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Responsibility as Communal Freedom: Reflections of Individual and Collective Responsibility

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Abstract

In this essay, I discuss the idea of responsibility linking it to the notion of communal freedom. I begin with a description of the idea of responsibility and move on to discuss collective responsibility, arguing that it is a viable perspective which allows the global community to assign responsibility and blame in cases where human rights have been abused. I use the genocide of Rwanda, to demonstrate that even international organizations like the United Nations and its leaders ought to accept responsibility for the crimes of genocide in Rwanda since there is enough evidence to demonstrate that the UN leaders knew that if they withdrew the peace keeping forces, the Hutus would go ahead and kill the Tutsis. In the third section I argue that responsibility, whether communal or collective, makes sense in a context of freedom. In the conclusion, I claim that one could read the publications of Professor Elisha Stephen Atieno-Odhiambo as narratives of individual and communal search for responsibility.

Key words: Responsibility, Communal, Freedom

Situating Responsibility

In this essay, I explore broadly, the notion of collective responsibility discussing the reasonableness of individual and collective responsibility. I begin by situating the idea of responsibility, and analyze individual and collective responsibility using contemporary African issues to illustrate the reasonableness of responsibility at the individual and collective level. Towards the end of the essay I connect the idea of responsibility to communal freedom. I conclude with a brief claim that one could actually read the intellectual production of the late Professor Elisha Stephen Atieno-Odhiambo as an invitation to explore the idea of individual and collective responsibility.

The idea of responsibility is loaded with theological and philosophical meanings and many see it as a term that should be understood in context (Bongmba, 2012). H.M. Kallen has argued correctly that "A theory of responsibility, like any other theory, is a reflection of the social situation which generates the theory. Its matrix is some immediate relationship of human beings, as individuals and as societies, to one another. Responsibility is a function of their contacts, of their harmonies and conflicts, whose continual adjustments and readjustments compose the processes of social life"(Kallen, 1942; Smiley, 2010; Smiley, 2011). In this sense one could also argue that responsibility is related to individual freedom. Thus when most people use the word responsibility, they refer to the idea that an individual is called to answer or account for actions that he or she has taken on his or her own free will. In other words since I am a free agent, I am accountable for what I think, say, or do especially if it has an effect on other people. Some people would question the notion of responsibility when it is applied to a person who does not have freedom. The idea here is that if someone acts under circumstances which is not of their own choosing, or where he or she were not given any choice, but compelled to act, that individual cannot be expected to assume responsibility for their actions. Responsibility can be studied from the actions of an individual or a group of actors. Such studies can also draw insights from different disciplines. It involves a number things including but not limited a reasoned acceptance that one is the source, or accepts that something he or she has done has

brought about certain consequences, positive or negative. It could also mean that one recognizes and pledges that it is his or her role to make something happen or prevent it from happening. Thus one could argue that to think about the idea of responsibility is to invoke the notion of free will and freedom of action.

The broad idea of responsibility also involves raising questions about liability, or accepting failure on behalf of a company or group which one has been selected to lead. In many cases people dismiss responsibility in the last case as a form of political maneuvering, but taking responsibility for a disaster or major failure of operation falls within the broad understanding of the notion of responsibility. But we must probe further to know what if there are any, is the criteria for assuming or assigning responsibility to someone or an organization. According to John Fischer and Mark Ravizza "someone who is genuinely morally responsible must satisfy certain 'subjective conditions': he must see himself as morally responsible in order to be morally responsible"(Fischer and Ravizza., 1998; Fischer and Ravizza., 2000). In many cases one accepts that there are morally responsible for something because they have no choice. For instance, if an individual is elected to lead and failure occurs during their time in office, then people expect the elected official to assume responsibility for the things that have gone wrong. Sometimes this criterion is difficult for some ordinary individuals, who may fear that was such a rule be generalized, accepting responsibility could also lead to criminal liability. In many cases, people expect that state leaders or political actors assume responsibility for broadly defined failures, or unexpected outcomes which could not be predicted or which could not be anticipated and when the leaders acted in good faith or in carrying out their constitutional duties. In general, individuals, more than elected officials, tend to be hesitant, fearing as we have suggested that they may also be charged with legal liability.

