Introduction

Recently home from a two-year stint commanding the security forces in
Kenya, General Sir George Erskine went to Camberley to lecture on the
1955 Army Staff Course. After a few introductory remarks, General
Erskine turned to a problem faced by every commander-in-chief dealing
with a major rebellion. Would it be necessary to declare martial law?
Since the 'unfortunate experiences' under Oliver Cromwell, British
officers have regarded martial law tentatively. Concerned about legal
constraints on the army, Erskine found to his relief that:

the Government of Kenya were determined to use the very considerable powers
at their disposal to the fullest extent. They could and did pass Emergency
regulations of severity and entirely appropriate to the military requirements.[1]

His former colleague and successor, Lieutenant-General Sir Gerald
Lathbury, clashed with the Kenyan Attorney-General in November
1955. A roving police inspector discovered that the army were retaining
prisoners for operational purposes beyond the time limits permitted.
A senior staff officer in East Africa Command railed at these complaints,
advocating a 'first class show-down on the grounds that it is not possible
to fight a war within the concepts of British Common Law'.[2]

  Whether in Surrey or Nairobi, British Army officers of the 1950s
understood that the law was malleable to their definition of necessity.
Since then the permissive nature of law in the decolonisation era has
been largely forgotten. A triumphalist attitude grew in the 1960s into an
orthodoxy within the military and academia. That orthodoxy discarded
observations such as the two made above in 1955. It arose as a reaction
to British decline, a need to feel that despite the Empire's demise, the
British were in *control* of the process. The control was provided by

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[1] Joint Services Command and Staff College (JSCSC) Library, 'The Mau Mau Rebellion',
    lecture given by General Erskine to the 1955 Course, Army Staff College, Camberley, 3–4.
[2] The National Archives, Kew (TNA), WO 276/430: Letter from [illegible], Lt.-Col.
    GSO1 Ops (K), to Chief of Staff, East Africa Command, 4 November 1955.

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military professionalism, an expertise to be envied around the world. To enhance the myth's potency, French and American incompetence were loudly decried.[3] What came to dominate the orthodoxy was a conviction that British success in counter-insurgency derived from a determination to conduct operations within the law. Robert Thompson was a leading expert on counter-insurgency warfare who served in the Malaya Emergency and advised the American government in Vietnam.[4] He articulated the sentiment most influentially in 1966: 'the government must function in accordance with the law'.[5]

An organisational principle translated this abstract commitment into a practical rule. No more force should be used than the situation demands. Gradually the literature on British counter-insurgency, and the army itself, came to believe that this doctrinal precept represented reality. Apparently the principle of 'minimum force' resulted from both Victorian morality and the pragmatism of a small imperial army which could ill afford massive repression.[6] When countering revolt, the aim was always to contain rather than extirpate resistance through minimal rather than exemplary force.[7] From long experience the army had learnt that exemplary, excessive force provoked the population and was counterproductive to restoring the peace.[8] For some time, virtually all writers on the army since 1945 have identified minimum force as a key characteristic of British counter-insurgency.[9] The orthodoxy held that

[3] For a major reassessment of the French in Algeria, see M. Evans, *Algeria: France's Undeclared War* (Oxford University Press, 2012).

[4] For studies of his role in Vietnam, see I. F. W. Beckett, 'Robert Thompson and the British Advisory Mission to South Vietnam, 1961–1965', *Small Wars and Insurgencies*, 8 (1997), 41–63; P. Busch, 'Killing the "Vietcong": The British Advisory Mission and the Strategic Hamlet Programme', *Journal of Strategic Studies*, 25 (2002), 135–62.

[5] R. Thompson, *Defeating Communist Insurgency: Experiences from Malaya and Vietnam* (London: Chatto and Windus, 1966), 52.

[6] R. Thornton, 'The British Army and the Origins of its Minimum Force Philosophy', *Small Wars and Insurgencies*, 15 (2004), 83–106.

[7] C. Townshend, *Britain's Civil Wars: Counterinsurgency in the Twentieth Century* (London: Faber and Faber, 1986), 18.

