

Juvenile Delinquency: A Legacy of Developmental Logic of Kenyan Government

Wambugu N. Beth¹, Njoroge K. John², Komen Zipporah³

¹Moi University, School of Education, Department of Educational Psychology, P.O.BOX 3900 – 30100, Eldoret, Kenya

²Moi University, School of Education, Department of Educational Economics and Management, P.O.BOX 3900 – 30100, Eldoret, Kenya

³Moi University, School of Education, Department of Educational Psychology, P.O.BOX 3900 – 30100, Eldoret, Kenya

Abstract: *The traditional society in Kenya had well established socio-economic and political structures that ensured the welfare of all children. As such, cases of juvenile delinquency were negligible. Since the colonial era, through the five decades after independence, the socio-economic and political designs for development have marginalized young persons in the society. This spiral of marginalization is due to policies that have increasingly created fertile grounds for breeding juvenile delinquency. This paper explored the pervasive development policies and the consequent lifestyle trajectories for the Kenyan people that have led to exclusion of children, and an ever-increasing number of juvenile delinquents. The paper explored juvenile delinquency visa-a-visa development in different eras of Kenyan history. The paper takes on an analytical point of view to highlight influence of government policies on juvenile delinquency. The paper focused on the pre-colonial traditional socio-economic and political setting, colonial government policies/modernity, and post-colonial government policies and their influence on juvenile delinquency. In examining government policies, development and juvenile delinquency, the paper highlighted the challenges and failures of the government and the influence on juvenile delinquency. The paper ends with recommendations on institutions and policies on approaches in handling juvenile delinquency in Kenya.*

Keywords: Juvenile Delinquency, Governance, Policy

1. Introduction

The core of this paper is the failure of Kenya government in addressing juvenile delinquency. The writers adapted historical works of different authors and mapped juvenile delinquency in the historical context. Juvenile delinquency are activities committed by a child between the statutory juvenile court age of ten - eighteen years who commits an act which when committed beyond this statutory age would be punishable as a crime or an act injurious to the self, other individuals or the general public (Government of Kenya, 2001)[1].

Juvenile delinquency is an ageless part-and-parcel of every human society; this may be exemplified by the Bible book of Proverbs 13:24[2] in which wise king Solomon states that, “the one holding back his rod is hating his son, but the one loving him is he that does look for him with discipline”, meaning children were misbehaving. The causes for this phenomenon, its manifestation, modes of appearance and workings are very different to diverse countries. Evidence however shows that the colonial and post-colonial eras propagated juvenile delinquency on the African continent.

Startling news, media images, which frequently depict young people and children committing crimes and law enforcement officers falling victim, heighten the public's concern for safety and fuel the national debates on the causes of youth criminality and juvenile crime and the appropriate responses (Biden and Specter, 2007)[3]. In the year 2007, the American diplomat to Kenya told the government to rein in insecurity, warning that crime hampered development and investment. What is pathetic and shameful is that very few organizations give this problem serious attention despite the knowledge that poverty and unemployment are a major precursor for crime among

young people (Chloe, (2002)[4].

Kaba (2010)[5], Gavazzi (2009)[6] Around the world, the poor represent a disproportionate number of those incarcerated, evidence that people kept at social, political and economic disadvantage are at greater risk of becoming delinquent. Statistical data indicate that, rates of youth crime especially rose in the 1990s. The countries in transition in particular have witnessed a dramatic rise in delinquency rates; since 1995, juvenile crime levels in many Commonwealth independent states have increased by more than 30 per cent. Young people who are at risk of becoming delinquents often live in difficult circumstances, including socio-economic and political restructuring which occasions a spiral of exclusions in the society. The number of children in especially difficult circumstances and at risk of becoming delinquents in the world is estimated to have increased from 80 million to 150 million between 1992 and 2000 (World Youth Report (WYR) 2003)[7]. This number is continuously growing as parents and guardians continue losing their source of livelihood and the global economic crisis continue biting harder, many young people are either unemployed or underemployed. In spite of this grievous situation, most African governments have not adequately addressed the problems of youth and children.

The children with a high propensity for delinquency in Kenya include among others, victims of poverty and tribal clashes, absent parent(s) or parental alcoholism and consequent neglect of offspring(s), breakdown of family and single parent family structures. Other factors include overcrowding, abusive home conditions, HIV/AIDS scourge and related orphaning or unaccompanied children (WYR, 2003)[8]. These causative factors are largely a legacy of development policies, that begun with colonial rule and modernity, which gave an offshoot of conditions for juvenile

delinquency. The independent Kenyan government inherited the problems that have worsened over the years. This paper assumed that appropriate national development logics have potential for engaging youth and children in proactive lives, thereby preventing juvenile delinquency.

The government in power plans national development. The important aspects of planning are physical, social, financial, and economic. While physical planning deals with land use, layout and location, transport and design in rural and urban areas, social planning concerns the welfare and social services, cultural development, modification of attitudes, alleviation of social problems and self help. Financial planning involves determination of government revenue, recurrent expenditure, capital budgeting and planning, and creation of financial institutions, while economic planning involves organising the government's real and monetary resources in a concerted and coordinated development effort. These aspects constitute the concept of developmental logic in this paper.

