

## DEBATES

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# *Thinking Through the Crisis of Democratisation in Kenya: A Response to Adar and Murunga*

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Kenyan politics, particularly the transition from the Kenyatta to the Moi regime has over the last two decades attracted a vast amount of literature. The recent contributions by Adar, 'The Internal and External Context of Human Rights Practice in Kenya: Moi's Operational Code', and Murunga's review of Willy Mutunga's *Civil Society and Transition Politics in Kenya* (both in *African Sociological Review* 4, (1), 2000), are probably the latest addition to an ongoing debate on the character of Kenya's state and the democratisation process (see amongst others, Ajulu, 1995, 96, 97 & 98; Barkan, 1992; Bates, 1989; Gibbon, 1995; Kariuki, 1996, Lonsdale, 1992; Ngunyi, 1993; Nyon'go, 1989; Ogot and Ochieng, 1995; Kanyinga, 1993; 1994; Southall, 1998 & 1999; Throup, 1987, 1993; Widner, 1992). Obviously this literature is diverse and the different scholars no doubt hold different interpretations of the politics of independent Kenya. But there is nonetheless a consensus that the country is groaning under the weight of what Kandeh (1992) has described as patrimonial authoritarianism, a state which for most part has been ruled by parasitic non-hegemonic classes, and consistently lacked the capacity to establish its legitimacy and reproduce some semblance of hegemonic ideology.

The kleptocratic and predatory elite associated with the Kenyan state have relied on repressive apparatuses rather than representative institutions as instruments of legitimating their class rule. Patrimonial authoritarianism associated with transgression of human rights, detention without trial, informalisation of the state and its systematic deployment for predatory activities have been the most distinctive trade marks of this regime. Despite the introduction of 'democracy' and multi-party politics since 1992, nothing much seemed to have changed. If democratisation is understood broadly to include ingredients such as periodic elections, free press, respect for human rights, an independent judiciary, rule of law, and a greater role for civil society, then clearly Kenya's multi-party process does not seem to be headed in that direction. In fact political processes since the opening up of democratic space in

1990 have not been about deliberate construction of democratic institutions. Rather, over the last decade, the country has witnessed consistent attempts by the ruling elite to close the democratic space altogether. Thus it would seem that democracy, either in its minimalist form, that is, the procedural form of democracy, or its substantive form, that is, regular electoral contestation combined with the strengthening of independent institutions within the state and civil society, has failed to take root in the country.

Adar and Maranga, in their own different ways have attempted to grapple with some of these issues. Adar's emphasis is on the institutionalised centralisation and personalisation of power within the presidency. This he documents quite ably. Maranga's main critique centers around Mutunga's failure to historicise the transition process in Kenya. In this way, they indirectly allude to the central issue of why the post-colony in Kenya, as in a majority of sub-Saharan African states, is structured by this type of patrimonial authoritarianism. In commenting on some of the issues raised by the two contributions, this article attempts to think through the crisis of democratisation in Kenya, that is, the failure of the ruling elite to secure the uncoerced compliance of the subordinated classes. In doing this, it is important that we revisit some of the old debates about the nature and role of the state in a post-colonial political economy.

### **Revisiting the Kenyan Debate**

Much of the analysis of the Kenyan state in the 1970s centered around the development of an indigenous bourgeoisie, and the prospects of continued capitalist development (Leys, 1975, 1978; Kaplinsky, 1980; Godfrey, 1982; Langdon, 1987; Swainson, 1980, etc), an analysis which was very much steeped in the dependency school. The Kenya debate of the 1970s was focused on three main areas: the existence or not an indigenous bourgeoisie pioneering the transition to capitalist development, the control of the state by this class, and finally, the prospects of sustained capitalist development. The preoccupation with these issues led to the neglect of basic class relations, as Beckman (1988) pointed out, the 'relations of appropriation and domination that constitute the ruling class vis-a vis the subordinated classes'. More importantly, the debate neglected consideration of the politics of the post-colony, that is, how this class controlled the state and how class relations were mediated and reproduced.

Contemporary Kenya debate has attempted to address the political question. In this the Kenyan political system attracted a great deal of commendation from a number of western scholars. As late as 1989, Barkan and Holmquist could declare that the Kenyan political system was a great success. The Kenyan state, they argued, appeared to be more accountable than its neighbours, and was regarded as more legitimate by its citizens. (Barkan and Holmquist, 1989:359). This was not long after the *Mwakenya* trials, one of the worst violations of human rights in Kenya (Amnesty International, 1987; Africa Watch, 1991).

This success, they argued, was largely due to broad-based peasant participation in a self-help development movement – *Harambee*. Barkan and Holmquist's interpretation of Kenya politics, based almost exclusively on patron-client relationships, no doubt, saw the 'small' and 'middle' peasants participation in this 'pervasive' movement (*harambee*) as the key to Kenya's political legitimacy and accountability.

Three years later, Barkan presented a more sophisticated version of this argument (Barkan, 1992). The idea of an accountable and legitimate government was now abandoned in favour of what Barkan called a governance realm – the interaction between the personal expectations of the governed and institutionalised procedures operative in a particular polity. Political systems with a governance realm, he argued, '...are thus systems wherein there is a measure of bargaining, compromise, and tolerance among competing interests, and between those who exercise political authority and those who are subject to it.' (Barkan, 1992:167).

Barkan claimed that such a situation obtained in Kenya between the 1960s until about 1983, and was the result, specially, of the shrewd and skilful leadership of Kenyatta and his use of *harambee* as an extra-parliamentary institution to facilitate bargaining among politicians. This period of compromise and tolerance among competing interests was attributed to the Kenyatta regime. The central features of Kenyatta's system he argued, consisted of loose and stable ethno-regionally based political coalitions linked to the *harambee* system; a ruled based system of renewing national political leadership, and general observance of the rule of law – independence of the judiciary, etc. The totality of these factors, he argued, rendered the government legitimate, predictable, and accountable. In contrast Moi's regime, he argued, was associated with dismantling ethno-regional coalitions, centralisation of control, the break up of the Kikuyu hegemony, and the undermining of local and 'high politics' (the concept is Throup's) and a general lack of predictability of the system as a whole.

This eulogisation of the Kenyatta regime is one which has been repeated with a great degree of frequency. Throup (1989 & 1993) though not as passionate a defender of the Kenyatta regime as Barkan, nonetheless shared the same characterisation of the regime. Kenya, he argued, '...remained a relatively open and democratic society since it became independent in 1963, national and local elections have been regular, intensely competitive and comparatively fair...' (Throup, 1993:371). And despite the repression and banning of the opposition KPU in 1969, Throup remained largely upbeat about the Kenyatta regime. The single party state under Kenyatta, he argued, '...had remained relatively open and responsive to criticism, and capable of dealing with local dissent and the rise of new leaders'. (Throup, 1993:375). Even after the JM Kariuki assassination and the clampdown on the radical populist MPs which saw Seroney, Shikuku, and later Anyona carted off to detention and the politically motivated

criminal conviction of the former Nakuru MP, Mark Mwithaga, Throup saw no reason to change his mind. The Kenyatta regime, he insisted, remained remarkably open to criticism and that this openness stemmed largely from the personality of Kenyatta, a founding father of sub-ethnic nationalism in the 1920s, and later of Kenyan nationalism in the 1940s (Throup, 1993: 381-382).