[8] T. R. Mockaitis, *British Counterinsurgency, 1919–60* (New York: St Martin's Press, 1990), 17–62.

[9] D. A. Charters, 'From Palestine to Northern Ireland: British Adaptation to Low-Intensity Operations', in D. A. Charters and M. Tugwell (eds.), *Armies in Low-Intensity Conflict: A Comparative Analysis* (London: Brassey's, 1989), 194; K. Jeffery, 'Intelligence and Counter-Insurgency Operations: Some Reflections on the British Experience', *Intelligence and National Security*, 2 (1987), 119; A. J. Joes, *Resisting Rebellion: The History and Politics of Counterinsurgency* (Lexington, KY: University Press of Kentucky, 2004), 221; C. J. McInnes, *Hot War, Cold War: The British Army's Way in Warfare 1945–95* (London: Brassey's, 1996), 117; J. Pimlott, 'The British Army: The Dhofar Campaign, 1970–1975', in I. F. W. Beckett and J. Pimlott (eds.), *Armed Forces and Modern Counter-Insurgency* (London: Croom Helm, 1985), 23; R. Popplewell,

adherence to law could eliminate a dilemma in counter-insurgency warfare. Insurgents deliberately hide among the population. For the state, the core challenge is how to target insurgents without harming civilians. The debate on British counter-insurgency concluded that minimum force provided the answer. This is a seductive interpretation because it softens the loss of empire by elevating the British Army to a professional standard that all others failed to achieve.

Understanding violence in Britain's counter-insurgencies is impossible without recourse to the archives. Until recently these records have been neglected. In consequence, the doctrine-centric orthodoxy, elevating the importance of minimum force, has not been systematically challenged. In 2009 a group of Kenyans who alleged mistreatment at British hands during the Emergency began legal proceedings against the Foreign and Commonwealth Office. Two years later this led to the discovery of a hidden colonial archive at Hanslope Park, home to Her Majesty's Government Communications Centre. The papers contain records from thirty-seven British colonial territories, and consist of 8,800 separate files. They will all have been placed in the National Archives, file series FCO 141, by the end of 2013. The author of this book has acted as an expert witness in the Mau Mau case at the High Court in London, giving him privileged access to all of the files concerning Kenya. With the kind agreement of the Foreign and Commonwealth Office, a number of these archival records are presented in this book for the first time, in addition to a wider range of sources from archives in Britain and Kenya.

The literature on the Kenya Emergency's origins, conduct and consequences is rich and diverse.[10] This book is the first to take a detailed look at the British Army's role. But it is not a comprehensive, chronological military history. The focus is directly on the orthodoxy about British counter-insurgency. Two major questions drive the analysis. How important was the concept of minimum force in determining how the army used force? And how should the army's behaviour towards civilians best be understood? The argument is that in reality the army never succeeded in separating insurgents from civilians. The inherent dilemma about identification, violence and legitimacy has never been resolved. For this reason, the minimum force notion has merely aimed to paper over the cracks of a deep problem without any clear solution.

'"Lacking Intelligence": Some Reflections on Recent Approaches to British Counter-Insurgency, 1900–1960', *Intelligence and National Security*, 10 (1995), 337.

[10] For useful reviews, see S. L. Carruthers, 'Being Beastly to the Mau Mau', *Twentieth Century British History*, 16 (2005), 489–96; B. A. Ogot, 'Review Article: *Britain's Gulag*', *Journal of African History*, 46 (2005), 493–505.

4   Fighting the Mau Mau

Prompted by crises in Iraq and Afghanistan, writing on British counter-insurgency has taken a more critical turn.[11] Writers observed how the triumphalist orthodoxy failed to explain the difficulties encountered in Basra and Helmand. The British government's participation in human rights abuses, including those at Guantanamo Bay, attracted significant attention. At the same time as the debate on contemporary policy reignited, the historical literature underwent a revival. The interest in counter-insurgency dovetailed with the release of primary sources. A major comparative historical study by David French demonstrates just how often the harsh methods described in this book were employed to crush rebellions throughout the post-war British Empire.[12] Original historical work has been produced on conflicts such as Palestine, Malaya and Northern Ireland.[13] These studies show how the army used a greater degree of force than is normally acknowledged, at times leading to torture and illegal killing. Others have argued that the army's own