A document analysis of the national development plans revealed that most plans did not provide adequate policies and plans of preventing juvenile delinquency, many of the plans tended to address the symptoms while the causes are unattended. The symptoms planned for included school dropouts and enormous numbers of primary school graduates, rural-urban migration and housing, unemployed, inequitable distribution of resources among others. Each Kenyan government have tended to perfect the legacy of treatment of symptoms of juvenile delinquency by 'improving' correctional treatment employed by its predecessor in place of seeking preventative approaches.

Mugo (2004) [9], identified that the correctional treatment of juvenile delinquents have been going through paradigm shifts from 1909 through to the mid 1990s. The different schools of thoughts chronologically include; disciplinarian paradigm which viewed the child as lacking adequate parental or guardian care and therefore as growing up devoid of direction and supervision; the second school is the 'caritative' paradigm which perceive the child as a victim of deprivation; the egalitarian paradigm on the other hand take on a rights-based perception of the delinquent child; while the systematic paradigm view the delinquent child as a symptom of a much bigger problem. This paper embraces the systematic paradigm in analysing how the governments have failed to prevent juvenile delinquency by treating the symptoms rather than the genesis of the problem. This analyses ranges from the pre-colonial Kenya to post colonial Kenya.

2. Juvenile Delinquency in Pre-colonial Era in Kenya

What is common to practically most Kenyan writing on modern social, economic, and political problems is its major thematic preoccupation with the dynamics of how tradition and modernity interact in African society. This thematic preoccupation into varied directions, with major concerns being the disintegration of the traditional village and extended family setting following the arrival of the Europeans, the disequilibrium caused by European formal

education, the torment of the African, and the influence of the missionaries. The traditional Kenyan history generally comprise repetitive processes of life and death, seasonal cycles, growth and separation of lineage, the regular initiation of age groups and stories of legendary heroes.

During the course of the 19th century, the people of Kenya began to emerge in the written records by the European travellers, missionaries, and traders who traversed the area. An apt understanding of the traditional societal dynamics is important to giving insight into the conditions that qualifies a child for juvenile delinquency in modern Kenya. Traditional societies had a strong kinship. Individualism and the nucleus family, some of the observable circumstances for juvenile delinquency never existed. They are an offshoot of colonialism.

Spear (1981) [10], observed that the extended family comprising a man, his wives, and their children was the smallest unit in the society to which a child belonged to. This was also the basic economic unit, producing and consuming its food and other needs. Each individual was however incorporated in an extensive genealogy in which he/she could trace his or her relationship to anyone else in the society. This extended family catered for all its children, consequently there were no destitute children, such that, even orphaned children could afford the luxury of breast milk. They received opportunities like every other child in the community.

Contrary to the modern day setting, marriage in traditional society was a societal affair; it meant a joining of two different lineages and not just two people. An exchange of valuable goods sealed marriage relationship, which was a permanent affair and binding. Cases of divorce or single parenthood were out of question. In fact, single motherhood was not an option even for widows. Children did not therefore suffer from broken marriages.

The pre-colonial economies were fundamentally non-capitalist with a few hints of pseudo capitalism (Aseka 1992)[11]. People had devised diverse cultural institutions and made different ecological adaptations based on their environment - life was mainly localised. Many economic, social, and political activities took place in the villages, ranging in size from single family to several families numbering hundreds of people. People engaged in different economic activities including farming, herding, fishing, and trade and artisan industries. They simply exploited what was locally available in their environments and one could appeal to distant relatives for help in times of need such as famine.

The social operations stressed the communal role without inhibiting the productivity and creativity of the individual. Socio-economic institutions were therefore, well established with each child's future development well secured. This fitted-in with the pre-colonial pre-capitalist economy and developmental needs that were communal, non-competitive, and rural based. Land was communal, everyone had land to till and graze his or her livestock.

Spear (1981) [12] comments that men who desired to trade with one another often took blood oath first to treat one

another as brother; consequently there was no competition or exploitation in trade. In some societies, lineage-mates lived together in a single village and formed a cooperative economic and social unit. This afforded any hard working person the potential to prosper and bring up their children comfortably in a pre-modernity perspective. Thus, squatters, social classes and the gap between poor and rich never existed. Though one may argue that tribal conflicts and theft of livestock was an integral part of the economies of the pre-colonial Kenyan communities, it is also arguable that such conflicts did not bare the magnitude of modern conflicts on the child and no child had to steal for subsistence, as is the case for many children in modern day Kenya.

Moi (1986)[13] says that every African society in Kenya had a carefully planned traditional education system. This education was inclusive, relevant, utilitarian, and gender based. It stressed practical wisdom, productive dialogue in case of problem, and preparedness to face challenges in adult life. It offered children knowledge, skills, and attitudes based on their age, and managed to deter most children from delinquency. Discipline and self-control were highly esteemed and cases of delinquency were quite rare because, all people regarded and observed societal values. Ironically, the colonial modern education was organised along racial lines where the black got lowest form of education that prepared them for manual labour and servitude, (GoK, 1999)[14]. This education introduced racial and social discrimination to children.

