The Kenya General Elections: Troubling Political Propaganda in an Intellectual Garb

Godwin R. Murunga
Kenyatta University,
Kenya

Introduction

The Kenya general election held on 27 December 2007 generated intense discussions and debate within the country and abroad. The debates predictably focused on the electioneering process and the outcome of the contested presidential race. All independent election observers judged the tallying of the presidential votes flawed and cast doubts on the declaration of Emilio Stanley Mwai Kibaki and the Party of National Unity (PNU) as winners over Raila Odinga and the Orange Democratic Movement (ODM). Foreign observer teams such as the European Union (EU) ruled that the elections did not meet international standards of a free and fair election while local observers concluded that considering what happened at the national election tallying centre at the Kenyatta International Conference Centre, 'it is impossible to know who won the elections'.[1] Further, the chairman of the Electoral Commission of Kenya (ECK) Mr Samuel Kivuitu has repeatedly appeared on national television casting doubts on the fairness of the tallying process.[2]

In spite of this rare consensus among election observers, several analyses of varying levels of quality and credibility continue to surface that laud the alleged PNU victory and counsel ODM to seek redress in court. This brief article is a critique of one study issued through a locally based non-governmental organization in Nairobi. My aim is threefold. First I put the particular study in question in context by highlighting the silences it fosters in order to make its decidedly partisan argument. Second, it cautions unsuspecting readers, especially those not fully versed in the fractious nature of Kenyan politics and its recent closely contested presidential race, against any such one-sided re-telling of the story. Finally, in highlighting the specific context of crisis of radicalism in Kenya that allows politicians and analysts to keep an inconsistent record on an issue that calls for principled consistency, I argue for holding African intellectuals accountable. It should be clear that it is no longer acceptable to get away with deliberately skewed research especially when the issues involved are literally a matter of life and death.

The notion of radicalism is employed on the basis of a simple distinction between right and left ideology. In a Marxist sense, the notion of radicalism is reactive in the sense that it is an ideology informed by a desire to alter capitalism's greatest misdemeanour – inequality in control of the means of production and in the distribution of resources and wealth. It is therefore based on a set of ideas and political practices that are socialist in orientation, ideas that focus serious attention on and aim to be accountable 'to the imagination, aspirations, and interests of ordinary people'.[3] The focus is on activists and intellectuals of the (radical) left understood as 'political groupings identified with Marxist political ideas, and espousing political programmes associated with socialist economic programmes'.[4] Freedom and inequality are at the centre of the Kenyan crisis since it is widely perceived that respective regimes have fostered inequality and trampled on people's freedoms.[5] Those intellectuals and political activists opposing these regimes have positioned themselves not only as progressive but also pro-people and they base their decision on some radical credit, the fact that they are, to quote Amina Mama again, 'socially and politically responsible in more than a neutral or liberal sense'. But their consistency in pushing a radical agenda remains in question.

The Iconic Weight of a Policy Brief?

Studies of varying levels of intellectual quality and credibility on the pre- and post-election developments in Kenya have been issued lately. Of these, none has come with the supposed weight of an author as that by one, Peter Mwangi Kagwanja. Formerly of International Crisis Group, Kagwanja was director in the Democracy and Governance research programme at the Human Sciences Research Council (HSRC) in South Africa when he wrote the Brief. According the HSRC web page then, 'he [led] research and analysis on policy and intellectual issues relating to peace, security, conflict and governance in Africa'.[6] He is also the founder and president of the Nairobi-based API. His academic credentials provide something of iconic weight that should add value to the idea of a Policy Brief, which is what the document he authored titled 'Breaking Kenya's Impasse: Chaos or Courts', purported to be.[7]

The Brief is based on six months of research. The author highlights the context of the electoral campaigns, the design by ODM to win the elections through a 'tribal' strategy coupled by the threat of violence in the event that it lost the elections. He grudgingly acknowledges the ODM's ability to galvanize votes across the country but suggests that this was done, in large part, by mobilising international and local support, by demonising a 'civilised' Kibaki through staying on top

of things using a well-oiled media propaganda led by a 'discredited' American campaign consultant, Dick Morris. Kagwanja portrays ODM as the aggressor, concluding that they, much more than PNU, rigged the election results. He tabulates suspicious results of the presidential poll that his source, the *Daily Nation*, had already retracted to 'confirm' the argument. He then recommends that ODM should seek redress in court.

What is interesting is that Kagwanja's argument and the recommendations he makes are consonant with arguments and recommendations of PNU. This is not surprising because he served as an adviser and strategist in the PNU campaign during the period in which he also supposedly undertook his research, wrote newspaper articles on behalf of PNU, and appeared on television talk shows where he was represented as such in the introductions.[8] That he does not disclose this information in his brief should by itself be an early red flag to any one seeking a credible opinion.

