images and practices of the state at the local level.

The thesis investigates how peoples’ identities influence their daily lives as they police their own neighbourhoods. As noted, economic status, gender and age were prominent in shaping the residents’ experiences in Mathare and Kaptembwo. Therefore, it befits that we interrogate how these identities intersect and recognise their impact on policing. I use an intersectional analytical approach in establishing how identities interlock and contribute to the lived experiences of policing in Mathare and Kaptembwo. This allows this thesis to make a theoretical contribution to how identities are exploited and the impact on policing.

Chapter 4: Policing in Kenya: A Historical Context

Introduction

This thesis is informed by history and takes up Loader and Sparks (2012) challenge that criminology needs to be cognisant of historical context, engaging with politics and public life. This chapter argues that policing in Kaptembwo and Mathare should be understood by considering the interplay between past and present ideas and policing practices in Kenya. I present and analyze the policing nodes I engaged with in Kaptembwo and Mathare and show how the social, economic and political changes have shaped their formation, modes of operation, relationships and interactions leading to particular forms of authority.

Echoing Ruteere (2014), I argue that policing actors, mentalities and practices in Kenya have been carried over from colonial times to the present day. Over the years, multiple actors have undertaken policing, including Chiefs, youth and elders (Tignor 1971 Carotenuto et al. 2012; Boinett 2009; Steinhart 2000). As I later discuss in this chapter, these policing actors and institutions were adopted and utilized by the British colonialists and post-independence governments to manage crime and enact order.

To a large extent I argue that the colonial mentalities of policing continue to influence how policing is carried out to do so to this day. Colonial era vagrancy laws continue to be used by the police to arrest the poor, women, street vendors, homeless people and children (Ruteere 2008). While most of these laws were changed after the inauguration of the 2010 Constitution, which repealed the 1963 one, mentalities and practices that were shaped by these laws, mainly on policing the poor, have continued.

To explain everyday policing, I primarily call to attention and locate the historical role of violence in nation-building and how this has shaped political and social order. After Kenya became a colonial state in 1895, police violence was regularly deployed to enforce and maintain racial hierarchies that privileged the British settlers (Throup 1992; Waller 2010). After independence, it is sometimes invoked and deployed in the service of the ruling elite (Akech 2005; Hills 2008) and against the poor living in informal

settlements like Mathare and Kaptembwo (Kimari 2020; Kimari et al. 2020; Van Stapele 2016; Wairuri et al 2018).

The use of violence to create order has not solely been a preserve of the police since they sometimes outsource it to other nodes. The violence can also be claimed and taken without their permission by other policing actors. For instance, in the late 1960s and 1990s, police worked alone and sometimes with other actors to violently disperse opposition rallies (Anderson 2002; Kagwanja 2003; Ruteere 2008). At other times, the policing formations such as the *Mungiki* and *Taliban* enacted and claimed authority without the police presence (ibid). My goal here is to examine and understand the history of the policing formations in order to gain crucial insights into how law and order, power and legitimacy operate in their context. Further, I will use the historical basis to establish how the policing actors deconstruct and challenge the state, enacting overlapping and competing sovereignties.

The criminalization of the poor has led to Mathare and Kaptembwo residents experiencing the police in their punitive form. It has shaped how they imagine the state and negotiate with it to ensure they are secure. The argument that increased policing will reduce violence and crime in poor neighbourhoods assumes that the police can act effectively. As history shows, police incapacities and inefficiencies have undermined public trust and confidence in them. This has led to the emergence of other actors offering these services and are at the same time contesting for policing authority with police and other actors.

In the next section, I analyse how police have historically undertaken their duties of establishing order since they remain central to local policing arrangements. In the second and third sections, I historicize the criminalization of poverty and the poor before analysing how citizens have played a part in security provision. I introduce the *bazes* in Mathare and Kaptembwo Community Policing Committee (CPC) as mechanisms through which policing responsibilities are shared and implemented before concluding the chapter.

Policing: Continuities from the past

This section traces the formation and practices of the Kenya police. It argues that efforts of instituting and maintaining public authority have represented continuities from before 1895 when Kenya became a colony.

The scant literature on policing in pre-colonial Kenya shows that law enforcement was mainly carried out by men sitting as the council of elders who enforced societal norms and arbitrated cases. The arbitrations were done orally and enforced by the elders (Tignor 1971). For example, among the Maasai, councils regularly met to resolve disputes and make policy. The warriors defended the community and raided for livestock and other forms of wealth. Among the Kikuyu and Kamba, the councils of elders were the judicial and policy-making organs (ibid).

In Northern Kenya, “it was more or less “unpoliced” area” (Waller 2010: 526), and in case of insecurity, communities were accustomed to defending themselves. To illustrate, Waller (2010) provides an example of how in May 1935, when a Turkana man found the body of his livestock near a Samburu camp, his fellow tribesmen came to investigate, and they arrested a Samburu whom they forced to give up the names of those responsible for killing the animal. Led by their headman, the Turkanas attacked the Samburu and took away two suspects. It was only then that the matter came to the attention of the authorities (ibid). In essence, local communities were mainly responsible for policing themselves, solving disputes and conflicts. Therefore, strategies, tactics, and initiatives that citizens take to police themselves in the absence or with the police are not recent practices.

Historians have also documented how different communities deployed spies under the guise of being artisans and herdsman, gathering information on their opponents' weapons, warriors and security (Carotenuto et al. 2012; Boinett 2009; Mkutu 2007; Mburu 2001). For example, among the Bukusu community of Western Kenya, spies locally called “*bayooti*” (Wesonga, 1982:4) were used to get information before the community went to raid others. In the Kamba community, “the traditions of migration

and settlement mainly due to drought or famine crises was initiated by their spies who advised on new opportunities (Steinhart 2000: 340).

The colonial system did not destroy these existing networks since the British had to depend on some form of intelligence provided by the local communities, “which they used to develop some form of control” (Boinett 2009:19). In this regard, they hired porters and interpreters, especially from the Kikuyu, Kamba and Embu communities, working as intelligence officers for the British (ibid). This intelligence system came in handy when the British started conquest into mainland Kenya, where they used some people to spy on those resisting colonialism (ibid).

Boinett (2009) and Shaffer (2019) note that the police intelligence department was formed from these pre-colonial roots, and in 1926 a Criminal Investigations Division was created. Until 1963, the intelligence officers collected information on the Mau Mau and other citizens agitating for independence (ibid; Percox 1998). The post-independence government thus inherited police officers with an intelligence mentality of working for the executive. Similar to the colonial times, during the regimes of Presidents Jomo Kenyatta and Daniel Arap Moi, the police intelligence department was a tool of oppression, spying on the opposition, systematically abusing the law and disregarding the Constitution (Branch 2011; Otiso and Kaguta 2016).

When the Imperial British East Africa (IBEA) Company started businesses along the coastline, its leader Sir William McKinnon sought to protect its financial interests (Shaffer 2019; Waller 2010; Boinett 2009). It is from this necessity that the idea of constituting an institutionalized police force emerged. Construction of the Kenya-Uganda Railway provided for the increased presence of police officers inland, and by 1902 there existed police service units at Mombasa, Nairobi and Kisumu to safeguard the railway’s property, materials as well as the people constructing it (Throup 1992: Mkutu and Wandera 2013). When Kenya became a colony in 1920, the police service was formally established and was responsible for policing the urban areas where the Europeans used to live. The Administration Police was responsible for policing rural areas where most Kenyans lived (Waller 2010).

During colonial rule, the British had divided the country into zones, which were policed differently. This practice has had a profound impact on how policing is conducted, to the present day. Named the Northern Frontier District (NFD) and today bordering Ethiopia and Somalia to Kenya's north, the British were not interested in exploiting this region, seeing it as an 'ungoverned' space (Whittaker 2017: 386). This is mainly due to the area lacking exploitable natural resources, periodic cross-border raids, conflict, and competition between various communities to control scarce natural resources (ibid; Waller 2010; Mkutu and Wandera 2013). This did not mean that police and state power were absent, but the colonisers usually deployed the Tribal Police if necessary, to mainly keep the peace between communities (Waller 2010). The Tribal Police had been formed in 1902 but legislated in 1929 to force Kenyans to pay tax, to solve conflicts and to restrict the movement of people and livestock (Mkutu and Wandera 2013). This unit was mainly deployed in the NFD and African reserves and, in 1958, became the present-day Administration Police (ibid).

It is beyond this thesis to discuss the policing of NFD, but I note the continuity and influence of the colonial mentalities of policing in Kenya. As Whittaker (2017) and Waller (2010) discuss, the British established collective community punishment to deter crime in NFD. The 1909 Collective Punishment Ordinance and the 1913 Stock and Produce Theft Ordinance gave the colonial government powers to apply collective punishment to any community thought to be defying government authority (ibid).

Essentially, collective community punishment involved the destruction of property, collective fines, and forced labour that "could be extended to the family, village or entire location of the individual(s) implicated in a crime" (Whittaker 2015:648). This practice of collective punishment was also used by successive post-independent governments "as a means of dealing with a population that was perceived to be hostile to the interests of the state" (Whittaker 2017:641). The NFD region (renamed North Eastern Province after independence) was under emergency rule until 1991, and security forces have repeatedly used indiscriminate violence in the region,

including two massacres in Garissa and Wajir districts, in November 1980 and February 1984, respectively (Lochery 2012; Anderson 2014).

Grasping the above dynamics is critical for understanding the policing of informal settlements like Kaptembwo and Mathare. As I later discuss in this chapter and others have elucidated (Van Stapele 2016; Jones et al. 2017; Kimari 2017), residents of Kaptembwo and Mathare have to a large extent, just like the colonial times, collectively been criminalised by the state. Police violence is an everyday form of policing residents of these areas, which I understand as part of contestations over authority between the state and youth formations.

The use of collective punishment in NFD before and after independence was not exceptional. Anderson (2005: 220) notes that the rural areas and informal settlements were “one of the most closely administered parts of British Africa” during the Mau Mau emergency period because these are the areas where some of the freedom fighters and their supporters resided. The emergency period lasted from 1952-1959. It was a time when the British authorities undertook military operations including assassinations of the Mau Mau freedom fighters, incarceration of thousands of Kenyans, bombing of their home amongst other military activities (ibid). For example, Mathare was razed to the ground in 1954, and most of the residents put into detention for supporting the fight for independence (Chege 1981). The freedom fighters also engaged in counter-insurgency, killing the British colonialists and the African collaborators (Elkins 2005; Anderson 2005).

Post-independence Kenyan governments have continued to see the informal settlements such as Mathare as “spaces of opposition and subterfuge” (Makhulu 2010: 551) and taken steps to demolish them. In the 1990s and 2000s, several of the informal settlements of Nairobi and other urban towns were brought down and people living there forcefully displaced in order for government to supposedly build better roads, infrastructure and housing (Manji (2015; Klopp 2008; Kahura 2018). For example, Klopp (2008) has discussed how demolition of Muoroto village in Nairobi, which was occupied by families of Mau Mau fighters, was aimed at silencing “dissent

linked to support for multi-partyism” (ibid: 295). In the 1980s and early 1990s, many Kenyans were calling for opening up of the civic space and end of one-party rule with a lot of support coming from those living in informal settlements (ibid: Branch 2011).

Parts of Mathare were also demolished in 2015, and the buildings near the Nairobi River, which flows through the informal settlement, are due to be brought down to reclaim the riparian land (Kahura 2018). As Macharia (1992) and Klopp (2008) have rightfully interpreted, these actions aim at displacing communities in informal settlements, who mostly belong to the opposition parties as evidenced by their voting patterns and political support. I also note that this kind of communal violence resonates with the kind of policing undertaken in the NFD to close spaces for people to freely express themselves.

The ‘White Highlands’ and some urban centres including Nakuru, Eldoret and Kisumu, were reserved for the Europeans and policed differently. The White Highlands are some of the most fertile agricultural and pastoral lands in Kenya, located in some parts of the Rift Valley (including Nakuru town where Kaptembwo is located) and Central regions (Overton 1990). These areas are also close to the Nairobi-Uganda railway line, key for trade and movement of people and goods (ibid). Nairobi was segregated along racial lines, with the white population occupying the city’s North and Western parts (K’Akumu and Olima 2007). These areas were managed by the Kenya police “in a ‘policed’ zone, where a police presence was becoming routine, crime was increasingly being detected, if not always solved, and the rule of law was established, if not always obeyed” (Waller 2010: 526). This segregation pattern led to the current Nairobi residential settlements of Muthaiga, Upper Parklands, Westlands, Loresho, Kileleshwa and Kilimani, among others which are now occupied by the middle- and high-class people.

Most of the Kenyans were living in rural areas and providing cheap labour to the White Highlands (Elkins 2005). Others came to the urban centres looking for work, and since they did not have housing in the planned residential areas due to racial segregation and high rental costs, they created and started staying into the informal settlements

(K'Akumu and Olima 2007; Hay and Richard 2007). These residential areas were not factored into the colonial government's plans, and they were largely ignored in the provision of social services and infrastructure (K'Akumu and Olima 2007; Kayongo-Male 1998). As discussed later in this chapter, this had an implication on how policing was conducted in informal settlements of Mathare and Kaptembwo.

Some of policing laws, mentalities, symbolism, and practices outlined above did not change after independence in 1963, and have continued to date. During their rules, Presidents Jomo Kenyatta (1963-78) and Daniel Moi (1978-2002) used the law and police as personal political instruments to consolidate political power, routinely arrest, detain and torture human rights defenders, clergy, journalists, opposition politicians and ordinary citizens. Changes to the law were not done to enhance accountability but to give more power to the Executive to use the police with little judicial oversight (Hornsby 2012; Branch 2011).

Colonial era laws, including the 1948 Chief's Authority Act (CAP. 128), the Public Order Act (CAP 56 of 1950), the Preservation of Public Security Act (CAP 57 of 1960) and the Penal Code (CAP 63 of 1930), were enforced by the police, mainly targeting the opposition (Branch, D. (2011). Furthermore, the Provincial Administration (Chiefs, Sub-Chiefs, District Commissioner, Provincial Commissioners), who had been established by the British as its representative at the local levels and involved in coordinating government activities in the field, became operatives of the ruling party Kenya African National Union (KANU). They carried out party recruitment, harassing and intimidating the opposition, instead of serving all Kenyans irrespective of political affiliation (ibid).

Due to its role in repression, Kenyans called for the abolition of the provincial administration during the 2010 constitution review process (Mbumba 2018; Kanyinga 2016). It was reconfigured after the 2010 Constitution was adopted, with the District and Provincial Commissioners being re-designated as Regional Commissioners, County Commissioners and Assistant County Commissioners, while Chiefs and their Assistants retained their titles. In Mathare and Kaptembwo police do most of the

everyday policing functions, working closely with the Country Commissioners, Chiefs and Sub-Chiefs. Some of the matters they have been involved in include mobilizing for meetings led by government officials, holding barazas to discuss security issues in their localities, arbitrations of disputes, arresting those brewing illegal liquor, addressing issues of drugs, among other issues (field notes from Mathare and Kaptembwo).

Secondly, the police continued being partial enforcers of law and order, protecting the ruling regime from opposition protests during contested elections. In the run-up to the 1963 general elections, Branch (2006) argues that the Kenya African Democratic Union (KADU) had been founded by several leading politicians who had refused to join KANU. Its aim was to defend the interests of ethnic minorities, especially pastoralist groups of Kalenjin, Maasai, Turkana and Samburu, who called themselves KAMATUSA (ibid). KADU and KANU formed party youth wingers who engaged in violence to defend their perceived political strongholds during the 1963 elections (Sanger and Nottingham 1964). The violence was experienced in the Rift Valley, Nairobi and the Coast regions.

Political violence linked to KANU youth wingers and police was recorded during nominations and campaign periods in the general elections of 1969, 1974, 1979, 1983 and 1988. For example, KANU youths working together with the police and Provincial Administration intimidated and harassed Oginga Odinga as he attempted to run during the 1969 elections under Kenya Peoples Union (Throup and Hornsby 1998; Branch 2011). During the 1988 KANU nominations and campaigns for the general elections, politicians hired the services of KANU youths to harass their opponents and disperse their rallies (Branch 2011). This role of KANU youth wingers probably inspired the formations which have become the hallmark of multi-party politics in Kenya.

In 1989 against the background of rapid political changes in other parts of the world with the fall of Communism, there grew in Kenya widespread protests mainly in the urban streets with many people, including human rights defenders, opposition

politicians, clergy and ordinary citizens calling for a change of the constitution to allow for multi-party politics. They blamed President Moi's dictatorship and lack of good governance for the economic downturn and called for democracy and pluralism (Branch 2011). Despite the street protests being violently dispersed by the police, opposition leaders were detained, and some exiled. President Moi and ruling party KANU gave in to the pressure, and in December 1990, Section 2 (A) of the Constitution of Kenya was repealed, allowing the formation of other political parties.

After the reintroduction of pluralism, the first multi-party elections were held on 27 December 1992, and the subsequent polls were held in 1997. These elections had echoes of the 1960s and 1970s, characterized by politically motivated ethnic violence targeting communities perceived to be opposition supporters. Scholarly studies, official inquiries and NGO reports have all concluded that senior state officials partly sponsored the violence associated with elections of 1992 and 1997. The violence was used to threaten communities where pro-multiparty advocates and their parties drew most of their support from particularly those living in the multi-ethnic regions of Rift Valley (Anderson 2002; Kagwanja 2009; Keen 2000); Republic of Kenya 2008; National Council of Churches of Kenya 1992; Republic of Kenya 1992; Human Rights Watch 1993). This legacy of extra-state violence (Kagwanja 2009) during elections became the norm during elections and would culminate in the 2007-2008 post-election violence, which left an estimated 1,133 people dead and over 600,000 others displaced (Republic of Kenya 2008).

Following the return of multi-party in 1991, President Moi and KANU used party youth wingers and the police to harass and weaken the political opposition using similar tactics to the ones deployed in the 1970s and 1980s. The only difference this time is that the opposition also formed their groups to counter the violence. In the urban towns of Nairobi, Kisumu, and Mombasa, the *Mungiki*, *Jeshi la Mzee* (Swahili for 'the Old Man's Army'), Angola Musumbiji, Bagdad Boys, 42 Brothers, 40 Brothers, *Jeshi la Embakasi* (Swahili for 'Army from Embakasi'), Kamjesh, Kamukunji Youth Group, Kosovo Boys, *Siafu* (Swahili for 'Safari Ants') and *Taliban* among others emerged,

being sponsored by different politicians or operating on their own (Kagwanja, P., 2009.).

While it is beyond the focus of this study to establish how all these groups emerged and what forms of social organization and significance they have, I will explore the *Taliban* and *Mungiki* in more detail, given their relevance to this thesis. These two groups operated in Mathare and Kaptembwo between 2000 and 2008 and, according to my informants, they left a legacy of practices that have shaped present-day policing. I have left out the other groups because, from the literature and interview data, they were operating in other informal settlements that are not the focus of this thesis.

From the literature, *Mungiki* seems to be the most studied group, attracting different definitions and interpretations. Anderson (2002), in his discussion of the *Mungiki*, calls them both a criminal and a vigilante group. In almost the same lens, Kagwanja (2003) calls *Mungiki* a vigilante group, a point echoed by Servant (2007) who adds that its members are “[i]nvolved in some way in all of Kenya’s problems: religious and ethnic frictions, political struggles, property rights and security” (ibid: 522). Frederiksen (2010) sees *Mungiki* as a militia but part of the political society that is practising politics from the below, while Rasmussen (2010) views it as a youth movement, a definition that finds support from the work of Henningsen and Jones (2013). Wamue (2001), who is among the pioneer researchers into the group, studies it as a social-cultural religious movement.

This study does not seek to get into such definitional dilemmas. This is because there is no single way of describing the *Mungiki* or any other youth groups that mostly operate in the informal settlements. What is of importance to this study is appreciating the historical ambiguity and contradictory nature of the *Mungiki* and using it to analytically understand how its everyday policing practices have impacted the residents of Mathare and Kaptembwo. This does not entail minimizing the nature of their criminality but exploring what it means in terms of enacting sovereignty, claiming power and authority.

Mungiki's origins and its focus on poverty, exclusion, and historical injustices are well documented. According to Wamue (2001), the group was formed in the Nyahururu area of the Rift Valley. In interviews with the founder members, she argues that the group was created as a social-cultural religious outfit that had been disillusioned by bad governance of the country, high rates of unemployed youth and its members had been displaced from their farms in the Rift Valley during the 1992 clashes (ibid). The group's ideology draws its inspiration from the Mau Mau, whom it argued had been betrayed by the post-independence leaders since the freedom fighters or their families had not benefited after independence. The *Mungiki* believe that the *Mau Mau* and their children should have been provided with the land since that is what they were fighting to reclaim (ibid; Rasmussen 2010).

As Ruteere (2008) rightly argues, *Mungiki's* "conception and political agenda speaks to a longer and broader crisis of the nature and character of the Kenyan political state that harks back to its colonial formation and its transition and development as an independent state" (ibid 11). That is how the group was able to draw the bulk of its followers from the lower classes, mostly former street children, unemployed youths, the landless and the poor living in informal settlements of Nakuru, Nairobi and Central Kenya, especially of the Kikuyu population (Kagwanja 2003). It also had an ardent following in areas where the political and ethnic violence took place in the Rift Valley, including Molo, Olenguruone, Elbourgon, Subukia, Laikipia and Nyahururu (ibid).

Mungiki members have been involved in "self-help efforts to plug a gap left by decades of state neglect and failure" (Ruteere 2008:15) through the provision of security services, illegal water and electricity connections and the collection of garbage in mainly Nairobi's informal settlements (ibid). In many urban towns, including Nairobi, Nakuru, Eldoret, Nyeri, Muranga, Kirinyaga, members were involved in selling second-hand clothes and managing the public commuter bus termini. They charged vehicles for picking, dropping and ferrying passengers (Rasmussen 2012). These self-employment ventures for the youth endeared many to

the group as well as its campaign to restore social order and deal with crime in the informal settlements (ibid).

Mungiki's ability to appeal to mostly the Kikuyu ethnic loyalties makes the group attractive for political co-optation by actors (Kagwanja 2003; Rasmussen 2010). In 2002, it publicly supported Uhuru Kenyatta's candidacy for the Presidency and campaigned for him. As Kagwanja (2003) argued, the attraction of Kenyatta to *Mungiki* members was from an ethnic and generational angle. He was seen as a young Kikuyu man, and the group argued that this was the time for a generational handover of power from those who took over power during independence (ibid).

Mungiki has a violent history. For example, it has been accused of beheading Chiefs in Kirinyaga County and other people who were against their activities (Ruteere 2008). In 2007-8 post-election violence, *Mungiki* members orchestrated retaliatory attacks against those attacking members of the Kikuyu ethnic group, and its activities formed part of the evidence adduced at the International Criminal Court in the case of President Uhuru Kenyatta. Most of the *Mungiki* leaders were killed by police in the 2008 crackdown on the group. It then lost most of its middle-level members and could not attract new ones due to the state's actions (Ruteere 2008).

Some of my informants trace 2001-2005 as the years *Mungiki* was active in Mathare. Operating mainly in the Kosovo area (see chapter 1), they were first seen as protectors of the community and residents used to pay them a security fee. "Around 2001/2002, mob justice was very regular here, but all this stopped during the *Mungiki* era," noted a resident (interview, Mathare 22 January 2019). They were involved in resolving cases related to theft, housebreaking, fights, and domestic violence. Murder and rape are reported directly to the police (interview, Mathare 12 February 2019). As I have discussed later in chapters 4, 5 and 8, generally, the *bazes* and elders deal with any other crimes reported to them except murder and rape, which police handle.

With time, *Mungiki* members in Mathare started using violence to solve the cases. According to my informants, they used tyres to burn criminal suspects or beat the soles of their feet (interview, Mathare 22 January 2019). The members also started forcing tenants to pay rent to them, imposing and collecting illegal tax from structure owners and *chang'aa* brewers (interview, Mathare 22 January 2019). While it is unclear why they started using violence and imposing the tax, it angered most of the residents, and the group lost goodwill and legitimacy (interviews in Mathare, January-June 2019).

In Nakuru town, *Mungiki* has been involved in controlling the bus terminus where they charge *matatus* to operate, as well as market stalls (interviews with CPC official, 12 November 2018). The *Mungiki* operating in Kaptembwo was implicated in the 2007-08 post-election violence. According to the CIPEV report, its members were involved in displacing non-Kikuyus from Kaptembwo and forcefully circumcising Luo men using *pangas* (machete-like knives) and broken bottles, and those who resisted were beheaded (Republic of Kenya 2008: 102). Circumcision is a cultural practice that differentiates Kikuyus from Luos, and as Beringola (2017) argues, forced circumcision sought to humiliate the victims and demonstrate ethnic superiority during the 2007-8 violence.

The *Taliban* operated in Mathare after the 2007-8 post-election violence for one and a half years. According to the limited literature available, the *Taliban* emerged sometime in 2001 when elders in Kariobangi invited its leader, David Peter Ochieng (alias *Nyam Nyam*) and asked him to form a vigilante group to counter criminal gangs in the area (Anderson (2003). While it began operating in Kariobangi informal settlement, the *Taliban* extended its operations to Mathare, where it would connect water and electricity for the residents for a fee and forcibly charge them for providing security mainly due to the absence of police (Mutahi 2017). The *Taliban* also started asserting sovereignty by lynching crime suspects, a practice which some community members did not support. Without the community's support, facing extrajudicial killings and police arrests, the members left Mathare with some relocating to other

informal settlements in Nairobi (interviews residents in Mathare, January-March 2019).

From the above descriptions of the *Mungiki* and *Taliban* operations, I argue that the formation, organization and operation of these groups and the apparent inability – or unwillingness – of the Kenyan government to control them, especially when they were using violence, was, in fact, a mechanism through which the state itself was being contested and (re)constructed. As the CIPEV report noted, “the *Mungiki* and other criminal gangs were not only used by politicians but had managed to “intersect with parts of the Government and the security forces” creating “shadow governments” and increasing the likelihood that the security forces would not act on violence and insecurity” (Republic of Kenya 2008: 23).

As historical registers of justice and violence (Pratten and Sen 2008), memories of sovereignty actions deployed by the *Mungiki* and *Taliban* have also shaped contemporary everyday policing practices carried out by the *bazes*. Mathare residents do not pay any security fees to the *bazes*. Most youth said if they tried to charge for security services, they would be associated with the *Mungiki* and *Taliban* groups and lose trust with the community (interviews with several *baze* members in Mathare, January-March 2019). For this reason, they sought alternative income-generating activities such as selling water, car wash and charging for showers and toilets to sustain themselves while still doing security work.

Mungiki and *Taliban* past activities have shaped how the *bazes* conduct their policing activities in Mathare. By engaging the youth in various businesses, the *Mungiki* provided them with a sense of identity and self-esteem (Henningsen and Jones 2013). This made it attractive to many youths, mainly from Mathare (ibid; Ruteere 2008). Some of the roles they once played in providing young men with a system of solidarity, social advancement, protection and income generation has been taken up by the *bazes*. It was notable that most of the *bazes* I held interviews at had a business running, mostly in selling water and washing cars. The money is income for the *baze* members.

As earlier discussed, the *Mungiki* and *Taliban* were organised on an ethnic basis. The *Mungiki* attracted support from members of the Kikuyu ethnic community and *Taliban* that of the Luo. The *bazes* are however not ethnically formed and my informants said they prioritize business interests and ‘the hustle’. Possibly, if this study was carried out in a different time, for example during elections, then ethnicity would have been a crucial element of the intersecting social categories. This is because Kenya’s politics and mobilisations during elections is mostly on ethnic basis (Mutahi and Ruteere 2019; Kagwanja 2009; 2001).

People also could have been dissuaded from organising through the ethnic identities by the police killings of young men suspected to be members of *Mungiki* and mainly from the Kikuyu community. In 2008, the Kenyan government embarked on a campaign that saw *Mungiki* leaders allegedly shot by the police (Ruteere 2008). Its leader Maina Njega was arrested, charged for murder and robbery with violence. The alleged police violence came on the background of beheadings carried out by the *Mungiki* after the 2007-8 violence, mainly in Nakuru County.

Police violence does not always seek to hide its excess, and sometimes dramatic enactments of crime and punishment are a vital part of the state’s effort to produce social order and reclaim sovereignty (Comaroff and Comaroff 2004). As a result of the state actions, informants in Kaptembwo said the *Mungiki* members fled the area, and others surrendered (interview with CPC official, 30 November 2018). Its legacy as a performer of sovereignty is still etched in the minds of the informants. Any attempt to organize or mobilize for policing outside the CPC framework, especially by the youth, was discouraged by the community and seen mainly as a return of the *Mungiki* and the associated violence.

Protests took place in Mathare and other opposition areas after President Mwai Kibaki was declared winner of the 2007 elections (Republic of Kenya, 2008). When police were deployed to quell the violence, the Commission of Inquiry into the Post-Election Violence (CIPEV) concluded that they “conducted themselves

unprofessionally, used excessive force and were woefully ineffective in protecting life and property especially of those in the opposition areas” (Republic of Kenya, 2008: 418). 405 of the 1,133 recorded deaths were caused by gunshot wounds attributed to the police dispersing opposition protestors mainly in Kisumu, Kakamega, Trans Nzoia, Uasin Gishu, Kericho, Nakuru, and Nairobi (ibid: 346).

Likewise, after the declaration of Uhuru Kenyatta as the winner of the 2017 elections, there were protests in Mathare and other opposition strongholds of the Nyanza region, specifically, Kisumu, Siaya, Homa Bay, Kisii, Mathare and Kibera informal settlements of Nairobi. Police responses to these protests by opposition protesters left an estimated 54 people dead (KNCHR 2017). Police conduct in 2017 while trying to maintain law and order has been noted to be “symptomatic of a larger problem in how they have historically understood their role in public order management, which has seen them repeatedly respond to protests with excessive deadly force not only during elections but also in the intervening years” (Mutahi and Ruteere 2019:259). This has resulted from a police institutional culture that sees opposition members as defiant and troublesome to the government, requiring them to be policed in a hostile manner (ibid).

It is crucial to go beyond the argument that police are accountable to the president alone. Similarly, seeing the police as officers with “no autonomy from the executive branch of government” and its “policies and operations...determined by the interests of the political regime of the day” (Akech: 2005 240) misses the bigger picture that police officers “are more than political tools” and are individuals with multiple identities and interests that shape how they exercise their powers (Ruteere 2011:11-20). To illustrate, the 2007-8 post-election violence was ethnically based.

President Mwai Kibaki, a Kikuyu, was contesting against Raila Odinga, a Luo and supported by William Ruto from the Kalenjin community. The violence and some instances of police response took the same pattern. For example, witnesses recounted to the Kenya National Commission on Human Rights (KNCHR) and CIPEV how Kikuyu police officers were complicit with Kikuyu perpetrators of violence

against Kalenjins and Luos in the Rift Valley province (KNCHR 2008; Republic of Kenya 2008). In another case, police in the Rift Valley stood by as non-Kalenjins were attacked by Kalenjin youth (KNCHR 2008). In other instances, police were engaged in looting businesses that they were supposed to protect. Thus, police have ethnic, social ties and economic and political interests that may shape how they respond to situations where they are required to maintain order (Ruteere 2011).

I also argue that police sometimes carry out their duties effectively and efficiently. For example, as Okia (2011) states, many police officers during the 2007-8 violence undertook their duties admirably, saving countless lives. Also, during the 2017 post-election violence, the police exercised much restraint in the face of violent acts by opposition protesters (Mutahi and Ruteere 2019). Price et al. (2016) also note that when a suspected criminal is threatened with mob violence in Mathare, community members might implore police to arrest the culprit to avoid a lynching by residents. Despite instrumentalization by the elite, the intelligence community has also played an essential role in maintaining the country's social, economic, and political stability. It has been involved in counterintelligence and responding to external threats, such as violent extremism (Kibati 2016).