Admittedly, Throup did concede to growing authoritarianism under Kenyatta. For instance, he correctly pointed out that the emergence of KPU in 1966 had exposed the authoritarian face of Kenyatta, and its banning in 1969 revealed the fundamental feature of the political culture – the refusal of the Kenyatta regime to accept democratic challenges to its right to rule. The general thrust of Throup's argument however, remained – emphasis on political legitimacy and stability under Kenyatta and its gradual breakdown under Moi. This stability was attributed to the generally auspicious circumstances in which Kenyatta was able to construct Kikuyu ethnic hegemony while at the same time deploying astute use of government patronage to build stable ethno-regional coalitions. We are told that Kenyatta was able to do this because of his political legitimacy; he was, we are told, a shrewd political tactician, and consistently sensitive to the need to tie as many prominent local leaders as possible to his regime.

Moi on the other hand is charged with the breakdown of legitimacy and political stability. This is attributed to his attempt to construct his own ethno-regional hegemony in rather inauspicious circumstances, a less buoyant economy, a deepening economic crisis in the 1980s, the insurmountable obstacle of an entrenched Kikuyu power, and declining patronage resources (Throup, 1987:35). Furthermore, Throup asserts that the weakness of the Moi regime stemmed from his failure to use the state to promote the interests of his own ethnic following (Throup, 1987: 71-2). This argument appears to me rather circular. The breakdown of political legitimacy and stability is given as his attempt to promote these interests. The weakness of the regime, it now turns out, is his failure to achieve those very same objectives which initially led to the breakdown.

Be that as it may, the broad outlines of Throup's thesis is one which has been accepted with little criticism by a number of western scholars. Barkan's (1993) notion of 'affirmative action gone wrong' draws largely from the thesis of the deconstruction of the Kenyatta regime and its replacement initially by a motley collection of politicians who had occupied the third tier of the Kenyatta coalition. Similarly, Bates's influential contribution on agrarian development in Kenya attributes small scale predation to the Kenyatta regime while identifying the grander predation to the Moi regime. The exceptions are probably Gibbon's excellent introduction in his edited work, *Markets, Civil Society and democracy in Kenya* (1995) and Susan Mueller's seminal work on the repression of opposition, *Government and Opposition in Kenya* (1984).

## The Work of Jennifer Widner

Another significant contribution which has attempted to develop a theory of understanding the complex political developments in Kenya since independence is Widner's *The Rise of Party State: From Harambee to Nyayo*. Widner's central thesis revolves around what she calls the transformation of a single-party state into a party-state, that is, from one in which the party was loosely organised with limited representative functions, to one in which it became the instrument of political and social control under the presidency. This transformation, she argues, was brought about as a result of the collapse of the extra-parliamentary bargaining system set up by the *harambee* movement under Kenyatta. The party-state, she asserts, is characterised by an effort by leaders to exclude participation of some social groups and at the same time to shape the views held by members of the weaker interest groups. (Widner, 1992) This, she says is accomplished through the manipulation of ethno-economic divisions, a breakdown of external rules or forces serving as checks and balances on untrammelled power, and such informal institutions making elites bargain across regional boundaries. The most important of these institutions, she identifies as the *harambee* system.

Widner's intellectual mentors are Zolberg (1966) and Barkan and Holmquist (1989) and Barkan (1992). From Zolberg she appropriates the theoretical formulations of a party-state. Zolberg's conceptualisation of a party-state more appropriately referred to a governmental structure in which the party had lost policy influence and had assumed the role of enforcer of policy decisions with executive police power. Where the party-states emerged, he argued, they were distinguished from single party dominance by, first, the use of party not just as means of mobilising regime support, but as adjunct to the security forces in monitoring and controlling opposition. Second, confusion of party tasks with public tasks through use of administrative machine to perform party functions, and finally, the propagation of a single-party platform, with little or no tolerance of internal dissent. In party states, therefore, the party becomes a vehicle for securing legitimacy and for controlling association, while at the same time subordinating its influence in policy determination (Zolberg, in Widner, 1992:6-7).

Widner outlines three main conditions under which a shift from single-party dominance to a party-state will normally take place. First, a shift from a single-party dominance to a party-state is likely unless electoral rules or informal, extra-parliamentary institutions force elites to bargain across boundaries in their efforts to secure winning coalitions. Second, that this shift is also possible when factions within the dominant party cannot constitute a strong opposition to ascendant factions, whose members attempt to curtail political associations or other civil liberties. Finally, a shift to party state is more likely if there are no extra-parliamentary interest groups that have independent financial bases or

occupy a critical position in the economy that they may translate into bargaining power (Widner, 1992: 10-22).

From Barkan and Holmquist (1989) and Barkan (1992), Widner borrows the idea of the governance realm and *harambee* as a source of order. Barkan's governance realm, as we have already indicated, consisted of loose and stable ethno-regionally based political coalitions linked to the *harambee* system; a ruled based system of renewing national political leadership, and a general observance of the rule of law – independence of the judiciary, etc. The totality of these factors, it is argued, rendered the government, legitimate, predictable, and accountable.

Widner thus claims that the Kenyatta regime's 'stability' was based on *harambee*. The source of order during the Kenyatta period was predicated on coalition-building that depended on patronage (Widner, 1992:60-61). 'Kenyatta employed a unique extra-parliamentary bargaining system, *harambee*, and a loosely defined political party to focus attention of politicians on local issues and on the formation of alliances across communities' (Widner, 1992:73). Kenyatta, we are told, deliberately decided against strengthening the party. He achieved this by '...subtly undercutting efforts to turn the post-independence party into an efficient organisation' (Widner, 1992:57). Kenyatta's genius, she claims, lay in building the institution of *harambee*, as a mechanism for forcing compromise and alliance between spokesmen for different communal groups, and for rewarding politicians whose constituents lost share in the allocation of public funds – an essential tool for facilitating compromise and encouraging politicians to limit their bids for control of party offices and platform. *Harambee*, according to Widner, allowed bargaining between ethnic elites to take place. In order for local elites to establish or maintain their local clienteles, they not only had to procure funding from the centre for *harambee* projects, they were obliged to supplement this personally. Such large demands were often met through an appeal for sponsorship to senior politicians with different ethno-regional identifications. (Widner, 1992:62 -63).