The Brief is however badly-crafted and a hardly disguised anti-ODM propaganda piece couched in language that reveals more by what it insinuates or fails to say than what is actually says. It is based on half truths, innuendo and a number of factual errors, and has the potential to embarrass board members of the API, many of whom are solid scholars with consistent pro-democracy records. The silences cited below illustrate the half-truths. Above all, the document is a mockery of the idea of a Policy Brief and should not at any rate hoodwink the international community that it aims to inform. Fortunately, its first reading in the UK was in a forum generally frequented by Kenyanists who have written their own versions of the post-election situation that contrast markedly with Kagwanja's vain and ahistorical defence of the status quo.[9]

Ultimately, it should be easy to see through the embarrassing effort Kagwanja makes to defend what observers documented as Kibaki's illegitimate usurpation of the presidency. It would have been expected that as a director of a democracy and governance programme, he would have made greater effort to see beyond the ethnic blinkers that cloud him from taking a panoramic view, if for no other reason, then for the sake of maintaining the integrity of the research programme and domain he then directed. But he made three major moves in his piece that are flatly designed to defend PNU to the hilt and embarrass the very idea of democracy and governance he researches. The first is a contrast he drew between ODM and PNU as political outfits respectively operating from an 'ethnic' as opposed to 'civic' logic. The second is the calculated attempt to bring in the politics of ethnicity in order to delegitimize ODM's claims against election rigging and, finally, his closing argument that the only way out of the engulfing crisis in Kenya is for ODM to seek redress regarding election rigging in court. Let us discuss each in turn.

The Ethnic Versus the Civic

Kagwanja's Brief is conceptualised around a distinction between the ethnic and civil logics of Kenyan electioneering and election politics. Using this logic, he tries to paint the ODM camp as a primordial movement engaged in an 'ethnic assault on the civic Nation' that Kibaki has ably governed. This dichotomy between the ethnic and the civic is not innocent. It is designed to speak to a specific audience that understands this old and sterile ethnographic perception of Africa. The context and dangers of such ethnographic language have been discussed with intellectual dexterity by scholars like Peter Ekeh and Mahmood Mamdani.[10] In this case, however, Kagwanja draws the distinction not simply to give the moral high ground to Kibaki, but also to foist a very problematic unilinear argument in which the modern is identified with Kibaki and the traditional with ODM, with the spectre of violence linked to the latter. The threat of ODM's leadership, it is implied, rests in their potential to re-traditionalise society by creating disorder.[11]

The overall aim of this association of ODM with an ethnic logic is to account for the post-election violence in Kenya; the assumption being that there is a causal relationship between the ethnic and violence. The image of tribal bestiality and brutality of the *Heart of Darkness* genre is implied here. In strategic places, Kagwanja throws in notions like 'premodern chaos', 'tribal militia', etc., to produce the desired ghastly effect in the western audience that he seems eager to address. He perceives all the violence in pre-and post-election Kenya as emanating from ODM and directed against a defenceless, innocent and 'civil' PNU; a coalition that is not only multi-ethnic in Kagwanja's rather skewed narrative but one whose moral probity he elevates beyond reproach. For instance, he argues that the ODM presidential candidate Raila Odinga used metaphors of war and, notwithstanding the fact that Kagwanja is intentionally quoting this out of context, concludes that post-election violence owes everything to the ODM's premeditated metaphors of war.

In making these arguments, Kagwanja leaves out several key points that might complicate his argument and contradict his conclusion. It does not matter to him that six of Kenya's eight provinces voted ODM; that of the remaining two, Kibaki only won one convincingly, his Kikuyu dominated Central Province home base. That even the cosmopolitan Nairobi largely voted ODM are details Kagwanja considers too irrelevant to be discussed since they contradict the ethnic logic of his argument. Kagwanja emphasises that Raila Odinga is ethnic Luo but ignores the analytical implications of his choice to consistently vie for and win a parliamentary seat in a cosmopolitan constituency in contrast to Kibaki (an ethnic Kikuyu) who moved from a cosmopolitan constituency to one in the ancestral homelands of his ethnic community. It does not also matter to Kagwanja that close to 80 percent of Kibaki's cabinet lost in the election and that close to half of PNU members of parliament come from the Mt. Kenya Region, Kibaki's home region. The point here is not to present contrasting examples to invalidate Kagwanja's set of examples but to wonder aloud whether these facts can sufficiently nuance the interpretation in such a way that the idea of a Policy Brief becomes more meaningful instead of remaining a simple polemic against ODM, Raila Odinga and the so-called Kalenjin mafia (see the next section for details).

Equally unimportant to Kagwanja is that ODM and its ally, NARC, won more seats in parliament than all the other parties combined (at least before the mysterious death of two of the ODM members of parliament). Finally, that all election observers agree that Kibaki's win could only be a product of a massively flawed election and that PNU and its affiliates have seen the election as credible does not mean much for this Policy Brief. All respectable civil society organizations in Kenya called the election into question including the Kenya Human Rights Commission where Kagwanja was once an associate re-

searcher, Kenya National Commission on Human Rights, Mars Group Kenya, and the Centre for Democracy and Governance, Law Society of Kenya. Credible observers like the EU are all bundled up into a perceived conspiracy to misinform and favour ODM.