A considerable number of studies and reports adjudge the police to be inefficient in their work mainly due to corruption, unprofessionalism, and lack of resources (Ruteere 2011; Akech 2005; Hope 2018; Republic of Kenya 2008). This has led to citizens seeking alternative security providers whose services mirror the different economic divides. For the affluent, access to financial resources has allowed them to procure private services. Governed by the Private Security Regulatory Act (No 13 of 2016), the private sector security industry is estimated to have nearly 2000 registered private security firms (Agutu 2019). Private security companies were established before independence in 1963 by ex-police and army officials to mainly secure white settlers' property as they had no trust in the police service. In the 1980s and 1990s, an increase in demand for private security led to more companies offering security services (Dobson 2019).

These actors work together with the police, the public and residents' associations. Colona and Diphorn (2017) have shown with their ethnographic work situated in northwestern Nairobi, including upper-class neighbourhoods such as Runda, Gigiri, Muthaiga, Parklands, Westlands, Spring Valley, and Loresho, how police joined the patrols of the different private security companies both during the day and night. Often, the companies conducted patrols without police presence. Colona and Jafe (2016) also analyze the cases of a community policing group that organizes patrols and hosts police personnel in their private vehicles in Nairobi. While I do not discuss private security companies in detail in this thesis, I note their existence as part of the responsabilization approach in policing.

For those living in the informal settlements such as Mathare and Kaptembwo, just like in colonial times, policing involves hard policing measures, including increased use of stop and search measures, surveillance, and extrajudicial killing of suspects (Ruteere et al., 2013; Van Staple 2016). The use of force in poor neighbourhoods in places such as Mathare and Kaptembwo is tied to the state's historical and continued criminalization of poverty and marginalisation of those on the margins.

History and Legacy of Criminalization of the Poor

Criminalization practices involve the stigmatization, surveillance, and regulation of the poor (Gustafson 2009:647). As this section discusses, these practices are historically embedded and sometimes legalized to overly police and further marginalize those living in the margins.

The roots of police violence and criminalization of the poor can be traced back to Kenya's colonial period. Laws on petty offences which criminalise street vending, "idling", toutage, begging, and sex work, among other anti-social behaviour, were designed to police the behaviour of Africans in the name of curtailing crime and punish idleness (White 1990; Robertson 2007; Sinclair and Williams 2007). The British colonialists also used the laws to limit and control movement into the settlers' areas, especially the White Highlands and urban centres (Obudho and Aduwo 1989).

These restrictive laws were adopted in independent Kenya and used to police the poor over the years. For example, the General Nuisance By-Law created during the colonial administration and still enforced to date allows police and city inspectors to arrest any individual they deem to create a 'general nuisance' in public (Okal et al. 2011). The Penal Code (2014) in Section 175 states that a person convicted of being a 'common nuisance' may be liable to imprisonment for one year. The Vagrancy Act of 1968 (repealed in 1997) was designed to keep Africans out of urban areas in the fashion of South Africa's apartheid laws but was used in independent Kenya to restrict the movement of the poor and homeless (Ruteere and Pommerole 2003).

It defined a vagrant as a person without lawful employment and outlawed sex work and begging, yet these are opportunities that some of the poor people use to earn a living. In her work on street vendors, Robertson (2007) also argues how the criminalization of petty traders who mostly live in Nairobi's informal settlements was well established by colonialists and later became an avenue for police corruption and violence as they implemented the laws. As she concludes, criminalising survival-oriented strategies of the poor "makes it inevitable that they will break the law" (ibid:2) resulting in police harassment and violence.

The history of criminalization of the locally-produced *chang'aa* alcoholic drink is entwined with the growth of Mathare and, more so, a larger framework of policing of alcohol production and consumption going back to the colonial era. De Smedt (2009) and Ambler (1991) trace the earliest policies restricting alcohol production and consumption back to 1897. They argue that at this time, the British were worried that alcohol use among Africans, mainly the traditional brews including *chang'aa*, would lead to them missing farm work and hence sought to restrict its consumption (De Smedt 2009; Ambler 1991). Another motive for controlling alcohol use was the perception that Africans could not hold their liquor, and hence restricting its use would preserve order (Ambler 1991). Enforcement of these laws was carried out by paramount chiefs, who, in the same manner to the police, were answerable to the colonialists and assisted in, among other things, ensuring security for the interests of the British (Bongoko 1985).

The colonial alcohol restriction laws were being implemented at a time that the *chang'aa* economy was instrumental in the growth of Mathare. According to Adoyo et al. (2019), as early as the 1930s, women who settled in present-day Mathare earned money through sex work and selling home-brewed alcohol such as *busaa* and *chang'aa*. After independence, the distilling continued on a smaller scale, and the criminalization of traditional brews continued to be in place. For example, the Chang'aa Prohibition Act - CAP 70 was passed in 1980 to prohibit the manufacture, supply and possession of the alcohol to combat cases of methanol poisoning (Adoto et al. 2019).

Some of the brewers were using methanol and other lethal substances, which had led to fatalities (ibid). The law permitted an administrative officer or a police officer to enter and search any premises when he has reasonable grounds to believe that *chang'aa* is being manufactured, stored, sold, supplied or consumed (ibid). This did not stop the production of *chang'aa*, and it was “in the late 1980s and early 1990s that parts of Mathare [Bondeni, Shantit and Mabatani] gradually became the epicentre of the large-scale production and distribution in Nairobi of *chang'aa*” (ibid). As Van Staple 2015:75) notes, the *chang'aa* business over the years has been an “economic mainstay of many of the Mathare women who own the distilleries along the river and has helped them to bring up families”. Essentially, the women have define this space as a feminine one.

The British colonialists had given the Chiefs powers to enforce the alcohol restriction laws (Ambler 1991), and after independence, the same practice continued, only now done together with the police. For example, some of my Mathare informants said police collaborated with chiefs to collect bribes from *chang'aa* brewers and other sellers of illicit liquor to avoid arresting them (interviews in Mathare, 14 February 2019). In Mwariki and London areas of Kaptembwo, the Chief and police frequently arrest illicit brewers with *kangara* (the *chang'aa* distilling mixture) but release them after paying a bribe (interviews in Kaptembwo, August-December 2018). In Mathare,

police were collecting Kshs 200 (£1.30) per day for each drum of *kangara* in a *jiko* (kitchen) (field notes, Mathare, 22 March 2019).

According to those I interviewed in Mathare and Kaptembwo, the *chang'aa* business, though criminalized, has for years created jobs and sustain families in the neighbourhoods. The dens also provide affordable social places for some of the residents and have also acted as mobilization spaces for politicians during elections (FGD, Mathare 26 February 2019). Due to the lucrative nature of the *chang'aa* business, some of the Mathare youth I met claimed that police officers also have *jikos*, which they have employed people to run. A leader of one of the policing nodes in Mathare was also said to be the leading supplier of firewood to the *chang'aa* brewers (interview with resident of Mathare, 27 January 2019).

The criminalization of the poor is also reflected in the non-recognition of informal settlements by the colonial and post-independent governments. As stated in the earlier section of this chapter, informal settlements were inhabited by Africans and created to restrict their movement, especially to the white areas. Those who settled there were often men and regarded as temporary migrants who only came to supply labour and frequently returned to the rural areas where the wife and children were residing (Obudho and Aduwo 1989). The colonialists largely ignored these settlements and did not include them in the development plans because of the racialized resource allocation and the fact that the settlements were seen as temporary (ibid).

After independence in 1963, the Jomo Kenyatta government continued with this segregation, based on economic status rather than race. Within the formerly white residential areas, planning and service standards were maintained and now occupied by the elite (Obudho and Aduwo 1989). In the informal settlements such as Mathare and Kaptembwo where most poor people were residing, they continued to be excluded from development plans and were seen as an indication of government failure (ibid; Anon 2009).

Lack of official recognition of informal settlements as residential areas by colonial and post-independent governments has meant that residents have been excluded from city authority planning and budgeting processes and not provided with essential social services (Mitullah 2003). As I carried out the fieldwork in Mathare and Kaptembwo, I observed that the sewerage and waste disposal are poor, and there is no piped water in the houses as expected. Due to the insecure land tenure in informal settlements, absentee landlords mostly put up structures and collect rents. They are under no obligation to provide essential services, including water and sewerage, preventing the residents from enjoying their rights as urban citizens (Werlin 2006).

In Mathare, as previous studies have noted, water is in short supply and expensive to buy (Oxfam 2009; Anon 2009). In both settlements, I observed that most of the houses are shanties made up of iron sheets. In Kaptembwo, some public houses were constructed during colonial times and are in a state of disrepair, having been neglected over the years. Toilets are limited in Kaptembwo and Mathare, with residents being forced to share them. This has increased gender and sexual based violence cases. As Ngina (2017) and Sarkar (2020) note in relation to Kaptembwo and Mathare, respectively, a significant proportion of women face the risk of sexual and gender-based violence when they go out of their homes to use the toilets and or fetch water at night.

Consequently, the popular perception of the informal settlements such as Mathare and Kaptembwo is clouded by a legacy of colonial past of racial exclusions, post-colonial marginalization and criminalization. Kimari (2020), after conducting a media analysis of the *Daily Nation* newspaper from the early 1960s until 2016, notes that the imaginaries that exist about Mathare and its residents are those of a place with high levels of crime, alcohol and residents engaged in crime and sex work. She rightfully argues that “the collateral of these discourses is widespread, and has particular bearing on its youth who are subsequently criminalized because of these sedimented depictions” (ibid 709).

The impact of the criminalization of those who live in the margins is more evident when one explores how police assume the criminality of the poor. 28,768 cases prosecuted in 15 Kenyan courts between 2013 and 2014 were petty offences, according to an audit on the Criminal Justice System in Kenya (NCAJ et al. 2016). Approximately 10 women, the report notes, are arrested every day in Nairobi on suspicion of loitering in a manner likely to suggest that they want to engage in sex work (ibid). High poverty levels have led to many of the accused not being able to afford a lawyer or post bail.

The report notes that 75 per cent of all prison inmates were poor young people charged with petty offences and could not afford bond or bail to secure release (ibid). The audit report confirmed that the criminal justice system was skewed against the poor mainly due to the continued existence of petty offences carried over from colonial times and used to police those in the margins similar to the colonial times.

Police are also reported to have responded to acts of violence in Mathare and Kaptembwo sometimes using extrajudicial means, targeting mainly young men. For example, Mathare Social Justice Centre, a local NGO, alleges that 99 young people were killed by police between April 2019 and June 2021 in the informal settlement and other neighbouring areas (MSJC 2021). The Human Rights Watch has also accused police of allegedly killing at least 21 men and boys, whom the security officers claimed were criminals (Human Rights Watch 2019). In Kaptembwo, the residents during the time of my research accused police of killing young men, whom they accused of criminality or being members of ‘confirm’, an alleged criminal group (field notes Kaptembwo, 15 October 2018. See also chapter 5).

Conclusion

Policing in Kenya needs to be considered holistically, and nuanced through history since the past has impacted the present. Using history, I have documented policing since the pre-colonial times and shown how it is tied to the current policing practices of the CPC and *bazes*. To a large extent, I have provided evidence that continuity describes the dominant mentalities of policing in Kenya. As noted, policing is divided

by class rather than race, with the informal settlements similar to the colonial times being policed differently from the former European settlements.

A historical depth is vital to account for the origins and changing forms of policing and examine its contemporary manifestations. As noted, the growth of policing is traceable to the colonial times and specific historical moments of the SAPs, the downturn of the economy and the resultant social pressures and political changes brought about by the country's return to a multi-party system in 1990.

The chapter has accounted for the emergence of policing formations in Mathare and Kaptembwo. It has moved away from some existing literature that only looks at youth groups from a criminality sense but has demonstrated the need for their analysis as critical players in the security and governance arena. It is also important to contextualize the policing formations through a historical analysis of the criminalization of the poor right from colonial times to date. Taking this approach enables us to look at the groups in their proper setting, which is the physical deterioration of poor neighbourhoods and their exclusion from governance.

Though not a new idea, the government has also encouraged citizens to participate in policing activities through community policing. In this initiative, citizens generally gather information about criminal matters and share it with the police. They are also involved in patrols and arrests of suspects who are handed over to security forces. The police remain central to local policing arrangements, and the erosion of their monopoly has not prevented them from retaining a central status in the governance of security.

As discussed, youth formations interweave with the police through cooperation and competition, which have resulted in the contestation of power and legitimacy. Taking forward the argument that sovereignty and legitimacy to govern and address crime in Kenya has been historically reshaped in the face of competition at all levels by different policing nodes, the study in the next chapter argues that this is part of negotiating statehood. In this regard, people's identities have infused into the policing

practices, transforming the nature of power, imagination and enactment of state authority.

Chapter 5: Policing Practices and Statehood

Introduction

As noted in chapter 4, power and authority have been historically negotiated by many actors in Kenya. In this chapter, I take the discussion further by establishing how the CPC, *bazes* and residents of Mathare and Kaptembwo make claims to power and project particular logics of order as part of imagining, enacting and negotiating statehood.

In chapter 3, I have extensively discussed about statehood and I just recap a few key points here, to set the context for the discussion. As I have noted, Hagmann and Péclard (2010) while offering a critique of the state failure thesis, call for alternative ways of conceptualising political authority in Africa. In order to do this, they suggest that scholars need “to better understand how local, national and transnational actors forge and remake the state through processes of negotiation, contestation and bricolage” (ibid: 544). This, they argue, is important since the state is not a unitary system “but a product of bureaucrats, policies and institutions, imageries, symbols and discourses” (ibid:543).

The “effect of the practices” (Mitchell 1991: 94) of these units makes the state exist not as a thing, but as a dynamic process where different actors are negotiating and competing over the institutionalisation of power relations. Putting forward the negotiated statehood approach, Hagmann and Péclard (2010) argue that it offers a way of looking at and grasping the dynamic and complex dimensions of statehood, profoundly contested nature of the state and the host of conflictive interactions inherent in defining statehood (ibid).

My analysis tees off from this thinking that the Kenyan state’s discursive and ideological projections or ideas are contested and negotiated by various actors. Generally, in Kenya, the state and its role in ensuring security has long held a contradictory place in the public imagination. On one hand, the state’s presence, authority and reach are felt, especially in exercising the monopoly of legitimate violence (Akech 2005; Hills 2007; Ruteere and Pommerolle 2003).

On the other hand, the Kenyan state has never had a monopoly of violence, and similar to other countries globally, policing is by different agencies, including kinship and community-based groups (Etannibi 2009; Clapham 1999; Bagayoko et al. 2016). Even though the state as an administrative framework has never ceased to exist (Titeca and De Herdt 2011), the provision of public services, including policing, have been shared with other actors, working in collaboration and contestation with the police. In such an environment, as Boege et al. (2008:10) have illustrated, “claims to power and logics of order co-exist, overlap and intertwine and the state does not have a privileged position as the political framework that provides security, welfare and representation”.

I start the below section by interrogating how sovereignty is contested and negotiated by the various nodes and the implication for policing and statehood. To expound how policing actors deploy violence with impunity to assert and negotiate sovereignty, I borrow and use the idea of a permissive space (Cooper-Knock 2017).

The idea of permissive space is fluid, and actors can “establish, extend, contract, close or collapse” (ibid: 30) it. It can be relatively stable over time, broad to accommodate as many actors as possible, and the acts they allow. For example, the police, CPC, *boda boda* (motor cycle) riders, women, young men and women in Kaptembwo and Mathare interacted in various and different spaces of impunity as they exercised sovereignty. As I later discuss, they draw on historical claims to power that had been negotiated over time that gave them claims to authority over particular issues like carrying out street violence on suspected criminals.

At the same time, Cooper-Knock (ibid:) has argued that permissive space can shift to contract, “covering fewer acts or less visible excess than it had before” (ibid: 31). It can also close, meaning that those who had negotiated impunity, if they act illegally in the future, will be punished (ibid). As I argue, police sometimes closed the permissive spaces but other actors can also close it by threatening to carry out

violence (ibid). Ultimately, the permissive space can collapse, which denotes no more avenues for negotiating impunity.

The notion of permissive space provides me with the analytical tool to understand how Mathare and Kaptembwo residents negotiate their impunity with other citizens and the state within or beyond the criminal justice system. Within permissive space, “illegal practices are allowed to continue unabated and may be conferred with legitimacy” (ibid:29). As I note in the analysis, this space is necessary for Mathare residents who rely on the fluidity and flexibility it provides to make their lives tenable. Empirically, I use the negotiating statehood approach to establish how the CPC and *bazes* claim and use power to engage and disengage with the state. These policing actors are involved in enacting, imagining, contesting and claiming different orders and public authorities in Mathare and Kaptembwo.

Borrowing from Hornberger (2004), I also argue that residents of Mathare and Kaptembwo I interviewed, frequently call upon the police because they are an imagined and real source of power due to persistent ideas of the state being a legitimate means of dispute resolution, despite its shortcomings, with higher moral claims over the other policing actors. The police thus are central in shaping local security arrangements and peoples’ imaginations of policing, mainly because of their physical authority to do so. Through this multi-level analysis, I acknowledge the power of the political arrangements that we call the state and, at the same time, account for their elusiveness.

Objects such as police cars shape the practices and experiences of everyday policing. Some of the scholars (Diphoorn 2019; Colona 2020) have contributed to our understanding of how power and relationships shift when private security companies use police vehicles to patrol in the middle-class neighbourhoods of Nairobi. This chapter takes a different angle, looking at how a police car shapes interaction with some of the residents who live in Mathare and Kaptembwo and what it portends for policing and statehood. I will show that the police car is not a mundane object but one that police officers actively deploy it to produce and negotiate power relations.

In 'Police Legitimacy and the Authority of the State,' Bottoms and Tankebe (2017) note that order means regularity, predictability of a system and or ways of interactions. "Such patterns, in turn, generate a significant level of predictability in social life, and thus of stable expectations among citizens" (ibid: 50). In the context of Mathare and Kaptembwo, I conclude by arguing that there are different policing orders, that is to say, there are different routine ways in which insecurity is managed and disputes resolved. These are constantly contested, renegotiated and reclaimed by the policing nodes. Within this setting, while the private and public orders are blurred, the state's policing practices are reaffirmed, and their dominant role reasserted.

State Sovereignty and its Limits

As I argued in chapter 3, sovereignty is "the ability to kill, punish, and discipline with impunity" (Hansen and Stepputat 2006: 279). In this section, I analyse how sovereignty is reproduced through everyday policing practices and repetitive public performances in Mathare and Kaptembwo.

There are different forms of sovereignties claimed in Mathare and Kaptembwo, which are not linear but diverse and complex. The CPC, *bazes*, and individuals engage in popular forms of street justice, including lynching and violence, contesting state sovereignty. As I later show, the multiple sovereignties co-exist, overlap and compete at many levels but ultimately engage in the construction of political subjectivities, which often challenge the state's claims to exercise political and legal authority (Sieder 2011). This notion of overlapping and different sovereignties is beneficial as it enables us to understand how residents negotiate with police to carry out violence without repercussion.

In Mathare and Kaptembwo, I analyse the police killings as a dehumanisation process which targets young people "who are seen to constitute the 'garbage' and 'dirt' of society, and those who do not comply with local notions of order" (Butti 2019: 18). Kimari (2020) has argued that the media representations of the youth in Mathare as

criminals and sex workers has contributed to their criminalisation. According to an informant, police kill the youth under the guise of them being criminals and hence are 'upholding the law' or 'delivering justice' to victims (interview, 6 March 2019).

In one of the public barazas I attended in Kaptembwo, one of the county's senior police officers was present. In his address to the public, he noted the emergence of a youth group called 'Confirm', whose members were suspected of mugging people going home, handbag snatching, and housebreaking. He warned that the police would do all it takes to ensure that the suspects are arrested, even if it included collective punishment of youth in the area. Those found innocent after investigations would be released (field notes, Kaptembwo, 24 November 2018). With these remarks, the senior police officer portrayed the 'Confirm' group as a group of people who are a threat to society.

Identifying the 'Confirm' group as criminals offers an opportunity for the state to make a case for violent police response. The senior police officer in the meeting informed the public that there were 'Confirm' members who had surrendered to the police and warned other members to know that they had been exposed. "There are more police officers being hired every year, and that is to tell you that we have the numbers to tackle criminals. Shun evil and you will prosper. The police are not taking any chances" (field notes, Kaptembwo, 24 November 2018).

These remarks were openly challenged by three women in the meeting who spoke when members of the public were asked to give their views. They all decried police violence in dealing with crime and asked security officers to arrest suspected members of the 'Confirm' group since they are known and reside in Kaptembwo. They further accused police, chiefs and their assistants of just being interested in extorting bribes from the youth and *chang'aa* brewers instead of dealing with crime. This contrasts with the heavy-handed approach police wanted to take on young people whom the women related to as their sons, relatives and neighbours. A young man who looked to be in his early twenties also spoke after the three women, echoing their concerns and further accused the police of failing to address crime issues. While

these sentiments got murmurs of approval from the audience, some of the junior police officers, Chiefs and their Assistants present looked quite uncomfortable since it was an indictment on their work of maintaining security.

From this meeting, it was clear that cultivating legitimacy sometimes requires engaging in a dialogue involving the claims by those in authority and responses by the audience (Bottoms and Tankebe 2012). The police saw themselves as the law and sovereigns to issue punishment. With his veiled threats on suspected members of 'Confirm', the senior police officer was projecting sovereignty of the state and the right to use violence to intervene and restore order on behalf of individuals and the entire community. Nevertheless, though the public wanted something to be done regarding the 'Confirm' group, they challenged the threat of using police violence as punishment.

Instead, the Kaptembwo residents expressed demands for more street policing through patrols and arrests and not state violence. This was not a request for harsher policing. Instead, the three women and young man who spoke during the meeting were negotiating with the police to establish a model of policing that was close to their ideas of statehood and opposing that which they saw as violent and discriminatory. While the public performance by the four speakers could not be said to be representing the entire community, it resonated with some of those present. This is evidenced by the gentle tones of approval and the police officers had to explain and justify their positions and authority.

The residents who spoke in the meeting demanded that the state follow its own rules on use of legal violence. This indicates that "the law can shape state authority, as much as it can be an avenue through which the relationship between the state and its citizens is (re)negotiated" (Verheul 2016: 80). By asking police to account for using violence, they were calling on the state to be a consistent sovereign, following the law on the use of violence. In addition, I note that police claims-making is contingent on them maintaining law and order within the legal frameworks that protect suspects from illegal police violence. The women and young men who spoke in the meeting

were engaged in a performance of their citizenship and articulation of their morality. By challenging the police use of illegal violence, they articulated imaginations of a state where social order is enacted through the law and violence is limited.

According to my informants in Mathare, police engage in violence as a message to the public that those who breached the law have been punished, deterring others from crime. In most of the interviews, *baze* members and Mathare residents talked about a police officer I call Rehema. Depending on whom you are talking to, a mention of Rehema attracts myths, fear, ridicule and support. Widely known by the residents since he operates openly, Rehema had been profiled and seen by Mathare residents as the face of police killings in the area and nicknamed as “killer cop” by human rights groups and some of the *bazes*.

As analysed in this chapter, Rehema represents one of the faces the police embody while policing the poor and asserting authority. For example, in 2017, Racheal Mwihaki’s husband was killed when she was eight months pregnant with their first child. She told me how the late husband, a mason, was picked by Rehema while he was at the construction site. He was shot at 2 pm on a public street in Mathare. Likewise, on 24 December 2018, two boys aged 18 and 19 years were said to have been shot while facing the wall at a local petrol station in Mathare. Rehema and two other police officers had arrested the two young men.

In other instances, the killings take place in public places to degrade the suspect, instil fear and stamp police power and authority. Some of the informants narrated how Rehema sometimes walks with a handcuffed suspect through the informal settlement, randomly asking if he - the suspects are mostly men - is the criminal. “Sometimes, when he is walking around, some people call him [Rehema] on his cellphone to give information on the suspect. If he gets two or three confirmations, then the person is as good as dead,” noted a human rights defender in Mathare (interview, 3 March 2019).

I argue that the spectacular aspect of policing and police violence, as Comaroff and Comaroff (2004) note elsewhere, is a performance of might provoked by crime as a major threat to the state's monopoly of violence (ibid: 275). The police are trying to reclaim state sovereignty and authority by staging these public arrests and killings by delineating rulers and subjects who are supposed to recognise the state's legitimacy (ibid: 809). The performances at the petrol station, Juja Road, Huruma Sports Ground, Migingo Corner, Austin Gardens, among other areas where killings take place, are dramatic enactments of crime and punishment that are a vital part of the state's effort to produce social order and to arrive at persuasive ways of representing it (ibid: 822).

This claim to personal sovereignty by Rehema is supported by some of the informants. Several argue that the killings are justified because of corruption in the police and judiciary. "Police are only after money and once they are bribed, they release suspects", (FGD, Mathare, 16 June 2019). In the same group, another informant said, "killing is the best and final solution to crime in Mathare. Police do not kill innocent people and they know what they are doing" (FGD, Mathare, 16 June 2019). The police violence is justified as necessary to enhance public safety and law and order, sentiments which are "very appealing to ordinary people who experienced insecurity in their daily lives" (Reyes 2016: 118).

Caldeira (2002), while discussing the challenges to the democratic reform of police institutions in São Paulo, Brazil, has also argued that popular support for a 'violent police' coexists with a negative evaluation of the police and high victimisation of working-class people. This is what she calls a 'paradox' (ibid:235), but notes that it is situated within a context of profound disbelief in the fairness of the justice system and its ability to function. Just like in Mathare, Scheper-Hughes (2004) describes how some residents of Alto do Cruzeiro, Timbaúba, in Northeast Brazil, supported the social cleaning by saying the "police have to be free to go about their business" (ibid:21) and those killed viewed as "good-for-nothings and scoundrels" (ibid).

Others have contested the sovereignty by Rehema and police arguing that the killings are at odds with the causes of violence and insecurity in poor urban neighbourhoods and do not address or lead to conversations on the social-economic conditions that

could have led to people engaging in crime (Ruteere et al. 2013). “I do not think killing is the solution because you are finishing the generation. No one steals because they want to. Sometimes it is lack of employment, and it is better to jail them instead” (FGD in Mathare, 13 March 2019).

The popular support for ‘social cleansing’ means that individual police like Rehema have more power as representatives of the state. This same support can be proffered to other citizens who are directly dealing with crime using violence, at least until they feel as if justice had been served. For instance, in Kaptembwo, some riders of motorbike taxis known as *boda boda* narrated that they beat up crime suspects “until we are satisfied they have suffered enough then take them to the police station” (focus group discussion, Kaptembwo 29 November 2018). As a result, the *boda boda* riders have established fear and claimed authority within the area where they operate, and as one of them noted, this has made criminals think twice about stealing from them (interview with a *boda boda* official, Kaptembwo 29 November 2018).

I also locate the actions of the *boda boda* riders within the notion of permissive space (Cooper-Knock 2017), which as earlier stated, helps us interrogate how sovereignty and impunity is negotiated in everyday policing. As seen in the above case, the *boda boda* riders after punishing the suspect take them to the police station. There are no repercussions to them denoting stability of the permissive space. In returning to the police station the *boda boda* riders are also demonstrating, ultimately, a deference to the sovereignty of the police. They are staying within tacitly acknowledged bounds of the permissive space.

Since the permissive space had solidified, the *boda boda* riders could carry out what I considered as excesses. When explaining how they punish suspects, one of them said, “we beat the person until we are sure that he gets the warning. We also break a knee so that the hospital bill could be expensive, and he would never consider stealing again” (focus group discussion, Kaptembwo 29 November 2018). Another rider narrated how they publicly flog a suspect for everyone to see. “We tie [suspects] to the motorbike using a rope and drag them along the road for everyone to see. In

some instances, the person is killed due to the beating and dragging on the street” (interview with *boda boda* rider, Kaptembwo 29 November 2018).

In all these cases, police were informed and took the suspect from the scene, but no one was charged for engaging in the violence “because we are helping in ensuring there is security in this area” (interview with *boda boda* rider, Kaptembwo 29 November 2018). I also argue that by undertaking the street violence with impunity, the *boda boda* riders are shaming the police for their lack of action. They are reminding them of the critiques levied by residents of Kaptembwo, of not dealing with crime. By doing so, the *boda boda* riders are aware that arresting them would be impolitic.

In order to understand why no one was punished, it is also essential to note the informal and fluid multiple relationships between the police and *boda boda* riders. While some of the officers are said to own *boda bodas*, the riders have to pay daily bribes of Kshs 100 (£0.66) each to the police. This is in order for them to be allowed to operate. “Even with all the documents, we are still required to pay the bribes. If not, one is harassed for small things such as not having roadworthy tires,” noted a rider (focus group discussion, Kaptembwo 29 November 2018).

The daily bribes also ensure police look the other way when the *boda boda* riders break the law by carrying more than one passenger, not having a helmet, insurance or licences (focus group discussion, Kaptembwo 29 November 2018). Informants in this permissive space, namely the *boda boda* riders and police, are tied together by inter-personal relationships that frame their engagement. These close relationships provide them with the confidence of seeking police help after engaging in street justice, knowing they will not be prosecuted.

The use of street justice has enabled the policing nodes to project themselves as a kind of moral personhood (Buur 2008) that restores order and prevents future crime in Mathare and Kaptembwo. Building on Copper-Knock’s (2014) insights from KwaMashu in South Africa, I argue that the *boda boda riders* in Kaptembwo, while

carrying out the street justice described above, constructed the moral boundaries of the community. They also determined the degree of punishment needed to construct those boundaries, only taking the suspect to the police when they “had had enough beating”.

Carrying out the physical violence and punishment of suspects also demonstrates a lack of faith in the police and serves as a critique of their inability to deal with crime. While the police may retaliate by opening a case and collapse the permissive space, this is dependent on other variables including availability of witnesses, fear of been tied down with court cases, or the complainants negotiating with the suspects out of court without involving the police (interview with police in Kaptembwo, 11 December 2018). Hence, rarely are the cases investigated and taken to court.

The state’s authority to provide bail to suspected criminals was also challenged by some residents of Kaptembwo, who asserted their imagery of a state where rights of suspects are limited. During some of the public meetings I attended, the police were present, and after the introductions of mainly the senior law enforcement officers, Chief and his assistants, the residents were asked to ask questions or speak about issues of crime in the area. Most of the issues that people were concerned about were muggings, snatching of handbags and mobiles phones, and continued illegal brewing of *chang’aa*, which they said happens with the complicity of the police. Issues of bailing criminal suspects by the police and courts were recurring issues, with most of the speakers calling upon the police to stop giving suspects bail since they “always return to the estate and commit other crimes” (Kaptembwo field notes, 30 November 2018). This demonstrates the popular appeal of containment and banishment.

Responding, police noted that the OCS has powers to issue bail to an arrested person pending a charge or arraignment in court to take a plea. Article 49(1)(h) of the Constitution of Kenya (2010) gives an arrested person the right to be released on reasonable bond or bail terms pending a charge or trial unless there are other compelling reasons. This right is further elaborated in the Criminal Procedure Code

(Cap. 75 of Kenya's laws), the Bail and Bond Policy Guidelines (2015) and case law or judicial precedents. Where the accused person violates bail or bond terms, the police are obligated to cancel the bail or bond, re-arrest the accused person and take him or her to court (National Council on the Administration of Justice, 2015).

Similar to the *Mapogo a Mathamaga* members in South Africa (Rush 2015), the CPC, Mathare and Kaptembwo residents articulate an alternative moral vision of governance and order in which criminals do not meet the moral criteria for being rights bearers themselves. "Criminals should just be in jail," said one of the speakers (field notes from CPF forum in Kaptembwo, 30 November 2018). Others believed that giving suspects bail undermines justice; hence it is better to "just sort these issues out here, the way we know it better" (field notes from CPF forum in Kaptembwo, 30 November 2018). This was in reference to using street justice as a way of dealing with crime. A CPC official also justified using popular forms of sovereignty since, according to him, the bail provisions favour suspected criminals (interview, 21 November 2018). As a result, the CPC, just like *Mapogo a Mathamaga* members, work to 'correct' the state's extension of rights to criminal suspects (Rush 2015: 341).