Scholars often link responsibility to moral virtue. The Greek philosophers used the terms moral virtue to refer to excellences that would enable individuals to function well in the *polis* (Alasdair, 1984). These excellences included prudence, temperance, fortitude, justice, magnificence, magnanimity, patience, friendship, and modesty. During the Roman times, many of these were seen as traits that a strong individual should have and hence the word virtue emerged as a description. During the Middle Ages, Saint Thomas Aquinas, a disciple of Aristotle not only discussed the excellences which had been developed by the Greeks and the Romans, but also articulated what he called theological virtues which included faith, hope, and charity as well as other virtues like prudence, justice, temperance, and fortitude. It is no surprise that in his appeal for contemporary society to revive virtues, MacIntyre has singled out his appreciation of the virtues at the time of Saint Thomas and the earlier perspective by Saint Augustine.

I have come to appreciate the distinctions made by J. R. Lucas who has argued that the word responsible might just be the best English rendition of the phrase Aristotle used *phronimos.* Lucas says the term today is used to refer to what he describes as "all-around reasonableness and reliability, not confined to any particular topic and entering into the most other desirable qualities of character"(Lucas, 1993). Today it is a term that is associated with a number of actions that includes listening, responding, and assuming certain postures and practices that relate to other people. Since an individual or a group responds to a situation, Lucas and other moral philosophers have argued that one could assign or accept responsibility or accept blame for the situation if a number of things are considered. For example, what were the alternatives the individual had in responding to a situation? Could the individual have done otherwise? Dose the position of the individual demonstrate thoughtfulness of reasonableness.

There are several views on when to assign responsibility. Aristotle claimed that questions of responsibility are always prior to that of freedom (Aristotle and Ostwald, 1962). However, when we encounter a situation today, we do not always stop to ask if someone acted freely. Our assumption in many situations is that someone acted because he or she felt that was the right thing to do and the actor had the freedom to make that decision. In other words, the individual was not compelled to take the specific action. People generally think of responsibility

and freedom of action when things go wrong or things do not go as intended. However if we reflect on the idea of responsibility, it seems reasonable to suggest that questions about responsible actions and assumption of responsibility should be prior to actions because those concerns could provide the framework on which to reflect on the moral freedom of choice available to the actor.

But an Aristotelian approach might suggest that responsibility could also be determined in light of whether there were mitigating circumstances that could make observers think differently about the action for which one is claiming or not claiming responsibility. J.L. Mackie offers another perspective through what he calls the "straight rule of responsibility," which makes an agent responsible only for intentional actions (Mackie, 1977). Mackie has worked out his thoughts carefully grounds his position in a larger description of intentional systems, which involves a context where behavior is explainable and predictable in light of the beliefs, desires, hopes, fears, intentions, perceptions, and expectations of a group. It is a combination of these various things that makes it easy to assign intention and hence responsibility to a particular action. This does not solve the problem because we must still ask whys is that people who are not directly responsible for an action can be blamed for it or charged in court for it.

Here is an example I used at the presentation at the Thabo Mbeki Institute (Bongmba, 2012). Those who might consider the Mackie rule could also consider the severity of a proposed action or the failure to carry out a certain action. For example, if I planned to call James and chat on the phone and forgot to make the phone call because I was shopping, I might be forgiven. However, if I intended to call Jim at a certain time to give him information he needed to take to a meeting and I failed to call him and something went wrong at the meeting, I have an obligation to accept responsibility for failing to make that telephone call. In this way one still considers intentions and purpose even if one does not hold some one responsibility in all cases, everything is not so important (Baier, 1991; Held, 2001).