Kagwanja argues that because the EU 'entered the scene too late' they were unable to 'grasp the intricate processes of electoral flaws that characterized Kenya's protractedly and heavily mined electoral field'. This is not withstanding the fact that the EU has been a development partner of Kenya for long and has representatives in the country. He ignores the fact that the above-named local organizations were present throughout electioneering. Since they do not fit this conspiracy theory and contradict his argument regarding late entrance on the scene, Kagwanja does not mention them. Instead, he accuses the EU of a 'one-sided perspective' that might have contributed to 'the almost nihilistic tendency to stoke rather than prevent fires arising from disputed elections in Africa'.[12] That the chairman of ECK is on record on Kenyan television repeatedly admitting that he did 'not know whether Kibaki won the elections',[13] is hardly convincing to Kagwanja. For him, all this can be explained through some conspiracy theorising in which only ODM is guilty of crimes against PNU.

Raila and Kalenjin Mafia

Kagwanja drums up the bogey of an 'ethnic mafia' to puncture ODM's appearance of a multi-ethnic movement and hopes to clinch the argument by re-introducing Moi (an ethnic Kalenjin and a discredited immediate former president of Kenya) as a factor that explains the post-election violence that has engulfed the Rift Valley Province that is populated predominantly by the Kalenjin-speaking people. There is no doubt that the Moi factor is important but Kagwanja only partially highlights its forms of expression in the 2007 elections, making sure that anything that would reveal Kibaki/PNU's culpability does not appear in the narrative.[14] The Kalenjin mafia refers to the group of ethnically Kalenjin politicians who dominated the political scene in Kenya during Moi's presidency. Most of these politicians joined Raila Odinga in the 2007 elections even though Moi endorsed and actively joined Kibaki's campaign in the province, chastising and ridiculing ODM. For Kibaki's campaign, there was no greater political catch than having Moi as their man in the Kalenjin-dominated Rift Valley.

Kagwanja's main strategy with respect to Raila Odinga and the Kalenjin was two-fold. First was to demonise those around Raila Odinga in ODM as discredited and corrupted Kalenjin politicians, as people with a bad history of the Moi era. Since it might contradict things for him to acknowledge Moi's role in the Kibaki campaign, Kagwanja opts not to mention it. Second is to paint Raila Odinga himself as wedded to a violent political ethos associated with the ethnic Luo by sections of Kenyan political talk. This two-pronged attack is intended to eliminate any doubts that Raila Odinga and ODM can have a legitimate claim to power since both the Kalenjin and the Luo who populate the ODM have a bad and violent history. Suffice it to note that this was an argument that was avidly employed in the PNU campaigns and was regularly coupled with the ethnocentric idea that an uncircumcised Luo person cannot lead Kenyans.[15] However, both arguments failed to convince voters in most of Kenya and often boomeranged against its authors.

Kagwanja acknowledges Raila's success in putting together a multi-ethnic coalition for his election campaign but proceeds to deride this achievement as 'a publicity stunt'. He grudgingly acknowledges ODM's success in galvanizing voters in the whole country but re-interprets it simply as 'a solid anti-Kikuyu plank'. A serious Policy Brief might have noted that as a political party, PNU was hurriedly cobbled together barely three months to voting day to give Kibaki's campaign a national outlook and its lack of success became apparent when critics pointed out its failure to garner support outside Kibaki's own stronghold. Instead, from the bag of history, Kagwanja suddenly discovers Moi, a sure option for writers who aim to divert attention away from Kibaki's failures in the last five years. For Kagwanja, Moism is at work in the political manoeuvrings that have influenced current developments in Kenya. He presents both Moi and Raila as sharing an 'obsessive anti-Kikuyu sentiment that has come to pervade Kenya's ethnic fabric'. Without mentioning that Moi actually supported Kibaki's re-election (a development that endorsed the perception of there being some commonality of interests between the families of the first three presidents Kenyatta, Moi and Kibaki), Kagwanja then concludes: 'the motor driving the Pentagon's anti-Kikuyu alliance was the so-called "Rift Valley" or "Kalenjin mafias" consisting mainly of wealthy Nandi, Kipsigis and some Maasai elite who called the shots in the Moi regime'.[16]

There are very few politicians in Kenya today who have not brushed shoulders with Moi's KANU, whether Kalenjin or non-Kalenjin. The search for such politicians inevitably starts with Kibaki, Moi's vice-president from 1978 to 1988. Kibaki was part and parcel of the Moi authoritarian party machine. He only crossed over to the opposition after democratic forces had successfully extracted multiparty concessions from KANU. Indeed, Kibaki had derided opposition forces fighting for democracy as trying to cut down a mugumo tree using a razorblade! He was also part of the group that compromised opposition unity and destroyed the possibility of a grand alliance that would have destroyed KANU's re-election bid in 1992. Politicians of the same KANU ilk of different ethnic backgrounds are dotted in Kibaki's government, Raila's ODM and Kalonzo Musyoka's ODM-Kenya. True, there is the Kalenjin mafia in ODM. In ODM-Kenya, there is Kalonzo, Dr Julia Ojiambo and Moi's lawyer, Mutula Kilonzo. Apart from Kibaki in PNU and affiliate parties, there is another one of Moi's former vice-presidents, Professor George Saitoti, as well as Njenga Karume, and Noah Wekesa. It must be emphasized that affiliates of PNU like Uhuru Kenyatta also joined Kibaki with perhaps some of the most discredited Kalenjin mafia including Moi, his son Gideon Moi and Nicholas Biwott, Moi's well-known political confidant. In other words, pointing out the Kalenjin politicians in ODM without acknowledging the very presence of ex-KANU politicians in other political parties is one-sided and suspicious.