I interpret the contestation of bail provision to criminal suspects as an active, political challenge to ongoing processes of ongoing state formation. Since the promulgation of the Constitution of Kenya (2010), both state and non-state actors have increased attempts to actualise Chapter 4 of the bill of rights. These actions attempt to address past human rights abuses, some of which I have articulated in chapter 4. Key among the issues that changed in 2010 was that the right to get bail became enshrined in the constitution for all offences. Nevertheless, the CPC and Kaptembwo residents articulate a moral vision of a state where criminals do not meet the criteria for being rights bearers themselves.

The arguments on bail challenge the Kenyan state imagination of the rights of criminal suspects and the legal articulations of sovereignty. This is not isolated since several scholars have suggested that violent crime leads to changes in societal attitudes, including greater support for restricting the rights of criminals. Caldeira (2002) argues

that respect for rights is perceived by residents of São Paulo, Brazil as a privilege and luxuries (ibid: 241-242) and extending them to criminals is granting 'privileges for bandits' (ibid). Similarly, Holston (2009) argues that most rights have been available only to particular citizens in Brazil and are exercised as a privilege that excludes criminals. This leads to support for restricting rights and increasing the repressive powers of law enforcement. While discussing the results of a victimisation survey of South Africa's Eastern Cape residents, Møller (2005: 268) talks of 'groundswell of rage' regarding the rights that the constitution gives to suspected perpetrators of crime. In Eastern Nigeria, Baker (2002) analyses how the Bakassi Boys and police justify violence on criminals who 'have forfeited their human rights' (ibid: 239).

Human rights language and discourses are shaping everyday policing practices. It should also be borne in mind that law and rights are points of contestation, which evolve and emerge from social action. Therefore, the law written at any one time "is no more than a static representation of a process which is always continuing...and it acquires meaning and significance only in relation to the social conditions in which it is developed, interpreted and applied" (Cotterrel 1992: 42). While it has its power of regulating relations and legitimising the actions of various actors, it provides possibilities where these can be challenged.

This discussion on bail points to the dynamism of human rights concepts. It allows us to see the tensions between 'expectations of universality' and the lived reality of violence (Goodale 2012: 469). While universally it is argued that bail is a human right, this issue has been locally owned and interpreted in Mathare and Kaptembwo to shape criminal justice discourses. As the above examples show, whereas the residents wanted criminal suspects punished and hence looked up to the application of the law, they at the same time sought popular forms of justice. In other instances, a negotiation of state sovereignty occurs in that citizens claim rights for themselves while denying that they should be afforded to suspected criminals.

Police Cars and Performance of the State

This section focuses on how objects shape the practices and experiences of everyday policing, with the main idea being that they “do a wide range of things, shape subject formation, and produce a myriad of social relations (Diphoorn 2019:3).” I establish the role objects play in policing since “they are meaningful, active, and do something on their own (ibid).” I contend that objects such as police vehicles have capacities to create rules, practices, perceptions, and policing outcomes.

Citizens widely assume police patrols by foot or car to be one of the tasks of security officers. It is usually geared towards assuring neighbourhood residents of police presence, the undertaking of security risk assessments and any other similar actions designed to prevent crime. Even if patrols do not reduce crime (Telep and Weisburd:344 2012), they are the principal everyday policing practices, embodying the projection and power of the state (Sieder 2011).

Similar to other countries, police cars in Kenya are distinguished by the colour, make of vehicle and unit to which it is attached. Administration Police (AP) officers undertaking street patrols and most general police work use their green Toyota Land Cruisers double-cabin pick-ups with their logo on the door. The Kenya Police cars are the same model but are blue in colour and have their logo on the driver’s door. It is notable that the Kenya Police and AP have different logos. For both units, the cars have a canvas cover on the back to protect those sitting behind from elements of the weather. They also have sirens and a VHF radio for communication.

Senior AP officers usually use a small white Toyota passenger vehicle. High ranking Kenya Police officers are driven in blue coloured and Sport Utility Vehicles (SUV). These cars are identifiable to the public by the unique number plates (starting with GK) and logos of the respective police units. The Directorate of Criminal Investigations unit commonly uses unmarked passenger cars and Sport Utility Vehicles (SUVs) with preferences towards the Subaru Outback and Forester models.

While these are the publicly known cars with accompanying insignia, some informants in Mathare noted the use of the unmarked Toyota Probox, a 5-door, 4-seater light commercial vehicle popular with business people in Kenya.

Through this police vehicle, I will show that the presence and violence of the state are felt and reinforced. In Kaptembwo, the Kenya police's blue Land Cruiser was highlighted as the one used to conduct patrols. To the residents, it showed the state's authority. The CPC use it to enact power and claim legitimacy for their work. The use of the Land Cruiser also became a point of tension and contestation between the Kaptembwo police and CPC.

My discussion starts at Kaptembwo police station. In mid-November 2018, a child of one of the CPC members had been accused of defiling a five-year-old girl. The police officers were angry that a community policing member could be accused of such a crime since it was damaging to their image as community policing members. They were also unhappy with how the CPC handled the case, with the Police Gender Officer accusing them of trying to cover it up since it was affecting one of their own. According to the police, once the incident happened, CPC officials did not report it as required, and the police gender officer only came to learn about it when the residents held a protest since the suspect had not been arrested days after the alleged defilement took place. As I have previously noted, murder, rape and defilement are treated as criminal cases and are not supposed to be solved by CPC, who are mostly engaged in civil arbitration and mediation (chapter 4). According to the informants, this case was treated differently.

CPC officials denied attempting to cover up the case, and when I asked one of them about it, he said they were collecting evidence before submitting it to the police. He was also angry that a child of a CPC member was accused of defilement. "The officials and their family members are supposed to be setting a good example to the rest of the community by not being involved in crime" (interview with CPC official, 17 November 2018). The official could not explain to me why they were collecting evidence in this case, while in others, the protocol is they take the defiled child to the

hospital and at the same time report to police. The gender desk police officer took the child to the gender recovery centre after the case came to her attention. Police said that due to the delays in reporting, the alleged perpetrator (son of CPC member) and the mother had disappeared from their home in Kaptembwo.

I was at the station interviewing the police gender officer when an employee of the local NGO that supports CPC and police in community policing came to follow up on this case. When the NGO officer arrived at the police station, the gender desk police officer requested we go and see the child in the hospital so that she could get the medical report. The police car was not available, so we had to use a private vehicle belonging to the NGO officer. After receiving the medical report, the police officer then requested we go to the suspects' home and find out if they had returned from hiding.

Chatting about the case on the way, the police officer remarked that she was happy that the police car was not available "since we will now arrive at the suspect's home incognito". She feared that the police vehicle was very conspicuous, and the suspects might run away if they saw it. Further, she suggested but offered no evidence that the CPC members have also been using the police vehicle to intimidate witnesses to the defilement case. According to the officer, CPC members had been telling the residents that they were equivalent to the police, and that is why they ride in the police Land Cruiser at the front, not at the back.

From the above incident, several things can be unpacked. The police car is a space that demarcates power and hierarchies. The front seats are normally reserved for senior officers and are hence a signal of rank. This is not exceptional to Kaptembwo. In their research with police patrols in Nairobi, Colona (2020) and Diphoorn (2019) noted that senior officers always sat in the front seat. Some of the CPC members sitting in front were interpreted by the Gender Officer as indicating that they are equal to senior police officers, which was not taken lightly. This sitting arrangement, I argue, highlights hierarchical differences between the CPC and police and, at the same time, reaffirms the dominant role of the police.

The police officer felt the CPC challenged her authority. When we returned to the police station from the hospital, we met one of the CPC executive members looking for the Gender Police Officer. “You people [CPC members] think you can cover up this case?” she asked the official. “I will ensure that the CPC member and the son are arrested and the rest of you as accomplices. You need to let the police do their work,” she continued (field notes, Kaptembwo, 23 November 2018). Nevertheless, the CPC official denied accusations of the cover-up. In making this performance, and by reminding the official that police are the ultimate actors to solve the defilement case and take the suspect- to court, she was reclaiming her authority and that of the police.

The police Land Cruiser is a marker of authority in Kaptembwo. Similar to other police cars, it is highly visible due to its conspicuous blue colour and siren on top. Police officers use it to show their presence, as seen in the narrative above. However, I also note that the Gender Officer was happy to be incognito in a civilian’s car, which rendered her approach inconspicuous.

In the course of their everyday policing duties, police ride in private vehicles, mainly due to the lack of a sufficient number of vehicles per police station. At the time of this research, the Kaptembo police station had only one vehicle, so we used the civilian’s car to check on the victim at the hospital then look for the suspect. This shows how other actors are assisting the police “by providing the operational and physical ‘wheels’ (a car)” (Colona and Diphoorn (2017:14). The examples also highlight how personal ties and objects enable policing practices. In this case, the police leveraged personal acquaintances with the NGO to ensure efficient and fast mobility instead of waiting for the official car. In Mathare, the Toyota Probox was often identified by informants as the vehicle used to patrol by a group of plainclothes police officers led by Rehema, whom I introduced earlier in this chapter.

Toyota Probox, Rehema and the Permissive Space of the Police

On 3 April 2019, I was with Kariuki and two of his friends at one of the *bazes* in Mathare. It was during our general conversation that I brought up the issue of the Toyota Probox. According to Kariuki, his then 20-year-old friend Maina (now deceased) was arrested by Rehema on suspicion of having stolen a mobile phone. According to what Maina told him, he was put in the white Probox and was driven around the city throughout the night with the police demanding a bribe of Kshs 10,000 (£ 67.0). Maina called his mother to ask her if she could try and get the money to secure his freedom. The mother, a single parent, called Kariuki, then went to a Mathare-based human rights organisation that assists in following up on such cases.

After reporting the case with the human rights group, they immediately started an online campaign about Maina that detailed his case, asking the police to take him to court or release him. At the same time, the mother was mobilising for the Kshs 10,000 (£67.0), which was not easy considering they are poor and she has no stable source of income. She also went to the local police station accompanied by the human rights defenders to file a missing person's report, which noted that Maina was last seen with Rehema. When the pressure came to bear, Maina was produced in court but unconditionally released with the police saying they did not want to pursue the case due to lack of evidence (interview with *baze* member, Mathare, 3 April 2019). Weeks later, Maina was allegedly shot dead after being picked up by Rehema once again (interview with *baze* member, Mathare, 3 April 2019).

According to Kariuki and corroborated by other informants, the Toyota Probox vehicle that Rehema uses is widely known by the residents. Even if it is associated with police killings, he does not change it, and it is unmarked, unlike other police vehicles. I also met young men who had been arrested but managed to negotiate their way out of the Toyota Probox without harm. How do we explain this visibility that enhances Rehema's presence in Mathare and seemingly allows him to be operating with impunity? What kind of relationships could he have formed with those who live in Mathare and support him, yet others are against the use of police

violence? How do those who are arrested and put in the Probox negotiate for their freedom, and what kinds of power dynamics emerge?

I use the concept of permissive space (Cooper-Knock: 2017) to answer the above questions and to analyse how power, relationships, and sovereignty issues are negotiated in Mathare. The idea of permissive space as earlier stated, recognises that those “who act illegally must negotiate their impunity with other citizens and the state, so as to avoid repercussions for their actions either within or beyond the criminal justice system” (ibid: 29). Further, as a conceptual tool, the idea of permissive space also allows us to recognise the potential significance of multiple forms of power by policing nodes negotiating sovereignty.

Through the Toyota Probox, Rehema’s actions consolidate the imagery of a strong state exercising sovereignty. According to one of the informants, “once you see the Probox, just run away since you do not know if you will be the next one to be killed [by Rehema]” (interview with *baze* member, Mathare, 4 March 2019). A human rights defender also noted, “when you are in that Probox, it is not going to end well (interview with resident of Mathare, 3 April 2019).

The arrests and interrogations in the Toyota Probox make it a permissive space. Inside it, suspects could negotiate their way out of the criminal justice system. These negotiations are both visible and invisible, taking place in complicit with the police themselves. Some suspects are released from the Probox and warned not to engage in crime, while others have to bribe their way out. For example, Ambrose Maina, a 25-year-old man, narrated how he was arrested on suspicion of having stolen a video player in one of the halls, which charge a fee for viewing movies (interview, 23 April 2019). While he claimed innocence, he had to pay Kshs 20,000 (£133.0) for his release from Rehema’s Probox and for the case to end. Similar narratives were common in Mathare.

By permitting these negotiations inside his car and eventually releasing the suspects, Rehema is tactfully using the space to bring illegal acts to an end and at the same

time to gain some legitimacy in the neighbourhood since he is seen to be directly addressing issues of crime and insecurity. Since there are no records to show that the police will no longer pursue the matter, the suspects are mainly worried that Rehema or any other police officer might still arrest and kill them. Within the permissive space then, as Cooper-Knock (2017) has noted, “impunity is unstable and open to the possibility of (re)negotiation at different times” (ibid:29).

From this case of Rehema, we see a performance by the police, who are using the car to negotiate unstable claims to sovereignty and statehood. Taking the discussion on permissive spaces further, in the next section, I analyse how residents of Mathare and Kaptembwo continuously contest sovereign power. I argue that non-policing actors sometimes negotiate permissive spaces (Cooper-Knock 2017:9) to carry out policing work in Mathare and Kaptembwo, enabling them to exercise sovereignty.

Community Policing: Negotiations over Statehood and Sovereignty

According to the community policing guidelines (National Police Service 2017), community members are supposed to volunteer and work together with the police in ensuring security. The assumption is that involving the citizens in security matters will improve the police responses, especially in joint identification of problems and solutions, to ensure the sustainability of efforts aimed at managing crime (Okia 2011; Ruteere and Pommerolle 2003).

Nevertheless, using examples from the CPC elections and how the committee conducted its meetings and training of its members, I will show that the discursive presentation of Community policing is state centric and this shapes how people think of and conduct community policing. The implication is that despite the intended close collaboration between the CPC executive committee members and police, the state still maintains the ultimate leadership and authority to steer rather than row the policing boat (Crawford 2006).

On 28 March 2018, the first elections to choose the Kaptembwo CPC executive members to serve for a two-year term were held at Kaptembwo police station. As

explained to me by the CPC officials, prior to the elections, the Kaptembwo Officer Commanding Station (OCS) had asked the Chiefs to mobilise the area residents to attend the community policing forum whose main agenda was to explain the community policing concept as well as elect the civilian officials to sit in the Executive Committee of the CPC (interviews with CPC members, Kaptembwo, September/October 2018). The positions up for election were Chairperson, Vice Secretary, women, youth and persons with disability representatives. Names of the officials who wanted to vie were either proposed by the Chiefs or OCS, nominated by the community members during the elections or individuals proposed themselves.

According to NPS community policing guidelines, for one to qualify as a candidate, he/she should not have a criminal record, is a resident of Kaptembwo, not be holding a political office and meets all principles of chapter six of the constitution as regards leadership and integrity as required for all state officers, (National Police Service 2017). The elections were by acclamation and not a secret ballot, which, according to the CPC members, was to ensure there is openness and the community could openly reject a candidate for any reasons (interview with CPC member, Nakuru, 12 October 2018). It was also a way of ensuring that the CPC officials had endorsement and legitimacy from the community right from the onset.

From the above, it emerges that the OCS drove the process of constituting the CPC. It was symbolic and a projection of state power and authority that the elections were held in the police station compound and not in the community where *barazas* usually take place. *Barazas* are public gatherings specifically for the purpose of interaction between the citizens and the government officials (Omanga 2015; Haugerud 1995). They are part of the practices inherited from the British colonisers and used by Kenya's post-independence governments as the state's everyday forms of domination through the Chiefs (Haugerud 1995).

Barazas are now often used as avenues for the government to update citizens on its projects. They are also used to mobilise support for crucial social initiatives in the villages where they are held, such as health immunisation programmes, and as a

forum for the citizens to provide feedback to the state activities, and discuss common goals or problems in the local areas (Omanga 2015).

Secondly, the OCS acting as the returning officer had powers to determine whose name was on the final list for election and hence served as a gatekeeper on who will get chosen. According to the CPC officials, before the elections, the OCS was informed who wanted to vie. He then vetted the names to ensure that the candidates did not have prior criminal records. For the March 2018 CPC elections, all candidates were allowed by the OCS. This shows that while the chairman is the head of the CPC, police play an invisible role in controlling it right from the beginning.

Even if there are no criminal charges, suspicion of moral impropriety was enough to lock out certain people from the CPC.

Six months after the CPC executive committee took office, the OCS forced a change of the membership, accusing some members of working together with suspected criminals (interviews with different CPC members, August - December 2018). The community policing guidelines provide that a CPC member shall be removed from office if he/she commits a criminal offence, on gross violation of the Constitution, if they are not of good character or moral standing, physical or mental incapacity or is declared bankrupt (National Police Service 2017).

What constitutes good character or moral standing is not defined in the guidelines, and interpretation of these terms was left to individuals. In this case, it was the OCS who justified the members' dismissal without a criminal charge. According to the CPC officials, the allegations made against the officials were not proven in that no CPC member was charged and the OCS did not share any details with them, only insisting that the officials had to be changed (interviews with CPC members, August-December 2018). "We tried to negotiate with the OCS and get to the bottom of the issue, but he was adamant that if the officials were not removed, he would not participate in CPC meetings," noted one of the officials (interview with CPC member, 26 September 2018). Eventually, new officials were elected.

Police influence and power in shaping community policing in state centric terms was also evident in the CPC trainings and monthly meetings. During my fieldwork in Kaptembwo, I attended six CPC trainings held by a local NGO that had donor funding to support Kaptembwo police station in establishing community policing. These trainings of the 28 CPC elected officials had two main objectives. One was sharing knowledge with the officials on the CPC guidelines and, secondly, using the meetings to create closer working relationships with the police (interview with NGO official in Nakuru, 23 September 2018).

All the six half-day capacity building exercises I attended followed a similar routine. At the beginning of the day, time was spent explaining police reforms that the country was undertaking and linking them to community policing. The local NGO programme officer who was in charge of implementing the donor-funded project facilitated the session. The Kaptembwo Officer Commanding Station (OCS) then took informants through the community policing guidebook and their duties. The CPC members were allowed to make interventions during the presentations, but there was also a plenary before they left for lunch.

The trainings served to enhance the state's vision of community policing. It can be argued that having the OCS as the leading facilitator was a suitable choice since he was familiar with everyday policing work due to his seniority and experience. He also had intimate knowledge of the community policing guidelines. In most of his discussion points, I noticed the OCS emphasised state sovereignty, underlining that the CPC should help gather intelligence and report the crime to the police since they are the ultimate custodians of the law. Issues of corruption and violence by the police were downplayed by the facilitators and not seen as a result of more significant structural factors that provide some individual officers with space to push the bounds of discretion.

Whenever alleged police misdeeds were raised, the OCS always alluded to ongoing reforms which would eventually lead to a better Kenya police service responsible for effective crime reduction. He also mentioned that most police officers remain

professional, but there are “bad apples” giving the whole service a bad name. The term “bad apples” is popular in many parts of the world, used to reference individual police officers who operate outside the legal parameters of their mandate and hence they do not represent the professionalism and mindset of the state police (Diphooorn 2020).

The plenary discussions were mainly on how the linkages between the CPC officials and police could be enhanced as they supported the police in their work. During a plenary session, one of the CPC officials echoed the OCS, saying that not all police officers based in Kaptembwo engage in rent-seeking (Kaptembwo field notes, 5 October 2018). Nevertheless, an NGO officer in the meeting countered the argument, saying that brutality among police officers was tolerated, which is why it continued (ibid). While the discussion fizzled out, the NGO officer suggested that the individualising narrative of ‘bad apples’ hid a much broader, systematic and structural issue on the unchecked use of police violence.

The centrality of the police in community policing structures was also evident in the CPC monthly meetings. According to the community policing guidelines (National Police Service 2017), the CPC executive committee is supposed to hold monthly meetings convened by the OCS at the police station. These meetings were generally for the officials to discuss insecurity issues in the area and provide feedback on specific cases that they were handling. It was also an avenue for agreeing on dates for CPF forums and addressing any challenges related to the policing work. Nevertheless, the meetings were inconsistent, and according to one of the CPC officials, they usually took place when the OCS was available since he was the convenor (interview with CPC member, 26 September 2018). Due to this inconsistency, I attended only one CPC meeting during the six months I was in Kaptembwo for the fieldwork.

On the meeting day, I arrived at the police station at 10 am and being familiar with some of the CPC members, we had a short interaction as we waited for others to arrive. When the OCS arrived, we went to our meeting point under a tree that also

served as the gender desk. When I conducted my research (August - December 2018), Kaptembwo police station was a small timber structure with a rusting iron sheet roof, reporting desk, office of the Officer Commanding Station (OCS) office and a holding cell. It did not have other offices, but a permanent structure was being built. The Office of the OCS was too small for the team to fit in.

The Kaptembwo police Gender Officer, though not a CPC member, had been invited to the meeting since she had been handling most sexual and gender-based violence cases. A representative from a local NGO supporting police reforms in Kaptembwo was also present. The chairman (who is a civilian) opened the meeting with a prayer before those present introduced themselves and the area of jurisdiction. While they knew each other, this was for recording attendance in the minutes. The CPC chairman then tabled a list of issues his team and those from the location and sub-location levels had compiled from their monthly reports. After that, he sought clarification from the OCS on the status of some of the cases the CPC had reported to him either in the previous meetings or as part of their everyday policing duties. All this time, the police officers present were taking notes.

The meeting was then opened to other CPC members who largely echoed the Chairman's remarks. When the OCS spoke, he thanked the Chairman and his team for the good work. He was hesitant to give feedback on specific criminal cases citing ongoing investigations but asked the CPC to continue building bridges between the community and police. He also asked the members to regularly continue holding community meetings and invite the County Commissioner in good time. The OCS then excused himself, and the meeting was adjourned until a later date.

Coming from this meeting, it was evident that the OCS used his administrative power as the convenor to dictate the limits of the CPC's involvement in policing matters. While the chairman moderated the meeting as required, the OCS, on the other hand, subtly asserted his authority and power by being hesitant to discuss any of the criminal cases as requested. By this, though they are part of CPC, the police project an image of being a superior member. While the other CPC officials provided

updates, the police did not feel any obligation to do the same. Therefore, I conclude that despite the CPC having the majority of its members being civilians, this has not reduced the presence and authority of the state. The power demonstration made by the OCS in the meeting was a ritualised display of a sovereign claim, and he intended to make a hierarchical distinction between police and other CPC representatives.

Kaptembwo CPC officials tried to enact their authority by mimicking artefacts of stateness. Similar to the police, the CPC had their records in an exercise book with categories similar to the Occurrence Book at the police station, which noted areas where most incidences of crime had been reported to them, names and profiles of suspected criminals, types and causes of crime. The CPC recorded instances of crime reported to them, which they used as formal registers regarding the nature and perpetrators of crime in Kaptembwo. These records are used to hold the police accountable for managing crime, and the CPC officials in my interviews constantly referred to them.

Through this gesture, I note how the reports play a role in the everyday representation and contestation of the state (Hull 2012). The CPC presented their observations of the nature and perpetrators of crime and sometimes challenged the state's perceptions of criminality, using their artefacts (recording book) to do so. Nevertheless, they did not have the power to hold the official pen that bureaucratically records when a case is open and closed (Cooper-Knock and Owen 2018:355), and this was left to the police.

The CPC officials drew on procedural and symbolic forms of police summons to draw the legitimacy of solving disputes. When cases were brought to the CPC, they called all parties to a hearing before proposing a settlement depending on the case. At other times, they would call witnesses or conduct further investigations, especially if one party did not appear for hearing as requested. Since CPC does not have legal powers to summon the parties with disputes, they rely on them to voluntarily agreeing to the process. The officials do this with the notion that the police would back them up if people did not comply.

CPC officials recognise and align themselves with the authority of the police as representatives of the state to facilitate dispute resolutions. “Sometimes the accused person does not want to get to an agreement with the complainant, and we threaten to take the case to the police. No one wants that because it is a lengthy process” (interview with CPC member, 28 August 2018). They are leaving open the option of engaging the police because the threat of legal processes helps to mobilise consensus. It also led to most people approving the resolutions since “the police would affirm the CPC’s decision” (interview with CPC member, 28 August 2018).

Apart from copying policing activities of summons and investigations and the judicial process of issuing verdicts, they also invoked the law though it was in general and vague ways. While sitting in to listen to some of the cases, I noticed that the CPC officials used to refer to the law as what “the constitution says” or “the law says” without going to specifics, but they framed it in a way that the parties got a sense that they knew the law. While I did not know if the references were accurate, I interpret the CPC performance as the officials wanting to be seen as knowledgeable in the law and their arguments based on legal authority. This was effective since it created a public perception of the CPC having legal knowledge and the ability to arbitrate cases. “They [CPC officials] know the law, and that is why I went to seek their advice,” said an informant who had filed a case with the CPC (interview in Kaptembwo, 13 December 2018).

From the foregoing, it can be concluded that the dominance of the OCS was evident and through his actions, the state has structured the CPC. Further, the CPC members have used various symbols such as having a crime recording book, including issuing summons to engage in acts that seek to contest and claim police authority.

The power performance and enactment of the state by the CPC is limited. According to some of the community members I interviewed, they made a clear distinction between the CPC and the police. The CPC members were known as the “community policing people,” involved in collecting information to enable the police to handle

insecurity cases. Further, the police continued to operate through their rank and file and management of crime, though sometimes attributed to the CPC volunteer work, the officers were under no obligation to acknowledge their contribution. As Kyed (2014:440) has noted, “such acts of boundary-marking do not convey equality or shared sovereignty” but rather serve to affirm police superiority and state sovereignty. These are issues we discuss in the below section.

Police are Never Far Away

In most of the discussions, the informants said they engaged police since they believed they have the legal authority and legitimacy of ensuring law and order. For example, speaking to some of the ladies who had taken a suspect to Kaptembwo Chief’s camp, while they were apprehensive that police would prosecute him for allegedly defiling a young girl, they noted that letting the police take over the case was the right thing to do. Therein lies a contradiction. On the one hand, Kaptembwo residents do not trust the police, but, on the other hand, they seem to have faith in the symbolic performance of handing over suspects to them. Despite their inefficiency and weaknesses, they saw the police as having legitimacy to exercise the power of containment of suspects.

Another way the police were called upon was to ensure that personal agreements negotiated by the CPC were honoured. For example, John Odhiambo, a mechanic, had a debt dispute with his friend, arbitrated by the CPC. He had loaned his friend Kshs 2,000 (£13.0), which they had agreed would be paid back within two weeks. His friend had not honoured his promise, and hence Odhiambo sought assistance from the CPC. According to Odhiambo, they were both summoned, and since his friend did not dispute the debt, they drafted an agreement where he committed to be making weekly payments to clear it.

While this was written down and signed by all parties, including a representative of the CPC, Odhiambo nevertheless insisted on informing the police in case the friend did not honour it. This did not mean that the CPC was not a legitimate actor, but

Odhiambo viewed the police as having the ultimate legal authority that he needed to strengthen his side of the agreement.

Police opted out of some cases, saying they only deal with “serious” ones, which are murder, rape and defilement. “That is why we have community policing so that they can leave the police to handle other crimes and not reconciling parties in disputes,” said a police officer (interview with a police officer, 10 December 2018). It is not clear to what extent this arrangement is adhered to by the individual police officers, but it shows that police evaluate situations in which they intervene and choose a course of action from among a set of alternatives.

As Cooper-Knock and Owen (2015: 367) demonstrate, police in Nigeria and South Africa avoid becoming ensnared in personal, protracted conflicts. Also, Merry (1986) in her study among working class Americans describes how some people are frustrated when their cases are not taken up by the courts and referred to other forums. She describes them as “garbage cases” (ibid: 1) since they are seen as frivolous for hearing by the courts, In Kaptembwo, as I have highlighted above, the police prefer outsourcing some of the “unserious” cases such as rental disputes to the CPC.

Banishment, which is expelling someone from a place, is a common remedy deployed by the “moral community” against “dangerous” individuals (Buur and Jensen 2004: 144). It is a public display of penal power, “which is imposed after communal deliberations, in terms of certain procedures (Super 2020:50). In Mathare, crime suspects who wanted to reform and continue staying in the informal settlement had to negotiate with the police and sign a confession statement. The statement did not have a formal format but only required one to state their names, where they stay, the kind of criminal activities they were engaged in and then pledge not to engage in crime again.

For armed suspected criminals in Mathare, they are asked to surrender the guns at the Pangani police station and record statements renouncing their ways. Police then

monitor them for an extended, indefinite period to see if they had reformed. According to informants who called themselves reformed criminals, the statements are a form of insurance policy that police will not kill or expel them from Mathare if they kept to their promise of not getting involved in crime (focus group interview, 22 March 2019). As Super (2020:50) reminds us, banishment “does not overtly challenge the state’s monopoly over legitimate violence”. While the reformed criminals said by honouring the statements, they continued staying in Mathare, those who did not are allegedly killed by Rehema. They claim he justifies the use of police violence “since it is on criminals who have refused to reform” (ibid).

Those engaged in petty crime such as snatching handbags and mobile phones, selling stolen and illegal goods are supposed to write a statement filed with the village elders and Chief. For it to be valid, it had to be filed with the police. After this is done, for an undefined period, the elders and Chief, as part of their policing duties, are supposed to monitor if the person is still engaged in criminal activities or not. Any cases of a suspect returning to crime are reported to the police. Those who do not adhere to their signed statements are banished or coerced to leave the informal settlement by the police (FGD interviews in Mathare, 15 January, 22 February, 23 February 2019). While this research did not reach out to any of those who had left Mathare this way, it shows how banishment serves as a means of prevention and punishment for crime (Super 2016: 464) as dictated by the moral community of the police.

I have shown that state sovereignty is recognised by Mathare residents even though they acknowledge police are repressive and non-responsive to their needs of maintaining law and order as they would require. In some of these situations, police are called upon to exercise social pressure and punishment to institute order. Further, suspected criminals negotiate for their impunity with other citizens and the state to avoid repercussions for their self-confessed criminal actions. From this, different orders emerge that are negotiated, sometimes in ways that do not easily align with the law.

Conclusion

In this chapter, I have analysed policing in Kaptembwo and Mathare through the negotiating statehood approach, which illuminates our attention to the manifold efforts made by the state to “arrive at new arrangements for the organisation of public authority” (Hagman and Péclard 2010: 557). Negotiating statehood argues that at the core of state formation processes is a type of authority based on obedience and recognition rather than sheer physical force (ibid). The order is imagined, enacted, and claimed through an evolving negotiation process between the state, CPC and *bazes*. In doing so, the CPC and *bazes* draw upon the imagery, mannerisms, and state language to advance normative aspects of imagining order. As shown, these practices have led to multiple imageries of statehood and public authorities, which are drawn upon in policing.

The CPC and *bazes* project power and sovereignty, and citizens imagine alternative versions of the state. As the cases of Mathare and Kaptembwo have shown, the ‘fragmented imageries of stateness’ (Nielsen, 2007: 695) may persist among the residents, but they continue to make strategic use of these imageries in pursuing security in their everyday lives. These dynamics can only be understood if one looks at the way in which actors negotiate their relationships to the state, how they at times ‘produce’ statehood without realising it, and how at other times they consciously and willingly contribute to ‘constructing’ states (Berman and Lonsdale, 1992). Thus, state formation is continuous, messy and is not a linear process.

Broadly, multiple overlapping notions of order derive authority and legitimacy from diverse sources, and the state is one of the many actors projecting sovereign power. In Mathare and Kaptembwo, sovereignty is reproduced and contested by various policing actors through daily policing practices, which sometimes involve violence. This has led to the creation of relationships of the policing nodes, which have the capacity to de-legitimise, weaken, or challenge different forms of authority.