Spear (1981)[15] continues to say that in traditional societies, works allocation was age based. Children did light chores within their capabilities, mainly around the home, such as herding and domestic chores. There were no issues of child abuse, destitute and abandoned children.

Mugo (2004)[16] argues that, it was the colonial system that broke the network of the extended family apart, especially through dubious ways of colonial administration including; identification systems, taxation and resettlement. The concept of 'the individual' is strongly attributed to the British colonial model of development and modernisation. Though this cannot be taken wholesome, the introduction of the Kenyan nation, and process of urbanisation had dire effect on the traditional fabric of life and on the child.

3. Colonization and Juvenile Delinquency in Kenya

Aseka (1992)[17] strongly asserts that there is plenty of evidence all over the country showing that the colonialism contributed to the gradual breakdown of the African traditional forms. He says that the dominance of the European missionaries, traders, and administrators led to the creation of institutions and the emergence of new social, political and economic forms which negated the essence and sustenance of the African traditional orders.

The arrival of missionaries preceded the administrators Africa, the former Christianized Africans and prepared them for servitude. They demonised some attributes of African culture and religion, and strongly urged the Africans to abandon them in favour of Christian religion, which called on the servant to obey the master. For instance, the Bible

book of Ephesians 6:5-6[18] states, "You slaves, be obedient to those who are masters in a fleshly sense, with fear and trembling in the sincerity of your hearts...doing the will of God whole-souled." Christianized Africans therefore had to obey the colonialist and accept that as God's purpose for their lives. All this, Chloe (2002)[19] argues was typically expected to "civilize" colonized Africans, to reshape their family lives, religion, work habits, land ownership, and ways of handling conflicts.

There is therefore no doubt that the British colonial law contributed to reformulation of culture and consciousness, creating new conceptions of time, space, work, property, marriage, and the family. A new developmental logic was ushered in - the capitalist economy based on exploitation, individualism, and a monetary system (Fanon 1977)[20]. The system required individuals to work many hours in European industries, farms, and offices to earn money, which became the basis for life and a person's worth and existence.

3.1. The British Colonial Capitalist Economy

The colonial economies overexploited Africans to build wealth for British government. The colonial government alienated the best farming land, imposed a myriad of taxes, and enforced labour to ensure that willing and unwilling Africans worked on European farms (Spear 1981)[21]. The rural peasantry in most parts of Kenya did forced labour for long hours before they could till their small farms and cater for their children. Identification cards ensured all labourers were registered; hence, no one escaped the taxation and labour.

This led to the Mau Mau struggle, which was a defining and divisive experience for the colony and later the nation of Kenya. In the 1950s, as resistance fighters in increasing numbers took to the forests of Mount Kenya or the Aberdare Ranges the colonial administration declared a state of emergency, restricting movement in the area, resettling people into more easily controlled "villages," and using Kenyan homeguards to combat what they termed a terrorist movement (Kurtz, 1993) [22].

Aseka (1992) [23] argues that there was resolve by the colonialists to restrict Africans in education, administration, production, and exchange at extremely low levels. The colonial officialdom and imperialist interests came to shape the social and political struggle for power and control. This struggle led to the concerted resolve by the colonialists to marginalise the Africans. In an effort to maximize African labour, the colonialist did not even hesitate to utilize child labour

3.2. Child Labour in Colonial Kenya

The labour activities of children and youth were central to strategies of capital accumulation. To demonstrating how vital children and youth were to the colonial economy, it is important to make children visible in the history of colonial Kenya. This will allow us to gain a new perspective on the history of juvenile delinquency, how colonial rule accentuated it in Kenya. Children provided a large and cheap labour force. Their childhood was denied, in addition, they

were exposed to money and related evils including child prostitution, drug abuse, and vagrancy among other delinquent behaviours.

Chambliss (1973)[24] show that the colonial law classified any person aged 16 years and above as an adult. This age limit applied in domains such as taxation and labour. The enforced system of taxation from the age of sixteen was viewed as the most powerful way to compel the child to break with his home, the African child at 16 years of age thus was made 'adult' to lead their lives free of their parent's counsel and manage their socio-economic affairs. For example, the Poll and Hut Taxes required every "able-bodied" male over the age of sixteen to pay a fee to the colonial administration. Towards this end, many Africans (including children) eked a living as manual labourer, hawkers, house-boys, artisans and even prostitutes (Aseka 1992)[25].

Bernaut (2003)[26] points to the possibility that, numerous youth under the age of sixteen were also required to pay tax. According to Spear (1981)[27] the definition of a legal age for children reveals the colonial authorities' willingness to take on a greater role in the exploitation of African youth. This control was at its simplest, a way of manipulating the movements of children's labour and the flow of young migrants from rural areas, it also attempted to control the behaviour of minor delinquents to protect colonial interests.

3.3. Gender Roles and Delinquency within Colonial Economy

There are divergent views on the influence of colonisation on gender roles and the subsequent modern role of the African woman. Chambliss (1973)[28], argues that colonialism influenced a female gender construction created through day-to-day colonial administrative practices; others scholars show the importance of colonialism in the construction of gender roles and consequently in influencing the representation of the role of women in socio-economic and political aspects such as nationalism, (Chloe (2002)[29].