This Kalenjin mafia argument is illuminating not only because of what it says about ODM but also what it hides about PNU. Kagwanja hopes to show the world that the dreaded Kalenjin mafia of the Moi years is still a valid threat to innocent Kikuyu; that the Kikuyu are more sinned against by Kenyans than they sin and that the ghost of the Moi years still lurks in every trouble zone in Kenya than might be realized internationally. The first of these three observations has some credibility since there is now enough evidence

that the violence that rocked some parts of the Rift Valley comprised calculated moves to kill, maim and displace the Kikuyu. Indeed, this is confirmed by reports that illustrate the complicity of some Rift Valley politicians in the violence that rocked the province. But this is simply a description not an explanation of the violence or alleged anti-Kikuyuism. As David Anderson of Oxford University interjected elsewhere, to point to 'tribalism is [to provide] a description of the [unfolding] events, not an explanation'. While Kagwanja's Policy Brief remains at the level of innuendo when called upon to give an explanation to the developments in the Rift Valley, Anderson has called attention to the 'deeper history of past conflicts over land and economic resources'. It is in this history that one can locate the historical elements of injustice that may explain why people respond when a war cry is sounded. In other words, 'violence is not its own explanation', rather it becomes thinkable when there is an historical element of injustice.[17]

Kenya is constituted by more than two ethnic communities and Kagwanja does not have any conspiracy to propagate about the other non-Luo and non-Kalenjin regions of Kenya that voted ODM. Knowing how much the Western and Coast provinces can complicate and even challenge his argument, he intentionally refuses to bring in the Luyia of Western Province who largely voted ODM while the popularity of Raila Odinga in Coast Province is strategically related to the MoU Raila signed, with (note his choice of word here) 'militant Islamic political grouping to "protect" Muslims from harassment and abuses linked to the US-led war on terrorism'.[18] This is in spite of the fact that even districts in Coast province that are predominantly non-Muslim such as Taita, voted overwhelmingly in favour of ODM at civic, parliamentary and presidential levels. As such, while Western Province is intentionally ignored because it can easily nuance, if not, challenge Kagwanja's 'Kalenjin mafia' conspiracy generalizations, the Coast issue is cavalierly designed to appeal to the conservative pro-Republican US sensibilities. These are the belligerent sensibilities responsible for the Bush 'war on terror', the very authors of such fundamentalist anti-Islamic sentiments that have aroused popular opposition against US aggression across the world. Opposition has been especially vigorous in the US where George Bush's lame duck presidency was by the time of Kagwanja's writing very apparent to be a credible reference point for any PNU appeal for sympathy. The argument Kagwanja deploys, the choice of reference notions like 'political Islam', all feed into the half-truths, innuendo and factual errors contained in the Brief. Violent protests and clashes at the Kenya coast have complex historical origins. Political Islam has not occupied the central place that Kagwanja accords it in this disturbing Policy Brief.

The Courts

In other words, and this is his third move, Kagwanja's message to the international community is that they should not be surprised with the ongoing violence in Kenya. It is in Raila Odinga's DNA to be violent and his most influential support base, in particular the so-called corrupt Kalenjin elite, have always had something against the Kikuyu anyway. The anti-Kikuyuism of ODM, Kagwanja assumes, should be apparent from the inferences he highlights. It is not far-fetched, therefore, to conclude that Kagwanja's main line is to dismiss ODM's protests against election rigging by appealing to 'stick' (not stake) holders to see the primordial instincts that drive the ODM-authored violence as contrasted to the civic/civil nature of PNU's Kibaki.

Through this circuitous and unconvincing route, Kagwanja aims to endorse the Kenyan courts as ultimate arbiters of the disputed presidential election results, the same argument that diehard Kibaki supporters upheld. The place of the court system in Africa has an interesting history. Mamdani has shown through his study of the bifurcated colonial state that courts dispensed civil justice for 'citizens' as contrasted to the customary code used for 'natives'. The idea was to exalt the civic domain in the hierarchy of modernising institutions and highlight the unilinear path by which 'natives' would qualify for civic justice. Kagwanja borrows this logic and applies it not simply to contrast PNU with ODM but to exalt the former over the latter. The implied position is this: if ODM cannot go to the courts of law to seek redress, why would anyone expect them to provide civilised leadership?