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[11] D. Betz and A. Cormack, 'Iraq, Afghanistan and British Strategy', *Orbis*, 53 (2009), 319–36; D. Branch, 'Footprints in the Sand: British Colonial Counterinsurgency and the War in Iraq', *Politics & Society*, 38 (2010), 15–34; W. Chin, 'Why Did It All Go Wrong? Reassessing British Counterinsurgency in Iraq', *Strategic Studies Quarterly*, 2 (2008), 119–35; W. Chin, 'The United Kingdom and the War on Terror: The Breakdown of National and Military Strategy', *Contemporary Security Policy*, 30 (2009), 125–46; A. Danchev, 'The Reckoning: Official Inquiries and the Iraq War', *Intelligence and National Security*, 19 (2004), 436–66; A. Danchev, 'Accomplicity: Britain, Torture and Terror', *British Journal of Politics and International Relations*, 8 (2006), 587–601; R. Kerr, 'A Force for Good? War, Crime and Legitimacy: The British Army in Iraq', *Defense and Security Analysis*, 24 (2008), 401–19; R. Kerr, *The Military on Trial: The British Army in Iraq* (Nijmegen: Wolf Legal Publishers, 2008); G. Rangwala, 'Counter-Insurgency amid Fragmentation: The British in Southern Iraq', *Journal of Strategic Studies*, 32 (2009), 495–513; A. Roberts, 'Doctrine and Reality in Afghanistan', *Survival*, 51 (2009), 29–60.

[12] D. French, *The British Way in Counter-Insurgency, 1945–1967* (Oxford University Press, 2011).

[13] H. Bennett, 'Detention and Interrogation in Northern Ireland, 1969–75', in S. Scheipers (ed.), *Prisoners in War* (Oxford University Press, 2010), 187–205; K. Hack, 'Screwing Down the People: The Malayan Emergency, Decolonisation and Ethnicity', in H. Antlöv and S. Tonnesson (eds.), *Imperial Policy and Southeast Asian Nationalism* (London: Curzon, 1995), 83–109; K. Hack, '"Iron Claws on Malaya": The Historiography of the Malayan Emergency', *Journal of Southeast Asian Studies*, 30 (1999), 99–125; M. Hughes, 'The Banality of Brutality: British Armed Forces and the Repression of the Arab Revolt in Palestine, 1936–39', *English Historical Review*, 124 (2009), 313–54; S. Newbery, 'Intelligence and Controversial British Interrogation Techniques: The Northern Ireland Case, 1971–2', *Irish Studies in International Affairs*, 20 (2009), 103–19; J. Norris, 'Repression and Rebellion: Britain's Response to the Arab Revolt in Palestine of 1936–39', *Journal of Imperial and Commonwealth History*, 36 (2008), 25–45; N. Ó Dochartaigh, 'Bloody Sunday: Error or Design?', *Contemporary British History*, 24 (2010), 89–108. S. Shoul, 'Soldiers, Riot Control and Aid to the Civil Power in India, Egypt and Palestine, 1919–39', *Journal of the Society for Army Historical Research*, 346 (2008), 120–39.

doctrinal publications omitted any substantial reference to minimum
force during the colonial era.[14]

To a certain degree, these writings repeat a point made forcefully in
earlier scholarship. John Newsinger, in particular, has questioned the
mythology surrounding British counter-insurgency since the 1980s.[15]
But because archival records were unavailable to substantiate the cri-
tique, it failed to displace the orthodoxy. Therefore the account offered
here is the first book-length examination of how the British Army treated
civilians in one of its major post-war counter-insurgencies. The archival
sources, including new material released under the Freedom of Infor-
mation Act, allow for an understanding of how the army itself thought
about and conducted the Emergency.