Beyond the state’s coercive power, the different actors also have to rely on different sets of legitimisation strategies, some drawing from the law and others could

sometimes overlap with those of the state. As noted, during their formation and existence, the CPC and *bazes* are socialised through training, formal and informal interactions with state police to understand state practice laws and customs for policing. This has, in turn, led them to sometimes mimicking state police, supporting them and using their tools of legitimation and authority.

Statehood as the normative imaginaries of how a state should work penetrates the everyday practices of all the actors in Mathare and Kaptembwo, extending its reach. This does not minimise or discount the existence of other negotiated orders that are sustained by legitimate practices. These include popular forms of street justice and negotiations of impunity that take place in permissive spaces such as the Toyota Probox. As seen, within the permissive space, multiple challenges to state sovereignty emerge, which ultimately shape the limits of police use of violence.

I have shed light on how human rights discourse influences policing and expresses tensions, contradictions, and dilemmas in daily life (Spesny 2020:152). The different perceptions by residents of Mathare and Kaptembwo on the rights of suspected criminals highlight the delicate relationship between human rights discourse, police action, and everyday policing practices. While engaging in popular forms of sovereignty, residents of Kaptembwo and the *baze* members have challenged state language that invoked the rights of suspects. They have claimed their own sovereign way of dealing with criminals and exposed the limited reach of notions of justice and human rights as written in Kenya's Constitution (2010).

Chapter 6: Volunteerism in Policing

Introduction

In Chapters 1 and 3, I noted that collaborative partnerships between communities and police have become part of Kenya's security governance infrastructure, modelled as "a people-centred approach" (National Police Service 2017). The expansion of policing actors has created new opportunities for volunteers who take the common good of security into their own hands in the spirit of responsabilisation.

Some of the rich scholarly works on how Kenyan citizens are involved in community policing has explored how it has improved public safety (Kioko 2017; Ayiera 2017; Mburu and Helbich 2017; Nyaura and Ngugi 2014), enhanced police-community relations (Mogire et al. 2017; Skilling 2016; Brankamp 2020), and its impact on human rights (Ruteere and Pommerolle 2003; Gitau 2017). While these scholars mention volunteerism as key in community policing, they do not deeply discuss it. To fill this gap, this chapter explores how mobilisation for security through volunteerism shapes public action against crime and violence.

Though voluntary action has been established as selfless and altruistic in some literature (Carbonnier 2005; Manatschal and Freitag 2014; Veludo-de-Oliveira et al. 2015), research in Kaptembwo and Mathare shows that the actual practice of volunteering is often riddled with a tension between altruism and material reward. This perspective provides important insights into volunteer activities in policing and aligns with earlier studies that have explored the blurred boundaries between 'common good' and 'private benefit' in volunteerism (Marsland 2006; Mindry 2001; Prince 2013).

In this thesis, volunteering is "[a]ny activity in which time is given freely to benefit another person, group or cause...is part of a cluster of helping behaviours, entailing more commitment than spontaneous assistance" (Wilson 2000: 215). I note that volunteering is not merely free gifted labour since volunteers also benefit from their work (Viera 2017). In the context of policing, I interrogate reasons and benefits as to

why some residents of Mathare and Kaptembwo volunteer for policing and how this contributes to security in their neighbourhoods.

In most of the literature, we see that volunteering has a long and rich history in Kenya. Volunteerism was a disguise for coercion, violence and exploitation during the British colonial rule. Kenyans were forced to ‘volunteer’ labour instead of paying tax and as a contribution to development projects (ibid). This labour was compulsory, and those who refused were imprisoned or fined. After independence, the citizens’ voluntary role and contribution in development were adopted in the official ideology of *harambee* (Widner 1992; Ngau 1987), which means “pull together”. Through *harambee*, President Jomo Kenyatta encouraged citizens to volunteer in self-help programmes for development, working alone or collaborating with the government.

The *harambee* concept became popular but faced criticism during the 1980s because of how the government officials and political elite used it to settle political scores and as an avenue for money laundering and corruption (Waiguru 2002). Furthermore, political elites increasingly donated money to self-help projects, remaking patrimonialism and political patronage (Moskowitz 2017). Despite this, self-help and voluntarism is part of the national discourse, with citizens appropriating it in their own ways. For example, it is normal for family, friends and colleagues to come together and donate money, skills, knowledge, networks and connections to help one another settle hospital and funeral bills, pay school fees, construct schools, roads, hospitals, among other social developments. There is also evidence of a rich and varied history of grassroots voluntary activities in areas such as health care programmes, religious organisations, and the NGO sector (Aubrey 1997; Holmquist 1984; Thomas 1987; Ngunyi 1995; Ochanda 2013) among others animated by the desire to help others, create better futures, serve the community, and develop the nation (Brown and Prince 2015).

Although volunteerism had been a vital force for mobilising people throughout post-independence Kenya in development sectors, it was only in the late 1990s that volunteerism was directly linked to governance and, more so, security. As I have

analysed in chapter 4, the Kenyan government, since 1992, was facing pressure for political changes. The economy was performing poorly due to mismanagement and the introduction of structural adjustment programmes. As a result, many people lost their livelihoods and crime grew, with the government not being able to manage it due to lack of adequate police capacity in human and financial resources (Akech 2005; Ruteere 2011; Ayiera 2017). Pushed by the World Bank and International Monetary Fund towards liberalisation and responsabilisation (Ruteere and Pommerolle 2003), the Kenyan government in the early 2000s started encouraging citizens to take part in voluntary policing through initiatives such as *Nyumba Kumi* (Swahili for ‘ten houses’), neighbourhood watches, landlords and tenants’ associations and community policing (Ayiera 2017; Gitau 2017; Kioko 2017; Mogire et al. 2017).

In Chapter 1, I have noted how the idea of community policing was borrowed from the United States of America and the United Kingdom. It was introduced to Kenya in 1999 through the project activities of Vera Institute (Ruteere and Pommerolle 2003; See Chapter 1). Since then, it has evolved as a concept and practice (Diphorn and Van Stapele 2020:402) but its voluntary nature has remained a constant feature. In this respect, citizens are called upon to take greater responsibility, working with other partners and the state to solve crime within their neighbourhoods (National Police Service 2017).

Studying motivations for volunteering and the kind of society that people seek to establish through voluntary labour reveals their imaginations of society, statehood and personhood. This chapter explores volunteerism in Mathare and Kaptembwo as a moral and political process of responsabilisation (Garland 1996). As I later discuss, volunteering in policing initiatives is a governance tool used by landlords in Kaptembwo to cement their privilege. They volunteer in the CPC, for example, where they engage in and articulate moral visions of governance and order to which the residents are supposed to adhere. Further, I analyse volunteering as part of the transformation process by some of the criminals to continue living in Mathare.

Borrowing from Kirsch (2016), I argue that the self-confessed reformed criminals whom I interviewed engaged in voluntary security work to atone for their past.

This study seeks to increase our understanding of the individual, dynamic, and reflexive nature of volunteering. Given that individuals possess multiple intersecting identities, they are situated within different webs of privilege and subordination. Using an intersectional approach (Crenshaw 1991), I explore how volunteers' identities based on age, gender, religion, social-economic status interact in particular moments of the volunteers lives to create moral personhood. Understanding the outcome of these interactions will deepen our knowledge of the complexity of volunteerism and the choices that people make to secure their neighbourhoods.

It is notable that since 2002, there has been much donor funding of the police, all geared towards reforming the Kenyan police service to be more responsive and accountable (Everatt et al., 2007). Most of these funds and other forms of support have cascaded to the counties through the NGOs, intending to support community-led mechanisms doing policing work. Some international donors have argued that redirecting funding away from the central government, with appropriate regulatory safeguards, encourages long-term, strategic programmes of “state building through civic engagement” (Tembo et al., 2007: 23). In this regard, local NGOs are the preferred institutions for receiving funds and implementing such projects. They are assumed to possess local knowledge to understand how and why such policing nodes have formed in particular contexts (Scheye 2009).

The CPC is partially supported by a local NGO operating in Kaptembwo and funded by foreign donors. As I argue, the organisation's activities have impacted communities' involvement in policing and promoted different ways of imagining order and security and the framing of crime and those involved in it. This has mainly happened in two ways, that I later discuss. Firstly, using the support provided to hold meetings and trainings, the CPC members have established themselves as moral guardians and voluntary agents of community transformation. Secondly, the stipends

provided to community members who attend the CPC meetings have blurred the distinction between voluntarism and low-paid work.

A third issue I focus on is how some volunteers' Christian beliefs and practices manifest themselves in the public sphere, actively defining and shaping notions of statehood. Bompani (2016) has shown how Uganda's Pentecostal-charismatic community has integrated Christian morals into public policy, to frame citizens' public and political behaviour. She challenges scholars to consider how new forms of public Christianity are shaping ideas of citizenship and national belonging (ibid:12).

Taking upon this challenge, I will discuss how Christianity is integral to understanding citizenship, rights, inclusion and exclusion in Kaptembwo. While doing their voluntary work, some of the CPC officials imagine and articulate a state where behaviour is regulated through the Christian ethos of individual responsibility. As I establish, they enact and articulate moral orders based on Christian beliefs, discriminating against the youth, perpetuating patriarchy and gender discrimination. Interrogating the Christian values and intersection with policing will help explain the moral imaginings of the state articulated by the CPC.

The below section interrogates the benefits volunteers got from doing policing work before analysing how identities shaped their interactions with each other and the public. The final section looks at the impact of the financial support that the NGO provided for community policing.

The Multiplicity of Volunteering Motivations

According to the guidelines issued by the Inspector General of Police, "the philosophy that underlays community policing work is community engagement and involvement on a voluntary basis" (National Police Service 2017: ii). The CPC and police repeated this in all the meetings I attended in Kaptembwo. They articulated that partnership between the public and police was necessary for community policing to work.

Residents needed to work with each other, with the CPC, police, the chiefs, village elders and Nyumba Kumi members to give information on crime for action. “We need to be organised, active and working together so that we can manage crime in this area,” noted the CPC Chairman in an interview (23 August 2018). In Mathare, the *baze* members, as part of their policing activities, sometimes involved working with the police on a volunteer basis, sharing information with them, going after criminals, recovering stolen goods or adjudicating cases.

Most of the CPC and *baze* members interviewed expressed an intrinsic motivation of volunteering for policing work. “We took it upon ourselves to engage in activities which help us to find out and act on various security issues before the police come through,” noted a *baze* member in Mathare 3C (interview in Mathare 3C, 22 March 2019). According to a youth leader in Kaptembwo, “I am a volunteer in this position. I saw the challenges that the youth were undergoing in this community, and took it upon myself to come and make a difference in any way I can” (interview in Kaptembwo, 18 November 2018).

Another CPC member noted, “We are working for free, financing our movement and communication, and it is because we love our community and would like to make it a better place. Our commitment is to the community, and we endeavour to do our best to do our job with the resources within our disposal. Many setbacks discourage us, but we keep soldiering on (FGD informant, Kaptembwo, 18 November 2018). Within a politics of virtue (Mindry 2001), volunteering is framed in terms of an ethic of helping the community. The volunteers chose to respond to feelings of moral responsibility towards their fellow citizens, who were also their family members, friends and neighbours.

Despite the altruistic feelings, some of the CPC members say that the government should compensate them for time spent doing policing work and for using personal resources to follow up cases or adjudicate them. Informants proposed that the government issue them with airtime and some funds for transportation. “We spend a lot of money on mobile phone airtime and movement using public transport. We

sacrifice using our own resources, but it can be a strain for many of us who are not working. We had made a request [to the government] to buy two motorbikes for us to use, but that is yet to happen.” Another one noted, “We take victims to the hospital, and we incur fare and food costs which are from our pocket, and the government should refund us (FGD discussions with CPC members,” 28 November 2019).

The same expectation of compensation from government was expressed in Mathare by a village elder. “When I call for a meeting, the people always ask what are they going to get from it in terms of money. Even for me, arranging these meetings costs money, getting the public address system and tents, and they [government] do not give anything in exchange” (interview in Mathare, 26 February 2019). The elder noted that more people could volunteer if they were paid at the end of the month or week.

This spirit of helping the community was also tied to personal benefits. To some of the volunteers in CPC and *bazes*, Kaptembwo and Mathare informal settlements are their only homes, and they needed to ensure they are safe to live in. Others stated that they had invested in ownership of houses, land, shops, car wash and parking facilities in the informal settlements. The youths in Mathare voluntarily policed areas surrounding their *baze*, while the CPC Executive Committee was primarily landowners and landlords. This comes as no surprise, given that the success of their businesses partly depended upon the security of Mathare and Kaptembwo.

The CPC and *bazes* also got legitimacy to operate through their voluntary practices. According to the community policing guidelines (National Police Service 2017), they are not supposed to collect money to undertake policing work. One of the CPC members articulated, “our work is voluntary, and we do not get any money from the people” (interview with CPC member, 28 November 2019). Another said that even though the community does not make any financial contribution, “what they [community members] do is that they respect and listen to us. They respect us more than they do the police because we have cultivated a relationship with them. We cannot work without community support” (interview with CPC member, 28 November 2019).

In Mathare, since the *bazes* do not charge for the security work, they are seen as legitimate and different from *Mungiki* and *Taliban* groups (see chapter 4), who were engaged in extortion and had a poor relationship with residents. As narrated by one of the *baze* members in Mathare 3A, “we do not charge any fee, and the community feels safe when we are around, and they like our work.” Another remarked that, “through the security work, we are together with the community. When *mama mboga* (female grocery street vendors) are going to the market around three or four in the morning, they find us around the water point area, so they feel safe. We are there all night” (FGD interview with *baze* members, 28 March 2019). The element of voluntarism in policing work bolsters CPC’s legitimacy in the eyes of the public.

The legitimacy was enhanced when police publicly appreciated the voluntary work done by the CPC and *bazes*, whom they said were mainly filling a policing gap. “CPC has been working with us in reducing the number of incidences of gender-based violence. They inform us of any issues and also collaborate with the police. They mobilise people when we need to have forums to educate the people. CPC has been invaluable in enabling the citizens and the police to have a working relationship by assuring the people that their reports will be confidential” (interview with a police officer, Kaptembwo, 17 November 2018). Another *baze* member noted, “We work as a group, and the police are happy when we help in solving some of the small cases ourselves” (interview with *baze* member, 24 April 2019). Being on the ground and engaging in policing work, the CPC and *baze* members provided a ‘police presence’.

In Mathare, those who called themselves self-confessed but reformed criminals noted that they undertook voluntary policing work to publicly show that they had changed their way of life (See also chapter 5). In a focus group discussion (FGD) held in April 2019, some of the reformed criminals in Mathare 3C narrated that they did policing work to keep their area safe. Due to their known criminal past, they were also aware that they could be among the suspects in case of any suspicion of violent crime in their neighbourhood. They had to publicly show that they were part of the security teams by doing the policing work. Others argued that since they had experience with

crime, they did not fear doing policing work even in more dangerous areas of the informal settlement. “We go deep into areas where police do not reach because it is too risky for them,” said one of the informants (FGD, Mathare, 12 April 2019).

Community members I interviewed acknowledged the policing activities of the reformed criminals. “We know them. They are the ones who go around at night doing patrols and ensuring there are no criminals in our area,” said a resident (interview with Mathare resident, 1 April 2019). A village elder in Mathare 3C also noted the policing roles of the reformed criminals. “These men have been involved in crime, and they know where to go in Mathare. They are doing good work in going after criminals” (interview with a village elder, 30 March 2019).

These policing actions by the self-confessed reformed criminals served to portray them not only as moral citizens but as people who have atoned for previous self-professed wrongdoings. In this regard, they symbolically and practically volunteered their experience and knowledge in crime to policing in Mathare as a way of giving back to society. Their emphasis on going to the “most dangerous areas” where even police fear to tread is a repeated policing performance which represents a self-legitimising strategy “for attaining and publicly performing moral integrity and integration into society” (Kirsch 2016: 211).

Most of the CPC and *baze* members also created and gained connections and networks when interacting with people while doing their policing work. Through creating networks, loops of trust, and reciprocity links, the volunteers secured the benefits of being associated or close to the police, which sometimes is useful for personal security, public recognition, and visibility to the state and residents. For example, one of the *bazes* which had organised a football match and invited the police in January 2019 repeatedly highlighted it as a sign of positive relations with them, attributed to the volunteer work. “They [police] come to enjoy football tournaments, we also watch UEFA games with them. We invite them to our parties, even the OCS, so you find our relationship is pretty good” (FGD informant in Mathare, 29 March 2019). The *baze* members used these relationships to quickly and directly

report crime. “They [police] have our phone numbers, and we communicate a lot” (FGD informant in Mathare, 29 March 2019).

Being a CPC member, especially in the Executive Committee, meant gaining visibility, inserting oneself into particular spaces and networks with the OCS and the Police County Commander, who is in charge of all police operations and personnel in Nakuru County. For example, while I was with the CPC Chairman, I could easily walk into the OCS office without an appointment. The officials also had access to the Nakuru County Commissioner, who represents and coordinates affairs of the national government in the county. As the CPC Chairman said, the County Commissioner “is just a phone call away.” The CPC members used these connections when they wanted to quickly reach the top police personnel, something other residents could not easily do and had to go through the bureaucratic channels. These networks also could be used if the CPC members needed personal favours from the police.

In other instances, the CPC members talked about contacting senior police officers at the police headquarters in Vigilance House to report police officers they felt were not working well (CPC FGD, 15 November 2018). It is crucial to understand such expressions of power. They help us grasp that volunteers use the connection and networks gained from volunteering in policing to strategically engage and disengage with the state for both personal benefits and for the common good. Having analysed different reasons why *bazes* and CPC members volunteered for policing, this study takes the discussion further by interrogating how the intersectionality of identities shaped the work of volunteers.

Intersectionality of Identities and Volunteerism in CPC

Identities and power are relevant throughout all social aspects of human life, so they must also be considered within policing. Identities are complex, contested, constantly shifting and intersect to reconfigure power and relationships. Therefore, I use the intersectionality approach (Crenshaw 1991) to understand how age, gender, marital and socio-economic status of individuals in the CPC interconnected and shaped their motivations to volunteer. Interrogating how volunteers position

themselves at the intersection of several identities, strengthens our understanding of the orders and mentalities that emerge from the policing nodes.

Men were the most visible CPC members, taking two-thirds of the positions. They occupied eight out of the 12 positions in the Executive Committee and 16 out of the 28 places in the policing node. CPC members were mainly old men, but this is not without context. In most of the Kenyan ethnic communities and African setting generally, old men, by virtue of age and status, play a central role as heads of not only of their family but also the community and area where they are residing (Nyamweru and Chidongo 2018; McIntosh 2009; Musila and Frederiksen 2010; Kyed and Buur 2007). Consequently, male-centric views generally informed local understandings of how voluntary policing work is gendered. In the community policy forums, residents and CPC officials described security work as tough, dangerous and physically demanding (field observation notes in Kaptembwo, 2018), images associated with men and masculinity.

Besides being old, the men in CPC also derived their power from having an economic advantage over others, which they used to protect their interests while carrying out voluntary policing work. For instance, in one of the community policing forums, a female tenant complained about how she had been trying to mediate a tenant-landlord dispute in the plot where she lived. A CPC male member who was a landlord spoke immediately and quickly reminded her that she was just a tenant and can move houses if she does not want to adhere to the landlord's rules. The discussion did not continue further, and the woman sat down (field notes, Kaptembwo December 2018). In this instance, the official was speaking as a volunteering community policing member and as a male landlord with privilege and power derived from his status. These social categories provided him with the authority to dismiss the tenant's concerns and strategically align his volunteering work in CPC, where he could make decisions with his and other landlords' larger private economic interests.

Gender, socio-economic status and age identities when they intersected shaped how the CPC members undertook their voluntary work. From discussions with the CPC

members, women took upon cases that involved young boys and girls and, this is rooted in the understanding of ladies being caregivers and mothers. They were also driven by the need to protect each other as women living in the informal settlement (See chapter 7). This was reinforced by the fact that the Kaptembwo police Gender Officer was a woman and her focus was mainly on cases touching on girls and women even though gender is cross-cutting. While this does not mean that men in the CPC did not take up the cases, there was an informal understanding and practice that women handled cases touching on sexual violence and abuse of children.

The underlying assumption within community policing is that citizen volunteers are willing and active informants in security provision for the common good (Zhao et al., 2002). As we have seen, most CPC members are influenced by an interplay of motivations, including public recognition, prestige, respect, and getting social connections and networks. As Kyed (2007) notes, while the formation of policing nodes such as the CPC and their practices are created in the name of unity evoking inclusion, they are also exclusionary. They may fail to represent the interests of marginalised people.

Despite acknowledging that there was a need to have more youth in the CPC, one of the members commented in an interview, “*Huwezi ingia nyumba yetu hivi hivi*” (you cannot just enter our house the way you want) (CPC member interview, Kaptembwo 10 November 2018). This was quite an emphatic statement with the member equating the CPC to be their home and entitlement of controlling who enters and how they carry themselves out within that setting. It means that any young man or woman who joins needs to learn and adapt to how the CPC operates.

While the personal and financial costs were clear to most CPC members, this seemed not to be the case while discussing the lack of youths’ involvement in policing. According to one of the CPC female members, she accused the young men and women of not willing to work for the community. “They will ask for payment. When I ask youth to mobilise the community for a meeting, they will ask for airtime. They expect to be given something in return for attendance, even if the meeting is to benefit

them.” Another CPC female member added, “[I] have no problem attending the meetings and doing the work voluntarily. The youth would rather hang out at the jobless corner than work for free” (FGD interview, Kaptembwo, 28 November 2018). These old CPC members did not recognise the privilege they had of stable economic opportunities and time to volunteer, which the youth lacked and were disadvantaged.

Consequently, most of the CPC volunteers are relatively wealthy male business people, landowners and landlords in Kaptembwo. For example, the chairman was a landlord and owned a car garage in Nakuru town. The vice-chair was also a landlord as well as some of the other members. They argued that since they had stable sources of income, they did not have to worry about their daily needs and had time to volunteer. As narrated by one of the CPC members, “[I]t is a blessing that all of us are in self-employment. The work in CPC requires flexibility that lacks when someone is employed” (interview with CPC member, 28 August 2018).

Some of the youth I interviewed also said they did not have time to be involved with the CPC since they needed to look for jobs, and most of the time was spent out of Kaptembwo. “When the meetings are being held, I am working or looking for jobs,” noted one young man in an FGD. Another argued that the reason why it is older people who are in the CPC meetings is that they are already settled in life and have more means of income than the youth who are just starting their lives (FGD interview in Kaptembwo, 25 November 2018). This meant that volunteering in the CPC alienated those who were young and not wealthy.

Zhao et al. (2002) argue that governments regard the voluntary participation of local communities in policing as an effective way of mobilising resources to support the police. Motivations for volunteering in policing, as I have analysed, are diverse, and individual motivations may be as important as those regarding the common good. This has significant implications on volunteering for policing. As the next section discusses, the impact of activities of an NGO supporting the CPC was significant in shaping the mentalities of policing and extent to which citizen involvement in the co-production of public services is voluntary.

NGO Trainings and Molding of Voluntary Policing Agents

My first entry to Kaptembwo was through an NGO involved in supporting the CPC and police work there. The NGO's policing project mainly supported activities that bridged the gap between citizens and police for enhanced collaborations to prevent violence. In doing this, its training and advocacy activities aimed at bringing together CPC members, police officers, chiefs, village elders, residents of Kaptembwo and any other relevant authorities. It also sought to strengthen the accountability of police and their capacity to deliver security at the local level. The NGO also engaged in resource mobilisations and, through its partners, had provided computers to digitalise records and aid in processing complaints at Kaptembwo station.

The NGO worked through library outreach programs in partnership with the Kenya National Library Services (KNLS) in Nakuru, facilitating dialogue between students and the police to build trust among them. Using the '101 Questions and Answers you wanted to ask the police but were too afraid to ask' handbook, they used it to raise awareness among the students, citizens and the police of their rights and responsibilities. Furthermore, the NGO worked with Independent Policing Oversight Authority (IPOA) to ensure officers suspected of human rights violations are held to account.

I attended several of the trainings offered exclusively to CPC members by the NGO, mainly informing them of the community policing guidelines. Other trainings were provided to a pool of 54 women from Kaptembwo who were supposed to be integrated as CPC volunteers "because since formation it had been dominated by men" (interview with NGO official, 2 September 2018). The third set of training was to some community members, who were also taken through the CPC's work and the role they were expected to play in community policing.

According to one of the NGO officials, they hoped the trainings would lead to new ways in which the police approach and work with residents of Kaptembwo. The community-police interactions in the training venues were meant to re-establish

broken links, creating or renegotiating old ones where necessary. In the long-term, this would lead to stronger support of the police in their work and higher levels of trust from the public so that they could make reports of crime for action (interview with NGO official, 2 September 2018).

In all the trainings I attended, the police were facilitators and, using the CPC guidelines, focused on the central role of police in community policing and less on how to ensure policing works. The trainings espoused ideals such as community partnership, cohesion, peace, volunteering and service, which it was said were required to address security challenges in Kaptembwo. Further, the police in these sessions framed imagery of a criminal associated with the youth. This was an extension of such discussions, which I had noted in the CPF meetings where senior police officers often called upon the youth to be responsible and law-abiding citizens.

With this, they established boundaries of local membership and belonging, driven by how people viewed the youth as those being engaged in criminal activities. Likewise, the CPC members who spoke in the plenary sessions associated youth with criminality in their everyday policing work. “The youth are idle, and that is why they engage in crime. We need to keep them busy,” noted one of the CPC members (interview Kaptembwo, 29 November 2019). This was hardly surprising since these trainings were avenues in which the CPC volunteers were socialised into policing discourses.

Similarly, most CPC members regularly cast women as potential victims in discussions about crimes. For example, in the meetings I attended, women were referred to as meek and needed protection (field notes, Kaptembwo December 2018). As I later analyse in chapter 7, this construction of victims of crime is problematic since it uses a stereotypical gender lens to portray women as weak and in need of help. It ignores that gender roles and responsibilities are socially constructed. The portrayal of women as victims also shows that the CPC is not gender-neutral. This is because men primarily lead the policing node, and as later discussed, they embody and define who is more likely to commit a crime or be a victim.

The NGO, in supporting the community policing volunteers, made policing to be a component of development interventions in Kaptembwo, which was managed by the partnership between the police and the non-governmental organisation. The NGO affirmed the CPC members as active and responsible individuals with the ability to take charge of their own lives. After the capacity buildings, they are supposed to take the common good of security into their own hands. When referring to a group of women who had been trained on policing, the NGO officer noted, “Women have [security] insights that men do not and this is why we are extending a seat to women, at the table, so that we can discuss the security and well-being of our area” (key informant interview, Kaptembwo, 24 November 2018).

By being facilitators and creating awareness about community policing and crime management, police were steering the policing boat from a distance while building the capacity of other nodes to row it effectively. As Dupont et al. (2004) argue, this strategy enables state efficacy by taking advantage of abilities located elsewhere in the face of few available resources. In the below sections, I show how identities of police, some CPC volunteers and residents of Kaptembwo shape the practices and mentalities of policing nodes.

Policing through the Prism of Christianity

The presence of Christianity in public life is common not only in Kaptembwo but in Kenya generally. This, as some scholars (Gifford 2009; McClendon and Riedl 2015) have argued, is because the Kenyan state was modelled on the colonialists and European model, which used religious, political domination. During the early period of colonialism in Kenya, missionaries were used by the colonial authorities to cultivate a stable socio-political environment so that colonialism could be established and operate (ibid 2009).

Missionaries were regularly involved in establishing relationships with Kenyan communities through the provision of services such as education or medical care while they were at the same time spreading the Christianity religion (Allen 2013:12).

The provision of social services at times made conquest by the settlers and colonialists easier. When faced with resistance, the British colonialists frequently used violence to reinforce their racial and enforce authority (ibid). While the missionaries condemned the violence, conquered communities provided them with new areas to evangelise (ibid; Ndenda 2009).

After independence, Christianity has continued to play dominant roles in public life, and the relationship between Church leaders and the political elite has solidified (Maupeu 2008). While Kenya is a secular state and there is no state religion, Christian religious beliefs are commonly evoked in public spaces. Many Kenyans are Christians, at 85.5 percent of the population (Republic of Kenya 2019) and Christianity commands the most significant influence of religions practiced in the country.

Maupeu (2008) and Ndenda (2009) have argued that most of the political leadership positions are occupied by Christians and there is a close relationship between the Executive and Christian leaders. These close relationships as Bompani and Valois (2017) remind us, enable “Christian citizenship”, which is promoted in some countries by having Christian leaders in various positions of power. These leaders use their positions to promote Christian religious beliefs in the conviction that they will redefine the public sphere, penetrating the political and social imaginary (ibid 7). For example, in Western Kenya, the church has been accused of ignoring violations of women’s rights in land inheritance since the leadership is often male members that subscribe to such a culture (Kelin 2013).

This is the context in which I situate the CPC volunteers and police officers who used their Christian beliefs and backgrounds to promote and define the parameters of good and bad citizenship. As I argue, some police officers, and several of the male and female CPC members conducted policing work through their embodiment of Christian faith, which intersected with their own privileges as landlords, businesspeople and CPC officials. As result, they reimagine a state that should be governed through Christian morals.

In all the meetings I attended, they started with a word of prayer and around 10 minutes of preaching by one of the male CPC Executive Committee members, who is also a pastor. When preaching, he regularly drew upon biblical texts that referred to obeying authority and associating criminality or deviance with not doing God's will. "If you are snatching people's phones or bags on the streets, know that is not what God wants. He does not like those who do not do right," said the Pastor in one of the meetings (field notes, Kaptembwo, 30 November 2018). Further, he argued that if people fear God, they are more likely to treat others with kindness and reduce the chances of assault and violence. The session concluded with the informants singing a Christian song before praying, and then the CPC chairman facilitated the rest of the programme.

While the police officers and community members subscribe to different religions, Christian beliefs offered the everyday moral language of dealing with insecurity in Kaptembwo. Often, the CPC leaders and Kaptembwo police officers who took part in the meetings promoted themselves as moral custodians of authority by evoking a Supreme Being. They would regularly say their authority is derived from God and delegated to them for enforcement. "Not obeying authority is disobedience to God," noted a CPC official in a public meeting (Kaptembwo field notes, 10 December 2018). At no time did I hear anyone object to these sentiments, which established a moral language that demarcated rulers and subjects in the area, bolstering CPC's authority.

The CPC officials did not emphasise civic or human rights but emphasised the agency of the residents to deal with crime. This religious approach borrowing from Ngunyi (1995) is partly the consequence of Christian teachings, which have advocated disengagement from worldly issues. In all the meetings, I seldom heard the CPC officials or police officers present deliberate on social justice and governance questions or why the government had neglected the informal settlement in the delivery of social services. The point being driven was the need for people to change their behaviour rather than engage in social activism, pushing for government accountability.

The emphasis on personal responsibility did not demobilise citizens from demanding government services. Some of the citizens in the public meetings continued calling for police to deal with crime as they were expected to do (field notes, Kaptembwo December 2018). I also noticed that the local NGOs did not stop petitioning the government to develop infrastructure in Kaptembwo. “It is the work of the government to develop the area, and we will continue applying pressure on them to do so. This includes providing more police officers,” said an informant (interview, Kaptembwo, 15 December 2018). These repetitive actions I argue, allowed some of the Kaptembwo residents to reimagine statehood, establishing a feeling of having some control over their difficult situations. Further, these individuals did not separate matters of faith from justice and connected their everyday lives to lack of good leadership.

Intersectionality, as I argued in Chapters 1 and 3, enable us to locate how privilege and oppression come together to shape relationships and power. As I noted, an individual may be relatively privileged in one or more aspects of their life, while simultaneously experiencing oppression due to other identities. This was the case for some of the CPC women officials. After the training, the women who now became CPC members saw themselves occupying privileged positions in the community. They projected themselves as moral guardians with authority derived from God. One of the women participants in the training said that as someone who understands the importance of fear of the Lord, she would now help other mothers raise their children to be responsible members of society (Kaptembwo field notes, 2 December 2018). Another woman participant called upon the residents “to fear God and crime will reduce” (Kaptembwo field notes, 11 December 2018).