Regardless of the school of thought one subscribes to, it is agreeable that colonialism interfered with the traditional gender roles that ensured the welfare of children. Modern gender roles allows women to work away from their homes, breaking the attachment and firm relationship that existed between the traditional mother or foster mother and her off springs. In line with the dictates of modernity, the term 'absent mother' is increasing gaining momentum as women keep venturing into what were previously male domains. In pursuit of modern careers, women leave their children with caregivers who take over the nurturing role. Most caregivers are young and inexperienced. Consequently, most children are at risk of becoming delinquents due to lack of parental care and guidance.

The advent of colonialism saw the nuclear family gain prominence in Kenya. A worse turn of events for the child saw single parenthood especially single motherhood accepted and become common. This meant that a child was the sole responsibility of a single person who is often pre-occupied with the dictates of modern life trajectories, with

lesser time for parenting. Children in such situations develop the behaviours they chose, associate with anyone available, and act as they deem fit.

Aseka (1992) [30], Kurtz (1993) [31] are in agreement that the breakdown of extended family coupled with unemployment introduced to the Africans a new concept of the woman and a new form trade - commercial sex, which was not an economic option in pre-colonial Kenya. The commercial sex workers do their trade at night leaving their children unattended, exposing them to vagrancy and child prostitution. Such parents are role models for their children, who soon follow suit.

Today, commercial sex is an accepted way of life in parts of the Kenyan coast where a young girl keeping a white lover and bringing food home is envied. Their exploitive legacy is still live. This may seem harsh but, with cases of child prostitution being highlighted in the news media once in while, the societal depicted as appreciating such children, and the government doing very little to address the cause of this abuse of the Kenyan child, the questions becomes: Are these children to blame for their delinquency? Have the past governments conspired against the poor child?

3.4. Colonial law and Juvenile Delinquency in Kenya

Bernaut (2003)[32], Chambliss (1973)[33], points out that colonial powers developed a series of legal mechanisms to control Africans' mobility, criminality, and daily activities. In this context, the colonial laws worked as an instrument of social control by providing the bases with which to criminalize, police, judge, punish Africans, and settle disputes. Moreover, colonial authorities clung to the rule of law as a civilizing justification for the domination of African populations.

Children were perhaps most subject to an increasing body of colonial legislation, particularly when they fell into delinquency. Juvenile delinquency was defined as all forms of criminal behaviours among young people. In the context of the colonial period, the notion of juvenile delinquency reflected an ideology that judged children along racial lines, in a separate category, and emphasized the role of social environment as the primary determinant of their behaviour. Ironically, the colonialists created an environment fertile for children to degenerate into delinquency, they set an age limit that classified or defined an accused person as a young delinquent when he/she was less than sixteen years. Any child aged 16 years and above who failed to pay taxes or ventured to the 'wrong' place got into direct conflict with the colonial law. One can therefore rightfully argue that, the colonial government created juvenile delinquents of the African children. Children in conflict with the law experienced different legal situations, related to a number of factors defined by colonial authorities (Bernaut 2003[34], Chloe 2002[35], Chambliss 1973[36]).

The long working prescribed by the colonialists ensured parents had little or no time for their children, such children were left hungry, unattended and without care. Any such children who misbehaved or roamed about was put in rehabilitation institutions which were punitive and only

served to harden the child. The colonizers therefore created favourable grounds for neglect of the African child. The child in turn became delinquency for survival.

3.5. Individualism and its Effects on the Child

The over-exploitive colonial developmental policy and the dictates of capitalism saw an offshoot of individualism, which is a major principle of capitalism. Individualism meant detachment of individuals from their extended family. This led to disintegration of the previously well-established pre-capitalist socio-economic and political institutions that ensured the well-being of the African child. Individualism meant fierce competition for space, employment, education, and land among other resources. This competition bred crime, frustrations and alcoholism, neglect of offspring, land grabbing, urban shanties and an urban populace that was completely detached from the rural families.

The development of colonial administrative and urban centres is a major factor that contributed to the reshaping of African families towards individualism. Men and women, young and old, experienced modern urbanisation in many domains; urban areas offered better opportunities including modern education, employment, and lifestyles. This led to rural-urban migration that ultimately marked the end of the cohesive traditional extended family, and the genesis of many evils related to individualism that affects the African child to-date.

The urban dwellers embraced western cultures of individualism, some completely lost touch with their rural folks and traditional cultures and values. For the first time in Kenyan history, children had only two adult members of the family. The demise of the two adults meant unattended children, and child-headed families that are common to-date.

3.6. Inequitable Distribution of Resources and its Contribution to Delinquency in Colonial Era

The colonial master's bid to entrench its rule resulted to inequitable distribution of resources where only areas of their interest benefitted from infrastructural development, employment opportunities and other forms of modern civility. On the contrary, most urban areas occupied by Africans were characterised by stinking back alleys, ramshackle dwellings, and severe social problems that accompany them, such as, inadequate housing and jobs, non-existent waste removal services, corrupt officials, alcoholism, thievery and juvenile delinquency.