Courts in Kenya have a terrible history with respect to dispensing justice, and 'judicial subservience' to the executive, as Makau Mutua calls it, is not new to Kenyans. Courts have been complicit in many of the transgressions of the state against human rights activists. They were used to fight the pro-democracy advocates throughout the 1990s. Indeed, the height of Daniel arap Moi's authoritarianism was accompanied by his enlisting the courts to give judicial 'legitimacy' to his dictatorship. Periodic democrats like Gibson Kamau Kuria, Koigi wa Wamwere and the late Mirugi Kariuki suffered the brunt of this judicial injustice in 1987. Even those, like Martha Karua, who vociferously defended Kibaki re-election and called on ODM to go to court, have quit their ministerial position citing frustrations in relation to the much needed reforms within the judiciary. In election related cases, courts have been known to drag cases until an election cycle is complete. In contrast, in cases where Moi had a specific interest in changing a sitting member of parliament, cases were expedited through the court to ensure change. None other than Mwai Kibaki experienced this when he unsuccessfully disputed in court Moi's flawed electoral mandate in 1997.[19] The action of the Chief Justice (CJ) Evans Gicheru following the flawed declaration of Kibaki as winner on 30 December 2007 have failed to allay fears of judicial complicity in Kibaki's usurpation of power. Not only was the CJ already at state house ready to swear in Kibaki before Mr Kivuitu arrived to deliver the certificate, his statements since then have cemented a perception of his hypocrisy in the ongoing crises in the country.[20]

The argument in favour of the courts has been repeated with dizzying regularity by many analysts, most of whom like Mutula Kilonzo (Moi's lawyer) are too legalistic to be enlightening. This legalistic argument is pegged simply on the idea of preserving the rule of the law and does not consider the context of law. It avoids the issue of consistency in the application and legitimacy of law, a question that is central to the disputed elections. Issa Shivji has observed that 'a prerequisite of a constitutional government is that the constitution and the laws themselves are just, fair and equitable and therefore legitimate'. He further argues that 'consistency is the first condition for credibility'.[21] Citing the case of South Africa, he correctly points out that if following the law was the binding condition for justice, then apartheid would still be with us since

the apartheid regime scrupulously followed the law.

Proponents of the rule of law, in contrast, argue that there are laid down rules regarding elections that prescribe what one ought to do in the event one feels aggrieved about electoral flaws. Even advocates of 'people power' like Mukoma wa Ngugi have found themselves trapped in this legalistic argument.[22] Where else can one uncritically go for a cheap analogy than the US to cement the argument? Like Mukoma wa Ngugi, Kagwanja refers to the US Supreme court ruling of 2000 that 'resolved' the Florida contest and saw George Bush assume the presidency in the US. But as Mugambi Maina has correctly argued, Kenyan courts are themselves on trial. Any comparisons between the US and Kenyan courts, he concludes, amounts to 'a massively flawed and false analogy'.[23]

In fact, the US analogy confirms how undemocratic courts can be. It confirms the fear of the undemocratic nature of courts as they are currently constituted in Kenya. Most people who have used the US case seemingly refuse to see that the Supreme Court ended up selecting George Bush as US president contrary to the popular vote that had given Al-Gore the win. One only needs to read Greg Palast to appreciate and understand that the US example confirms ODM's fears rather than bolster PNU's case. Palast shows that the Florida vote was manipulated and rigged to give Bush an unfair win over Al Gore, evidence that the courts did not deal with even though they remain in the public domain. In other words, the analogy is counter-productive to the argument favouring the court as these may well end up selecting Kibaki as president, contrary to the wishes of the Kenyans who voted.[24]

A Crisis of Radicalism

It should therefore be obvious from the title of Kagwanja's Policy Brief that he perceives chaos to be the stuff of which ODM is made and the court where the civic Nation is safeguarded. His implied argument is that every 'civilised' person ought to know what, between civility (PNU) and chaos (ODM), should prevail as the solution to Kenya's crisis. This 'black or white' approach is simply a bad example of a Policy Brief that illustrates with remarkable clarity the broader crisis of intellectualism in Kenya. If the idea of a Policy Brief is to illuminate the many-sidedness of issues while providing an enlightened roadmap through the dense forest, Kagwanja's piece is simply a shameful version.

The limitations of Kagwanja's Brief and its unstated political inclination reflect an older crisis of radical intellectualism in Kenyan politics that goes a long way back. In the early 1990s, for instance, Kagwanja was a young and avid contributor to local magazines and newspaper where he penned critical opinion pieces in the then *Nairobi Law Monthly* (NLM), *Society*, and the *Daily Nation*. In one piece, he even called his teachers 'Dishonest Scholars'. Some of his pieces challenged those scholars who supported KANU. The realities of academic politics being what they are, some may argue that the move was a trifle careless; however, at the time, he espoused an idea whose progressive message was widely shared. Kagwanja argued that intellectuals have a duty to stand by the truth, enlighten society by articulating knowledge that foster justice and fairness and maintain a principled and enlightened position in the face of corrupting power. At the time, Moi and KANU made for a discredited and corrupt regime and any support for the regime summarily earned one the tag of 'intellectuals on hire', a phrase Peter Anyang Nyong'o used to refer to those who supported KANU.