These sentiments stand in tension with the notion of the Church as patriarchal and the subjugated position of women as I have discussed in Chapter 7. However, I note the interconnections of privilege (being a CPC official) and oppression (being a poor woman) that shaped the women’s overall life experiences. The identities do not operate independently and interact to shape power and authority in Kaptembwo. Through the intersections of being female, CPC official and Christian, the training

outcomes gained deeper meaning and traction in the women's lives as they articulated and enacted articulated moral orders that promoted and defined the parameters of responsible citizenship based on Christian beliefs.

Hornberger (2007), while analysing the training of South African police officers, notes the relevance of Christianity in their imagination and articulation of what is right and wrong. As she argues, Christian religion is deeply ingrained in society such that it "outdoes secular positions as a source of non-official and everyday moral language" (ibid:192). I find parallels with the Kenyan context since Christianity is part of state formation and reconstruction as I have earlier analysed. Similar to South Africa's case highlighted by Hornberger, I note that several police officers, some Kaptembwo residents and CPC officials subscribe to one of the many Christian churches in Kenya. Due to this, the police officers easily drew imageries from the Christian faith while explaining some of the situations.

In one of the meetings I attended, a female police officer took some time to preach and narrate her life history to articulate how she was brought up in a Christian family and was born again. "I cannot engage in corruption since it is against my religious beliefs. My fear of the Lord protects me from caving into sinful nature," she said (Kaptembwo field notes, 28 November 2018). She requested all present to avoid criminal behaviour since besides the law, God will still punish them (ibid). The police officer used Christian religion to morally position herself as not been corrupted. She had not been accused of any malpractices, but the public had made general statements regarding police corruption. Echoing Hornberger (2007:199), I note that by using imageries from the Christian faith, the police officer was evoking "a popular and everyday moral language that has the ability to capture a majority" of her audience in Kaptembwo who ascribed to the same religion. Similarly, I argue that by invoking God's punishment as outlined in the bible, the police officer amplified secular authority with that of Christianity.

In this section, I have analysed how imaginations of society and statehood in Kaptembwo are influenced by Christianity, which has been used by CPC volunteers

and police to frame what is right and wrong. As we have seen with the CPC women officials, situations of power, privilege, and oppression are often much more complex and sometimes operate interactively. The CPC women though are poor and oppressed by patriarchy; they still assumed and enacted authority.

Policing nodes such as the CPC, as this thesis has shown, promote conceptions of order, drawing on available capacities. In Chapters 1 and 4, I noted that CPC officials are not funded to do their policing work. In the introduction to this Chapter, I argued that some of the CPC officials while doing their volunteer work claim to be driven by self-oriented motivation in wanting to keep their areas safe. However, as I analyse below, there are blurred boundaries of the relationship between ‘common good’ and ‘private benefit’.

Tensions between Volunteering and Low Paid Work

The immediate financial gains from the CPC trainings and meetings held in Kaptembwo contributed to a thriving market in which different actors competed, and the boundaries between policing as voluntarism and low-paid work became blurred. In all the trainings and meetings organised by the local NGO, attendees were given a stipend when it ended. Generally, it is common among NGOs in Kenya to pay participants to attend training and seminars. Such payments are not uniform and vary by different NGOs. What is in common is that they are referred to as transport refunds or lunch allowances, but they mostly exceed actual costs by a significant margin and are rarely tailored to local market rates.

In the case of Kaptembwo, during the meetings involving the larger community (CPF), instead of buying refreshments, residents were given Kshs 150 (£1.0). In contrast, the CPC officials who attend the meeting were offered Kshs 500 (£3.0) for mobilisation. Mobilisation here entails informing area residents using any means available from WhatsApp messaging, announcements in churches and any public meetings and urging them to attend.

The police officers who participated in the meeting were generally given between Kshs 500-1,000 (£3.0-£6.0) depending on funding availability from the NGO. During the CPC members' training, they were usually bought for a lunch buffet and given Kshs 500 (£3.0) as transport allowance, while the police were provided lunch and a stipend of Kshs 1,000 (£6.0). According to one of the NGO officials, the amounts were different and hierarchical since "there is no way the police and CPC could be paid the same as the residents" (interview with NGO official, 23 November 2018). This practice of giving police officers higher allowances served to reinforce their superiority within the CPC.

Paying allowances to the CPC members and residents to attend the meetings and trainings blurred the distinction between volunteerism and low-paid work. As the above amounts show, they are substantial. To contextualise, while it is difficult to get data of daily wages for Kaptembwo residents, it is estimated that the average monthly household income in Kenya's informal settlements is between Ksh 7800 (£52.0) and Kshs 8,500 (£56.0) (Corburn et al. 2012:18; Chege et al. 2020:2). This means that the average daily wage is between Kshs 260-Kshs 280 (£1.70-£1.80). With high rates of unemployment and few livelihood opportunities in Kaptembwo, getting a stipend of Kshs 150 (£1.0) to attend half a day meeting can be a source of income.

There is a danger of patronage and favouritism, mainly when a system relies heavily on volunteers, and there is an expectation of monetary compensation. The CPC members are by law supposed to be attending the trainings and meetings as part of their voluntary work. While it was not said openly, one of the NGO officers was of the view that the allowances given were a key motivation for attendance (interview with NGO official, 10 December 2018).

Relatedly, it also affected those who went for the meetings and trainings if few people were required. For example, in the course of the research, I observed that only familiar faces appeared in some of the smaller meetings convened by the NGO. When I inquired why this was so, the NGO official laughed and remarked that the particular CPC official who mobilises always calls his friends, who were usually men, because

of the allowances (interviews with NGO officials, 30 November 2018). This could, in the long run, disincentivise members since the CPC officials are becoming brokers.

Further, and borrowing from Buur and Jensen (2004: 146) analysis of community policing in South Africa, I note that accusations of “being in it for the money” play an intimate role in negotiations over the exercise of legitimate authority. If the Kaptembwo residents feel that the CPC members are not fulfilling their policing role and just benefiting from the allowances, they could lose their legitimacy to operate.

Payment of allowances has also shaped some of the community members’ expectations from the NGO meetings. For example, chaos erupted during one of the community meetings where only some people had been invited to attend. The local NGO had convened this meeting as the final one in a series of trainings to build women’s capacity to do policing work. The participants had been purposively invited since they had taken part in previous activities. As we were waiting for the police to arrive for the meeting to start, the numbers in the hall were swelling, and the NGO officials were uneasy because some of the participants had not been invited, and others included men, yet the meeting was exclusively for women.

One of the NGO officials started checking the names of those who registered while getting into the hall alongside the invitation list with the aim of asking those not invited to leave. The participants started shouting him down, and the NGO officials had to call the police to restore order and the meeting rescheduled to a later date. “Most of these people are just here for the money. That is why even those not invited wanted to enter the hall,” said an NGO official (interview, 15 December 2018).

The above scenario shows how some of the Kaptembwo residents challenged the NGOs’ powers in implementing the policing project. The NGO staff I talked to knew that they needed the community’s support and attendance in the meetings for their project to succeed and donor funding to continue. Hence, they had to carefully negotiate with the residents to maintain legitimacy to operate and run their projects in Kaptembwo.

Secondly, as highlighted above, some of the NGO staff knew that money motivated many people to attend the meetings. By going to the trainings and seminars for mainly the financial gains over acquiring knowledge, most of the Kaptembwo residents appropriated their powers to dictate what benefits they personally received, not necessarily what the NGO wanted as an outcome. Smith (2003) while analysing the practice of family planning programmes in South Eastern Nigeria, also establishes that access to the perks, per diems, and patronage opportunities “enable individuals and interest groups to make claims on the state and other institutions that control wealth” (ibid: 703). This essentially challenges the hierarchical structure and relationship between the NGO and the community.

In the long run, the social expectation of stipends and allowances may eventually lead the NGO to a situation whereby it cannot stop the practice. If it does, some people will not attend its meetings or those of the CPC, undermining community policing work. Moreover, NGO projects and donor funding ends and since the policing actors have been used to being facilitated, the motivation for volunteering might also wane.

Conclusion

From the above analysis, it is clear that voluntarism and greater citizen involvement in policing carry fundamental implications in how police engage with the communities and other actors and the kind of ordering logics that emerge and are deployed. It also helps open up new debates about what it means to ‘police’, the new options and opportunities for what the policing actors can do (Britton and Callender 2016: 18).

As the chapter notes, in the context of responsibilisation, the police have recognised the utility of tapping on citizens as an available and significant resource in policing. They assist in conducting surveillance in the neighbourhood, contributing to criminal investigations by providing intelligence, conflict mediation, advising the police about the main problems in the areas, collecting and spreading information amongst neighbours regarding their safety. The community members are not volunteering as police officers but contribute to safety through collaborating with them.

In most of the field interviews with CPC members, they claimed that participation of local communities in crime prevention activities is justifiable since they know their localities better than outsiders from their communities. It was also argued that problems of insecurity are better identified and addressed by the residents. According to one of the security officers, “criminals are known by the people and live amongst them” (remarks made at a CPF in Kaptembwo, 28 November 2018). Since the government does not provide financial support for community policing work, volunteers are forced to spend from their pockets to offset some of the expenditures, including airtime for cell phones, meals and transport in the course of their policing work. Further, those in the CPC have to bear with the general disruption of their lives since they are always on call.

Development organisations are increasingly being engaged in policing work, and their financial strength has provided them with leverage to influence the mentalities of policing actors and everyday policing practices. As seen in the case of Kaptembwo, payment of stipends by the local NGO has become one of the motivating factors for volunteer involvement in policing and attendance at community meetings. This suggests that the lines between earning a livelihood and volunteering have become blurred. While the activity should contribute to the common good, it may also offer opportunities for financial gain at the same time.

Volunteerism practices have played an essential role in (re) making the state through everyday policing activities. Given that policing is performative, volunteers in the CPC claimed spaces, and moral positions, in the process asserting authority. I have argued that by taking the moral positions related to perception and management of crime, the CPC members were placed as capable volunteers of security work, earning the recognition and legitimisation of their work by the police and community.

Voluntarism is also discriminatory. Participation in voluntary crime prevention activities is hard for people with low income, who have to struggle daily to put food on the table. They are interested in participating in work that is likely to bring

economic benefits. Women also face particular challenges of having care-work at home, which limits their time to volunteer for policing work. Keeping in mind the gender division of labour and the significant demands on women's time, it is crucial to consider the potential impacts of additional volunteering contributions.

As seen in Kaptembwo, policing actors may fail to represent most people's interests, especially those marginalised. Subsequently, those endowed with resources are most likely to continue volunteering, alienating most community members who did not have time and other resources to engage with the policing actors. The danger of this is that it has led to the production of hegemonic policing discourses that ignore the multiple complex struggles those volunteers and residents are involved in, which shape their interactions with the CPC.

As the chapter has noted, there was a connection between Christianity and commitment to a higher moral authority. The police and CPC members saw themselves as moral guardians with authority derived from God. The findings also reveal how patriarchy intersects with specific manifestations of disadvantage such as poverty and gender. These overlapped with power relations that produced specific vulnerabilities to some of the women volunteers in Kaptembwo.

This chapter has established how social categories shape and performances of those who volunteer to undertake policing work. I continue this discussion on identities and identity formation in the next chapter, looking at how gender shaped everyday policing practices.

Chapter 7: Performances of Masculinities, Femininities and Gender in Policing

Introduction

This chapter examines how the CPC officials and *baze* members performed masculinities and femininities to shape everyday policing practices in Kaptembwo and Mathare. To do this, I present and analyse narratives of how these policing nodes and some residents see and imagine the different gender roles in policing. Further, I interrogate how identities of age, economic status, and gender intersect to shape ways in which men and women in Mathare and Kaptembwo perform masculinities and femininities. As I noted in Chapter 1, these social categories were highlighted by informants as important in negotiating for everyday policing. Performance of masculinities and femininities are multilayered processes of acting out gender publicly in culturally and socially accepted, defined, and appropriate ways (West and Zimmerman 1987).

Connell (1998, 2003), Connell and Messerschmidt (2005), and Schippers (2007) have argued that there are hierarchical hegemonic masculinities and femininities, which exist in various cultures and contexts. One form of hierarchy is between men and women; the other is among men. A dominant notion of masculinity defines what it means to be a “real man” and prescribes the culturally acceptable values and practices associated with this image, which women sometimes reinforce (Schippers 2007). Hierarchical relations among men are acknowledged through terms such as complicit and subordinated (Connell 1998). Marginalised masculinities are represented in the social practices of individual men actively supporting or passively collaborating in maintaining hegemonic masculinity (ibid).

There are several criticisms levelled against the use of hegemonic masculinities. For example, Collier (1998) and Martin (1998) argue it is associated mainly with negative characteristics that depict men as unemotional, independent, non-nurturing, aggressive, and dispassionate. Moller (2007), drawing from masculinity and education examples, argues that Connell’s concept of hegemonic masculinity is rather reductionistic and overdetermines what men do, say, and feel. Demetriou (2001), in his analysis, introduces the notion of “hegemonic masculine bloc” in order

to do away with Connell's dualism between hegemonic masculinity and non-hegemonic masculinities. He argues that the masculine bloc does not privilege white or heterosexual masculinities but sees through various practices of straight and gay, black and white people.

Despite these criticisms, I find relevance and value in using the concept of hegemonic masculinities because its relational aspects will help us illuminate how violence, patriarchy and economic status entwine with perceptions of masculine identities to impact policing. Violence, aggression, and patriarchal attitudes were practised by men in the *bazes* and residents of Kaptembwo, aiming to attain ideals of hegemonic masculinity, which I discuss in this chapter.

This chapter is an addition to the growing analyses of masculinities in Kenya and globally. Focusing on men residing in rural Kenya, Silberschmidt (2001) and Amuyunzu-Nyamongo and Francis (2006) have in different studies linked poverty to loss of male ego, sense of worth, and feeling of honour. Locating his fieldwork in Viwandani and Korogocho informal settlements of Nairobi, Izgubara (2015:122) argues that the belief in breadwinner manliness was incredibly strong in the slums, and those unable to achieve this ideal are seen as irrelevant. Van Stapele (2016: 305), while discussing young men in Mathare, notes that they articulate and respond to popular notions and expectations of manhood "that defined men as future heads of households and main breadwinners for, and protectors of, women and children".

Other scholars, including Sherman (2005), Osella and Osella (2000), Groes-Green (2009) and Jolly (2010), present evidence that poor men in other parts of the world also have difficulties in achieving masculinity standards and performing expected gender roles of being a breadwinner. Noting masculinities as fluid and socially constructed, I will argue that the gender performances in Mathare and Kaptembwo reflect the socio-economic marginality of the people living there. I do not delve into how young men in the *bazes* negotiate their inability to attain masculinities through other hyper-masculine practices, some of which have been analysed elsewhere (Van Stapele 2015; 2016; 2020).

Drawing on feminist literature, I will examine the construction of hegemonic femininities as ideals of womanhood, from which some women draw individual benefits. Schippers (2007: 94) has defined hegemonic femininities as “characteristics defined as womanly that establish and legitimate a hierarchical and complementary relationship to hegemonic masculinity and that, by doing so, guarantee the dominant position of men and the subordination of women.” I will use this definition to establish how some women embody femininities while also engaging in the domination of everyone else (Collins 2004:188). Further, I analyse hegemonic femininities as simultaneously classed and gendered, reproducing a matrix of male domination (Hamilton et al., 2019) in Mathare and Kaptembwo.

The chapter flows as follows: the first section discusses how capacity building activities of the CPC served to extend the patriarchal views on policing and security. Though its definition is contested, gender mainstreaming is a process to promote gender equality (Walby 2005: 321), but as I discuss, this was hardly the outcome in Kaptembwo. The participants and facilitators did not interrogate inequalities, especially those associated with age, gender and class. Thereafter, I analyse how gender-based violence is policed by the CPC, then establish how the *bazes* and women in Mathare engage in performing masculinities and femininities. As analysed, the overlapping identities of age, economic status, and gender impacted on how women were involved in policing.

Gender Inclusion or Adding More Women?

Around five months into the field research, I was informed by the Director of the NGO, which was involved in supporting the CPC (see also chapter 6), that the organisation had managed to get funding for a six-month project. Drawing from the international development language, the project sought to “mainstream women into the CPC since they had been side-lined from its inception” (interview, Nakuru, November 22 2018).

According to the Director, the project aimed at “building the capacity of women to provide leadership and contribute to improving community safety and security in

Kaptembwo, sensitise women on their roles in the CPC and CPF, and train them on their safety as well as community security” (interview, Nakuru, November 22 2018). As I later show, the trainings were mechanisms used to shape conduct, thought and decisions on gender and policing through production and dissemination of knowledge that is acceptable to the CPC and police. This kind of institutionalisation of gender meant constructing interventions that would make it possible for the authorities to make their version of gender reality operable (Mukhopadhyay: 2014 362).

Broadly, the project gravitated towards individual responsibility and self-reliance for security. Underlining this logic is an assumption within the development field that goals are met with greater success when women mobilise their support and assume responsibility for their success (Madhok and Rai: 2012). According to the NGO official, “the women are more likely to take active control of their neighbourhood and ensure it becomes safer through sharing information with the CPC and police” (interview with NGO official, November 22 2018).

The NGO’s goals for the sustainability of their project also informed the trainings. In the NGO’s proposal, the assumption was that “sharing and imparting knowledge will have a longer-lasting effect on the women beyond the project” (NGO project proposal in my possession). The NGO’s approach is problematic since it blames women for their structural position of being marginalised, and it does not seek to change the structures that have led to this situation. As a result, discussion about impediments such as patriarchy and economic inequality, which prevented women from engaging in policing, were not part of the agenda.

Secondly, the NGO imagines that empowerment is something one can do to other people. This is impossible without recognising inequalities in power and acting to press for and bring about structural change (Batliwala 2007). Echoing Pieterse (2008:69), the pursuit of ‘empowerment’ within the third sector can sometimes serve to “reproduce the structural disempowerment of the poor”, and in Kaptembwo, it had an instrumentalist and narrow approach to participation.

The NGO envisages that individual solution to the problem of insecurity is possible. For example, the project was titled *Usalama Wako ni Jukumu* Lako ('your safety is your responsibility'), which placed security issues as the residents' task, and not the police or CPC. It is part of the responsabilisation strategy (Garland 1996:453), which entails people taking more roles and activities in protecting themselves and their neighbourhoods while working together with the police. As Hornberger (2011) notes in the context of South Africa, however, change in policing practices is not just the product of individual responsibility. It has to be thought of as "ingrained in institutional and societal structures and produced through the interaction between police and people" (ibid:186).

At the beginning of the project, the NGO conducted a mapping exercise to identify women groups, relying on their existence and operation. In order to cover the whole of Kaptembwo, interviewers were recruited who geographically divided themselves into nine groups. A questionnaire was used to collect information about the women groups getting data such as where it operates from, when it was formed, the kind of joint activity members engage in, its membership and leadership, and a willingness and availability to participate in the NGO project activities.

A total of 38 groups were identified, and the NGO decided to work with 11 of them. According to the NGO official, these women groups were active as '*chamas*' (self-help groups), church and neighbourhood groups and had an ongoing common social or economic activity. Those who were not active (for example, those not holding regular meetings, or those who had no mutual activity such as weekly/monthly financial contributions), those who had few members, or those whose leaders were not keen to be part of the project, were left out (interview, December 1 2018).

I joined four out of the six capacity-building exercises where representatives of the 11 womens' groups attended. The participants were of different backgrounds: some had been born and brought up in Kaptembwo, others had settled there since they were working or had been married in Nakuru. Some women were business people

and street vendors. Others were housewives or single mothers. According to the NGO's reports, the participants' ages ranged between 18-65, with most of them being between 30-45 years (data from NGO project field reports, 2018).

All the trainings mainly were led by men - CPC Chair, NGO director, Officer Commanding Station (OCS), apart from the gender officer who was a woman. The only other woman was an NGO programme officer in charge of the project. At the beginning of the training, much time was spent explaining the CPC, community policing guidelines and the role of women. This was done by the facilitators (CPC Chair, NGO director, OCS) who had different slots in the programme. The NGO director mainly introduced the project, followed by the CPC Chair, who spoke about their work, then the OCS, who took the participants through the community policing guidebook and how the CPC was supposed to work. The participants were allowed to make interventions during the presentations, but there was also a plenary just before lunch. The trainings ended with lunch.

Several features were observable from these trainings. First, the training material was general and not tailored to helping the CPC tackle issues using a gendered lens. Gender, in several instances, was interchanged with women and inserted randomly in the presentations, which were not different from other materials shared by the CPC during their public engagements. Reducing gender to women is problematic since as Davids et al. (2014) argue, it portrays women "as if they are not gendered themselves and active agents in (re) producing unequal gender relations" (ibid: 402). In other words, it denies women their agency and essentialises them.

Secondly, the trainings were apolitical. They did not provide a space for women to articulate their strategic interests and mobilise around them, for example, around violence or abuse. This is not surprising. As Batliwala (2007: 557) notes, since the 1990s, the concept of empowerment has become a catch-all phrase, rendering it dilute and diffused of its political significance. It is notable that the idea of "empowerment" emerged from debates generated by the women rights movement in the 1980s. At that time, it was a political and transformative idea for women's

struggles against structures such as patriarchy, class, race, and ethnicity that perpetuate gender inequality (ibid; Cornwall and Eade 2010; Cornwall and Rivas 2015). This changed in the 1990s, when the notion of empowerment was adopted and widely used by the development agencies and corporates, without any clarity on what it meant (Batliwala 2007).

The trainings reproduced existing systems of gender inequality and victimisation. For example, during one of the public forums, a resident asked the police and CPC to deal with cases of rape within the informal settlement. The CPC member who responded shifted the blame to the women: “I am requesting the bar owners and workers to help us in reducing female drinking in this area. So many women are drinking alcohol, and this predisposes them to get raped because they are under the influence,” he noted (field notes, December 6 2018).

Instead of advising participants on how to stay safe or use their position as CPC members to investigate and arrest the perpetrators, this official instead engaged in victim-blaming and putting the responsibility on the women and not the men who allegedly committed the crimes. The above example was not an isolated incident, and in many of the forums, flowing from the project’s theme of *usalama wako ni jukumu lako*, women were urged to take care of their safety. This statement reinforced stereotypes about rights of women, especially in the use of rape as an instrument of oppression. It confirms as Oduro (2012: 288) and Jewkes (2002) have noted, gender-based violence and violations are closely related to power.

I also argue that such constructions of why violence against women takes place are problematic because they do not consider the context and do little to address underlying disadvantages that lead to violence against women. As I argued in Chapters 1 and 4, many of the challenges faced by most residents of Kaptembwo are due to discriminatory colonial and post-colonial policies that have perpetuated social and economic exclusion, stigmatisation, and marginalisation of those living there. Added to this are the patriarchal attitudes not only prevalent in the society but also in the CPC policing practices as I have analysed in this thesis. The intersection

of these multiple forms of oppression (gender inequality and low socioeconomic status) led to vulnerability of some women, who became targets of victimization by the CPC men and also of violence in the streets.

An intersectional lens could have led to facilitators deepening their understanding of different stakeholders' lived realities and inequalities. For instance, most women in an FGD said they could not operate their shops past 6 pm. "It is risky for women to walk at night in Kaptembwo, and some had been raped," said an informant (a focus group discussion with women in Kaptembwo, November 26 2018). Others noted that women and girls face risks of sexual violence when they have to walk outside their houses to access sanitation facilities, especially at night (focus group discussion with women in Kaptembwo, November 26 2018).

These security challenges facing Kaptembwo women are discussed in the literature. For example, Wairuri et al. 2018 note that sexual and gender-based violence and violence against children at the household level are prevalent. Equally, Ngina (2017) uses data collected from Kaptembwo to analyse the relationship between Sexual and Gender Based Violence (SGBV) and lack of access to water in the homes. She concludes that women in the informal settlement face a high risk of sexual and gender-based violence when they go out of their homes to fetch water for their families. The facilitators needed to consider how women circumvent these insecurity incidences and how their identities impact policing in the informal settlement. As Hunting and Olena (2020:432) assert, "an intersectionality approach can produce the best kinds of evidence to combat discrimination and inequalities without prioritising gender".

Residents said most of the police officers in Kaptembwo did not have gender-sensitive interrogation techniques. During one of the CPC public forums, some women complained of how they are treated when they report sexual and gender-based crimes. "We are asked very intimate details when we report cases of rape like how it happened, and this is embarrassing" (notes from a Kaptembwo public forum held on December 4 2018). Others noted that police served to blame rather than

empathise with the assaulted women. “The police ask embarrassing questions like were you drunk or what did you do to your husband so that he can beat you,” noted a participant (notes from a Kaptembwo public forum held on December 4 2018). Thus, the emphasis on women’s agency without discussing how to engage with structures that create and perpetuate oppression hardly served to empower them.

The training facilitators hardly reflected on how the intersection of the participants’ everyday realities of having low economic status and gender-based discrimination affected their participation in security matters. Being an informal settlement, most of the people were low-income earners, but as research has shown, in such environment, it is women more than men who have financial resources, though limited, to effectively navigate the criminal justice system, including paying bribes to the police (Shackel and Fiske, 2016; Jeffries et al., 2019).

As one informant put it: “all the police want in a case is money and nothing else” (interview with Kaptembwo resident, November 30, 2018). In another case, a woman narrated how police allegedly bungled a defilement case involving her teenage daughter. “The men who defiled my daughter are free. They bribed the police, and witness statements disappeared from court records” (interview with Kaptembwo resident, December 1, 2018). Even though I could not obtain evidence of cases where CPC officials were engaged in corrupt practices, they were widely suspected of being involved in the practice. Since the police had regularly asked them for bribes, some women said they thought the same was expected by the CPC, mainly because they work together. Said one of them: “that is how the system is here. They [CPC and police] work together” (interview with Kaptembwo resident, December 10 2018).

The trainings reinforced men’s powers on policing in Kaptembwo, and there was hardly any discussion of women’s positionalities and how cultural and gendered norms could be changed. Some of the training references alluded to how the CPC and police, who were represented by men, were welcoming women to the policing table. As noted by one of the CPC members, “women have insights that men do not have, and this is why we are extending a seat to women, at the table, so that we can

discuss the security and well-being of our area” (field notes, Kaptembwo, November 24 2018).

Another speaker in one of the training sessions noted how women were peaceful and knowledgeable in criminal matters, and because of this, they had to be part of CPC (field notes, Kaptembwo, November 30 2018). The training facilitators frequently identified women as the bearers of ‘womanly’ innate capacities of caring, meekness, empathy, which were described as being different from men’s aggression (field notes, Kaptembwo December 12 2018). Such sentiments reinforced a paradigm of power and control and presumed that men in the CPC hold and exercise authority, which they grant to the women to undertake policing work. It means that the men remain in a superior position to take power back from the women since it has not shifted but just donated.

The unequal power relationships were evident in the CPC, where men and police were projected as experts. For example, during an interview with one of the NGO officers, she narrated her experience attending the CPC monthly meetings as a young woman in her early 30s. As part of her NGO duties in supporting the CPC, she was incorporated as a member and attended most of their meetings. According to the NGO official, discussions in the CPC meetings were driven by men, and when the women spoke, they echoed what the men had said.

As she narrated, during the CPC meetings she attended and disagreed with an opinion, another man rejected or validated it to be accepted, which was clearly infuriating to her (field notes, Kaptembwo, November 22, 2018). Consequently, she resolved to accompany one of the male staff members of the NGO to the meetings “since he could be listened to even if we are making the same point” (interview, November 22 2018). The men in the CPC did not reflect on their power and positionality, which undermined women’s views and reinforced the systems of male dominance in the CPC.

In the training sessions, women were also seen as non-experts and not knowledgeable, and this reinforced the unequal power relationships. In all the trainings I attended, the NGO official utilised the first session of the day to ask the women what their security concerns were. Various issues were highlighted, including theft, destruction of property, home invasions, rape and defilement, muggings, and physical violence. There were no follow up questions on how they have managed to deal with these cases over time. In other instances, the women narrated how they were involved in dispute resolution in their everyday lives. “We normally have conflicts over fetching water at the common tank. Some want to jump the queue, and when that happens, people shout and sometimes push each other. You just talk to them since there is no need of fighting,” said a woman informant (FGD in Kaptembwo, December 15 2018). In the same group, another woman talked of how they mediate domestic disputes and sometimes violence. “I once talked to my neighbours who were fighting a lot, and they stopped it. Engaging in dialogue and reasoning with the couple worked” (FGD in Kaptembwo, December 15 2018). In other words, demonstrating the mediation and arbitration skills which the women have.

When I asked the NGO official why there was no discussion or prior assessment on women’s existing capabilities on security matters, the assumption was that they had none. “[T]hat is why they [women] needed to be empowered to gain better insights and knowledge to play both proactive and reactive roles,” he responded (interview, Nakuru, December 5 2018). The organisers in this regard presuppose that the women are willing to undertake the training. They also assume they can choose what to do once given the correct information. I argue that outcomes of the trainings had multiple meanings than pure knowledge-seeking. They also shaped the kinds of authority and claims that the women often made after that as CPC members.

Participants filled in workshop evaluation forms at the end of the trainings, which had two sections. The first part asked attendees to help the NGO understand how future training may be organised better logistically. The second segment was to evaluate how effective the workshop was in teaching participants about policing. By “looking back”, the Kaptembwo women were required to assess their level of knowledge and

performance prior to the intervention (D'Eon et al. 2008: 93). On a scale of 1-5 where 1 is strongly disagree and 5 is strongly agree, they were asked to rate changes in their knowledge, skills and confidence before and after the workshop (sample evaluation form in my possession).

According to Kraiger et al. (1993:311), training evaluation is a common method used by facilitators and organisations to establish participants' immediate responses to an activity, delivery, and organisation. Self-assessments are said to be efficient data-collection methods in evaluating short workshops (Lam 2009:103). They are relatively easy to obtain, require minimal resources, and can be used in the absence of baseline data (Bamberger et al., 2004; Pratt et al., 2000). D'Eon et al. (2008), after analysing pre - and post-workshop evaluation data, concluded that self-assessment forms could be used to gauge the success of a workshop.

After filling the forms, the NGO officials usually asked some women to say what they had gained. In all the trainings, those who spoke described themselves as more knowledgeable and aware of policing. "I am now aware of the CPC and my role in security. We thank [NGO name] for organising the training," noted one of the women (field notes, December 5 2018). Another remarked, "the training opened my eyes to what women can do in ensuring there is security" (field notes, December 5 2018). It was hard to assess whether the participants' performance could be attributed to the training, or if they were overestimating its impact so that they could be invited for the next workshops.

As I noted in chapter 6, the NGO provided allowances for participants to attend the trainings. The expectation of stipends may lead to a reinforcing feedback loop whereby participants are inclined to provide positive outcomes to the organisation. It is plausible that some of the women attended the workshop because of the allowance, something which one of the NGO officers suggested to me in an informal discussion (field notes, December 14 2018).

Participating in trainings because of the material rewards associated with this activity has also been confirmed by others. Ichim (2017), while focusing on Kenyan human rights defenders, notes that most said they took part in the trainings because they are provided with food, a nice place to stay [hotel] and per diems (ibid: 155). Analysing HIV/AIDS donor-funded workshops in Malawi, Swidler and Watkins find that cash, certificates of attendance and the possibility of networking are the most important incentives for participants (2009: 1189).

The NGO adopted the quantifiable responses without interrogating them. They did not follow up to assess the outcome of the knowledge gained by the women in challenging the male power structures of the CPC. The self-assessment data was deemed valid, and participants' performance attributed to the training. However, as Manathunga (2005:20) reminds us, "mere attendance does not guarantee learning". As I have argued in this chapter, the trainings did not necessarily translate into practical changes in the CPC that addressed women discrimination and oppression in Kaptembwo.