This extra-parliamentary bargaining system is said to have collapsed under Moi, eventually leading to the emergence of a party-state. Moi is said to have captured the *harambee* system and transformed it. It is not quite clear how Moi's taking over control of *harambee* broke this extra-parliamentary bargaining system. All we are told is that under Moi, 'the *harambee* system ceased to constitute the extra-parliamentary bargaining system it had once been (1992:200). The transformation of *harambee*, according to Widner, limited politicians' ability to organise broad bases for pursuit in changes in national level policy and the defence of political space. Under these conditions, Widner argues that because of the expense and risk associated with coalition building, opposition to the erosion of parliamentary privilege collapsed. If as is widely acknowledged, *harambee* continued to expand under Moi, why did it cease to constitute the extra-parliamentary bargaining system that it had been under

Kenyatta? This question which in our opinion, is at the core of Widner's thesis on party-state, is not explored in any depth. This I suspect, is because Widner, like Barkan and Holmquist, have completely misunderstood the politics of *harambee*.

Widner's interpretation of Kenyan complex political developments since independence is however seriously flawed in a number of ways. First, Zolberg's 'theory' of a transition from a single-party state to a party-state which constitutes the theoretical foundations of the Widner's study, lacks the rigours of a theory – a set of ideas whose validity are actually testable. Rather, Zolberg's 'theory' sounds more like a set of observations. Indeed, Widner herself is the first to recognise that it is '...less a "theory" than an inventory of circumstances that correlated with the shift to "party-state" in the West Africa cases... and does not try to identify necessary and sufficient conditions...' (1992:10). That notwithstanding, Widner is more than content to elevate Zolberg's 'inventory of circumstances' into a theoretical framework capable of theorising the transition from a single party to party-state – the tendency of single party degenerating into party-states. Thus in spite of this theoretical flaw Widner is more than determined to fit the Kenyan case into this predetermined model – the party state.

Second, it is not quite clear whether the notion of party-state makes any sense in its application to the Moi regime. The boundary between a single-party state, a single-party dominant state, and a party-state seems to me rather blurred in the Kenyan case. If the party-state 'represents an effort by leaders both to exclude participation by some social groups, and at the same time to shape the views held by members of the weaker interests groups' (Widner, 1992:&), it could very well be argued that single-party state in Kenya represented precisely such a function.

Third, the assertion that the Kenyatta regime was more accountable than the Moi regime is seriously flawed. In fact institutionalised authoritarianism runs systematically through both the Kenyatta and the Moi regimes. Indeed, it could very well be argued that the only difference between these two regimes has been the degree and intensity of kleptocracy and predation. Both regimes have governed not through the party, but through the bureaucracy, particularly the provincial administration which has traditionally been directly under the control of the president's office. Both have demonstrated unwillingness to tolerate political dissent, and a refusal to accept democratic challenge to their right to rule. Kenyatta used the civil service to stifle activities of the opposition KPU and finally banned it in 1969. Moi used a similar mechanism to stifle opposition, and finally legislated a de-jure one party state in 1982. Both have been characterised by, first, unrelenting and systematic centralisation of power under the presidency. Second, systematic effort to destroy all forms of civic opposition, trade unions, the press, student movement, and other civil organisations.

Widner's error probably stems from the fact that she fails to pay particular attention to the history and class character of KANU, the main subject of her study. She argues that in order to encourage elites to bargain through the extra-parliamentary bargaining system, Kenyatta deliberately decided to render KANU a weak party, as a basis of securing control. On the contrary, Kenyatta lacked the power to do any such thing. KANU, as I have argued elsewhere (Ajulu, 1992) was a convoluted alliance in which no single class or fraction of it held hegemony. Nyong'o (1989) has argued that KANU was not a party, but rather, a coalition of different organisations. Put differently, KANU was several parties with different political constituencies in different regions. For instance, in Nyanza KANU was the party of the middle classes, the working class and the Nyanza peasantry. In Kaggia's Kandara, it was based mainly within the squatter movement. In Kiambu, it was the party of the old loyalists, the country's classical embryonic bourgeoisie. In Ukambani, it was the party of the Akamba middle classes in alliance with its peasantry. It is a party that any single faction could only strengthen and democratise at their own peril. It is not surprising that attempts to capture this party over the 36 years of independence has produced all kinds of permutations of authoritarianism in Kenya.

Finally Widner's analysis of Kenyan politics like that of her intellectual mentors, focuses almost exclusively on patrimonialism and clientilism, regional networks of cooperation and solidarity which have penetrated the 'rational' state systems and rendered them vehicles of ethnic based elite formation and predation, an analysis which has almost become paradigmatic in US African studies. Thus according to Widner, the success of the early Kenyatta government is attributed to one individual called Kenyatta. He was, Widner quotes Kariuki approvingly, 'greater than any Kenyan'. Kenyatta was a conciliator while Moi's quality as a leader were largely unknown. The political lessons Moi acquired from his experience in office, according to Widner, were unclear. Moi, we are told, had an unimpressive personality, halting English and a weak grasp of the complexities of government (Throup, 1989). How such a 'bungling idiot' managed to remain in power for so long can therefore only be explained by this supposed degeneration of a single-party state into a party-state.

Thus the central thrust of Adar's contribution, the emphasis on the institutionalised centralisation and personalisation of power under the Moi presidency is broadly accurate. As he rightly points out, '...political trials, tortures, arbitrary arrests, and police brutality reminiscent of the colonial era have been common during Moi's tenure' (Adar, 2000:81). And it is equally true, as Adar points out, that this persistent trend of human rights violation at home is inconsistent with Moi's concern to uphold the same rights abroad. What Adar however fails to point out is that exactly the same is true of the Kenyatta regime. A brief historical sketch of the two regimes demonstrates this point.



## **Institutionalised Despotism: Kenyatta and Moi**

Kenya became independent in 1963 under a multi-party system with two main parties, Kenya African National Union (KANU) and Kenya African Democratic Union (KADU), under a Westminster parliamentary system. KANU had secured the majority of seats in the bi-cameral Assembly and had formed the first independent government while KADU settled in the opposition benches. The two main parties of African nationalism KANU and KADU had represented different combinations of class forces. KANU was the party of advanced sections of the indigenous embryonic class of capital (the 'right'), the petty-bourgeoisie and aspirant African middle classes (the 'left') which for historical reasons was located mainly in the two nationalities, the Kikuyu and Luo, and to some degree the Akamba. KADU on the other hand was an alliance of weaker sections of these classes, mainly from the minority nationalities – the conglomeration of the nilotic ethnic groups in the Rift Valley which call themselves the Kalenjin, sections of the Luhya tribal groupings, and the coastal Giriama and Swahilis of Arabic extraction (Apollo Njonjo, 1977).

On the anniversary of independence in December 1964, Kenya became a republic, and Kenyatta (from the right wing of the party) became the first president of the republic of Kenya with Oginga Odinga (from the left wing of the party) as his deputy. At the same time, the KADU defections to the ruling party which had started earlier in 1963 with the defection of the Nandi MP, Jean Marie Seroney now turned into a full scale desertion of the party. In December, the party dissolved itself and joined the ruling KANU thus creating a de facto single-party system. The dissolution of KADU and the emergence of a de facto one-party system bolstered the right wing within KANU and created an environment in which the long running battle between the radicals and the conservatives could now be brought to a conclusive end.