The exclusion of Africans from social and economic development and political awareness in colonial era and its subsequent introduction of juvenile delinquency in Africa is depicted in the work of Abrahams (1963)[37] in which, he describes the South African blacks as being mercilessly exploited as mine workers in a country where lawful racial and economic segregation was the norm. The colonial South African society comprised of the whites, the coloureds, and the Asians, while the blacks were the dregs. They were exploited, driven to the periphery of the city, and constantly harassed by police. This left the blacks tired, frustrated, and with nothing to turn to except illicit beer (brewed by the

black women). The brew quickly drained their energies. Abrahams continues to say, black children were unattended, played in their filthy environs thereby exposing themselves to diseases. Abraham says they fought over leftovers in the gutters, while young girls hunted for men, to fill-in their need for affection, recreation, and economic welfare. This depicts very fertile grounds for brooding juvenile delinquency, vices that still haunt the African child.

This argument is resounded by Fanon (1977)[38], he says colonial occupation and the economic exploitation are responsible for rising cases of psychiatric problems and delinquency. His writings on the Algerian revolution showed that, the former colonial masters to the African states brought with them military brutality aimed at protecting the exploitation of the African resources. This was done by the European elites who Fanon calls the western bourgeoisie, who sought to perpetuate the discomfort of the colonized through impoverishment and maintenance of their administrative systems, which were based on over-exploitation. Africans were reduced to beasts of burden. This exploitation caused fundamental mental and psychological problems among Africans to the extent that they engage in behaviours labelled as deviant or delinquent. The children of these victims only fit the label of juvenile delinquents.

3.7. Correction of Juvenile Offenders in Colonial Era

British authorities produced an array of legal remedies to address juvenile delinquency. They came up with public institutions which directed the formal 'welfare' for minors, who had been in conflict with the law. Juvenile delinquency and its treatment were mediated and structured by gender and therefore differentially experienced by girls and boys under a disciplinarian paradigm which viewed the child as lacking adequate parental or guardian care and therefore as growing up devoid of direction and supervision (Mugo 2004) [39]. This was the basis for the establishment of rehabilitation institutions in Kenya. They employed punitive measures of correction of undesirable behaviours in children. Based on this paradigm, the colonialist imprisoned any loitering children, any unaccompanied children who went to the wrong places probably looking for food or lost, and children who failed to pay the required taxes, register themselves, or carry their identification cards. Such children were detrimental to colonial interests of free labour.

Furthermore, one of the aftermaths of struggle for independence was large numbers of orphaned and abandoned children whose parents had moved into the forest to stage war or had died in the struggle. Mugo (2004)[40] observed that, as the celebration for independence took place in 1963, many destitute children adorned the stage. Soon after independence, a few boys could be seen scavenging for food around parliament buildings.

The list can be expanded indefinitely to underline the fact that the colonial developmental logic severely affected the African children and drove them into delinquency. The British government bequeathed the independent government a legacy that causes juvenile delinquency. Consequent governments seem to have condemned the poor deeper into

the pits of poverty, suffering, and frustrations and exposed their children to delinquent life trajectory.

4. Post-Colonial Governments

There is no doubt that the Mau Mau fighters were instrumental in convincing the British government to grant political independence in Kenya. However, when the colonial administration negotiated the terms of independence, it was with leaders who had not been personally involved in the armed struggle. The result has been an uneasy official position toward the Mau Mau participants during the entire post-colonial era (Ochieng 1985[41], Chloe 2002[42]).

Kurtz (1993) [43] says that, while giving lip service to the patriotism of the freedom fighters, many politicians who themselves took less confrontational and more collaborative stances during the colonial era are happy to forget it. Upon independence, the non-combatant Kenyan leaders emerged as a new social, political, and economic elite class, who became the native bourgeoisie who runs Kenya to-date. This class comprise a few promising young men whom the colonialists took to their mother countries abroad, educated them and branded them with capitalist ideas and ways of the white man's lies.

Kenyan writers have been accused of accepting and perpetuating a negative image of this bourgeoisie class. History have been rewritten to downplay the heroism of the guerilla fighters and instead emphasize the role of Jomo Kenyatta and other post-independence political leaders (Kurtz 1993) [44].

After a long bloody struggle for freedom, many common Kenyans were left landlessness, under exploitive economic policies, inequitable distribution of resources, and modernization of rural life. They also have to endure the dilemmas of life in towns and cities and the related thriving environment for juvenile delinquency, among other wrongs inherited by the first Kenyan government by blacks (Chloe 2002)[45]. These problems traverse the post independence era and continually affect children.

Ochieng (1985)[46] says that in view of the many socio-economic problems at independence, the government coined the idea of 'Kenyanization' of development aiming to develop Kenya for the benefit of Kenyans. Most post independence national development plans explicitly outline how 'Kenyanization' was achievable within five years periods. Towards this end, all post independent government have recognise the need to deal with poverty, unemployment, education, and crime among youth as major contributions towards development. Consequent governments have unsuccessfully planned and attempted to deal with the issues in different ways.