The terminology of 'exposure' and 'awareness' which the women participants used, is closely linked to specific ways of speaking, knowing, and acting to gain more visibility and legitimacy. "As women, we are now enlightened and know how to work with the police and as CPC members," noted one of the women (Kaptembwo field notes, December 10 2018). Describing themselves as *tumefunguka macho* ('our eyes are now open') and *tumejua sasa* ('we now know'), the women positioned themselves as actors who can be drawn upon to negotiate relationships within the CPC and engage in policing performances. "We can now go, and as women ensure there is security in our areas," noted one woman during a plenary session (Kaptembwo field notes, December 6 2018).

Another said she would use the next *chama* (self-help group) meeting to share the knowledge with other members. Are there women hailing from Mwariki? I want us to network and familiarise ourselves with each other so that we can work together. I have two of my colleagues here, and with you coming on board, we will be safer in

our community” (Kaptembwo field notes, December 6 2018; Mwariki is one of the areas in Kaptembwo). Similar to what Prince (2013) noted with Kisumu volunteers, the Kaptembwo women converted the language of exposure into an identity and orientation towards individual responsibility in development (ibid).

In this section, I have discussed how the trainings perpetuated gender bias and discrimination, which was also evident in one of the CPC meetings. I have noted that performances by some of the women trained were motivated, whether intentionally or not, by the incentives of material and social benefits of being CPC members. Apart from the financial rewards of better allowances than other community members for attending the meetings, the CPC members have better chances of networking with police and other key actors within Kaptembwo and Nakuru County at large for official and personal reasons (see Chapter 6).

As previously argued (see chapters 5 and 6), the CPC members through everyday policing practices, claimed authority on managing crime in the informal settlement. In this section, I have argued that it is this authority that some of the women acquired by being members of the CPC even though they were reinforcing the unequal power relationships upon which it is established.

The capacities, pre-existing knowledge and experiences of women rather than altogether missing, were overlooked and unrecognised. In addition, the male facilitators used innate images of women as ‘more peaceful’, which might lead to the integration of objectified categories of women in policies (Cornwall et al., 2004). As Bessis (2004) has also warned, such language used in reference to women may contribute to the dominance of gender stereotypes and perpetuation of a male bias including in policing gender-based violence as I discuss below.

Policing Gender-based Violence

Writing on the South Africa context, Salo (2006) argues that men embody and define the community’s social and spatial boundaries, among which women’s opinions count. This means that the viewpoints of the women are situated within the broader

context in which men are dominant. Borrowing from Salo's arguments, I analyse below how the CPC men intervened in domestic violence cases. Further, I discuss how the intersection of gender, class, Christianity and patriarchal attitudes impacted how the CPC members resolve cases of gender-based violence in Kaptembwo. I argue that expectations of how men and women should behave within relations of inequality, maintain gender hierarchies and violence against women in the informal settlement.

Discussions and views on violence against men and women in Kaptembwo were in ways that reflected the intersection of gender, poverty, and poor neighbourhood dynamics. In focus group discussions and conversations with key informants, it was widely acknowledged that poverty and lack of adequate economic opportunities had put a strain on most families and relationships in Kaptembwo. According to CPC members, some of the cases brought to it due to disputes among couples were related to accusations of men not providing food for their families. "These disagreements could sometimes lead to violence, and we even have cases of men being beaten by their spouses," said a CPC member (November 12 2018).

When discussing domestic violence on men, all informants acknowledged it happened, though not frequently, but men were reluctant to report it due to fears of being ridiculed and humiliated. Indeed, during the interviews, when the question of domestic violence against men was raised, it became a laughing matter, and I was often asked, 'how can a woman beat a man?' When I posed the same question to the Gender Police Officer, she also laughed and blamed the abused men. "These men being beaten is because they are just drinking and not providing for their families. They deserve it" (interview with a police officer, Kaptembwo, November 22 2018).

These feelings were repeated by most of the informants, and their prevalence, I argue, is due to social expectations and cultural ideals of what it means to be a 'real man' in Kaptembwo-a breadwinner. Hence, dominant masculinity is practised and celebrated in the informal settlement, and men who were unable to provide for their families were assaulted, mocked and seen as weak. As seen by the informants and

female police officer's reaction above when asked about cases of male domestic violence, expressions of hegemonic masculinity require men to perform and conform with the values of control and power (Schippers 2007: 87).

Locally situated discourses and practices by the CPC show how men and women position themselves at any time. Since the men and women in the CPC were married and elderly, they were respected in handling marital disputes. Due to the sensitivity of the matters reported, I could not attend any of the hearings, but interviews with several of the CPC members revealed that they drew upon their age and experience as elders, husbands and wives to solve matters. "Some of these couples are young, and I have been married for long. I know how to handle a lot of marital issues from my life experience," noted a female CPC member (interview, Kaptembwo November 25 2018). The youth in CPC did not sit in any of the cases related to marital disputes since, as one of them noted, "most of the CPC members are the same age as my father and mother, and it would be a taboo to sit through an issue like domestic disputes" (interview, Kaptembwo October 23 2018). These views were echoed by another youth in Kaptembwo when asked why they did not participate in the CPC.

The different identities of CPC members-Christians, elders, husbands and wives-intertwined, impacting how they addressed domestic violence cases. For example, while some CPC members in the community meetings asserted that 'gender violence is a crime', they did not necessarily escalate such cases to the police. Some of the women who brought complaints of violence and abuse to the CPC's attention were frequently counselled to return home and reconcile with their husbands. In some occasions, the husbands were summoned by the CPC officials to a meeting where they were required to respond to the accusations of being violent, but the ultimate goal was reconciliation.

While engaging in the alternative dispute resolution, the CPC did not encourage separation or divorce unless there is a clear reason that the abused woman might lose her life, or she wanted to take that route. According to one of the female CPC members, "violence at home is complicated, and that is why we go slow. We

especially mind that we do not do anything that will make the children suffer.” Several women legitimised handling of the domestic violence cases in this way since some of the men who assault the women are the breadwinners, and hence encouraging the wife to leave an abusive relationship would be further impoverishing her and the children (women focus group discussion, Kaptembwo, October 29 2018). I note that the women’s poor economic situation has forced some of them to make decisions that enforce “the processes by which gender inequality are recreated through everyday social relations” (Ridgeway and Correlli 2004: 512).

Another woman in a different focus group discussion noted that leaving the marriage was not a solution since she does not desire to live without a husband (women focus group discussion, Kaptembwo, October 29 2018). “This is my family, and sometimes there are disagreements that occur, but we have to solve them” (women focus group discussion, Kaptembwo, October 29 2018). “I am afraid of separating the children from their father,” argued an informant (women focus group discussion, Kaptembwo, November 12 2018). Pursuing stable families and relationships can be seen as intentional acts of gendered performance, which takes place within a ‘matrix of gender relations’ (Butler 1993:7).

Similar to Kaptembwo, empirical studies have presented evidence on the potentialities and limits for advancing women’s rights in contexts where notions of justice are embedded within cultural and moral environments. For example, Weeks (2018; 2016) emphasises that the headmen and some chiefs’ councils who deal with cases in Msinga, South Africa, prioritise and “will often steer parties in the direction of forgiveness and reconciliation” (ibid 2016: 236). Further, she shows how a poor economic status has forced some of the women to make tough decisions.

Weeks (ibid) notes how difficult it is for some mostly older married adult women in abusive relationships to leave their marital homes so that they can hold on to the property “that is their home and livelihood”, which sometimes comes at the “real risk of their lives” (ibid 2018: 198). In Afghanistan, Billaud (2015) notes that the promotion of women’s rights at the grassroots level follows the structures of the male-dominated

informal justice sector mechanism of family mediation, *shuras*, and *jirgas* (ibid: 88). In other instances, it has necessitated cooperation between *shuras* (councils of elders responsible for delivering justice and taking political decisions), and official legal institutions “in order to bring together favourable conditions for preserving public legitimacy” (ibid:100). She concludes that the informal justice mechanism reinforces women’s identities as wives and members of a kinship network.

Similarly, De Lauri (2010: 20), in his ethnographic work in Kabul district courts, has shown that its concern is “maintaining equilibrium amongst the various forms of power and mechanisms of social legitimisation”. Interrogating and understanding these tensions, contradictions and dilemmas in the lived reality of violence and gender inequality aids our understanding of everyday policing practices.

Gender oppression alone cannot explain the above responses of Kaptembwo women to domestic violence. Socially constructed gender expectations and perceptions support the societal structures and processes that maintain subjugation of women. Hornberger (2011: 194), in her research on human rights training of the South African police, says Christian ethos of good and bad were articulated to establish what is right and wrong. The role of Christianity in shaping the decision making and moral order of the CPC is salient, too, as I established in Chapter 6. The religious leaders in CPC were male, and as one of them said, “I rely on my experience as a husband and head of my family, and the Christian teachings to make decisions” (interview with CPC member, 15 October 2018).

Borrowing from Akosua’s (2017) conclusions regarding Ghanaian Pentecostal and charismatic churches (PCC), I also argue that the CPC officials, just like the PCC ones, promoted a particular brand of masculinity “in which women carry the responsibility for keeping the marriage intact, even at the cost of their well-being and safety” (ibid:2017). “Even domestic violence, we talk to the wife not to leave the husband. What will happen to the children? We promote peace and unity in families” (interview with a CPC member, Kaptembwo, October 20 2018). Similarly, Shiu-Thornton, Senturia, and Sullivan (2005) found that Vietnamese women are considered

responsible for maintaining harmony in the home. As Akosua and Okyerefo (2014) rightfully note, such discourses may not emancipate women and profoundly impact their position in the marriage as they are supposed to persevere enough despite the abuse to keep the family together.

In the above analysis, I have outlined how cases of gender-based violence are policed through the male dominated CPC. Further, I have shown that as women from a low-income area, some of the FGD informants played gender roles that shape and are shaped by experiences of gender inequality and violence in Kaptembwo. Within this intricate process, the weight of being a woman, mother, and wife is apparent in nurturing and maintaining both gender inequality and oppression as I discuss in the rest of this chapter.

***Wacha Umama!* Gendered Notions of Masculinity**

Drawing upon the work of scholars such as Connell (2003; 1998) and Messerschmidt (1993), in this section, I examine how young men perform as embodied masculine subjects (ibid). To do this, I present and analyse narratives of how policing actors and residents see and imagine the different gender roles in policing. I explore why young men in Mathare who are supported by their mothers since they do not have income opportunities have to get one to save their face and not to be seen as “women.”

As discussed in chapter 3, *bazes* occupy a central place where the identities of young men in Mathare are shaped, constructed, and negotiated. They are sites where they hang out with their peers, get an income to support their families, and participate in different community affairs, including providing security. The *baze* members that I interacted with in Mathare have different gendered identities that sometimes overlapped, conflicted and ultimately shaped their interactions. These young men are sons, brothers, husbands, fathers, lovers, and friends. Some had willingly joined the *bazes*; others had been pushed to them by their parents and peers so that they can earn an income and be seen by society as “men enough”.

The leader of one of the *bazes* narrated how they came together “as a group of young men to help each other in life” (interview, March 6 2020). “We contribute money to help each other out since we know someone will get arrested and to get released the police will ask for a bribe. If taken to court, they will need bail” (ibid). In this *baze*, each person at least gets KSh 500 (£3.32), and the rest is saved in a savings account. “You see how it has created employment for us,” he added.

The Mathare youth I met are mobilising different sources of solidarity in their attempts to take responsibility for the places where they live and work. This kind of solidarity exists because of shared history and experiences of violence and lack of economic opportunities. They understand police violence as grounded in structural injustices of economic inequalities, and try to address these issues in locally meaningful ways. The youth in *bazes* I argue, demonstrate solidarity by caring for their friends in times of need, as a necessary feature of survival.

In the *bazes* I conducted interviews, men repeatedly emphasised and constructed their feeling of manliness through providing for their families as breadwinners. For example, I met with a 22-year-old man who had relocated to Mathare from his rural village in Siaya. “I came to Nairobi to hustle and get a job which will help me pay for college education and at the same time assist my parents,” he said (interview, March 5 2020). He was living in Mathare with his uncle, but he also wanted to rent his own house in the near future.

When we met, he was one of the people washing cars at the *baze* even though he also sold second-hand items, including mobile phone and clothes. “A man has to hustle and do many things to support himself. It is the only way to survive” (interview, March 5 2020). Thus, his view of a man is someone with money to support his parents and get to college. That is why he does several jobs almost simultaneously to get money.

Some of the men have turned to criminality to live up to the social ideal of being providers. Alexandra, a self-confessed reformed criminal, narrated how he had a

difficult childhood and often went without a decent meal. Life was really tough without formal education, having dropped out of school in class eight, and he could not get a job. As he narrated, “I joined a group doing criminal activities where my brother was also a member. We operated for four years between 2008-2012” (interview, March 24 2020). At first, Alexandra used to carry firearms in his school backpack for the group whenever they had a ‘mission’ and get paid Kshs 1,000 (£6.64). With time, he also started advancing in the group and going for criminal assignments apart from owning his gun.

As he grew up in the ranks, things were getting better at home, and he could now pay rent for his mother and take his siblings to school. In 2012, several members of their group were killed by police, with Alexandra and his brother lucky to escape. In October 2012, Alexandra and his criminal gang members stole a gun from a police officer, which led to one of them being arrested, and the rest left Mathare. Alexandra and his brother went to their rural home and only returned to the informal settlement after four years when he suspected the police had forgotten about the case.

From this storyline, it is clear that Alexandra went into crime to support his mother and siblings. As he told me about the time he was engaged in criminality, “I felt like other men, by paying the rent for my mother and school fees for my younger brothers” (interview, March 24 2020). Connell (1995) argues that there are multiple masculinities that are hierarchical. In the case of Mathare, a man’s ability to provide as breadwinner is embodied and celebrated by a majority of men. Thus, by financially supporting his family and siblings, Alexandra adhered to socially constructed norms of hegemonic masculinity.

Conversely, men who did not work, could not feed their families or depend on their wives or others for survival, were not considered ‘real’ men and were seen as having failed in their socially ascribed roles. “Young men who just stay at home and depend on their mothers for survival are mama’s boys,” said an informant (interviews, January 22 2019). “I had not found any job and was staying at home. My friends insulted me saying that I am behaving like a woman so decided to join them in this *baze*,”

(interview with *baze* member, January 22 2019). This notion of “behaving like a woman” is popularly referred to as *kuwa na umama*, a catchphrase that is derogatory to the young men since it hurts manhood’s feelings. It is equated to being weak, something that is associated with women, and it reinforces perceptions of hegemonic masculinity.

From the above examples, I note that earning a livelihood for the men I met in Mathare, is associated with hegemonic masculinity. As most of the informants noted, men used various means, including selling contrabands, stolen goods, and doing any kind of work to fulfil societal expectations of obtaining a livelihood for the family (field notes, Mathare, April 15 2019). In focus group discussions with young women (field notes, Mathare, April 15 2019), they asserted and affirmed the same notion of hegemonic masculinity. “A man has to work and have some money. That is how we know he is a man,” noted an informant (focus group discussion, March 6 2019).

While these debates on *umama* are important in highlighting women’s roles in the discursive construction of hegemonic masculinity in Mathare today, I argue that masculinities are not ahistorical and static phenomena (Connell 1995). Past events and processes shaped the different forms of masculinities being performed, which have a bearing on how everyday policing practices I encountered are carried out in Mathare.

Women in Mathare have for long been performing the gender roles of providers. As Van Staple (2016; 2020) notes, female-headed households have dominated the informal settlement, especially the Bondeni area of Mathare, since its establishment in the 1930s. Within this locality, she notes that the first and second generation of female sex workers built the illegal *chang’aa* alcohol industry. The unintended effect has been that it is in these *chang’aa* brewing spaces where gendered identities emerge, “which are pivotal in, and give meaning to, a local moral economy that itself is generated and reproduced through social interaction in these sites” (Salo 2004: 153). Over the years, many young men in Bondeni and Kosovo areas of Mathare have worked for these women, and only a few have become bosses themselves (ibid).

Hence, the positionality of the young men as workers does not correspond with hegemonic masculine ideals.

Other scholars of Kenya (Amuyunzu-Nyamongo and Francis 2006; Izugbara 2011, 2015; Van Stapele 2016) have argued that social-economic changes, unemployment or low-income levels have hindered men from realising their traditionally-acclaimed roles as heads of households and breadwinners. Further, they note that in order to navigate the unequal resource allocation in the household, women have taken up jobs and other income-generating opportunities like engaging in business.

It is also argued that due to the NGO programmes being implemented in the informal settlements since the 2000s, focusing on offering women financial opportunities, this has enabled them to run their households in the absence or inability of men (Lock and Helen 2016; Mwiti and Goulding 2018). In addition, the popularity of women *chamas* (self-help groups) where they contribute and save money, has enabled many to be self-reliant and have multiple income streams (Kyuvi 2017). Apart from owning and running the businesses, women in Mathare have also accrued properties such as tin-roofed shacks (Van Stapele 2015).

Women are also engaged in hustling. Some of the Mathare women who referred to themselves as reformed criminals said they were involved in crime when they were young, in their early 20s, in order to get a source of livelihood. Some had dropped out of college, and others had not proceeded beyond form four due to a lack of school fees. Most of the criminal activities they undertook were hiding guns for their boyfriends who were also in crime, snatching handbags and pickpocketing. Others said they used to drug men in bars using *mchele*, a sleeping drug that looks like rice and later steal their wallets and cell phones.

Take, for example, Anne Wanjiku, a bubbly light-skinned lady who said she was an expert in *mchele*. “I am beautiful, and men are attracted to light-skinned women like me. Thus, it was easy for me to chat with men in the bars and express interest in sleeping with them. I knew when to put the *mchele* without been seen, and this was

when the man had started getting tipsy. It takes a short time for the drug to take effect, and since we worked together with the waiters in the bar, I was safe from being arrested.” For three years, Wambui was involved in this business, acting alone and with other ladies, some of whom were sex workers. At other times, she was involved in stealing money and cell phones from ladies’ handbags in *matatus* (privately owned minibuses used for public transport).

All these opportunities have strengthened women’s economic and social position in the informal settlement and disrupted the perceptions of ideal masculinities. Gender norms and practices as (Weldon 2006: 236) has argued, shape and are shaped by the actions of both women and men. Below, I explore how women’s roles as wives and mothers were instrumental in mediating encounters of young men with the state. In examining these issues, I establish how women perform masculinities and femininities in Mathare. I also analyse how they identify and position themselves within their networks as women, wives, and mothers, and how these are entwined with patriarchy and poverty.

We are the Ones who Defend our Young Men

Butler (1988) has argued that the idea of gender, in relation to both masculinity and femininity, is a performance or an act. By repeating the different acts, one can construct a gender identity, what she calls a “performative accomplishment” (ibid: 520). Following Butler, I explore how women in Mathare engage in the performance of masculinities and femininities, which, while are “often taken for granted and invisibilised, infiltrates every aspect of life” (Jones et al. 2019:9). These range from performing motherly roles, which reinforces their gendered roles, to being involved in street violence. In doing this, I interrogate how the social construction of masculinities and femininities in Mathare has shaped everyday policing practices. While it is important to note that agency shapes women’s engagement in policing, I also argue that their choices are impacted by gender inequality which often intersects with their low economic status. This shapes their experiences with the police and *bazes*.

In chapters 4 and 8, I have analysed how the police criminalise youth in Mathare. Almost all the young men I interviewed in the *bazes* had been arbitrarily arrested by police and accused of various petty crimes, such as loitering or being drunk and disorderly. They also had bribed a police officer, contributed to bailing out someone in the cells, had a friend, father, relative, or knew someone who has been killed by people suspected to be police officers. “My friends and family have bailed me out of the cells or bribed police many times,” Josephat, a 23-year old man, narrated (interview, April 23 2019). “Many of our friends have been killed by people suspected to be police,” said a youth in Mathare (interview, April 24 2019).

The state’s violent actions over the years, as I have analysed in chapter 3, has led to the deaths and disappearances of young men. For example, I met Evelyne, a 19-year-old mother who lost her first partner due to police killings while she had just turned 16 years. A few months later, her second partner was shot during the 2017 general election violence. She was left with a young son to take care of, without a job or anyone to fend for her. Faith, a 27-year-old widow, is raising two sons, a 12 and 7-year-old after her husband was shot dead two years ago. According to the coordinator of an organisation supporting women whose sons and husbands they suspect to have been killed or injured by police across Nairobi’s informal settlements, the average age group of its members is below 25, with a majority of their children aged under five years (interview, Mathare, March 4 2020).

The killings of young men by the police creates women-headed households. In their research, Van Staple (2016) and Kimari (2017) also observe that most families are led by single mothers due to police killings of male youth. In addition, the police violence has led to other men fleeing from the informal settlement and leaving their families behind. This has resulted in Mathare being a “ghetto of women” (Kimari 2017: 118), and the young men understand policing through the lives of their mothers who serve as their protectors.

In order to deal with the consequences “of this extreme spatialised life” (Kimari 2017: 118) of police violence, women perform motherhood as a process of reinforcing

kinship as it provides a reliable source of social and moral support. The discourse of motherhood describes women's often very personal experiences of being a mother, which is sometimes accompanied by their evaluation of the motherly role (Schnurr et al., 2016). I met Mama Elijah a 48-year-old widow, whose son (Elijah) was shot dead on August 9 2017. She started a group that brought together mothers and widows of men whom police had shot in Nairobi's informal settlements. "I wanted us to be sharing the pain since all of us have stories regarding the police" (interview, March 4 2020). The group does not have men because, according to her, mothers are the ones most affected when their son is killed. Others are girls whose boyfriends have been shot dead or injured by police.

A group such as the one led by Mama Elijah resonates with the *Madres de la plaza de mayo* (Mothers of the Plaza de Mayo), the Chilean Relatives' Association, the National Committee of Widows of Guatemala, *Movimiento por la Paz con Justicia y Dignidad* (Movement for Peace with Justice and Dignity), *La red de las madres* (The Mothers' Network) and the El Salvadorian Committee of Mothers (Moura et al. 2010; Howe 2006; Muehlmann 2017). In the 1990s, mothers of Kenya's political prisoners formed The Release Political Prisoners lobby group to push for the release of their sons (Tibbetts (1994; Worthington, 2001). What cuts across these groups is that they mainly consist of women who draw upon their authority as mothers, to fight police violence that targets their sons. Echoing Alves (2018), I also argue that the group led by Mama Elijah can be read through the "dialectic of black motherhood" (Collins 2007:377). As Collins has rightfully argued, maternal activism is an "effort to retain power over motherhood so that it serves the legitimate needs of their communities" (ibid quoted in Alves 2018: 234).

The women generally belong to medium/low economic classes and support each other to deal with state violence. They contextualise the killings of their sons, husbands and brothers within the larger context of structural violence of poverty, unemployment and economic marginalization. In many of the cases narrated by Mama Elijah, it was their personal experiences of violence, resilience and the feelings of loss and grief that prompted them to form their group. "The men killed are heads

of families and husbands, leaving many people destitute and suffering without fatherly care (interview, March 4 2020). By focusing on poverty, the women are embracing the intersectional categories of living in the margins while at the same critiquing state violence based on their identity as mothers and wives.

Mathare women are instrumental in mediating youth encounters with the state. For example, one of the *baze* members in Mathare 3A narrated how, after been arrested, he was saved by some of the local women who provided an alibi for him. “[I] was lucky a few women followed us and told the police I am innocent. If it were not for those women who intervened, I would be dead right now” (interview, Mathare, March 22 2019). “We are also the ones who defend our young men from being killed by police,” noted one woman in a focus group discussion (interview, March 25 2019). “When the police are killing our husbands and sons, where do they expect us to eat from?” another wondered (focus group discussion, March 25 2019).

The mothers also perform gendered expectations in visible ways that fit into the caregiving and maternal model of protection. For instance, some women said they try to talk the suspected criminals out of crime if they know them. “Once we know you have started stealing, especially housebreakings, first we make sure you have been warned because we know all the thieves and the wannabes. We do not want them to be killed; we want them to be warned or change” (interview with Mathare resident, March 3 2019). By not reporting at the first instance, these women, who are mostly mothers, offer the suspects a chance to reform and hence avoid being killed by police (see chapter 5). Moreover, by delaying making reports to the police, the mothers and guardians are acutely aware of the role of motherhood and the possibilities it can present to assert control over the behaviour of young people.

Women, acting as heads of families, negotiate everyday policing practices to ensure their sons and husbands’ protection. After arrest, some of the *baze* members said they either got in touch with their mother or wife to bail them. Most of those arrested are men who are breadwinners in the family, and it is easier for the wives to pay the requested bribes to ensure they are released (focus group discussion, April 12 2019).

Others felt their mothers were likely to respond fast in such a situation, but some also came from single-parent families. For example, Onyango, who lives with his mother and siblings, narrated how he was once arrested when going home and accused of murder. His mother paid the Ksh. 10,000 (£66.0) bribe needed in order for him to be released (interview with *baze* member, Mathare, April 6 2019). Kevin also told me how he had to stay in a police cell for three days as the mother tried to raise Kshs 10,000 (£66.0) bribe. She eventually had to take a loan and borrow from other people (interview with *baze* member, Mathare, April 6 2019). Just like the mothers of Rio street discussed by Salo (2004), the Mathare women are resilient and have the knowledge of negotiating with the police and through this, have become “the key principles of the moral economy through which personhood of women as mothers is recognized” (ibid:161).

Police criminalisation of young men in the *bazes* has led to their girlfriends taking extra caution and become creative to protect them. As one of the young ladies explained, “if your boyfriend is suspected to be a criminal or being looked for by the police, you have to have a secret relationship. Or move out [of his house] until the situation changes” (FGD discussions, March 16 2019). This is to avoid criminalisation because the police will first arrest the girlfriend since it is assumed, she is a “weak person” who, while being interrogated, is likely to give up the whereabouts of the boyfriend (FGD discussions, March 16 2019).

By moving out or hiding their association, the young women exercise their agency to provide cover for the men. I echo Vuninga (2020), who notes that women in intimate relationships with youth gangsters in the Cape Town townships of Gugulethu and Nyanga East in South Africa exercise agency to maintain relationships with gangsters. In Mathare, the girlfriends anticipate the police behavior of them being arrested, and take action of moving out to protect themselves and their boyfriends. In doing this, they perform the masculine role of being protectors to the men. This illustrates that the gender roles and responsibilities between young men and women are socially constructed, localised, and subject to change depending on the context.

The organisational culture of the *bazes* spaces is heavily gendered and portrays men as the only ones who can engage in violence in everyday life.

As I noted in Chapter 4, some of the policing activities that *baze* members get involved in, is street violence. Some *baze* members framed the involvement of women and girls in undertaking street violence within the realm of men's power and authority. When discussing the involvement of women and girls in street justice, one of the young men remarked, "they do not participate because girls are soft and they would probably insist we let them [suspected criminals] go" (Focus Group Discussion, March 22 2019). Such remarks reflect the masculinised nature of the *bazes* and stem from men's portrayal that women are incapable of engaging in violence because of 'womanly' traits of empathy. Due to attitudes that place women as inferior, the young men want to control how women are involved in everyday policing activities.

In some instances, the women and young girls joined the male *baze* members in violence on suspected criminals, in the process of challenging the boundaries of what femininity is and projecting themselves as a kind of moral personhood (Buur 2008) restoring order in Mathare. "I once saw a guy being beaten and decided to join because I had seen a pastor being robbed, and it made me very hurt and angry," said one of the informants (interview with a Mathare resident, March 8 2019). "Women also attack these criminals with *pangas* (machetes). There was also a time when they set the house of a suspected thief on fire" (interview with a Mathare resident, March 8 2019). In another incident, women in Mathare 4A mobilised young men from the *baze* to retaliate against a group in Mathare 3A that had attacked and raped them. This led to violence for three days which stopped after the police imposed a curfew for three weeks (Van Stapele 2015).

While to the *baze* members, violence may be a way of men doing masculinity (Messerschmidt 1993), it is an ideal policing tactic for young women. As Connell (2005) reminds us, performances of masculinities are not just a static 'place' in a map of gender relations but are active social constructions of conduct. The young women

are also challenging what ‘womanly’ behaviour is, and to a larger extent, the views of policing being a preserve of men.

Conclusion

As the research data from Mathare and Kaptembwo shows, the local notions of masculinity are anchored in men’s actions “as they simultaneously embody and define the socio-spatial boundaries that frame policing” (Salo 2006: 12). Men are the most visible actors, and women’s policing actions are mostly unacknowledged. Even where they are recognised as actors, they play compassionate roles, if not generally supporting men to engage in policing. This validates stereotypes regarding policing and gender roles, but is also blind to how security is produced and reproduced.

In policing studies, as is the case elsewhere, we need to pay attention to how identities are deployed, constantly contested, negotiated and rejected in everyday life, and who has the power in these exchanges. Moreover, if we understand policing as broader than the patrols and aggressive tactics associated with men, we can see gender as actions-as enactments of masculinities and femininities and comprehend how individuals oscillate between structure and agency at any given moment (Giddens 1979; Bakewell 2010). For example, the Kaptembwo women were involved in vigilantism against suspected defilers. In Mathare, mothers and wives took it upon themselves to provide an alibi for young men so that police do not criminalise them. Men who would ordinarily not go to the *bazes* were obliged to join them to “save face” in their communities and be man enough. Thus, these events remind us that social and political meanings often change in different contexts. They are disputed and restructured both at the level of the individual meaning and experiences, and in relation to the society (Yuval-Davis 2006).

Different social domains intersect to produce varying levels of power and privilege for individuals. From the plenary sessions, the women’s experiences with insecurity and crime in Kaptembwo was not only due to gender, culture or class but was about all these and more. They made it clear that they shared problems of inequity, violence, and discrimination. The impact of the intersectionality of these identities and systems

of oppression did not feature in the trainings. Its overall aim was to increase the overall numbers of women participating in the CPC as moral agents, which was regarded as crucial to promoting an improved response to security generally and, in particular, crimes against women.

Simply adding more women to existing frameworks did not necessarily lead to more gender-sensitive policies and everyday policing practices. Further, the trainings did not challenge social inequalities and patriarchal structures which determine the distribution of power and resources within the CPC. This disproportionately disempowered the women, who are positioned peripheral to the male-dominated power settings in Kaptembwo and their lives strongly shaped through mutually constitutive sites of disadvantage due to gender and low economic status.

Women's empowerment is related to exposing the oppressive power of the existing gender relations, critically challenging them, and creatively trying to shape different social relations (Wieringa 1994). However, in the trainings offered in Kaptembwo, the language of empowerment was employed not to challenge the gender inequalities or encourage more comprehensive structural change, but it reinforced pre-existing structural inequalities and unequal power relations in the CPC. Thus, it was not enough to foreground women's agency as an instrument of social change without understanding the power relations and locating their subjectivities in contexts of multiple intersecting positionings of poverty, inequality, and gender.

Chapter 8: Identities and Power in Policing Young People

Introduction

In the previous chapter, I have looked at how the CPC officials and *baze* members perform masculinities and femininities and shape everyday policing practices. Taking further the discussion on social categories, this chapter establishes how young people and the *baze* members legitimised and resisted different forms of authority and regulation imposed by the elders, police, and Kaptembwo Community Policing Committee (CPC). I will also show that young people's experiences of insecurity and (un)employment are strongly classed and gendered, as are their responses. I bring into discussion the dynamic and socially constructed nature of social identities, exploring how overlapping identities of gender, social-economic status, and age, informed experiences of policing youth in Mathare and Kaptembwo.

My analysis adds to the limited literature on policing in Kenya that takes an intersectional approach (see, for example, Rasmussen 2010) and demonstrates how insightful such an approach is to our understanding of security governance. Intersectionality calls for a critical reflection on the impact of interconnected identities and statuses of individuals and groups in relation to their experiences with crime, the social control of crime, and related issues (Potter 2013: 305). Therefore, I pay attention to the multiple identities of young people, which affect their choices and experiences in policing. I argue that ways in which young men and women organise and make meaning of policing vary due to multiple interconnecting identities, including gender, age, economic status, and systems of networks and associational ties they have.