Kenyatta faced a number of challenges to his 14 year rule and this is how he dealt with them. Bildad Kaggia, a veteran of the radical trade union movement of the 1950s, and an ex-Kapenguria trialist was dismissed as Assistant Minister of Education early in 1964 for consistently attacking government agrarian policy, particularly, the slow pace of Africanisation. (Odinga, 1966:266). Pio Gama Pinto, another veteran of Mau Mau underground struggle in the 1950s was gunned down in broad daylight in the capital, Nairobi. Pinto had just successfully won nomination to Parliament as the radicals' candidate. At the trial, the man who pulled the trigger, Mutua Kisili, told the prosecution that he had only been an agent of the Big Man. But nobody seemed keen to pursue the 'Big Man'.

In 1966, the Odinga and Kaggia faction broke with KANU to form the opposition Kenya Peoples Union (KPU). The formation of the party was a culmination of protracted battles over ideological differences which had consumed the party throughout its six years of existence. Odinga was immediately followed into the opposition benches by 33 MPs and as pressures built in the constituen-

cies, there were indications that more members might follow Odinga and Kaggia into the opposition (*East African Standard* 18-20 April, 1966). The formation of the KPU and the return of multi-party competitive politics confronted the Kenyatta regime with its first serious political crisis. The Government rushed new legislation – Amendment no. 2, Act No. 17 of 1966 (Official report, House of Rep, First parliament, Third Session, Vol. VIII, 28 April, 1966, cols 1944-2122, cit in Gertzel, Goldschmidt and Rothchild (1969) – the fifth amendment of the constitution which required that all members of the Assembly who changed parties had to seek a new electoral mandate from their constituencies.

In the 'little general election' which followed the resignation of KPU members, KANU won eight of the ten Senate seats to KPU's two and twelve of the nineteen House seats to KPU's seven. Of the KPU's nine MPs six were from Luo Nyanza, Oduya Oprong from Busia District, and Kioko from Ukambani, the former APP stronghold. The KPU strength was thus reduced to Luo Nyanza, and to the extent that the party continued to be perceived as a tribal party, this suited the ruling party and the government quite well. Mueller (1984) however suggests that KPU's presence nationally was much stronger than its Nyanza representation might have suggested, and that the state deployment of repressive tools against the party rather explains its demise. She argues that once the government realised that it was impossible to beat Odinga in his Nyanza bailiwick, it decided to concede Nyanza to KPU, and to deploy its monopoly of sanctions and economic rewards to close KPU from the rest of the country. The regime's monopoly of sanctions, economic rewards, and patronage, meant that the opposition could not compete openly with the ruling party. KPU candidates outside Nyanza were granted minimal licences to conduct meetings. The few meetings they were allowed were broken up by KANU youth wingers, police and Provincial administration. In Kandara, Kenyatta and Koinange took personal charge of Kaggia's political harassment. Kandara was too high a stake to be left to chance. Kaggia lost the election, but a few days later newspaper reported Kaggia's abandoned ballot papers floating on Chania river.

Mueller argues that between 1966 and 1969, the KANU government exercised strict control over political discourse. The opposition was denied adequate press coverage, particularly the state-controlled radio and TV. From 1968 legislation required candidates for local elections be nominated by a political party with registered branches and sub-branches with certificates of registration, and then refused KPU branches registration. She shows that 42.7% of KPU's applications were refused registration as opposed to KANU's 1.8%. In 1968, all 1,800 KPU candidates for local elections were disqualified by the DC at nomination stage, on the grounds that they had incorrectly completed their application forms. Most of these had correctly completed their forms as KANU candidates in the 1963 elections. The prospects of KPU controlling local

authorities in Nyanza must have been considered unacceptable to the government. Having failed to stem the threat of opposition, in 1969 the opposition KPU was banned and all its leaders detained. Kenya once again became *a de facto* one party state. But more crucially, the banning of the opposition KPU allowed Kenyatta to hold the 1969 elections which were already delayed by nearly a year. According to Leys,

....the 1969 general elections ended a long and bitter struggle between the radical petty-bourgeoisie and the embryonic bourgeoisie over the path to economic and political independence... (Leys, 1978:258)

Kenyatta second political crisis came in the wake of the assassination of Tom Mboya in 1969. Mboya was then the minister for economic planning, secretary-general of the ruling party, and perhaps more significantly, the only Luo of considerable political clout to have remained in KANU. The assassination of Mboya came at a time of increasing resentment with the consolidation of Kikuyu power in the economic and political spheres. Kenyatta's reaction to the political challenge posed by the Mboya crisis was to invoke narrow national chauvinism and seek cover under Kikuyu ethnicity. The government organised an orchestrated oathing campaign to mobilise the Kikuyu peasantry, and the 'Kikuyu urban *sans culottes*' behind the Kenyatta regime. These oathings were conducted mainly by Kikuyu officials of the Provincial Administration at Gatundu, Kenyatta's Kiambu home. The oaths were designed to unite Kikuyu ethnic group in a determination to keep the 'flag in the house of Mumbi' (Ochieng, 1995: 101-102; Karimi and Ochieng, 1980:12-13; Ngunyi, 1993), that is, the government to remain under Kikuyu leadership.

Kenyatta's third political crisis emanated from the assassination of the populist Nyandarua North MP and a former assistant minister, J.M. Kariuki (popularly known as JM). JM's sin it would seem, originated from the fact that being a 'Diaspora' Kikuyu (Rift Valley Kikuyu, his parents from Nyeri had migrated into Rift Valley, like most landless Kikuyus at the beginning of last century), he had built a strong following from the Kikuyu districts of Muranga and Nyeri. More significantly however, through his populist appeal, he appears to have transcended his ethnic base and cobbled a populist platform which successfully positioned him for the Kenyatta succession. He was thus the most serious contender to the presidency since the departure of Odinga and Mboya. But unlike Mboya and Odinga, before him, as a Kikuyu he was capable of subverting Kikuyu sub-nationalism from within (Throup, 1987). He thus posed the most serious political threat to the Kenyatta coalition.

JM was assassinated in March 1975. His body was found rather by accident at Olosho Oibor in the Ngong Hills just outside Nairobi, just as the government and the state-controlled media continued to propagate the idea that he had gone missing while on a business trip to Tanzania. When last seen alive, he had been in the company of Ben Gethi, the commander of the notorious General Service

Unit. The Parliamentary Commission of Inquiry into his death pointed accusing finger at Mbiyu Koinange, the minister of State in president's office, the chief bodyguard to president Kenyatta, Senior Supt. Athur Wanyoike wa Thungu, Ben Gethi himself, Waruhiu Itote, of the National Youth Service, Nakuru Mayor Mburu Githua, Nyandarua DC, Stanley Thuo, Councillor John Mutungu, of Ngong ward, and the Criminal Investigation Department boss, Ignatius Nderi.