Indeed, the basis of 'unity' within the opposition and between it and civil society was any claim to being critical of the Moi government. At the time, the opposition forces galvanized wide and popular support that cut across religious, ethnic, class, generational and gender lines. It brought together luminaries in the struggle for democracy including actors within political and civil society. Some came from the church, from professional groups like the Law Society of Kenya, while others came from the university and the trade unions. Luminaries like Oginga Odinga, Martin Shikuku, Masinde Muliro, and Kenneth Matiba teamed up with so-called young Turks like Paul Muite, Mukhisa Kituyi, Gibson Kamau Kuria, Peter Anyang Nyong'o, Raila Odinga, Kivutha Kibwana, Koigi wa Wamwere, Gitobu Imanyara (publisher of NLM), Martha (Njoka) Karua, Kiraitu Murungi, and Wangari Mathai, while Willy Mutunga. Kibaki was at the time firmly in KANU. In the university were able scholars like the late Katama Mkangi and Apollo Njonjo who played a leading role in opposition politics. Others like Korwa Adar and Kilemi Mwiria led the then unregistered University Academic Staff Union. It is worth asking what really united this amorphous group.

This question is germane for a number of reasons. Chief among these is that some turncoats within this group have, by design or by default, presented themselves as radicals seeking to alter Kenyan politics with a pro-people agenda. But with the advantage of hindsight, their claims are not borne out since many of these intellectuals, activists and politicians have shifted camps too regularly it is impossible to associate them with any consistent progressive position. Many are currently engaged in the project of undermining the prospects of democratic consolidation in Kenya. A few have authored the strategies enabling Kibaki to hold onto power while others are responsible for the failed initiative at constitutional review. The return of grand corruption of the Anglo-Leasing magnitude was hatched and safeguarded by some of these politicians who made their names as activist-intellectuals while those who continue to defend Kibaki's poor performance with respect to dealing with economic crimes acquired and perfected their political skills by criticising Moi.[25]

The easier explanation for this lack of consistency in the democratic preoccupations of Kenyan politicians and intellectuals is to blame the factionalised nature of Kenyan politics. However, politics everywhere is factionalised to some degree. What is obvious is that these groups of politicians and intellectuals were united in their drive for 'democracy' by anything but a concrete social vision that transcended the divisive aspects embedded in all political processes and that would eschew the seductions of raw power. This lack of social vision was however compensated for by a commonality of grievances (ethnicized or personalised) against the Moi/KANU regime. The basis of their unity was therefore not sustainable beyond complaints against Moi. In his absence, the group had no unifying ideology to guarantee sustainable struggle for the common goal of democratic rule and development for Kenyans. Thus, most of these politicians and activist-intellectuals were driven by short term goals.

Consequently, the repeated break-up of the coalition of politicians and intellectu-

als opposing the undemocratic culture of the Moi/KANU wing should be seen as a reflection of this lack of commitment to an idea bigger than individuals, a lack that led to numerous inconsistencies in their affiliations. Today, it is difficult to come across a politician in Kenya who has not switched parties severally. It is equally difficult to name intellectuals and activists with a consistent pro-democracy record. Perhaps, the worst cases are lawyers who have become unquestioning and ardent supporters of the Kibaki regime who, only a few years ago won human rights awards for their fight for democracy. The few activists and intellectuals left to continue that struggle like Willy Mutunga, John Githongo, Njonjo Mue, Muthoni Wanyeki and Maina Kiai have been ridiculed in various ways for their consistency. Both Githongo and Kiai have been repeatedly branded 'traitors' to an ill-defined Kikuyu cause for refusing to uncritically support Kibaki who is considered as 'our' (Kikuyu) man in state house. It is assumed in certain quarters, that since Githongo and Kiai are Kikuyu, their role must be to support 'their' man.[26]

This inconsistent mode of operation continues to cripple Kenyan politics in devastating ways. Pro-democracy credentials conferred during the Moi era have simply been turned into investments that some activists used to claim positions of influence in the post-Moi political dispensation. The result is that few Kenyans are sure which one among the self-appointed intellectual and civil society activists and leaders can sustain a committed struggle for democracy for long. With this reality, a perception has grown in which many Kenyans feel that forums within civil society are simply sites from where intellectuals and activists amass political credentials as an avenue to joining political society and proclaim their right to enjoy the fruits of their 'hard won' contribution to the struggle. Thus, when intellectuals become activists on their commitment to fight for freedoms of various kinds, the level of scepticism from the public is palpable. This is repeatedly confirmed when otherwise radical intellectuals jump ship and start consulting for those in power in complete contrast to what they professed before they started serving reactionary political interests. That intellectuals continue to offer such service shamelessly explains not only the low opinion the general populace has of them but also the numerous instances when important initiatives of the democratisation project have aborted.