Aguilar (1998), while discussing gerontocracy in Africa, underscores the connection between age and power, arguing that appreciating cultural and localised perceptions of age is key to any understanding of relations of power and knowledge. I use an intersectionality approach to establish how conceptions of age intersect with identities of gender and economic status to exemplify power differences between individuals and create new or redefined experiences and opportunities for young men and women in Mathare and Kaptembwo. As I note, the intersection of identities helps

the young people negotiate through power structures in the policing nodes leading to different and particular kinds of relationships, conflicts, tensions and collaborations.

Rather than adopting the official categorisation of “youth” in Kenya, which refers to anyone between the ages of 18 and 35, I take a social-constructivist approach to the meaning of being young or old. How young people see themselves, how society defines them, cultural roles accorded and “social identities that youth ascribe to themselves define what it means to ‘be’ a young person at a certain point in time” (Oosterom et al. 2016:7).

The boundaries between youth and adulthood are blurred and young people in Mathare and Kaptembwo assume adult responsibilities early in life. Therefore, I will analyse youth in Mathare and Kaptembwo as a relational category that embraces both a process of being and becoming (Christiansen et al., 2006: 11). The shifting analytical notions of youth as a period of ‘being’ young and a process of ‘becoming’ an adult has particular resonance (Kimari et al 2020) with scholars who have researched in Mathare. Van Stapele (2015) notes most young men in Mathare move out of their family’s one-room house after circumcision when they are aged between 14 and 16 years to begin life as a junior man (ibid:218). By 25 years, they want to have achieved senior manhood, which is obtained by becoming a father and by 30 years, most of the men had left gangs to establish businesses and other projects. This process is not seamless as she notes, but every individual has unique experiences, which makes youthhood dynamic and personal. To some of the young men, they are “trapped in junior manhood” (ibid:92) mainly due to socio-economic circumstances that make it difficult for them to transition.

Wamucii (2007) explores how some girls grapple with multiple societal challenges that force them to bear adult responsibilities such as parenting, caring for parents and younger siblings, and earning a living. For example, among those in Mathare she interacted with (between 9 and 35 years), some were engaged in small scale business activities that contributed to their household income. Several were staying at home

and doing domestic work. Additionally, many youths in Mathare were orphaned at an early age which led girls to adopt guardian roles. Others, because of living in congested and small houses, and due to conflicts within the family, opt to move out and start supporting themselves at an early age (ibid). Due to their responsibilities, these youth enter adulthood much earlier than it is defined chronologically and biologically.

Some of my informants identified themselves as youth because they are over 18 and below 35 years of age. The CPC youth representative was over 35 years old but she still considered herself a youth and occupied that position in the committee. Following in this line of argument, we can say that it is possible to remain a youth forever. One of the male self-confessed reformed criminals in Mathare did not consider himself as youth since he had become a husband and father (interview in Mathare, 24 April 2019). Another lady “stopped” being a youth when she got a baby (interview in Mathare, 14 April 2019). However, when I interrogated these informants further, they indicated that they had enrolled to the government sponsored National Youth Service Cohorts Programme, which had recruited young people under 35 years.

Relaunched in 2014, the National Youth Service (NYS) was promoted by government and donors as a critical mechanism for addressing youth unemployment and lack of livelihood opportunities. Young people were required to clean trenches, sweep roads and construct ablution blocks within their neighbourhoods and were paid weekly wages by the government. The project was stopped in 2016 due to corruption allegations (Kimari 2021; Mungai 2021). This shows the fluidity of the term youth and how it is problematic when understood from a legal point of view.

Youth are not homogenous and their policing experiences are mediated by other identities including age, gender and socioeconomic status. In Kaptembwo and Mathare, the youth I met in the *bazes* and informal settlement were over 18 years old but had different experiences of policing and crime on the basis of class, social economic status and gender. Some of the young men and women had families, or were single mothers. The youth I encountered have systems of friendship and kinship

networks, which they deploy to resist and counter police violence. In this thesis, discussions of young people's lives' illuminate the different experiences, which in turn shape their subjective understanding of reality.

As I discuss in this chapter, the elders and older people control sanctions and exercise authority to define acceptable behaviour in Mathare and Kaptembwo. Informants made a distinction between 'elder,' 'older' and 'elderly' persons. While all three referred to people advanced in age, 'older person' was used more fluidly to identify those they thought were over 35 years of age, which is legally the last year of being categorised as a youth. This signifies that old age is a process of social becoming, and does not start at a certain chronological age but is shaped by individuals, depending on context (Howard 2000).

Gerontocracy, a rule by old men (Eisele 1979:403), is rooted in the traditions of many Kenyan communities. For example, Spencer and Spencer (2004) sheds light on how the Samburu is led by male elders who officiate all the community affairs. While discussing the history of alcohol in Kenya, Willis (2002) shows how elder Maasai men maintained ritual and moral authority, symbolised through their exclusive access to alcohol. He makes a convincing argument that "[I]deas about power over individual and societal well-being were generally the basis of the authority of senior men" (ibid:60). Among the Mijikenda community at the Coast, senior men from particular lineages and clans retained political, ritual, and other authority (Mcintosh, 2009). Likewise, among the Meru, Peatrik (2020) argues that authority and power are handed over between successive male generation sets. Cattell's (1989) study of Samia elderly people acknowledged that old age brings a measure of prestige and respect in contemporary society. Mwangola (2007) and Muna et al (2017) explore how political space in contemporary Kenya is controlled by older generations, who also maintain a firm grip on the country's economic resources.

In Mathare and Kaptembwo, elders and older persons, especially men, are respected as authorities. The elder status amplifies their power to create strategies to control the actions of young people and influence the framing and enforcement of community

morals. As I establish, young men and women contest this authority and carve out their own spaces for shaping identity and taking some control over everyday life.

In this thesis, I analyse crime and social reactions to it as socially constructed. The fundamental idea behind the social construction argument is that what counts as crime and deviance varies depending on who defines it and is relative to a particular social and historical setting (Barak, 1998). Further, social constructionists hold that there are no purely objective definitions and what is defined as a crime by law “is somewhat arbitrary, and represents a highly selective process” (ibid: 21). I argue that what becomes designated as crime and deviance in Mathare and Kaptembwo is not the action of a person but the reaction of the audience who interprets it as deviant or not (Becker 1963). This audience signified behaviour as an act of importance and judged it positively or negatively, labelling it good or bad (ibid). For example, and as later analysed, due to the contextual framing of a criminal, young men in Mathare are viewed with suspicion or criminalised by police, unlike those in Muthaiga, a wealthy section of Nairobi County.

Taking crime as socially constructed, I will show the contested nature of everyday policing for the youth and the complex relationships between them and the police. Further, I explore the competing strategies used by the elderly and CPC to define and maintain social order and how they are being contested by young people, impacting authority. The analysis establishes that social and political meanings often change in different contexts. They are also disputed and restructured both at the level of the individual’s meaning and experiences and in relation to society (Yuval-Davis 2006).

Thereafter, I show how the youth in informal settlements like Kaptembwo and Mathare are portrayed in policy and scholarly literature. These young people are regularly referred to, for example, as being “lost” to crime and deviance (Republic of Kenya, 2008), the “lost generation” (Kagwanja 2006:54), the Young and the Restless’ (Mugo 2011:280), among other terminologies. Such framings have most of the times been amplified by media representations often depicting the young men as detached,

idle, frustrated and prone to violence, and therefore a threat (Van Staple 2016; Kimari 2017).

Having established how youth are criminalised, I then consider how the CPC, elders and police officers engage in constructing youth identity and what this means for security governance. I highlight young peoples' perspectives and encounters to show an interrelation between their social identities and why they are controlled. Through their stories, *baze* members and young people in Kaptembwo reveal how gerontocracy, gender, social and economic status overlap in particular ways and how this impacts their lives as they negotiate everyday policing practices.

Youth: A 'Dangerous' Label

In Kenya, violence and crime have been linked to youth joblessness and socio-economic exclusion from economic opportunities. The arguments made have connected economic deprivation to youth vulnerability, crime, violence and disorder. These linkages, as highlighted below, have gained more traction in various policy documents and scholarly works discussing instability and insecurity, arguing that the increased number of youthful populations will lead to instability and insecurity (Republic of Kenya 2008; 2007; Kenya National Commission on Human Rights 2008; World Bank 2011; Nairobi City Council 2008).

According to the National Youth Policy, lack of opportunities for gainful economic engagement may increase youth involvement in crime, violence, alcoholism, drug trafficking and abuse (Republic of Kenya 2007). Moreover, discontented marginalised youths are said to be vulnerable to recruitment into gangs, political mobilisation to violence, and in some cases, religious extremism (Botha, 2013; Kagwanja 2001; Anderson 2002; Ruteere 2008). Kagwanja (2005) argues that young people in Kenya are the ones who have suffered the most due to mismanagement of the economy and the failure of structural adjustment programmes (SAPs). These youth, mainly from low-income neighbourhoods, are depicted as hopeless and desperate, at the risk of going to crime or being used by politicians to cause violence and unrest (Gimode 2001; Katumanga 2005; Kagwanja 2005; 2009).

The official inquiry into the 2007-8 post-election violence made similar conclusions regarding youth involvement in violence and lack of economic opportunities. It argued that youth criminal gangs, especially in the informal settlements, were not only used by politicians but had managed to “intersect with parts of the Government and the security forces”, creating “shadow governments” and increasing the likelihood that the security forces would not act on violence and insecurity (Republic of Kenya, 2008: 23).

A key policy outcome of the 2007-2008 post-election violence was the 2008 Agreement on the Principles of Partnership of the Coalition Government (commonly known as the National Accord) which the African Union mediated (Kanyinga and Long 2017). In addition to providing for a coalition government, the Accord spelt out four main agendas to be addressed to ensure national reconciliation and prevent such violence in the future. The four were:-Agenda I: Immediate action to stop violence and restore fundamental rights and liberties; Agenda II: Immediate measures to address the humanitarian crisis, promote reconciliation and healing; Agenda III: How to overcome the political crisis; Agenda IV: Long term issues including constitutional, legal and institutional reforms; land reforms; tackling youth unemployment, tackling poverty, inequity and regional development imbalances; consolidating national unity and cohesion, and addressing impunity, transparency and accountability. In agenda IV, the government was asked to, among other issues, decisively deal with youth unemployment, which had partly led to some of them being involved in the violence (ibid; Republic of Kenya 2008).

Following this, the Kenyan government enacted a Youth Employment Marshall Plan, which aimed at creating employment opportunities for the youth besides addressing their need for education and skills training. It also formulated a comprehensive National Youth Policy to guide various stakeholders to address challenges facing the youth. Further, it started youth specific programmes, including Kazi kwa Vijana (jobs for the youth), Kenya Youth Empowerment Project (KYEP). The Youth Enterprise Fund (popularly known as ‘Youth Fund’) ensures more youth are absorbed into the

job market or can get adequate livelihoods (Kanyinga and Long 2017; Republic of Kenya 2007b; Republic of Kenya 2009).

These policy initiatives, while they hit the target of focusing on the youth, miss the point (Ruteere et al 2013; Muthee 2010; Sikenyi 2017) by reflecting on a narrow understanding of the youth problem as unemployment, which leads to crime. Agreeing with Bialostocka (2019), this leads to implementation of policies that are not in line with the realities of the young men and women. For example, youth are not homogenous, but solutions often proposed and offered to curb unemployment, as seen in the examples above, have a slant on businesses leaving out those who are not entrepreneurs, have no aspiration to become one or lack skills to enable them to establish or run successful businesses (Sikenyi 2017). Proposing and undertaking uniform national programmes reveals a lack of acknowledgement of the multiple interests and capabilities of the young men and women.

Further, the connection between youth unemployment and crime is problematic for several reasons. Unemployment is not a singular driver of violence, and many countries with youth bulges have not experienced civil war (Sommers 2011). Most of these analyses that link unemployed youth with violence overlook other structural inequalities and ignores social and political structures that cause violence.

Establishing the violent contexts where the young people live matters because the networks and relationships they form are shaped by their neighbourhoods and serve as sites of social practice and identity construction (Oosterom et al., 2016: 5). These are intricately interlinked with economies of violence and the means of securing safety and protection. As Van Stapele (2016) notes, skewed representation of acts of violence by young men obscures the fact that they are also victims of everyday violence of poverty, exclusion, police brutality and humiliation “from which direct acts of violence emerge” (ibid 87).

Similar to other informal settlements, the living conditions in Kaptembwo and Mathare are difficult and young people, while pursuing economic opportunities for survival,

are required to navigate politics of the local economy, where the margins of legality and illegality are blurred. “*Maisha huku ni kuhustle*” (life here [in Kaptembwo] is just hustling), a young man told me in Kaptembwo (interview, Kaptembwo October 20 2018). He engages in different types of work including carrying people’s luggage using a hand cart and sometimes street vending, in places where it has been outlawed by the Nakuru County government. All street vendors are supposed to operate in designated areas after obtaining licenses to operate, which according to my informant, is costly. He opts to operate in unauthorised places where he will get customers but has to endure constant police harassment and arrests.

In Mathare, I met Joseph Otieno, a 21-year-old man, who was born and brought up in Mathare 3C by his mother, a domestic worker in Eastleigh, a neighbouring estate. He has no regular income and goes to the *baze* and get some work there or wait for his friends to connect him “with anything that I can do to make some money and buy food” (interview, April 25 2019). Sometimes Joseph washes cars, becomes a *squadi* driver (drivers who are given short trips when the regular driver needs to rest or go for lunch break), street vendor or selling stolen good for his friends and get a commission. In another *baze*, 24 years old Kevin Arumi, who sells *chang’aa*, narrated how he has been in and out of police cells because of his work. “Life is tough here, and one has to know how to live every day. If it is selling chang’aa that brings food, then I will continue with it” (interview May 5 2019).

These young people are engaging in work, which while it could be considered illegal, for instance street vending in undesignated areas, selling *chang’aa* and stolen goods, in their context, this is the only means for them to survive. I note that they self-identify with ‘hustling’ “as a way to navigate precarious urban environments” (Thieme 2018: 529) where it is difficult to get some income to secure their basic needs. The informal settlements environment, as Megan et al. (2016) in their study of Mathare, Kangemi and Korogocho informal settlements note, has forced everyone to hustle. “Community members must hustle to get a daily subsistence and maintain their ‘patchwork’ of security. Police officers hustle motorists and illegal brewers for bribes to supplement their salaries. Security groups hustle landlords and tenants to collect

rents in exchange for a modicum of protection. In an environment where virtually nothing is guaranteed as a basic public service, everyone must piece together what they can” (ibid 21).

In the next section, I argue that the term ‘youth (un)employment’ is a political language (Oosterom et al. 2016), which has been used to shape encounters and relationships between young people and the state in Mathare and Kaptembwo. As Munive (2010) points out, ideas about the ‘crisis of youth’ means that youth (un)employment is securitised by state actors and international agencies and ignores the wider violent environment. This is an issue I now discuss.

The Criminalisation of Youth in Kaptembwo and Mathare

Many of the young men living in Kaptembwo and Mathare narrated how police treated them suspiciously due to their age and manner of dressing. As I discuss in this section, “looking suspicious”, as the young men said, intersects with the aspect of public places as sites of regulation (Gray and Manning: 2014) for the youth, which they often negotiated daily. In the extracts below, young men describe how they were frequently harassed by police and treated with distrust due to their clothing or when they were seen hanging out in the *bazes* or shopping centres. In several instances, they performed “respectability politics” (Harris 2014:33), adhering to the expectations of behaviour as defined by the police, elders, older people in the CPC in order to be safe from police violence and harassment. In other cases, they resisted and negotiated the ascribed norms for behaviour.

In November 2018, I was invited to a meeting between youth and police in Kaptembwo, which was organised by a local NGO implementing a community policing project. Around 20 people, mostly young men attended the forum, which aimed at “creating stronger links between the youth and police” (field interview notes, November 15 2018). After everyone introduced themselves, the NGO officer asked participants to pose any questions to the police.

One of the young men took the microphone. “I have a problem with seeking assistance from the police. It is well-known that there is a sour relationship between the police and the youth, and I have difficulty in reaching out to them for help. There is fear that one can get in trouble for reporting a crime to the police,” he said. After he sat down, the next speaker talked of how police round-up youth hanging out in the local shopping centres. “Recently, in the evening at around 7:00 pm, I was standing with a female friend next to a shop. One police officer came and said that we must be planning a crime. As he said this, he was reaching for his handcuffs to arrest us,” he said. As was narrated by other youths in the meeting, they enjoy going to the shopping centres since “that is where we could get short term work or just find friends to socialise.”

In a rejoinder, one of the police officers who had been invited to the meeting first told the young man that he had done wrong for drinking beer after the legal time of 11 pm. This is despite the fact that some nightclubs are licensed to operate beyond that time. He went on to advise that police should not be feared (Kaptembwo field notes, November 15 2018). From this conversation, there was little attempt by the police officer to understand the concerns of the young man, and he quickly retreated to defending the police and putting the blame on him. His statements were aimed at policing the young man’s behaviour and the other youth in the forum.

In Mathare, the youth said they were frequently harassed by police and treated with suspicion when they were seen hanging out in the *bazes*. As I highlighted in chapters 1 and 4, most of the *bazes* are established by the youth as workplaces such as washing cars, parking spaces for a fee, water selling points, and selling firewood, among other ventures. They are also socialisation places for the youth as they watch football and chew a stimulant known as *miraa*, among other activities. In chapter 4, I noted that the impact of criminalising those living in the margins is more apparent when one explores how police treat the youth. The presence of young people ‘hanging around’ in the *bazes* contributes to profiling and police harassment. “As much as these are good places where people stay, they are targets. We have been dealing with a case where one of our members is in Athi River Remand Prison. He is

part of a car wash *baze* in Kiamaiko, which was raided by the police. They [police] see that it is easy to arrest youth in the *baze*” (interview with a human rights activist based in Mathare, February 28 2019).

Many of the young people I interviewed in Kaptembwo and Mathare talked about the problematic nature of being regulated in public when they were not doing anything ‘wrong’, illustrating the difficulties in being a poor young person in an informal settlement. “I feel that in Muthaiga [an upper-class neighbourhood], police officers do not spend time walking around much, and they also do not judge someone based on their appearance since they treat it as a different place. People in the ghetto are accused of many things,” said Kevo (interview, April 25 2019). Halima shared the same views. “In places such as Runda and Muthaiga [upper-class neighbourhoods], I hear police are more lenient to youth. It is not comparable to here, where we are arrested without reason (interview, May 5 2019).

Colona (2020) also encountered these stereotypes while undertaking research in Forestgrounds, a wealth neighbourhood of Nairobi. One of his informants while narrating a crime incident that had happened in the estate suggested that the suspect came from Small River, a poor informal settlement neighbouring Forest Ground. According to the informant, they chased the suspect but once he crossed over to the poor neighbourhood, they stopped following him since he was at home (ibid:448). As Colona recounts, the police, private security guards and community policing members saw the informal settlement as “a homogeneous dangerous space where, independent of who you are, if you are a thug, you are welcome” (Ibid).

Such narratives emerged during several of my discussions with the young people, highlighting the intersection of age and class in the different lived policing experiences. This moral order constructed by the police against young people’s freedom is both accepted and challenged by the youth. It is accepted as it is the only way of life for them, and they have to live with the criminalisation. Nevertheless, they also contest and resist the police actions by continuing to hang out in the *bazes* and shopping centres despite the danger of being arrested.

Apart from being criminalised because of where they hanged out, the young men in Mathare I interviewed described how police and community members profiled them for wearing dreadlocks, jeans, t-shirts, and Timberland boots. This signifies that Clothing is a “significant element of social order” (König 2008: 226) in Mathare, and as I discuss, it intersects with age, gender and class, to contribute to the (re)construction of “criminal” youth.

The dreadlocks and Timberland boots were associated with suspected criminals, with Mathare residents saying youth who were killed had such clothing (field notes, April 24 2019). “They [police and residents] judge us from our hairstyle and dressing. It is just a problem to dress the way you want if you are a man from the ghetto,” noted a youth in Mathare 3c (interview, April 4 2019). According to the young men I spoke to, the dreadlocks, jeans, t-shirts, jungle green jackets, and timberland branded boots are part of their identity. They took pride in wearing them to be seen by their peers as belonging and achieving ‘a look’ that reflects their desires. “As a youth, you need to be smart and with the times. This [was wearing jeans, t-shirt and jungle green jacket], is what I like,” said one youth in an interview (interview, April 15 2019). Another noted that he “feels” a youth with the jeans and t-shirt, associating other clothing such as suits to older people, the rich and those working in the offices (interview, April 15 2019).

Swartz (2009), Howell and Vincent (2014) and (Rosenberg 2002) have discussed how various forms of popular culture among the youth in South Africa, including clothing, have all provided black communities with a vehicle of self-assertion that rejected white racism and aspired to the attainment of social or economic equality outside the traditional methods of political integration. They illustrate how clothes have become an important identity marker for the youth in poor neighbourhoods as they seek to achieve their aspirations and dreams and a sense of self-worth. In the same vein, I argue that young men from Mathare defiantly wear jeans, Timberland-branded boots, and t-shirts because they provide an expression of identity they resonate with and enhance their self-esteem. The association of these clothing items with criminals is

coincidental. Due to police profiling and associating youth with criminality, they allegedly kill many young men who are likely to be wearing similar clothes.

Dreadlocks is a style that has long roots in Kenya and, for many years in the public space, associated with criminality and lawlessness (Mutua 2014). This interpretation can be traced back to colonial times, and their continued association with criminals show how stigmas are transferred across time. The Mau Mau wore dreadlocks which identified them as freedom fighters, and the British colonialists countered this image by pushing a narrative that the hairstyle was for criminals (ibid). These descriptions have flowed and reproduced by different actors in post-independence Kenya. For example, President Daniel Arap Moi's government used the same canon applied by British colonialists to demonise dreadlocks as hair worn by criminals, dangerous and unpatriotic people (ibid 393). This profiling did not stop people from having them and continued to be a mark of resistance to his rule. Most critics of the government have dreadlocks as a symbol of resistance to political repression. For instance, Koigi wa Wamwere, a politician, human rights activist, journalist and writer who was famous for opposing both the Jomo Kenyatta and Daniel Arap Moi regimes, kept his dreadlocks for 13 years in protest of Moi's rule. He symbolically shaved them after Moi left the Presidency in 2002 (Wamwere 2002).

The contestations on the symbolism of dreadlocks remind us that identities arise historically in power-laden discourses, which are fluid (Link and Phelan 2001:375). In this regard, I note that perceptions attached to those wearing dreadlocks have been transported and transformed over the years. While the police continue the criminalisation, some musicians deploy references to Mau Mau and dreadlocks in their songs as symbols of ordinary people's drive for self-determination (Mwangi 2010). At the same time, wearing dreadlocks is fashionable for many, and others have them for religious purposes (Sang 2020). Dreadlocks continue to be resisted and restricted in the workplace and in most of the schools (ibid).

The narratives of wearing dreadlocks underscore the contested nature of personal and public space. Jones (2013) and Newburn (2013) stress that youths' subcultural

activity is a manifestation of political reaction to their exclusion. Similarly, Ferrell (1997) has argued that young people attempt to carve out their own spaces for shaping identity and taking some control over everyday life within relationships of power, inequality, and marginalisation. “In so doing, they construct “personal style” as a political force, a sartorial shove against imposed boundaries of individual and group identity” (ibid: 22-23). Frost has also observed that “doing looks,” that is, how to appear in the public, creates meaning and offers possibilities for recognition (Frost 2003:55).

Locating hair as historical and political, I, argue that Mathare young men wear dreadlocks as a symbol of culturally contextualised everyday resistance (Kuumba and Ajanaku 1998: 227) to hegemonic views of their identities. For example, Michael Njenga told me that he decided to grow dreadlocks though he feared police profiling. “I had seen my friends wrongly accused by police and community of being criminals just because they had dreads” (interview, April 5 2019). He has been stopped and harassed many times on the streets by police, which attributes to his dreadlocks. “At one time, it [police harassment] started getting too much, and I contemplated shaving but did not. This is who I am,” he said (ibid). The reference to shaving is significant since African men in the British colonies were socialised to keep their hair short and “presentable” in line with the colonial and missionary teachings on hygiene. Natural hair and dreadlocks were seen as dirty (Chitando and Chitando 2004). I argue that it is a sentiment that has flowed to the present day, where short hair for men is portrayed as being official and presentable.

The criminalisation of young people is not uniform, and most of the informants believe that police did not harass children of the rich people residing in Mathare. As noted in chapter 7, most of the *chang’aa* businesses are owned and run by women. Commonly known as the ‘big fish’ in Mathare, their societal and financial position has influenced how police enforce order, drawing our attention to the fact that policing of young people depends on context and privileges they possess. “*Vijana* (young men) of the ‘big fish’ who sell alcohol in the ghetto, are normally not arrested. Their mothers are rich and have a say in the ghetto,” said Jacob Wepundi, a 23-year-old carpenter

in Mlango Kubwa area of Mathare (interview, April 25 2019). In another, *baze*, 24 years old Kevo made similar remarks. “If I were a child of the big fish, they [police] would just leave me. Police get money from the ghetto’s big fish, which covers the protection of their children (interview, April 25 2019). Kevo’s friend added, “you cannot arrest a child of your boss, and for those people selling *chang’aa*...[t]hey do not want to spoil their source of money, and they are even junior officers. They can be easily transferred to another area if they disrupt the flow of the money from the big fish” (interview, April 25 2019). Thus, these examples show how people experience discrimination and oppression differently according to their multiple identities. Young men of the ‘big fish’ are privileged and not profiled, or arbitrarily harassed, unlike other youth in Mathare.

Narratives of policing performances in Mathare minimised women and young girls’ agency in crime, justifying gender hierarchies and stereotypes about females participating in criminal activities. I had heard narratives of how women and girls were directly involved in crime, and some had made confessions to the chief, elders and police (see chapters 5 and 7). According to most of my female informants in Mathare, police were suspicious of young men more than women. “Ladies cannot be arrested without being investigated” (focus group interview, Mathare, March 28 2019). Another one added that it is rare for ladies to be put in the Toyota Probox by Rehema (see Chapter 5). “[B]ut a young man can just be arrested and taken into a Probox even without doing anything” (focus group interview, Mathare, March 28 2019). “I think it is because girls are not involved in crime directly. They support men behind the scenes” (focus group interview, Mathare, March 28 2019). For most informants, women who were older and parents did not participate in crime, but this was left to young girls who were mostly girlfriends and partners to the men engaged in crime. Such narratives draw us back to the social construction of crime and a criminal, which tell us it is not only interpreted in gender lenses but also seen in terms of age.

The above perceptions are drawn, as earlier analysed in this chapter, from the connections often made between poverty, lack of economic opportunities and violence committed by young men in informal settlements. These links perpetuate

stereotypes on youth involvement in crime and provide a justification for police violence on poor young men. They also create a public impression that moral codes apply only to the young, since the older people cannot engage in crime. Most of them are busy” (interview with CPC member, November 30 2018). “When you arrest a *mzee* (old person), even the OCS may wonder why that happened, but for a young man, it is just straight to the cells. You are not treated as a human being,” said a young man in Mathare (focus group interview, March 25 2019).

Another participant in the focus group added, “The way I see it, many older men from about 40 years are understood to be working. As for a young man, police will just assume that you are a robber and arrest you” (focus group interview, March 25 2019). In case of one being arrested, there was a perception that the person had a case to answer. “An older man cannot be treated the same way [to a youth] unless they have also been reported to be involved with a crime after which they will be investigated then arrested,” said a young man in Mathare (interview, March 28 2019).

While this section has detailed how conclusions regarding criminality of the youth are made based on their choice of dressing and grooming, it also shows the intersectionality between socio-economic factors and place. It thus can be argued that intersections of being a youth, mainly male and living in the informal settlements, have led to them constantly feeling suspicious and threatening to the police. The older people and police want to use their powers to project authority by defining how the young men will dress and look. Adhering to respectability (Harris 2014) requires that young men in the *bazes* perform as defined by the elders, older people in the CPC or the police. The ascribed norms for behaviour, as I have analysed, are gendered and class-based.

I have also argued that defiance by young men from Mathare to continue wearing clothing that criminalises them is a form of resistance to societal expectations and rules. They are pushing back against the boundaries imposed on them to create spaces where they can shape their identity and take some control over their everyday lives. These everyday policing actions also illustrate the unequal power relations

between the youth and policing nodes based on their social identities and status in society. This sometimes led to generational tensions, as I discuss in the next sections.

Elders and Policing in Mathare

Elders in Kenya have for long been involved in solving disputes, using the voluntary Alternative Dispute Resolution (ADR) process. For example, among the Giriama, the council of elders known as Kambi listens to complaints and resolves them. The Meru have the Njuri Cheke while the Kamasian is a council of elders among the Kipsigis community (Kariuki 2015; Nyamweru and Chidongo, 2018). Haider (2020) has noted how elders are influential in dealing with security-related issues in the North Eastern part of Kenya. As other scholars have noted, many people prefer the ADR because they find the Courts inaccessible, costly, bureaucratic and complex (Kinama 2015; Njiri 2020; Muigua and Francis 2015). Elders, acting as custodians of morality command significant influence and were prominent in Mathare. To reaffirm their powers, they police young men and women and enforce social orders. These are the issues I discuss in this section.

Herman Mugambi has lived in Mathare 3C area since 1984 and is an elder appointed by the Chief. Furthermore, he is also a landlord in the informal settlement and also owns a small shop. Mugambi derives his authority and legitimacy from being a representative of the Chief and also from the community. As he narrated, “I was chosen by the community first before being appointed by the chief. My work is to oversee how people are relating with each other and report to the Chief. Maybe if someone is not paying rent, I go and talk to them, and they pay, or if they refuse, we evict them. Some may even fight, and we take them to the police. At times we patrol together with the youth” (interview with elder, Mathare, May 23 2019). Most of the informants also noted that village elders were the first point of call for arbitrating interpersonal disputes and conflicts especially related to spouses, water, rent, child neglect and sometimes assault. In cases of defilement, murder or rape, the village elder has to report the cases to the police since these are criminal cases that are not supposed to be solved through arbitration.

In practice, this division between criminal and civil cases which the elder is supposed to deal with are blurred. According to Mugambi, they closely work with the police and youth to solve cases of crime. “When a resident in Mathare has been a victim of crime, they sometimes report to the village elder. In case of robbery, the elder investigates and involves the police or youth to arrest the suspected criminals” (interview with elder Mathare, May 23 2019). Sometimes the victim would only want the things returned, and the case ends there. “Police cases take long and are expensive, so many people just want to move on after getting their things back (ibid).” It was also to the elders that self-confessed criminals turned to when they wanted to confess. In doing this the elders challenge the state’s exclusive authority to settle criminal cases. As analysed in chapter 5, the elders, acting as moral guardians of the community, are involved in monitoring the self-confessed criminals to ensure they have reformed.

In some cases, Mugambi mobilises youths to arrest suspected criminals and hand them over to the police or engage in street justice. “The police are not here, and I have to work with the youth. We had identified some criminals who were based in Kosovo, and they used to come and break houses in our area. One day I called some of the youth from here, and we started patrolling with them at night with *pangas*,” narrated Mugambi (interview, Mathare, May 23 2019). According to the elder, as a result of the patrols, the suspected criminals stopped breaking into houses in Mathare 3C. Others were not lucky. In August 2018, three young men suspected to be criminals were beaten to death. “Those young men used to come from Eastleigh and dump stolen goods in our area. When they were caught, I just told the young men to deal with them. It was easier than taking them to the police” (interview, Mathare, May 23 2019). Dealing with them meant engaging in street justice instead of taking them to the police. The village elder provided a space where sovereignty was performed in the name of protecting the community against crime.

Talking to Mugambi, it was clear that he did not trust the police to manage crime due to corruption and inefficiency in investigations. He thus used his authority as an elder to exercise sovereign power and encourage street violence on suspected criminals. This preference for immediate justice and security as Kyed (2018) argues while

discussing community policing in Kulene and Chasana, comes from situations where there are high levels of crime and low police presence, such as Mathare.