But Kenyatta still had the last word. Masinde Muliro, a cabinet minister, and two assistant ministers, John Keen and Peter Kibisu lost their ministerial portfolios as a result of breaking ranks and voting with the back bench to accept the finding of the commission. Two years later, J.M Seroney, J.M Shikuku, were arrested in parliament and frog-marched into detention where they were to remain until after Kenyatta's death (Karimi an Ochieng, 1980:88). Mark Mwithaga, the Nakuru MP ally of JM was charged with beating his wife (a crime reportedly committed five years earlier) and thrown into prison. Finally in 1977, George Anyona, the only remaining populist radical in parliament was similarly thrown into detention.

The Kenyatta period similarly witnessed deaths of a number of senior politicians in questionable circumstances. Ronald Ngala, a former leader of the disbanded KADU and a senior minister in Kenyatta government died in a car accident on his way to Mombasa. The cause of the accident was said to be a bee which strayed in the car, stung the driver who lost control and rolled the car. Ngala died in hospital a few weeks later. C M G. Argwings Kodhek, the most senior Luo to remain in government after the Mboya's assassination died in a car accident in one of the residential suburbs in Nairobi. Apparently after the accident Kodhek had walked to the hospital for an X-Ray. The following day he was dead. Kodhek had been the founder leader of Nairobi African District Council (NADC), one of the parties which had come together 1960 to form KANU.

What do we make of this brief summary of the Kenyatta regime? Even though Kenyatta presided over a growing economy and an expanding middle class, and allowed a small political space within which parliamentarians would make a few noises, the most visible trade mark of his regime was its refusal to accept democratic challenge to its right to rule. From 1969 the regime became increasingly intolerant of dissent, and a growing arrogance in the use of state power for purposes of personal accumulation and complete politicisation in the allocation of public resources was clearly visible from Kenyatta's own Kiambu coalition. As Mueller rightly points out, the main pillar of order under Kenyatta was repression.

Moi took over the presidency at Kenyatta's death in 1978. At the time he had been a vice-president for 12 years. He came to power on a wave of populism. However, this populist posturing must be understood in the context of that transition. First, the unpopularity of the previous regime. Second, the uncertainty

of the new leader. Moi unlike Kenyatta assumed the presidency with little political clout. In 1964, when together with his colleagues, he abandoned KADU to bolster the KANU right wing then under siege from its left flank, he was just another KADU leader, a senior legislator yes, but obviously junior to Ngala and Muliro in the party hierarchy. In 1966 when he was appointed vice-President following the resignation first, of Jaramogi Oginga Odinga and then Joe Murumbi, the first and second vice-President respectively, Moi was picked not for any special qualities, but for the fact that he was probably the best candidate suited to maintaining the precarious balance cobbled together by Kenyatta following the departure of the left of the party into the opposition Kenya Peoples Union.

It is not surprising that initially Moi was regarded as a passing cloud (Karimi and Ochieng, 1980). Widner, for example concludes rather erroneously that the political lessons Moi acquired from his experience in office were rather unclear. But Moi has at least demonstrated that he was as good a student of Kenyatta as can be, and even a shrewder political poker player. Moi's initial populism was therefore a political ploy to seek by deception the consent of the majority. He released political detainees, unbanned the Nairobi University Student Union, and even did away with detention without trial for a while. He adopted the *Nyayo philosophy, of peace love and unity* declaring his intention to follow in the Kenyatta's footsteps, alluding of course, to the economic prosperity of the previous period, but Nyayo philosophy was always a double edged sword, for later it came to be understood that it was his own footsteps that he had meant all along.

He had observed from close quarters as Kenyatta deployed state institutions to consolidate his coalition. He too would follow the same pattern. So even as he was espousing populist views, his authoritarian streak was already very much in evidence. In his first general elections, 1979, a year into his presidency, he used the very same tactics Kenyatta had employed against KPU in 1966, and in the 1968 local election, to clear the Rift Valley of his opponents. J.M. Seroney and Taita Towett, his most prominent political rivals from the two most developed districts in the Rift Valley, Nandi and Kericho, respectively, lost their seats to nonentities. Indeed as Throup points out, throughout the Rift Valley, '...long-term Members of Parliament were defeated by Moi's henchmen. Troops from the elite General Service Unit (the GSU) were employed to dragoon the voters to the polls and to ensure that they voted the right way...' (Throup, 1993:384). By 1988, the system of election rigging through the provincial administration had been perfected to such an extent that certain Provincial and District Commissioner had emerged as acknowledged experts in the field, and could be deployed to any of the 'trouble spots' during elections. (Personal Communication).

During his vice-presidency, he had observed the growing arrogance of the Kenyatta coalition at close quarters, and watched as they used state-power to

ascend the commanding heights of the economy. He must have then concluded that political power was more than a cabinet office, it was the access to economic power which constituted real political power. But as Throup points out, he had been less fortunate than Kenyatta. His rule commenced with the doubling of the oil price which two years later was absorbing 50% of forex earnings, and a massive fall in cash crop earnings (Throup 1993). Thus as I have argued elsewhere, Moi embryonic accumulators could only assemble a capital base by 'looting' the original 'looters' (Ajulu, 1997, 1998), or, in other words, the dissolution of the already entrenched Kikuyu capital (Ngunyi).

So while the populist rhetoric of 'nyayo, peace, love and unity' served to maintain the illusion of continuity, it camouflaged the qualitative shifts in power and class forces that were taking place at the level of economic and political control. Moi's unknown men from Kalenjin were gradually taking control of the levers of state power, and by extension, the crucial instruments of primitive accumulation which has been the most distinctive mark of this regime. This authoritarian system was further consolidated when in July 1982, an amendment of section 2 (i) of the constitution rendered illegal any attempt to form an opposition party, and made Kenya a *de jure* one-party state. However, the 1982 failed coup was probably the most important turning point in Moi's political manoeuvres and consolidation of power. It allowed him to dismantle the Kenyatta security apparatus, and replace it with one of his own. The extent of his success however, remains debatable. Throup (1986) argues that as late as 1986 Moi had not established hegemony over the armed forces.

Finally, he could now openly assemble a ruling coalition of his own. Once this was in place, he could then afford to confront the Njonjo faction. Within a year of the coup, Njonjo had been removed from government and the party, and after a humiliating commission of inquiry, despatched into political wilderness (Ogot, 1995: 200-201). By 1983 populism had certainly given way to repression on a scale unprecedented even by the Kenyatta standards. First, detention without trial had been reinstated in June 1983. A larger number of radicals were arrested and detained in the aftermath of the failed coup. Surveillance of the university was stepped up and students and lecturers were arrested and questioned periodically (Nyongo, 200). Moi now begun to rule from a very narrow political base. After the departure of Njonjo, the president demonstrated a remarkable reluctance to co-opt powerful regional figures into the government. Stanley Oloitipit (Local Government), G.G. Kariuki (President's Office), Charles Rubia, and Zachary Onyonka (education) followed Njonjo in that order. Robert Matano, the long serving acting secretary-General of the party followed in 1985. Even within his old KADU peers, men of independent minds like Muliro were sidelined. Thus increasingly he entertained no political dissent and surrounded himself with a small group of cheer leaders.