In Lieu of a Conclusion

There is a need for better analysis that is not captive to the momentary passions of the contending parties in the Kenyan political stalemate. If this piece appears as a defence of one side, it is because it was motivated to critique an overly biased report that cast itself as objective and in which the author does not explicitly acknowledge his role in the PNU campaign. The focus for better analysis must illuminate the myriad sources of conflict in the Kenyan society and how these feed into the post-election violence. The violence has to be described and explained not simply as capricious actions of unthinking hoodlums lazily following ODM's rallying cries to commit unprovoked murders but as consequences of inequalities and injustices embedded in Kenya's history. This violence only found a trigger in the flawed declaration of Kibaki as president of Kenya. There are minimum facts that are incontrovertible in the ongoing discussion and these cannot be denied. One of those facts is that the election tallying process was so flawed that we cannot tell who won and Kibaki's usurpation of the presidency is not backed up by popular will. Intellectuals, like Kagwanja, do not do Kenya any service to avoid these hard facts.

Notes

1. See Kenyans for Peace with Truth and Justice Press release titled 'Count Down to Deception: 30 Hours that Destroyed Kenya', dated 18 January 2008.
2. This includes an appearance on Showdown, an NTV discussion programme on Wednesday 13 February 2008 at which he cast serious doubt on the abilities of the ECK commissioners.
3. Amina Mama, 'Is it Ethical to Study Africa? Preliminary Thoughts on Scholarship and Freedom', *African Studies Review*, vol. 50, no. 1, 2007, p. 3.
4. Rok Ajulu, 'The Left and the Question of Democratic Transition in Kenya: A Reply to Mwakenya', *Review of African Political Economy*, 22, No. 64, p. 231.
5. See Society for International Development Reports entitled 'Pulling Apart: Facts and Figures on Inequality in Kenya', Nairobi: SID, 2004, and 'Reading on Inequality in Kenya: Sectoral Dynamics and Perspectives', Nairobi: SID, 2006.
6. See http://www.hsrc.ac.za/Staff-1462.phtml.
7. See Peter Mwangi Kagwanja, 'Breaking Kenya's Impasse: Chaos or Courts', *Africa Policy Brief*, No. 1, 2008 found at http://africapi.org.temp.wadns.net/dnn/Home/tabid/36/Default.aspx.
8. See for instance, Kagwanja, 'Why ODM Cannot Walk the Talk on Fighting Corruption', *The Standard*, 13 December 2007, p. 14.
9. Some of these are contained in the special issue of the *Journal of Eastern African Studies*, Vol. 2. No. 2, July 2008, but a very early one was John Lonsdale's 'Kenya: Ethnicity, Tribe, and State' at http://www.opendemocracy.org/article/democracy_power/kenya_ethnicity_tribe_state.
10. See Peter P. Ekeh, 'Colonialism and the Two Publics in Africa: A Theoretical Statement', *Comparative Studies in Society and History*, vol. 17, No. 1, 1975, and Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Princeton, NJ: Princeton University Press, 1996.
11. This is an extension of a previous argument Kagwanja has made in relation to Mungiki. See his 'Power to Uhuru: Youth and Generational Politics in Kenya's 2002 Elections', *African Affairs*, 105/418, 2006, pp. 51-75. This argument is borrowed from the flawed analysis of Patrick Chabal and Jean-Pascal Daloz whose *Africa Works: Disorder as Political Instrument*, Oxford: International African Institute in association with James Currey; Bloomington: Indiana University Press, 1999 and *Culture Troubles: Politics and the Interpretation of Meaning*, London: Hurst and Co. 2006, which has been effectively critiqued by Kate Meagher, 'Cultural Primordialism and the Post-Structuralist Imaginaire: Plus Ça Change...', *Africa*, Vol. 76, No. 2006, and Abdul Raufu Mustapha, 'Rethinking Africanist Political Science', in Paul Tiyambe Zeleza, ed., *The Study of Africa Vol. I: Disciplinary and Interdisciplinary Encounters*, Dakar: CODESRIA, 2006, pp.187-202. For a critique of Kagwanja, see Godwin R. Murunga, 'Mungiki and the Re-traditionalisation of Society Argument: A Quest for Recognition?', *CODESRIA Bulletin*, Nos. 3&4, 2006, pp. 28-31.
12. All citations in this paragraph are from Kagwanja, 'Breaking Kenya's Impasse', p. 7.
13. See *The Standard*, 2 January 2008, p. 1.
14. For a slightly better though also very problematic rendering of this, see Wandia Njoya's

'Daniel arap Moi: An Essential Link between Kenya's Past and Painful Present', at www.zeleza.com.