The argument is developed in nine chapters. Chapter 1 describes the
evolution of the Kenya Emergency from the military perspective. The
conflict is placed into four periods in order to set out the major events
and operations. By doing so, the key continuities and innovations in the
strategy for defeating the Mau Mau, and their relationship to wider
events, is demonstrated. In chapter 2, the structure of civil-military
relations is dissected, by looking at how the main political groups inter-
acted with the army. The three most important groups were the provin-
cial administration, the European settlers and the British political class.
Each held multiple, contradictory views about the Emergency, and
exerted an identifiable influence on the army, which is analysed in depth.
Chapter 2 also examines the committee system which mediated civil-
military relations, minimising frictions to promote a coordinated
approach to defeating the Mau Mau.

Chapter 3 addresses a central claim in the orthodox interpretation of
British counter-insurgency: that soldiers operated within a legal frame-
work. The chapter dissects how the British government and armed
forces understood the legal regime relevant to colonial rebellions after
1945. Widespread violence against civilians could occur in the colonies
partly because such acts were considered within the bounds of inter-
national law.

[14] B. Reis, 'The Myth of British Minimum Force in Counterinsurgency Campaigns during
Decolonisation (1945–70)', *Journal of Strategic Studies*, 34 (2011), 245–79.
[15] M. Curtis, *Web of Deceit: Britain's Real Role in the World* (London: Vintage, 2003);
J. Newsinger, 'Revolt and Repression in Kenya: The "Mau Mau" Rebellion, 1952–
1960', *Science and Society*, 45 (1981), 159–85; J. Newsinger, 'A Counter-insurgency
Tale: Kitson in Kenya', *Race and Class*, 31 (1990), 61–72; J. Newsinger, 'Minimum
Force, British Counter-Insurgency and the Mau Mau Rebellion', *Small Wars and
Insurgencies*, 3 (1992), 47–57; J. Newsinger, *British Counterinsurgency: From Palestine to
Northern Ireland* (Basingstoke: Palgrave, 2002).

6   Fighting the Mau Mau

The British government and army evidenced a conservative attitude, and awareness about even existing provisions was patchy. These attitudes reflected systematic weaknesses in the international legal regime itself. Arguably British conservatism was far from atypical. Three structural contradictions in international law undermined universal protections, and proved a problem for the British in practice. These were, first, the conflict between the military need for reflexive obedience and the legal requirement to refuse illegal orders; second, the conflict between military necessity and legal restraint; and third, the overly narrow codification which produced different rules for fighting non-Western opponents. Part of the reason why atrocities happened in the Empire was because they were not construed as international crimes. Government policy aimed to minimise the interference of international law in colonial emergencies. Knowledge within the armed forces about international law in general terms was poor, while the duty to obey all orders was paramount. As a result, soldiers sent to Kenya knew nothing about any formal obligations to prevent abuses committed against civilians.

Chapter 4 asks how far the army's internal doctrinal principles made up for this permissive attitude regarding international law. The chapter defines the concept of minimum force and outlines its development in official and semi-official documents. Without doubt the concept enjoyed wide circulation in military circles, and permeated doctrine throughout the twentieth century. But the idea must be appreciated on a rather more critical basis than is often the case, both in theoretical and practical terms. Arguably, the concept is only helpful in understanding actual behaviour when studied alongside the equally prominent idea of exemplary force. Exemplary force seeks to target whole populations in order to punish insurgents, and to warn others not to support the rebellion. It is by nature indiscriminate and terrorising. By tracing formative military experiences in the run up to the Kenya campaign, the chapter shows how minimum and exemplary force often co-existed.

In the fifth chapter attention returns to Kenya, to explore the impact of the minimum force ideal on military operations. Rather than deploying the full force of its military power in Kenya, the government calibrated violence at a level below the potential for all-out genocidal war. Minimum force mattered to how the army fought the campaign, and relied on tight discipline. Chapter 5 looks at how the army dealt with the inevitable offences committed by soldiers. A series of measures, involving orders, meetings and inquiries, succeeded in preventing soldiers from completely running amok. Chapter 6 argues that restrained conduct required more than military discipline. Operational policy also needed to distinguish between legitimate targets and innocent civilians.

Legally defined zones with distinct rules of engagement, developed prisoner policies, and special forces methods sought to control and limit the use of force.