But this required that Moi capture the party. The first attempt at rejuvenating and streamlining the ruling KANU party was initiated in 1983. This exercise

was largely seen as an attempt to purge the party of Njonjo elements and other dissidents. The elections, conducted from the grassroots all the way to the executive, were designed precisely to confront the problem both Kenyatta and Moi had consistently faced in the party – regional party bosses with power-bases independent of the centre. Kenyatta had solved this problem through letting the party ‘die’. Moi sought to cure the problem by imposing his men at every level of the party. In his words, he intended to clean the party thoroughly, ‘if you are cleaning your cattle, every animal should get into the dip...’ (*Daily Nation*, July, 2, 1985 cit in Widner, 1992).

It was not an altogether a very successful exercise. The 1983 general election was probably the telling point. A substantial number of MPs not closely associated with the Moi faction made it to parliament. In the Bondo constituency, William Odongo Omamo beat the Odinga candidate, Hezekia Ougo, but only after the counting of the Bondo votes had been postponed by 24 hours. Okiki Amayo, the party chairman, was walloped by Mrs Phoebe Asiyo in a Luo bye-election very much reminiscent of the 1969 Gem by-election when Rading Omolo, the government candidate was badly mauled by KPU’s little known Wasonga Sijeyo. Another attempt was made in 1985. This exercise culminated in the July 1985 party elections. This time Moi had his way. Only Robert Matano, the organising secretary, threatened to tamper with the Moi political slate. But he was solidly beaten by Burudi Nabwera, and soon thereafter, relieved of his cabinet post. But whether Moi ultimately got his way remains highly debatable. In authoritarian one-party states of this type, control of the party structure does not necessarily translate into control of the electorate. The introduction of the queue voting (*mlolongo*) two years later was actually proof that things had not gone according to plan. The party acknowledged that Moi, was still vulnerable, at the polls. And that is probably why after 24 years, the secret ballot system was replaced by the queue voting, a system last used under the colonial regime. Thus by 1986 the semblance of democratic tradition that had existed in the early 1970s had been whittled away and replaced by a *dejure* one party system and personal rule by the president.

But that notwithstanding, Moi somehow continued to feel uncertain and insecure. The *Mwakenya* repression of 1986-88 period is probably the best illustration of Moi’s sense of insecurity. There is a general consensus that *Mwakenya* – Muungano wa Wazalendo wa Kukomboia Kenya (Patriotic Union for the Liberation of Kenya) was not of immediate threat to the Moi regime. Prior to the show trials, very few people, either in the urban or rural areas had heard of the organisation let alone its publications, *Pambana* (the Struggle) or *Mpatanishi* (the Unifier). The force that the state unleashed against this tiny band of ‘underground revolutionaries’ was clearly out of proportion to the threat it posed to the state (see for example Amnesty International, Kenya Report July, 1987; Africa Watch, Kenya Taking Liberties, July 1991).

A brief examination of the list of Mwakenya convicts of the period 1986-8 however tells the real story. The list of the detainees and convicts read like a who is who of the country's traditional opposition. The country's traditional left – university lecturers, and students activists of the late 70s and early 80s – were the first category on the firing line. This was followed by the traditional opposition, those who were closely linked to the former vice-president and opposition leader, Ajuma Oginga Odinga. It would seem therefore Mwakenya trials were deployed as an excuse to remove that section of the opposition – the old KPU activists as well as the radical tradition within the university students – which had so far remained outside the control of the ruling party. For historical reasons, this group was comprised predominantly but not exclusively of Luos and Kikuyus (See for example Amnesty, 1987: 55-58).

Finally as if to establish complete control over all institutions of state, the constitution was amended once again in 1986 and 1988, which eliminated the security of tenure in the office of the Attorney-General, the Controller and Auditor-General, and all the judges of the High Court of Appeal. These amendments similarly consolidated the power of the police. From 1986, the police could legally hold suspects for up to two weeks before producing them in courts of law. By the end of the 1980s therefore, Moi had for all practical purposes created an imperial presidency.

This brief analysis of the two presidencies shows that institutionalised authoritarianism has been the main pillars of both regimes. The most visible trade mark of the Kenyatta regime was its refusal to accept democratic challenge to its right to rule. From 1969 the regime became increasingly intolerant of dissent, and a growing arrogance in the use of state power for purposes of personal accumulation and complete politicisation in the allocation of public resources was clearly visible from Kenyatta's own Kiambu coalition. As Mueller rightly points out, the main pillar of order under Kenyatta was repression. Moi on the other hand had built a monster of a leviathan.

And so the question is not one of 'Moi's operational code' (the phrase is Adar's) but rather the nature of the Kenyan state, and why institutionalised despotism has been the rule rather than the exception. The question then is: why is authoritarianism and centralisation of power so prevalent in political economies of this type? While Adar ably documents instances of authoritarianism and personalisation of power under Moi, the central question remains largely unanswered. And yet it would seem to me that this question lies at the crux of an understanding of the centralisation and personalisation of power, and the crisis of democratisation in Kenya.

### **Authoritarianism and the Crisis of Democratisation**

Quite clearly, the Kenyan ruling elite have either been unable or unwilling to democratise the post-colonial state. How do we explain this, why does this rul-



ing class (or is it indeed a ruling class!) rule in this particular fashion, and how do we explain this warlike conduct of politics?

The crisis of democratisation in Kenya can be explained within the wider context of the complex inter-relationship of these questions. Mamdani suggests that political power only makes sense when analysed in the context of concrete moments of accumulation processes and the struggles shaped by those processes. Following from this, I would like to suggest that in order to understand the roots of political crisis and obstacles to democratisation in Kenya, we need, perhaps, to focus attention on the character of the post-colonial state, particularly its forms of accumulation over the entire period of independence, the character of the class forces which have traditionally controlled the state, and more importantly, how this power has been mediated politically.

But the post-colonial state however, was the child of colonial state, so our analysis must be similarly situated in the understanding of the character of the colonial state. What was the colonial state all about, was it simply a response to the native question as Mamdani (1996) claims or was it also about something much bigger? How was power reproduced within the colonial state, and ultimately, how was this transmitted to the post-colony?