15. Versions of the same argument were used to discredit the doyen of Kenya's opposition politics, Jaramogi Oginga Odinga. See Atieno-Odhiambo, 'Hegemonic Enterprises and Instrumentalities of Survival: Ethnicity and Democracy in Kenya', *African Studies*, 61, 2, 2002, pp. 243-244.
16. Citations from Kagwanja, 'Breaking Kenya's Impasse', p. 5.
17. Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, Princeton, NJ: Princeton University Press, 2001, raises and answers some of the questions of how certain forms of violence become thinkable. For the direct quotation, refer to Mamdani, 'Why Africans Fight', in *The East African*, 21-27 December 2008. The online version is found at http://www.theeastafrican.co.ke/magazine/-/434746/504478/-/view/printVersion/-/fm2c1nz/-/index.html.
18. Kagwanja, 'Breaking Kenya's Impasse', p. 7.
19. For details, see Makau Mutua, 'Justice under Siege: The Rule of Law and Judicial Subservience in Kenya', *Human Rights Quarterly*, vol. 23, no. 1, 2001, pp. 96-118.
20. For a commentary on the perceived hypocrisy of the CJ, see Pheroze Nowrejee, 'Was Remark by the CJ Hypocrisy or Attempt to Control?', *Daily Nation* 22 February 2008, p. 11.
21. Issa G. Shivji, *Let the People Speak: Tanzania Down the Road to Neo-Liberalism*, Dakar: CODESRIA, 2006, pp. 53-54.
22. See Mukoma wa Ngugi, 'Let us not find revolutionaries where there are none: A look at the Kenyan opposition party', found at http://www.pambazuka.org/en/category/features/45291.
23. *The Standard*, 24 January 2008, p. 7.
24. Greg Palast, *The Best Democracy Money Can Buy*, London: Pluto Press, 2002.
25. Is it surprising that some of the luminaries are running ministries recently categorized among the most underperforming ones in Kibaki's first term? According to Constitution and Reform Education Consortium document titled 'Holding the Government Accountable: A Report on the Review of the Economic Recovery Strategy for Wealth and Employment Creation, 2003-2007', p. 47, the Ministry of Justice and Constitutional Affairs, of Labour and Internal Security, are the three most underperforming ministries in Kibaki's first term as president. Thanks to Mshai Mwangola for drawing my attention to this study.
26. See John Githongo's discussion of this traitor accusation in *The Sunday Standard*, 16 December 2007, p. 2.

References

Chabal, P. and Jean-Pascal Daloz, 2006, *Culture Troubles: Politics and the Interpretation of Meaning*, London: Hurst and Co.

Chabal, P. and Jean-Pascal Daloz, 1999, *Africa Works: Disorder as Political Instrument*, Oxford: International African Institute in association with James Currey; Bloomington: Indiana University Press.

Ekeh, P. P., 1975, 'Colonialism and the Two Publics in Africa: A Theoretical Statement', *Comparative Studies in Society and History*, vol. 17, No. 1.

Kagwanja, P. M., 2008, 'Breaking Kenya's Impasse: Chaos or Courts', Africa Policy Brief, No. 1.

Kagwanja, P. M., 2006, 'Power to Uhuru: Youth and Generational Politics in Kenya's 2002 Elections', *African Affairs*, 105/418.

Mamdani, M., 2001, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, Princeton, NJ: Princeton University Press.

Mamdani, M., 1996, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Princeton, NJ: Princeton University Press.

Meagher, K., 2006, 'Cultural Primordialism and the Post-Structuralist Imaginaire: Plus Ca Change...', *Africa*, Vol. 76, No. 2.

Murunga, G. R., 2006, 'Mungiki and the Retraditionalisation of Society Argument: A Quest for Recognition?', *CODESRIA Bulletin*, Nos. 3&4.

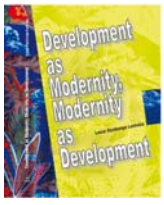
Mutua, M., 2001, 'Justice under Siege: The Rule of Law and Judicial Subservience in Kenya', *Human Rights Quarterly*, vol. 23, no. 1.

Mustapha, A. R., 2006, 'Rethinking Africanist Political Science', in Paul Tiyambe Zeleza, ed., *The Study of Africa Vol. I: Disciplinary and Interdisciplinary Encounters*, Dakar: CODESRIA.

Palast, G., 2002, *The Best Democracy Money Can Buy*, London: Pluto Press.

Shivji, I. G., 2006, *Let the People Speak: Tanzania down the Road to Neo-Liberalism*, Dakar: CODESRIA.

DEVELOPMENT AS MODERNITY, MODERNITY AS DEVELOPMENT
Iwazi Siyabonga Lushaba



ISBN: 978-2-86978-252-5

This book analyses the impact of the Western idea of 'modernity' on development and underdevelopment in Africa. It traces the genealogy of the Western idea of modernity from European Enlightenment concepts of the universal nature of human history and development, and shows how this idea was used to justify the Western exploitation and oppression of Africa. It argues that contemporary development, theory and practice is a continuation of the Enlightenment project and that Africa can only achieve real development by rejecting Western modernity and inventing its own forms of modernity.

The book is divided into four sections. The first section provides an outline of the theory of modernity in the Enlightenment project. In the second section, an attempt is made to trace the genealogy of the idea of development as modernity and how the African development process gets entangled with it. Here, its evolution is mapped through three periods: early modernity, capitalist modernity and late modernity. Zeroing in on the current era of late or hypermodernity, the book contests the idea that there is something new in globalisation and its neo-liberal development paradigm.

The third section turns to the complex but pertinent question of how, at the beginning of the twenty-first century, Africa can transcend the impasse of modernity. The fourth and final section sums up the argument and points the way forward.