4.1. The First Independent Government - (1963-1978)

Ochieng (1985)[47] argues that Kenyans emerged from the womb of the colonial epoch with conflicting development strategies. By early 1960 there was one group led by Tom Mboya who believed in capitalist western democracy and

another group led by Oginga Odinga who believed in the Marxist brand of socialism. The bourgeois class led by Mboya was aware that its basic interest was to preserve the capitalist socio-economic structure. They however hid under the concept of African socialism and promised to redistribute national wealth and public service. Towards this end, on Independence Day, the first president Jomo Kenyatta appeared before Kenyans and announced that his government would build a democratic African socialist state and that all people would get equal opportunities. Kenyatta however never altered the colonial socio-economic structure.

4.1.1. Distribution of Resources

Ochieng (1985)[48] describes the disillusionment of Kenyans. He argues that in the preceding years, people had hoped that independence would mark a transition from the realm of necessity into the realm of freedom and abundance. Their dream was to build a democratic socialist state. Kenyatta quoting the Bible book of Exodus however said that people would not get 'manna' like in the Israelites; he said that God had closed the doors of manna and therefore people had to work for it. Ochieng concludes that, nevertheless, it would seem that God only closed doors for the poor. The rich took for themselves large track of land, the national economy, and continued exploiting cheap labour of the poor to enrich themselves in the same way the colonizers had.

Fanon (1977) [49] says that the 'common man' in Africa was never liberated they feel cheated and violated. They and their children are weary of their situation and these feelings trickle down the generations. While the gap between the native bourgeoisie and the poor widen by the day, the poor remains the victim of exploitive social and economic aspects of governance and, will frequently engage in deviant or delinquent behaviours in a bid for liberation. Fanon concludes that, no gentleness can efface the marks of violence, only violence itself can destroy them, when the oppressed takes a gun or his crude weapon it becomes his proof of humanity, its use against the oppressor sets him free. Interestingly, in recent years, Kenya has experienced crises in central region among others, the breeding centres of the outlawed '*mungiki*' who claim to be '*matiguri ma njirungi*' (the children/remnant of Mau Mau). The regions were colonial concentration spots that were excluded from modern education and economy by subsequent governments. Certainly, children in such regions are bound to acquire delinquent behaviours. This becomes a perpetual spiral of juvenile delinquency.

4.1.2. Unemployment

The government's 1966-1970 development plan mentions a plan to put unemployed young people into an environment that will inculcate good citizenship and provide an opportunity to contribute to socio-economic development of the country. To alleviate unemployment and hardship, young people were to receive employment, education, and training to prepare them for a proactive future. By 1970, over 3000 young men had been engaged in projects of national importance; such people would otherwise have been jobless and may have adapted delinquent lifestyles. They were then involved in projects such as road, bridge and dam building,

clearing bushes and tsetse fly control and irrigation work (GoK, 1965)[50].

This was a very good development agenda, however it was lacking in various aspects of development. Firstly, young women were minimally involved in the development effort such that only about 200 women had been involved by 1970. Secondly, the training occurred in urban areas leading to perpetuation of rural-urban migration of young people. This rural-urban migration led to extremely serious housing problem among the urban African households, such that, by 1966 approximately 49% of all the urban African households were overcrowded (Kurtz 2002[51], Ochieng 1985[52]). Overcrowding bleeds juvenile delinquency.

4.1.3. Housing

In a bid to deal with housing problem, the government planned to mobilize resources to provide more housing. The government failed to recognize the need to decentralize resources and development to encourage young people to stay in the rural areas. Instead, the government build more cheap houses to accommodate the population needed for industrial expansion. The move to provide more housing meant further rural-urban migration. The housing problem has not been solved to-date. The third development plan 1966-1970 (GoK 1965)[53], shows that the government foresaw the possibility of degrading towns into slums, but failed to come up with a long-term solution to the problem, the government actually allowed people to build shanties using semi-permanent materials. Consequently, today Kenya boasts some of the largest slums in Africa, that bleed juvenile delinquency.

4.1.4. Juvenile Rehabilitation

The first government inherited the punitive approved schools, which it embraced and maintained the status-quo. The government actually felt these were very useful in rehabilitating children in a bid to reduce the number of criminals in jails. In doing this, the government failed to address causes of juvenile delinquency. Rather, the government established more rehabilitation schools. In addition, the government also established remand homes for children. Children sent to these institutions often become hardened and easily find their way to adult correctional institutions (Wakanyua 1995)[54]. The status-quo remains with a few alterations pegged to the Children Act.

4.1.5. Education

By 1965, the first government was cognisant that children from some arid areas failed to go to school due to nomadic lifestyle, but it failed to provide interventional measures such as adequate boarding schools (Kurtz 1993)[55]. Most of pastoral areas have therefore remained underdeveloped, while the girl child is married off at a tender age, while boys are out of school and involved in armed conflicts.

The development plans of 1963-1978 continually mention the phenomenal large number of primary school leavers who are dissatisfied with the modest occupations in rural areas whose productivity levels are very low (Ochieng 1985)[56]. They also show that these school leavers were flocking into towns. Despite this early warning, the government failed to come up with measures for adequately maintaining the

school leavers in rural areas and ensuring they were proactively engaged. Today, many Kenyan are weary of visiting or settling in rural areas due to insecurity.