In his seminal contribution on the citizen and subject in the post-colony, Mamdani has likened the colonial state to a bifurcated system of power, the janus-faced state which contained two forms of power – the urban power based on civil society and civil rights, and the rural power of community and culture – under a single hegemonic authority, and institutionalised as direct and indirect rule:

...Direct rule was the form of urban power. It was about the exclusion of the natives from civil freedoms... indirect rule, however, signified a rural tribal authority. It was about incorporating natives into a state-enforced customary order. Reformulated, direct and indirect rule are better understood as variants of despotism: the former centralized, the latter decentralized... (Mamdani, 1996:18)

This coercive power encapsulated in the colonial state was deployed by the colonising power to facilitate the process of primitive accumulation and to maintain law and order. There were no provisions for democratic institutions, and most naturally, it was not only a very powerful instrument with an array of apparatuses for dispensing that power, it was equally central to the whole process of primitive accumulation. The colonial state was central in a number of ways. First, the centrality of the administration as a powerful arm of the executive, and of the state in the political sphere. Mueller (1984) correctly points out that the colonial civil service was far from apolitical, its task was to ensure the survival of British colonialism. She points out for example that the civil service controlled a vast array of laws used to stifle political freedom and eliminate political groupings—registration of parties, control over licensing of meetings, etc.

Second, the colonial state was central to economic activity. It was the chief player in the economic arena, particularly its role as the 'driver' of the accumulation process, and the sole dispenser of patronage and resources. It alone had the organisational capacity of performing a formative ruling class functionality, that is, the capacity of the state to create conditions and pursue policies that privilege the accumulation of wealth by the political elite. The colonial state was everything. Nothing could take place without its sanction. As Mueller argues:

....the regime (the state) in effect 'penetrates' the entire countryside, no matter how rural, backward, and distant from the capital – precisely because districts and individuals are dependent on the state for so very much: for development funds, jobs, trade licences, loans, famine relief... This sort of penetration hold because of the regime's monopoly over these fundamental resources...

At independence, as Mamdani (1996) argues, the colonial state was deracialised but it was never democratised. The post colonial state in Africa, and indeed, the majority of the former colonies in the third world appropriated the structure of power fashioned during the colonial period with rather minimal changes:

Post-independence reform led to diverse outcomes. No nationalist government was content to reproduce the colonial legacy uncritically. Each sought to reform the bifurcated state.... But in doing so each reproduced a part of that legacy, thereby creating its own variety of despotism... (1996: 7-8)

Mamdani is adamant that the continuity between the form of power under the colonial state, and the post-colonial state was largely underpinned by its despotic nature. The post-colonial state deliberately reproduced those colonial legacies that enabled it to institutionalise authoritarianism. In the Kenyan case, the hierarchy of colonial administration was left intact. The colonial governor was replaced with the president, but the provincial administration and its entire legal paraphernalia, through which the governor had ruled, was left more or less as it had been throughout the seventy eight odd years of colonial rule. Both the Kenyatta and the Moi regimes have been notorious in their deployment of the civil service to stifle political activity. As recently as the 1997 elections, the partisanship of the civil service was probably most eloquently captured in an address by the District Commissioner for Keiyo district in the Rift Valley Province, who is reported to have urged his local community to vote for the ruling KANU in the following words:

....as an employee of Kanu government my livelihood depends on the very same system. Therefore I would not shy away from praying that President Moi be re-elected once more, to enable me to remain the DC.... Better the devil you are used to than the angel you do not know. It is scary to hear of these parties who usually claim that once they take over power from Kanu, they would dismantle the provincial administration and clip off powers of the police. Who will entertain that? (*Nation*, 12,1997)

The question however remains; why this over-dependence on authoritarian rule, why was the embryonic post-colonial ruling elite reluctant to root the Kenyan state in society and pursue projects which would accord it hegemonic stability? It would seem to me that this uncritical appropriation of the authoritarian colonial state must be understood against the background of demands placed on the post-colonial state by the new ruling elites. The new elites' economic fortunes rested heavily on access to state-power. Any attempts to democratise the post-colonial state would obviously threaten the new political class' access to the state and the privileges that accrued from such control.

Thus, it is not surprising that then as now, the control of the state or proximity to those who have access to state-power became the main pre-occupation of political activity. Yes, politics is generally about control of (state) power. However, the point being made here is that in societies characterised by low spread of commodity relations, and where ethnic, regional and economic divisions coincide, and ethnic inequalities of the type that have characterised capitalist development in Kenya constitute the norm, the tendency is for the state to be the central economic player. State power, as Szeftel (2000) points out, was to be the 'engine for development and for individual job opportunities and upward mobility...' Precisely because extra-economic coercion remains the dominant medium in economic activity, the economy and society remain locked in the sphere of politics, and thus all politics is about control of the state.

The politics of brutality and violence continues precisely because economic mobility and expansion of the new ruling class is largely tied to continued control of state-power. Control of the state therefore is so crucial that it has to be retained at all costs. As we already suggested, only the state alone has the organisational capacity of performing a formative ruling class functionality, that is, the capacity of the state to create conditions and pursue policies that privilege the accumulation of wealth by the political elite.

Elsewhere I have suggested that the Kenyatta coalition which ruled from 1963 to 1978 comprised the embryonic class of capital and property, the pre-colonial and colonial primitive accumulators which had its origins in the Kikuyu country a decade or two before the advent of colonialism (Cowen, 1981; Swainson 1980, Kaplinsky, 1980; Spencer, 1985; Sorrenson, 1967), while the Moi crowd comprised a relatively impoverished political class which had occupied the third tier of Kenyatta's coalition. Both factions required continued access to the state for purposes of private accumulation. They have thus exhibited similar attitude towards the state, clinging on tenaciously, with a good measure of brutality and violence. However, the Moi crowd, because of their class character, and the inauspicious economic circumstances in which they inherited the state, have gone furthest in the informalisation of state institutions and fostered predatory and kleptocratic activities of the members of the ruling party.

Another significant feature of this process of accumulation has been the reconstruction of ethnicity as a medium of political contestation. The politicisation of ethnic identities was largely initiated by the colonial state. Ethnic pluralism in the majority of African countries was a product of colonisation. The nation-state in Africa was not the product of internal class struggles in pursuit of a unified market, rather this was an artificial creation of the colonising power, bringing together different nationalities at different stages of economic and political development under one centralised authority.

More significantly, the colonial administration served to politicise, reinforce, and accentuate ethnic divisions. The British system of indirect rule reconstructed ethnic authority and conferred legitimacy upon them, not only as instruments of local power, but equally, as instruments of staking out claims on political power and resources. The independence dispensation, as Mamdani points out, left the rural 'subject' firmly under the domination of tribal chiefs and elders, thus ensuring that politics was tribalised rather than democratised.