Chapter 7 argues that despite avoiding the maximal possible violence, the army engaged in widespread violent coercion of the civilian population throughout the Emergency. This included forced population movement, beatings, rape, torture and shootings. These actions did not result from poor command and control, or a breakdown in military discipline. A determination to teach the Kikuyu a lesson drove a policy of punishment. The key policies in this respect are examined in broad terms, and at the micro level. Chapter 8 shows how these policies were connected to the structure of military discipline. General Erskine initially wanted to conduct a restrained campaign. Following resistance from the Governor, the settlers and some soldiers, he compromised. In effect, discipline in Kenya was negotiated between commanders and troops. Thus harsh measures against the Kikuyu population resulted from disciplinary compromise and strategic necessity.

Chapter 9 assesses how far civil-military relations influenced the implementation of policy. In most spheres the army prevailed, and in many areas strictly under civilian control soldiers exerted a strong influence. Soldiers and civilians broadly agreed on the need to crush the Mau Mau rebellion swiftly and harshly, before it undermined British rule and spread to other tribes.

1   'A determined campaign against the terrorist bands'

The Mau Mau movement wrought violence on Kenya for much of the 1950s (see map 1 for Kenya Colony). Confined mainly to the Kikuyu, Embu and Meru tribes of the central highlands, unrest had been gathering pace for several years before the government declared an official State of Emergency in October 1952. The rebellion was devolved and complex in organisation and motivation. A large number of grievances were involved, ranging from an anti-colonial desire to expel Europeans, to dissatisfaction with imposed agricultural techniques. Probably the most important single cause of the revolt was the belief that the Kikuyu had been cheated out of their rightful lands by European settlers. Despite the anti-colonial dimension, the conflict is normally now described as a civil war within the Kikuyu, as the squatters (temporary workers on European farms) fought against the landed establishment. Important alliances were forged between the rural dispossessed and urban activists in Nairobi.[1]

   The rebellion was limited geographically, mainly to the Central and Rift Valley Provinces, and to Nairobi (see map 2). So in most of Kenya life carried on as normal during the Emergency. Out of a total African population of around 5 million, the 1.4 million Kikuyu were nearly all considered unreliable by the government. At this point the Asian community in Kenya stood at about 97,000, and the European settlers at 29,000. The settlers dominated local politics, and there was no democracy for the Asians or Africans in the country. The origins of the conflict can be seen in the Kikuyu's poor economic conditions, the lack of political representation, and a growing land hunger as the population

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Chapter title from TNA, CO 822/378: Kenya Intelligence Committee fortnightly appreciation (KICFA) 7/53, 30 June 1953.

[1] R. Hyam, *Britain's Declining Empire: The Road to Decolonisation, 1918–1968* (Cambridge University Press, 2006), 188. John Lonsdale provides the following explanation for the meaning of the term 'Mau Mau': 'in Swahili *ka* is a diminutive prefix, *ma* an amplifying one, enhanced by repetition. *Mau* would thus connote something larger than *Kau* (the colloquial form of the Kenya African Union).' J. Lonsdale, 'Mau Maus of the Mind: Making Mau Mau and Remaking Kenya', *Journal of African History*, 31 (1990), 393–421.
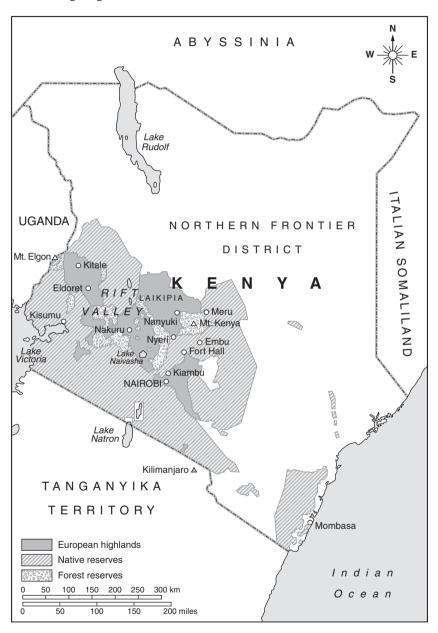
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Map 1 Kenya Colony

Map 2 Administrative areas affected by the Emergency