The 1974-1978 development plan (GoK 1973)[57] was concerned with the large number of children who got wasted from the education system after the primary school level due to poverty and inadequate institutions of higher learning. However, the government did not managed to address this issue and the large number of standard eight and seven graduates that is not engaged in any form of occupation is still an issue of concern. Furthermore, this led to emergence of a class of jobless young urban dwellers. One wonders, where do these children eventually go? What are their preoccupations? Are they engaged in forms of delinquent activities?

The government came up with the department of social services concerned with young persons aged between 5-20 years. It aimed at utilising these young people for economic development through village polytechnics and subsequent self-employment. The department was also rehabilitating the needy through counselling. The government still failed to address the root of the problem, counselling only serves to solve psychological issues while socio-economic issues were left unattended, at a time when the government had a lot of land and resources to help such persons become productive (GoK 1973)[58].

4.2. The Second Government (1978-2002)

This government came up with a very good policy that saw each primary school child well nourished with a glass of milk on a daily basis. This was applauded and the policy ensured each child was provided with at least minimum nutrients since milk is considered a wholesome meal. The government however introduced cost sharing in education from primary to secondary school levels that saw many children drop out of school, and flock into the streets of many urban places in Kenya.

In its first development plan 1979-1983, (GoK 1978)[59] the government noted that the success under approved schools and remand homes programme was successful on one hand but also expressed concern for increased demand on these facilities meaning the number of delinquent children kept increasing. One of its major plans was to increase the juvenile rehabilitation facilities to meet increasing demand. This government just like its predecessor failed to address the concern on the factors behind the increasing number of children in need of protection and rehabilitation.

4.2.1 Government Expenditure

Ochieng (1995)[60] observed that the first decade of nyayo era was marked by economic problems both internal and external. The social welfare department was to concern itself with the welfare of the entire population while nothing special for children in need such as the abandoned and orphaned. During the period 1979-1983 the estimated expenditure on state houses and lodges was 3,249,000 Kenya pounds, quite comparable to the youth program's 1,954,300 Kenya pounds and special rural development

programme's 21,000 Kenya pounds (GoK 1978)[61], this was in spite of the large number of jobless youth.

Development is for the youth and their prosperity. Therefore, education should enable them to appreciate and appraise the government. The nation spends over 30% of national budget on education. In 1984, the government introduced pre-university National Youth Service, to give university students a practical training. Its main aim were to upgrade the insight and outlook of the students towards sharing national viewpoint, and a joint responsibility to help youth focus their energies towards national building (Moi, 1986)[62]. The youth not joining the university did not receive as much attention. One wonders, was the purpose of the National Youth Service program to tame university students, at a time characterized by frequent student unrest?

The era saw the erection of expensive monuments in different parts of Kenya that mainly symbolized the authority of the government (Aseka 1992)[63]. These were funded by the national kitty, while at the same time, many children flocked the streets and dumping sites in such for basic needs. Towards the end of this era, the legislature meant to protect the interest of children awarded itself hefty pay increments despite the outcry of the citizens against this selfish gesture. At the same time, children from slums and poor homes continued migrating from homes to the streets. At the sunset of this era, street children were a serious menace that made streets unsafe day and night such that people had to hide to answer calls on their cell phones. Otherwise, street children be snatched cell phones in broad daylight, and threatened rescuers with faecal matter carried in hidden containers.

The 1984-1988 Development Plan GoK, (1983)[64], considered poverty a national phenomena existing in cities and rural areas at varying degrees throughout the nation. Allocation of resources to the public sector received first priority, this was meant to improve the incomes of the poor by engaging them more productively in the national development. It is however unfortunate that throughout this period people continued languishing in poverty and the gap between the rich and the poor became wider.

In addition, this era experienced large-scale tribal clashes in some parts of the country. These conflicts rendered some children orphaned while others experienced violence first-hand having witnessed people murder. Some of these children found their way into the streets in towns and Nairobi the capital city where they felt more secure and led a street life.

Moi (1986)[65], says there is over-concentration of industries in urban area. He blames this on the colonial mismanagement of development. However, Ochieng (1985)[66] contrasts this argument, he states that though the origin of Kenya's industrialization is traced to the colonial period, it was in the period after independence that substantial progress in industrial development was realised. He firmly states that many manufacturing firms came up particularly in the second half of the 1970's. His argument is supported by the fourth national development plan that estimated that 317 Kenya pounds were required for

industrial investment for the period 1979-1983 (GoK 1978)[67]. This means that the Moi government had the opportunity to decentralise industrialization and ease congestion in towns and the related side effects on children.

4.3 The third government (2002-2009)

The entry of this government was dubbed the second liberation. It was ushered in by the constitutional exit of the Moi regime (second government) that saw in place a new government and a new democracy anchored by freedom of expression. Kenyans applauded a second liberation. This government introduced free primary education and saw many children removed from the street life in urban areas and back into the classrooms - this was the major achievement of the government (GoK, 2000)[68]. However, for nine years of its existence, secondary education remained out of reach for the poor.