After independence, and increasingly confronted with sharply conflictual claims made upon the state, contestation over power and resources increasingly assumed the form of ethnic competition, thus creating a fertile ground in which the reconstruction of ethnic identities and ethnicisation of political contestation was possible. It is not surprising therefore that increasingly, ethnicity became the most important and the most effective instrument of political mobilisation. As Szeftel (2000) appositely observes, it uses 'face-to-face' or 'house-to-house' contact to mobilise those section who feel aggrieved about one grievance or the other. Thus successive regimes in Kenya constructed class power along ethnicised identities and resources have similarly been contested along similar lines. Bates (1989) makes the mistake of reducing the post-independence ethnic contestation solely to the distribution of land, and to some degree, misses the broader picture of this ethnic competition over other resources – development projects, schools, hospitals, etc. This is the sense in which Mamdani talks of the 'tribalization of the post-colonial politics.

The 1992 and 1997 elections, and now, the succession debate in the country, are probably the clearest demonstration of this phenomenon. In 1992 and again in 1997, the support for the ruling Kenya African National Union (KANU) came mainly from the alliance of the Kalenjin, Masai, Turkana and Samburu and from the Coast Province, (KAMATUSA) and represented an alliance of minority ethnic groups who were made to 'fear' the domination of the majority ethnic groups – especially the Kikuyu and Luo. On the other hand, the distribution of support for the three main opposition parties was similarly drawn from 'their' ethnic groups. Thus Oginga Odinga's FORD Kenya support in 1992 came mainly from Nyanza among his Luo supporters and to a lesser extent from the neighbouring Luhyia. In 1997 Raila Odinga's (Oginga Odinga's son) National Democratic Party of Kenya's (NDPK) support was similarly drawn from Luo Nyanza, and the Langata constituency in Nairobi which had an over-

whelming proportion of the urban Luo voters, while Wamalwa's FORD Kenya was reduced to a Bukusu party. Matiba's FORD Asili in 1992 had the backing of the two Kikuyu districts of Kiambu and Muranga, and because of Martin Shikuku (the deputy leader of FORD Asili who is a Luhya) factor, FORD Asili was able to share the Luhya vote with KANU. Kibaki's DP in 1992 had the backing from his home district, Nyeri, Meru and shared the neighbouring Kamba vote with KANU. In 1997 in the absence of Matiba, Kibaki's DP automatically became the authentic Kikuyu party.

The crisis and helplessness of the Kenyan opposition stems largely from this phenomenon. The opposition remains structured along ethnicised identities, and has consistently contested political space on the basis of mobilised ethnicity. It will be recalled that the Kenyan opposition at its reconstitution in 1992 represented a fragile alliance of two main tendencies, which would remain perpetually irreconcilable and therefore ruled out any possibilities of temporary alliance. The first of these represented the old classes of capital and property (predominantly but not exclusively the Kikuyu bourgeoisie) but organised into two antagonistic camps (see for example Karimi and Ochieng, 1980:3638). The one, the Matiba camp (FORD Asili) represented the fraction which had occupied the second tier of the old Kenyatta coalition and regarded themselves as the true representatives of the Kikuyu rank and file, had the support of the Kiambu and Muranga districts of the Central province of Kenya, the Kikuyu Diaspora in Laikipia, Nakuru, and Molo districts of the Rift Valley Province, and more importantly, the Kikuyu urban sans-culottes in Nairobi and some of the major towns. The other, the Kibaki camp (Democratic Party), represented the hegemonic fraction of the old Kenyatta coalition, the elite of the old Kiambu bourgeoisie and its Nyeri counterparts, which for all practical purposes must have appeared as the true representatives of the Kikuyu ethnic group. It did not do so well in 1992, but well enough to come third with 1.03 million votes in the presidential race. But in 1997 with Matiba out of the race, the Democratic Party emerged as the true Kikuyu party.

The other tendency was the old radical petit-bourgeoisie of the mainstream Kenyan opposition of the late Jaramogi Oginga Odinga's FORD Kenya. Odinga's FORD-Kenya comprised the old radical traditional opposition, the professional intellectual middle classes – the so-called Young Turks, and other forces which had been active in the struggle for democratisation throughout the 1980s. But it was a coalition which was built very much around Odinga and the Luo as its power base, with the support of the Bukusu sub-section of the Luhya, which was reflected in its electoral support in the 1992 contest. Following Odinga's death in 1994, the party leadership passed to Wamalwa Kijana. The long rivalry between Wamalwa and Odinga son, Raila, ultimately culminated into FORD Kenya disintegrating in three directions – Raila National democratic party of Kenya (NDPK) which reconstituted itself as the Luo party, Nyong'o's Social Democratic Party (SDP), which was seen mainly as the plat-

form for the presidential candidacy of Charity Ngilu, and of course, the original FORD, which now predominantly sought to reconstitute its base among the Luhya.

All these 'political parties' are cobbled together for one single purpose – the grand march to the State House, the objective, to acquire state power and through it, access to resources and privileges that it guarantees. And in an economy characterised by a low spread of commodity relations and hardly a productive capitalist class to speak of, the state remains the major source of resources, and predatory and kleptocratic activities the major form of economic accumulation. It is not surprising that this form of accumulation is associated with corruption, patrimonial clientelism, brutality and violence, and certainly has little room for the brand of liberal democracy of the type championed by western donor agencies and institutions of global governance.

Any belief that this culture and traditions of politics can be undone solely by a constitutional making process must be based on some pious belief in legalistic cretinism. Murunga alludes to this point in his contribution; unfortunately the point is not made very forcefully and Mutunga is thus let off with a mild criticism about the failure to historicise the study. Murunga equally takes Mutunga to task for ignoring the central role of ethnicity in Kenyan politics. Ethnicity, he points out, 'is a category of society that Mutunga pays no attention to except when dismissing it' Given the underdevelopment and the fragility of the Kenyan economy, and the pervasive role ethnicity and patronage in its politics, Murunga rightly wonders how one can propose a people led constitution-making process without taking into consideration the role of politicised ethnicity in Kenya's political economy. Mutunga is probably uncomfortable with a discussion of ethnicity as this might very easily raise uncomfortable questions around the ethnic composition of the 'civil society' groups in Kenya.

Finally there is the belief, inherent in much of Mutunga's book, that the civil society carries some magic solution to the crisis of democratisation in Kenya. This also is unfortunately not adequately interrogated by Murunga. He alludes to the inadequacy of the author's theorisation of the concept civil society, but fails to distinguish his own epistemological terrain from where he could rigorously critique the underlying assumption in the book – that civil society equals democracy. My own view is that the hordes of neo-liberal 'civil society' funded by democracy aid are incapable of going beyond the procedural form of democracy.

I have tried to argue here that the crisis of democratisation in Kenya is rooted in a particular regime of accumulation, and its relationship to the wider world economy. Bad 'governance', corruption, and patrimonial clientelism are not the cause but the symptoms of this crisis of accumulation. I think it was Marx who argued that primitive accumulation when it holds a position of dominance stands everywhere for a system of robbery, plunder and piracy. The predatory elite in Kenya appears to be fulfilling this prophesy. It would appear to me that

no amount of democracy workshops is likely to reverse this predation. I think what is required is a return to class based politics.

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