The legitimacy of village elders is sometimes contested when they use their positions to acquire wealth and power to reinforce patronage networks and benefit the old. According to some of the residents, they have to bribe the elder for one to construct any new structure. “The elders are the ones to arbitrate rent disputes, so as a landlord, you want them on your side from the beginning. This is not good, and sometimes we ignore them and go to the police or chief” (interview with Mathare youth, June 4 2019).

Another worker with a community based non-governmental organisation noted that the elders not only receive regular informal payments from house and landowners but also NGOs operating there “since no organisation can hold activities without the elders’ permission” (interview with Mathare resident, June 4 2019). As I argued in chapter 6, those who volunteers to undertake policing work in Mathare and Kaptembwo are not paid. In turn, they have appropriated their positions to accrue personal benefits. In this case, the elder acts as a gatekeeper and receives money to allow NGO meetings to take place.

How some elders use their positions for personal benefits is clear when one considers grievances related to “Kazi kwa Vijana” (jobs for the youth) government programme. The Kazi kwa Vijana was a government initiative that was started after the 2007-8 post-election violence. Funded by the Kenyan government and the World Bank, the program aimed at creating 200,000-300,000 jobs for the youths per annum both in rural and urban areas (Republic of Kenya 2007). In Nairobi, it targeted the youth in informal settlements to reduce their propensity to engage in crime and violence. The initiative envisaged that the youth would be employed in areas such as repairing boreholes and roads, cleaning informal settlements, and planting trees, among other activities (Mutuku 2014).

Similar to the rest of the country, the village elders and Chiefs in Mathare were supposed to enlist young men and women above the age of 18, provided they reside in the informal settlements. According to my informants, those enrolled were supposed to be paid Kshs 250 (£1.65) per week, wages which, though they were low, would have enabled them to survive for a few days. “Yes, the youth were registered and did the manual work cleaning the roads and streets as well as bushes. However, we were not paid as promised.

The money went to other older people, friends and relatives of the village elders,” noted a youth residing in Mathare (focus group interviews, February 24 2019). Another informant added, “the elders and Chiefs are the ones who benefitted. They had registered other people as ghost workers who were paid and not the youth” (focus group interviews, February 24 2019). The corruption was so pervasive in Mathare (Thieme 2010) and countrywide such that the programme was dubbed *kazi kwa vijana, pesa kwa wazee* (jobs for the youth, money for the old people). It was eventually stopped due to mismanagement and corruption (ibid).

While elders serve on a volunteer basis, the positions as we have seen above and discussed in chapter 6, allow those who occupy them to enact authority and accrue personal benefits. As a result, informants said many old men in Mathare had assigned themselves the title ‘elders’, leading to multiple overlapping claims of representing the community. According to Arafat, a young man in Mathare 3A, “there is a misuse of the term elder. Anyone who wants to take something from the community says he is an elder. No one knows what these elders are doing. They only work with particular people and not the community at large” (interview, Mathare 3C, April 20 2019).

“These elders are many and are just there for the money. People who bring them cases have to pay,” a female informant said in an interview (interview, Mathare 3C, April 18 2019). She had taken a case to one of the elders and was asked to pay Kshs 500 (£3.30) “for the case to be listened to” (ibid). I heard similar narratives during the research though it was not for every case that went to the elders. Some people who were asked to pay were reluctant to engage the elders and sought help from fellow

youths or police. Others still went back with the same cases or new ones, hoping that they will not be asked for money.

One of the *bazes* in Mathare 3C demonstrated the instrumental use of criminal cases by the elders. “These elders do us more harm than good. Whenever we tried to start income opportunities as a group, for example, a car wash or selling water, they sometimes frustrated us and used their power and connection to destroy the little we had,” narrated a young man in a *baze* at Mathare 3C (focus group discussion in Mathare 3C, April 23 2019). In this case, an elder did not want the *baze* to start a car wash because it was situated near another one where he used to get kickbacks. “He took us to the police and said we are thieves. The police, however, did not pursue the case since we were innocent” (focus group discussion in Mathare 3C, April 23 2019).

In a place such as Mathare, where there is high criminalisation of young men, police records matter since they could be used to justify violence by the police. “Once you have a report at Pangani [local police station], you become a marked person by the police,” remarked a young man in Mathare (focus group discussion in Mathare 3C, April 23 2019). It is important to note that in the case of the elder who falsely accused the *baze* members of being thieves, the police refused to open a case against them. This is a reminder, as Cooper-Knock and Owen (2015) note, “of the critical role that police records play in placing people as criminal suspects and the instrumental use that could be made of the action of opening a case”. By falsely accusing the young people of criminality and wanting it to be on the police records, the elder potentially put them in harm’s way of police violence.

What emerges in Mathare is that old men and elders policed youth behaviour as a means of reaffirming their particular social order that drew upon notions of patriarchy and respect related to the elderly. The elders policing work is enmeshed with local political and social relations, which determines how they exercise sovereign power. They sometimes contest state sovereignty and claim authority to deal with crime.

Kyed and Buur (2007:22) have observed that local-level processes of state formation are often moulded by aspects of popular legitimacy. The sources of legitimacy were often seen as the elders' ability of fairly adjudicating cases, being present when needed in the community, ability to mobilise the people to get government services among other issues (Mathare field notes, 24 April 2019). The Mathare elder, I argue, is aware of these points of legitimacy and that maintaining authority rests in how the community judges his work. That is why, just like the Chiefs from Dombe in Sussundenga District, in Mozambique (Kyed 2009), Mugambi has to make particular choices though they are outside the law, including encouraging street violence to produce social order, maintain authority and credibility with the residents.

The elders' positions are not fixed, and they may occupy various positions at different times. While at one level they are old men to whom other community members turn for advice and assistance with actual conflicts, they can also be engaged in corruption which has undermined their power as custodians of morality. As I continue discussing below, the elders also policed young people's behaviour in such a way that projected a superiority of their authority.

Enacting Generational Hierarchies and Social Order in Kaptembwo

Young people in Kaptembwo had similar experiences of being policed by old people and elders. In almost all the CPC and CPF meetings I attended in Kaptembwo, it was mainly old people who spoke of how the youth, seen as a homogenous unit, should get a job or start a business and get out of crime. As I analyse, expectations of how young people in Kaptembwo should behave and their roles in society are based on an intersection of age and economic status, impacting how everyday policing is carried out.

In late August 2018, I attended a public meeting at Kaptembwo, convened by the Deputy County Commissioner, to discuss security in the area. Since he was a senior government official, all the Chiefs and their assistants, top police officers, CPC Executive Committee, and the Nyumba Kumi committee members were in attendance. Other guests were representatives from the Department of gender and

youth affairs in Nakuru County. The CPC and chief had also mobilised members of the public to attend.

The meeting began with an introduction of the Chiefs and their assistants who were present. They were also requested to state the areas of jurisdiction. Each Chief then provided a summary of the security situation in his or her area and its challenges. Where possible, police officers or the Deputy County Commissioner responded or clarified some of the issues raised. It should be noted that the Chief and Sub-Chiefs sit in the location and sub-location Community Policing Committee which reports to the sub-county CPC. They are also primarily expected to address issues of insecurity in their areas. What was striking is that all the reports framed security as a problem of male youth, profiled as idle and engaged in drugs. According to one of the Chief's, "the security situation is getting worse every day because the number of school dropouts and drug users keep going up...[W]e have heard people saying they were attacked by two or three men, sometimes five. Some very young boys have started engaging in crimes. They are idle and looking for easy money" (field notes, August 25 2018).

After Chiefs and police had spoken, a representative from the Department of Gender and Youth Affairs was called upon to advise the youth on government efforts to support them. The representative encouraged the youth to seek loans from the Youth Fund so that they could start businesses and not engage in crime. "The energy that young people are using to participate in criminal activities should be channelled into meaningful undertakings. There are funds for young people, such as Uwezo Fund and Youth Fund. You need to have a group and have it registered with social services and apply for the loans. Think about self-employment and create jobs for yourself and friends" (field notes, August 25 2018).

Just before one of the high-ranking security actors spoke, the master of ceremony invited community members to ask questions or clarifications to the police, chiefs and other government officials present. Most of the speakers, who were elderly men and women, dwelt on corruption cases by the chiefs and police, noting how it had

led to increased crime and illegal brewing of chang'aa. No youth voluntarily spoke until the master of ceremony asked that at least one youth speak on behalf of the rest. After minutes of hesitation, one male youth went to the dais. In his speech, he noted that the youth were often being harassed and threatened with being killed by some police officers at the meeting. "That is why it is difficult for us to attend these barazas. We fear coming here and get arrested on suspicion of being members of "Confirm" [a criminal group in Kaptembwo]" (field notes, August 25 2018).

While there were constant low cheers of approval from the audience of what the young man said, when one of the senior police officers spoke, he confirmed fears expressed by the youth representative. In his views, the youth are the ones who were engaged in crime, and the full force of the police needed to be applied, noting that "one responds to fire with fire." He went on to state, "young people want free things, and they will not look for work or start a business. They just wait and steal from other hard working residents". He ended his remarks that police would not relent in protecting *wananchi* (citizens) from suspected criminals.

From this meeting, several things can be extrapolated. The lack of jobs or livelihood opportunities for the youth constituted itself as an important political language and performance in mediating the encounters between youth, CPC and police. As seen from the speakers in the forum, most viewed young people as unproductive, idle and a security risk. Secondly, the police and gender and youth affairs officer presented a linear and simplistic narrative in which young people choose between being idle, unemployed and participating in violence and crime. As earlier argued in this chapter, this resonates with the national debates that push youth to start a business in order not to get into crime. Further, alluding to extrajudicial killings with the allegory of fire, the senior police officer effectively shaped the encounters and relationships between young people and the police.

The generational hierarchical power relations evident in the CPF meeting between the youth, CPC, and police defined how policing is carried out in Kaptembwo. The police and CPC projected similar moral visions of how crime should be managed,

reaffirming their authority and superiority. They also continued to overlook the agency of young people in providing and generating knowledge about policing. Their responses to the young man who spoke in the forum reinforced their assumption that only adults have the means to change young people and that the way of changing them is by adjusting their thinking by threatening them with punishment.

One idea of punishment proposed to enforce a vision of public good, was the re-introduction of corporal punishment. “Let us investigate why young people today are lacking proper manners. This could be because their parents do not punish them. Their parents are also unable to instil morals and values in them. Let parents cane their children from a young age; this will be helpful as they grow up” (CPC member speaking in a public forum, November 14 2018). This statement, which got murmurs of approval from members of the audience who were mainly parents, is not isolated and is part of a Kenyan narrative that constructs caning as a mechanism through which membership of the moral community can be established.

Situated within the thinking of “spare the rod and spoil the child,” caning has been enforced over the years in Kenya and has become part of the youth’s memories of growing up (Paul 2012). Punishment using the cane is a practice that was carried over from the British colonial times. This practice continued after independence, with African parents and elders using the cane to define age and generational hierarchies. “Fathers and elder menfolk in Kenya relied on a diverse disciplinary repertoire, which included physical violence, to correct the behaviour of young men, negotiate boundaries between generations, and preserve senior authority” (ibid 30). Caning was outlawed in 2001 after the Children’s Act was amended, and later in 2010, the Constitution banned all forms of corporal punishment.

Echoing Burr (2008:571), I also note that fighting crime “relates to wider questions of the perceived need for discipline and corporal punishment is seen as a response to the erosion of social authority”. By calling for corporal punishment, the Kaptembwo CPC members wanted to re-enact a past social order nostalgic to the elderly. As Paul (2012:30) has argued, corporal punishment was an instrument of establishing racial

hierarchies, coercion and discipline on African men, separated men from boys, adults from children, and established the authority of one over the other.

Debates on the use of the cane for punishment is also part of the larger contestation on law and rights and who has ability to use violence as form of punishment. As I noted in chapter 5, policing nodes through the everyday policing practices engage in negotiating statehood and the right to use violence. In the above case, the elders and parents felt they had lost the main means of instilling discipline. They claimed and wanted to enact sovereignty through the corporal punishment as a means of regaining their position of parental authority. Given the legal outlawing of the cane, they also re-imagined the state's vision of human rights and enforcement of discipline. They vision and desire a state where corporal punishment is central in controlling young people's behaviour.

Conclusion

This chapter has demonstrated the utility of an intersectional approach to policing, extending our understanding of the complex interaction of identities and how they create opportunities for some individuals to forge policing arrangements in Mathare and Kaptembwo. It has argued that in order to understand youth engagement in policing, it is important to go beyond the casual relations of idleness, unemployment and violence. The issue is more complex and needs more nuance. More so is the framing and understanding of crime and why people get into it, especially for the urban poor. Thus, intersectionality as an analytical strategy helps us rethink violence in poor neighbourhoods and how young residents of poor neighbourhoods can navigate seemingly high levels of crime and violence. It helps us understand how identities shape people's experiences in spatial and temporal moments through everyday policing (Collins 2015).

Using intersectionality, I have paid attention to the multiple identities that young people ascribe to, which affect their choices and experiences in policing. Notably, the different views of what the youth should be and what they are, have shaped how they relate with different policing actors, including the CPC, police, and elders. As the

data shows, young people are seen by the older people and elderly as symbols of disorder (see also chapter 4). Associating youth with criminality and seeing them as dangerous was common during my research, mostly spoken about in public meetings by the local leaders and policing actors. These perceptions have led to distorted assessments of the everyday lives of young men and women, which is characterised by poverty, lack of livelihood opportunities and criminalisation by police. As a result of this narrow outlook, young people's agency in providing and generating knowledge about safety and designing responses to security issues is overlooked.

Young men in the *bazes* were criminalised because of who they were (youth), some of the clothes they wore, and where they hung out (local shopping centre and *bazes*). They described that dreadlocks, jeans, t-shirts, jungle green jackets and Timberland-branded boots identified them and their friends. They would associate themselves with these styles but complained about how the police negatively profiled them due to their looks and clothing. Due to the so-called "looking suspicious," the young men had to continuously negotiate access to public spaces regulated not only by the police, but also by the larger community.

As has been established, the elderly and older people view themselves as the moral guardians of society in Mathare and Kaptembwo. They policed various aspects of the youth, enacting discipline through sanctions and punishment. As argued, suggestions of re-introducing corporal punishment for children is constructed as a mechanism through which membership of the moral community can be established from a young age. Within relationships of power, inequality, and marginalisation, young men contest attempts by the male adults to police their everyday lives. In so doing, they seek to push against gerontological boundaries in which relations of power and control are shaped and reproduced.

Conclusion

In this research, I have investigated how policing is conceived, regulated, legitimised and contested in Mathare and Kaptembwo. I have also probed how identities intersect to reconfigure power and relationships in the nodes and impact policing.

This thesis offers an original contribution to understanding policing in Kenya by analysing how people living in the informal settlements of Kaptembwo and Mathare ensure security within their neighbourhoods. I have established how CPC, *bazes* and police enact and maintain social order within a policing landscape. These actors work in parallel or together to maintain safety. I have also shown how social identities interlock and contribute to the lived policing experiences of those living in these informal settlements.

The study adds to the scholarly works on policing in Kenya. Using the nodal governance framework, I have mapped the range of nodes that exist and do policing work to maintain law and order in Mathare and Kaptembwo. After accounting for the plurality, I have demonstrated how the CPC, police, and *bazes* policing mentalities continue to be shaped by the colonial modes of rule albeit not completely. Further, I have argued that the nodes in Mathare and Kaptembwo undertake policing duties that weaken, deconstruct or challenge the state and enact overlapping and competing sovereignties. As a result, there are multiple overlapping notions of order present in the informal settlements.

I have explored policing within the broader intersectional analysis of identities and their impact on creating order in the margins. As noted, I conducted inductive research and analysis to establish the intersection of multiple social categories that shapes the policing people pursue, and how multiple forms of policing fit together. Through taking an inductive approach, I was able to establish multiple intersecting identities beyond ethnicity, to explain policing. While ethnicity has played a formative role in the past, in the period I conducted research, it was not cited by my informants as shaping policing. Economic status, gender, and age emerged during the research and analysis, as significant social categories which intersect to reflect and reconfigure

power and relationships to generate meanings and experiences of policing. These identities as I have argued, are not fixed but change in historical and local contexts and were most important for the informants.

Interrogating gender, age and economic status, I have shown the kinds of relationships, conflicts, tensions and collaborations that arise from these connections. I also focused on the interaction of identities and how they create opportunities for some individuals to negotiate through power structures in the CPC, police and *bazes*. Examining how identities overlap to shape and construct the experiences, and the social world in which residents of Mathare and Kaptembwo negotiate and contest for safety, adds a “new and diverse perspectives to criminological research agendas” (Carrington et al. 2016: 2) in Kenya.

This thesis takes us on a journey to understand everyday policing experiences for those living in Mathare and Kaptembwo. In each chapter I have examined the nuances of life in these informal settlements through different but overlapping lenses of sovereignty, statehood and identities, as summarised below.

Expressions of Sovereignty

An important scholarly gap that this study fills is exploring linkages between legitimacy and power relations between and among the nodes and the residents of Mathare and Kaptembwo. Analysing sovereignty as a socially constructed source of power (Diphoorn 2016:316), I have shown how it is shared and reproduced by various policing actors through daily practices. This authority is constantly contested, renegotiated and reclaimed. Seeing the police, *bazes*, and CPC as performers of sovereignty (Hansen 2006: 279) enables us to situate them as guardians of the moral boundaries against “dangerous individuals” (Buur and Jensen 2004: 144).

I situated policing through Kenya’s history and analysed some of the historical paths that have led to the institutionalisation of the current policing formations. I argued that the current policing mentalities and practices originate from pre-colonial times, and have been transformed by political and social economic changes over the years. I

have also shown how the Kenyan government has encouraged citizens as individuals and as a collective to undertake policing duties through community policing. This has ushered in dynamics that have shaped and impacted citizens' imaginations of the state and their role in policing.

Locating police violence in a historical context draws attention to the contested nature of everyday urban life. I have provided evidence that authorities to address crime in Mathare and Kaptembwo have historically been reshaped in the face of contestations and collaborations between the police, and youth formations. State violence is a practice that was adopted by successive governments since 1963 when Kenya got its independence from the British colonialists. At the same time, the *bazes* and residents of Mathare and Kaptembwo as we have seen, have continued to use violence to institute order, creating imagined communities of sovereignty (Davis 2009: 229). This understanding has helped us grasp how the policing nodes have historically transformed power relations and impacted the contemporary policing mentalities in Mathare and Kaptembwo.

I have noted that authority and power of the CPC and *bazes* co-exists and overlaps with the state. While the police operate within the assumed monopoly of legitimate force, members of the public engage in public spectacles of violence similar to the police to produce social order and claim authority to deal with crime. Local sovereignty is expressed in Mathare and Kaptembwo through repeated performances of violence by residents and *baze* members. This is mainly through public flogging and lynching of suspected criminals, some of whom are eventually handed over to the police and sometimes released after the punishment (see chapters 5 and 8). The use of force places the residents and policing nodes agents as informal sovereigns (Hansen and Stepputat 2005). These actions, as I noted, sometimes take place within permissive spaces (Cooper-Knock 2017:9) where impunity for violence is negotiated by the policing actors.

The CPC and *bazes* obtain legitimacy by undertaking practices that are generally associated with the police. These include investigating and solving cases, conducting

patrols and gathering intelligence. The CPC mediates cases that are directly brought to its attention by disputing parties. The aim is to reconcile the parties. The use of mediation in resolving cases is not unique to the CPC and as I discussed in this thesis, the CPC's power is assumed from their institutional position and associated authority in the community.

The CPC involves the police as guarantors to the settlement when necessary. According to some of the informants who had filed cases with the CPC, the officials are impartial (interviews in Kaptembwo, 2018). In other instances, the CPC officials are influenced by personal interests. For example, as I noted, they were involved in attempting to cover up a rape case involving the son of an official.

The police assert sovereign authority, exercised by controlling other nodes through regulation, criminalisation, exclusion, and co-optation. The CPC and *bazes* cannot operate without the authority of the police. The Officer Commanding Police Station (OCS) in Kaptembwo exercised power and influence over how the CPC was constituted. The CPC and some of the *bazes* were close to the police, something they were proud of since it legitimised their existence. However, the police did not appreciate it when the CPC officials or *baze* members acted in ways that made them appear too much like the police. In short, the police did not want much of the blurring between themselves and the other nodes; they wanted their centrality upheld at all times. This implies that the state still maintains the ultimate leadership and authority to frame and steer policing activities in the informal settlements.

I have discussed how the police and residents of Kaptembwo and Mathare negotiate unstable claims of sovereignty and statehood through the police car. The car is important in the performance of policing since it distinguishes power through its sitting arrangements and presence in the informal settlements. As the case of Kaptembwo CPC showed, the officials' performance of statehood using the police Land Cruiser is fragile. Without the police car, the CPC's public projection of being close to the state symbolised by where they sit is limited. In Mathare, Rehema's unmarked Probox car enables him to enact and claim sovereign power. Those

arrested are either killed or negotiate their freedom sometimes through paying bribes to Rehema. As I argue in chapter 5, the police car is the physical element of a permissive space for negotiations of sovereignty by Rehema and some residents of Mathare.

Residents of Kaptembwo and Mathare aspire for a state that will ensure security in their neighbourhoods. Nevertheless, they challenge the state's claims to use violence in undertaking its duty. As I noted in Kaptembwo, some of the women in the public meetings were against the police use of force in dealing with crime. In Mathare, the youth and mothers criticised police violent actions and questioned the state's power of killing youth to restore order. These contestations, I note, are part of a dynamic process where state sovereignty to govern and address crime has been contested and reshaped by different actors.

Reflections on Statehood

To understand policing in Mathare and Kaptembwo, this thesis has analysed security provision as the direct result of an evolving negotiation process between state, CPC and *bazes*. In doing this, these actors are engaged in the process of imagining, claiming, enacting and contesting statehood (Hagmann and Péclard (2010). By locating activities of the policing nodes within this framework, I have accounted for both the existence and elusiveness of the state in security provision.

Policing and order in Mathare and Kaptembwo are embedded in practices and discourses of authority, particularly in a 'language of stateness' (Hansen and Stepputat, 2001: 8). As discussed in this study, the CPC officials and the *bazes* I interacted with, took it upon themselves to ensure their area was safe by engaging in policing work of patrols, investigation and solving cases. The *bazes* and CPC, while 'doing the state' draw upon, mobilise and evoke language and mannerism of stateness to create order and assume public authority. During their formation and existence, the policing nodes are socialised through trainings, formal and informal interactions with the police to understand laws and customs of state practice for policing. The CPC and *bazes* in Mathare draw upon the state's imagery, mannerisms,

and language to advance normative aspects of statehood formation and imagine their own state in everyday policing. As discussed, these nodes engaged in policing work of conducting patrols, investigating and solving cases. The *baze* members and CPC officials did the work by themselves or with police. These practices have led to multiple imageries of statehood and public authorities, which are drawn upon in policing.

I have focused on analysing the “actually existing arrangements of authority and security, rather than seeing contemporary states as they are wished to be” (Steppatut and Engberg-Pedersen 2008: 28-29). The CPC and *baze* members are not a reflection of a weak or failed state. As I have noted, labels such as “state failure” are unhelpful and do not deepen our theoretical understanding of policing and security provision. They also fail to recognise the role that the state is already playing in sanctioning and legitimising nodes. The CPC and *bazes* are legitimised through their policing work in the community and sometimes association with the police. They are a policing authority since they are involved in investigating and solving cases in Mathare and Kaptembwo. These nodes are supporting the state within the responsabilisation strategy (Garland 2001).

This thesis has argued that citizen involvement in policing through volunteering time, energy, money and other personal resources deserve much greater scholarly attention in Kenya than it currently receives. I have questioned the nature, and analysed the impact of volunteer work being undertaken by the *bazes* and CPC. I have argued that volunteering has consequences for the kinds of orders that emerge and the imaginations of statehood. Volunteerism as seen in Kaptembwo has been used by CPC to craft and shape particular modes of order largely driven by the CPC and police. In Mathare, the *bazes* do not charge for security and policing work but they have incorporated it into their daily work.

Volunteering for policing has many meanings for those who enact it, from making some form of income to gaining knowledge, mobility, and social recognition. Part performative, affective, and aesthetic, volunteering is pleasurable, opening a sense of agency, responsibility, participation, and a connection to wider horizons (Prince

2015:103). The CPC and *baze* members, though they presented themselves as motivated by an ethical commitment to the common good of the society, were also driven by self-interest and personal benefits. Policing actors did weigh the costs and benefits of engaging in policing work, including the prestige and respect it attracted.

In Mathare and Kaptembwo, the CPC and *baze* members were not indifferent to being rewarded for their work, principally through recognition and legitimisation of their efforts by the police and community. I argued that these benefits impact the kinds of policing mentalities in Kaptembwo and also who gets involved in the CPC's activities.

The voluntary nature of community policing has marginalised those who do not have adequate financial resources and the opportunity to split their time between looking for livelihood opportunities and doing security work. As we saw, it is mainly the businesspeople and landlords in Kaptembwo who have the time and financial resources to volunteer in the CPC. Other residents especially the young people I met are mainly looking for economic opportunities and, in an environment, where most residents depend on menial jobs and daily wages, their main interests would be to put food on the table for their families. Therefore, it becomes challenging to have many people committed to doing voluntary policing work due to the time constraints and costs.

I have also discussed that it is imperative to interrogate how financial resources availed by NGOs impact everyday policing practices in the negotiation of statehood. As seen in the case of Kaptembwo, the lines between earning a livelihood and volunteering have become blurred. This is because payment of stipends by the local NGO to volunteers in the CPC is regular and substantial. It has become one of the motivating factors for volunteer involvement in policing.

Through the trainings supported by the local NGO in Kaptembwo, the police reproduce mentalities that advanced objectives of the State in policing. There was little questioning or debates on the ideals they promoted while training the CPC members, which most of the time profiled criminals and crime as mainly being

committed by the youth. Moreover, the police used their roles as training facilitators to demarcate and create hierarchies between overlapping sovereign claims in order to assert superiority. Police by utilising the NGO trainings to advance their mentalities as I noted was engaged in steering the policing boat from a distance through other policing nodes. This is a sensible strategy as Dupont et al (2004) argue, on enabling state efficacy by taking advantage of abilities located elsewhere in the face of few available resources.

In everyday policing, meanings of security and who provides it often change in different contexts, are disputed and restructured. Using negotiated statehood framework, I have shown how policing actors in Mathare and Kaptembwo “forge and remake the state through processes of negotiation, contestation and bricolage” (Hagmann and Péclard 2010:544).

Policing and Identities

I have located social categories and identities within a broader social framing that attends to power, generational hierarchy and context – both spatial and temporal in Mathare and Kaptembwo. My informants in Kaptembwo and Mathare belonged to different ethnic groups, religious beliefs and experience different levels of intersecting struggles related to gender discrimination, insecurity, and lack of economic opportunities. As I noted, some of the young people I met have not gone to college, with many having finished form four level of education. A few others did not go beyond the standard eight, which is the basic level of education. Due to lack of good education, they are more likely to be unemployed, underemployed or in low-skilled, low-paid work. Recognising this heterogeneity of informants, I used intersectionality (Crenshaw 1989; 1991) as an analytical lens to explore how the identities and status of individuals and groups are connected to their experiences with crime and policing.

Young people’s experiences of policing are impacted by intersecting identities of gender, poor social-economic background and age. The male *baze* members that I interacted with in Mathare have different identities that sometimes overlap, conflict with each other and ultimately shape their interactions. These young men are sons,

brothers, husbands, fathers, lovers, and friends, and single mothers have brought up most of them. As I have argued, police violence has led to the creation of women-headed households and as a result, the young men I met trace their protection networks through the mothers and caregivers. Despite this, the young men aspired for better livelihood opportunities to live up to their ideals of masculinity.

As the thesis has noted, identities are sites of power struggles, and they tend to draw boundaries in the process. For example, the overlapping of institutional power structures in the CPC based on age, economic status and gender, limit women's involvement in policing. Identities also reconfigure power and relationships, affecting how nodes form, operate and their mentalities on policing. For instance, the multiple struggles based on age and gender has reconfigured power and relationships between the youth and old people in Mathare and Kaptembwo. Young people shared similar experiences of being policed by elders and older people due to their age and gender. Others noted how the police criminalise youth in informal settlements based on age, gender, their hairstyle or choice of clothing. Perceptions of age also influence the nature of representations in the policing nodes.

The society's patriarchal nature influenced everyday policing practices and mentalities in both Mathare and Kaptembwo. This had particular policing outcomes, which sometimes saw men extending their views, including policing women's behaviour. As I established, young men and women legitimised and resisted the different forms of authority and regulation imposed by the mainly male elders, police, and CPC. Overlapping identities of gender, social-economic background, and age informed their experiences of policing.

The policing duties as I have discussed, are gendered and overlaid with patriarchal overtones. For example, in all the *bazes* I visited and conducted interviews, patrols were conducted by men while women were mostly said to be engaged in selling water (field notes, mathare 30 March 2019). According to both male and female *baze* members, patrols are seen as high risk and attributed to men while women do what they considered as less dangerous duties. However, there was no clear-cut

distinction of these gender roles as the informants narrated. Some men also sold water during the day while women engaged in street justice.

The CPC trainings were led by men and did not offer a space for discussions around the inter-connected concepts of gender, power, and exclusion, which are multiple positions that women use in their everyday life to negotiate power relations. Taking these insights into account, it becomes evident that the trainings did not address the root causes of gender inequality, which calls for more than facilitating women's representation to the CPC. As I have argued, simply adding more women to existing frameworks does not necessarily lead to more gender-sensitive policies and everyday policing practices. The major lesson that emerges is that there is critical need for the CPC and police to consciously take to account the intersecting concerns, perceptions, experience, knowledge and interests of the women in policing.

Looking to the Future

Through the policing work of CPC and *bazes*, I have examined how policing actors have interacted through cooperation and negotiation. As argued in the thesis, relationships cut across different nodes: state versus non-state; legal versus illegal. I did not establish and analyse contestations within nodes. This is because my data concentrated on the overlap between a node and the police. Further research along this angle could help extend our understanding of relationships in the policing nodes.

In chapter 5, I have analysed banishment as one of the ways used by police, *bazes* and community members in Mathare to curb crime. I did not reach out to any of those who had left Mathare this way. If pursued, this is a perspective that could illuminate how banishment serves as a means of prevention and punishment for crime.

Regarding the use of violence, two issues emerge, which need further research. While some of the informants were against police killings like the ones carried out by Rehema, I did not establish if they consistently hold this stance against all people. For example, it would be worth exploring if they are against force when it is not faced by their sons, husbands, partners, or close relatives. Secondly, participants in a

permissive space, as I noted, are tied together by inter-personal relationships. These connections provide people with the confidence to seek police help after engaging in street violence, knowing they will not be prosecuted. While this is clear, I could not establish exceptions to this, where residents have been arrested and prosecuted for taking part in the violence.

On May 15 2021, I went back to Kaptembwo, intending to present the findings to the CPC officials, police and the local NGO that had hosted me. I made a presentation to the NGO officials since the police officers who had taken part in the study had been transferred out of Nakuru County. The CPC was in disarray. It was on the verge of being disbanded by the Kaptembwo Officer Commanding Station because its officials had been accused of engaging in corruption. I was shown text messages and pictures of some of the officials soliciting and receiving bribes. Another official had stepped down from the CPC after taking money and compromising a defilement case.

In Mathare, I shared the findings on 28 April 2021 with some of the youth I had interviewed in the *bazes*. The issue of police violence dominated the discussions since Rehema and another police officer had within the month killed two young men and arbitrarily arrested others. According to the youth, Rehema's mode of operation had not changed but he was now working with two other plain clothes police officers who are known in the area.

I bring the above reflections to show that policing is a contested space, being constituted and constantly changing. The dynamism offers scholars more avenues to study policing in Kenya.

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