The government introduced many types of funds including the constituency development fund, youth development fund and women's fund all of which were meant to better the lives of Kenyan youth particularly those in self employment. The government attempted to address problems of children but failed to tackle increasing levels of juvenile delinquency in Kenya.

5. Conclusion

The past governments dealt with the symptoms of juvenile delinquency and provided short-lived solutions. The menace of juvenile delinquency can only be solved by addressing the causes through preventative measures.

Past governments have accentuated juvenile delinquency through construction of more facilities, establishment of slum dwellings and inability to engage out-of-school youth. Consequently, juvenile delinquency always been on the rise since independence.

In conclusion, the writers state that the governments are aware of the causal factors of juvenile delinquency, and if they are not aware, they have the necessary machinery to find out. The government should therefore stop treating the offenders as parasites for extermination by warehousing them in exclusive rehabilitation schools to ensure the safety of the society as noted by Hirschi, (1969)[69], WYR, (2003)[70].

This kind of treatment is labelling and may result to recidivism in accordance to the self-fulfilling prophecy (Goffman, 1963)[71]. It is high time that government changed tact, to enhance the welfare of children, and ensure that none of them is engage in delinquent behaviours or even risk being enticed into terrorism.

6. The way forward on juvenile delinquency

- The government should establish a Children's fund for children who experience adversities.
- The judiciary should come up with a bond for parent whose children are offenders. Such parents should be given compulsory parenting classes.

- Children's courts should reconsider ruling in on institutional rehabilitation.
- Rehabilitation institutions should be reconstituted to take on a community based approach to rehabilitation.
- Give teachers skills on emotional and behavioural disorders.
- The government should set up an education commission to address juvenile delinquency and provide possible solutions to the problem.
- Government through the new county governments should facilitate devolution of industrialization and development to ease congestion and slum life.

References

- [1] P. Abrahams, *Mine Boy*, Macmillan, London, 1963.
- [2] E. Aseka, *Jomo Kenyatta*, East Africa Educational Publishing, Nairobi, 1992.
- [3] J. Biden, A Specter, "Juvenile Crime: Causes And Consequences", Congressional Research Briefing, London, January 19 2007.
- [4] Bible, *New World Translation of the Holy Scriptures*, International Bible Students Association, New York 1984.
- [5] J.W. Chambliss, *Problems of industrial society*, Addison Wesley, London, 1973.
- [6] C. Chloe, "Juvenile Delinquency in colonial Kenya, 1900-1939", *The Historical Juvenile offender Journal*, 45 pp. 129-151, 2002.
- [7] F. Fanon, *The Wretched of the Earth*, Macmillan, London, 1977.
- [8] S. Gavazzi, "Girl Juvenile Offenders Exhibit More Problems, Risks than Boys" The Ohio State University, <mailto:Gavazzi.1@osu.edu> 2009. [Accessed on Dec. 10. 2014].
- [9] Goffman, *Stigma: Notes on the Management of Spoiled Identity*, Prentice-Hall, Englewood Cliffs, NJ, 1963.
- [10] Government of Kenya, *National Development Plan 1966-1970*, Government Printers, Nairobi, 1965.
- [11] Government of Kenya, *National Development Plan 74-78*. Government Printers, Nairobi, 1973.
- [12] Government of Kenya, *National Development Plan 1979-1983*. Government Printers, Nairobi, 1978.
- [13] Government of Kenya, *Totally Integrated Quality Education and Training, Report of the Commission of Inquiry into the Education System of Kenya*, Government Printers, Nairobi, 1999.
- [14] Government of Kenya, *National Development Plan 2002-2008*. Government Printers, Nairobi, 2000..
- [15] Government of Kenya, *Kenya Gazette Supplement No 95, (Act No. 8), 'The Children Act'*. Government Printers, Nairobi, 2001.
- [16] T. Hirschi, *Causes of Delinquency*, University of California Press, Berkeley, 1969.
- [17] M. Kaba, "Offences and Incarceration among Girls and Young Women in Illinois and Chicago", Project NIA and Chicago Taskforce on Violence against Girls and Young Women. www.project-nia.org/doc/project, 2010). [Accessed on Nov. 11. 2014].
- [18] J. R. Kurtz, *Invisible Hands: Child Labour and the State in Colonial Zimbabwe*, *Journal of the History of Childhood and Youth*, 1, (3), pp. 481-483, 1993.

- [19] D.T. Moi, *Kenya African Nationalism: Nyayo Practices and Principle*, Macmillan, London, 1986.
- [20] World Youth Report, "Delinquency and Criminal Behaviour", World Youth Programme of Action for Youth, 2003. www.un.org/youth . [Accessed on Jan. 20. 2015].
- [21] J. K. Mugo, *Rehabilitating Street Children in Kenya: Approaches, Quality and Challenges*, IKO, London, 2004.
- [22] W. Ochieng, *The History of Kenya*, Macmillan, Nairobi, 1985.
- [23] T. Spear, *Kenya's Past: An Introduction to Historical Methods*, Longman, New York, 1981.
- [24] S.N. Wakanyua, "Rehabilitation of Juvenile Delinquents: A Survey of Approved Schools in Kenya". M.A. Thesis, University Of Nairobi. 1995.