Collective Responsibility

The idea of collective responsibility is looked at a little differently. We often see decisions by people to assume collective responsibility when companies accept responsibility like British Petroleum has done for the massive oil spill in the Gulf of Mexico. Therefore groups, corporations, and even states ought to accept responsibility and accept blame for their actions when those actions affect people and the environment in a negative way. Outside questions that deal with corporate responsibility, collective responsibility is often raised in the context of political and civil strife. In the African context the question of collective responsibility has been raised but not always addressed adequately in gruesome events like the Genocide in Rwanda and the post election violence in Kenya (Cushman and Stjepan G. Mestovic eds, 1996). This is also called collective guilt.

The idea of collective guilt is rejected by some scholars. For example Thomas Cushman and Stjepan G. Mestrovic have rejected collective responsibility that has been attributed to Serbian intellectuals and H.D. Lewis has rejected group responsibility; describing it as "the barbarous notion of collective or group responsibility" which lets individuals get away with their responsibility. While Lewis for instance reminds us of the need to consider the actions of individuals in cases of mass action like post election violence or in extreme cases like genocide where specific individuals have acted to foster and promote negative actions, I think that to completely do away with collective responsibility would make it difficult for political communities and the international community to deal with such things like Holocaust, the Rwandan Genocide, and apartheid, although we know that certain individuals played a key role in conceptualizing, planning, and carrying out these horrible crimes. They acted not only in their own name, but in light of the responsibilities which they had at the time as leaders of their state or employees, security officers, and members of the police or armed forces that were expected (compelled) to carry out the decisions of the authorities (Smith, 1998).

It is therefore important to rethink collective responsibility because African history has been marred by violence initiated by the

colonial project and continued in the postneocolonial state. While violence remains complex, African states can no longer explain the plight of its people by mainly blaming the colonial project. In other words, the question of responsibility for the success or failure of the state no longer is a foregone conclusion. It is clear to many observers of the African scene that the debates of the late 1980s and 1990s included the question of responsibility. While one cannot look at events in Africa in isolation from destabilizing global forces such as slavery, colonialism, and neocolonialism, it is also evident to some scholars that one can no longer blame colonial abuses alone for the slow progress and the growing poverty and violence on the African continent. Africans and their leaders particularly are responsible for much of the violence that is taking place in Africa today. It is this necessary to think of collective responsibility in the context of Africa.

My intention here is not to claim that African states have not made any progress towards economic and social development. To make such a claim would ignore much of the progress that has been recorded even after the so called movement towards democracy of the late 1980s and the early 1990s. The end of the colonial era was itself a miraculous achievement. The struggle to build nation states in an international and later global context where some of the new countries were not prepared to face the challenges, started off successfully in many countries. However, we must admit that something went wrong and any discussion about responsibility is an attempt to sort out who is to blame for the things that have caused a lot of pain on the continent. It is therefore the case that if we raise the question of collective responsibility, we do so to ask who should be blamed for the poverty, conflicts, wars and the atrocities that have been caused in the execution of those wars. Africa has seen or lived through its share of major crisis such as the Rwandan genocide, the extension of the Rwandan conflict into Eastern Congo which resulted in the death of many people, the war in Darfur, the wars in Sierra Leon and Liberia. One major event of the 20th Century that we can certainly ask who is responsible, or extend blame is the HIV and AIDS crisis. The failure by African leaders to address the HIV AIDS crisis as soon as it was known as a major global epidemic, places the responsibility for what has happened on the African leaders. The irresponsible rejection protective devices like condoms by religious leaders also implicate the religious leaders and yes, they should accept responsibility for failure on this score.

I also think that when violations of international law have occurred as they have in the Rwandan genocide, the Darfur genocide, and the wars in Liberia and Sierra Leone, it is important to examine the situation, identify those who are responsible for the crisis and its execution, and hold them accountable. This would mean asking an entire government or state to assume moral responsibility for the things that have happened. The idea here is that groups qua groups and not individual members can be held responsible. If the entire group cannot be held responsible their leaders should be held responsible. Most companies today often take responsibility for their products and conduct of their officials.

The difficulty with supporting collective responsibility as moral responsibility for some lies in the fact that one could easily see the causal aspect of collective responsibility, but the moral aspects of it may not always be clear as one would expect. I think we can identify causal responsibility which can be analyzed because we can point to a decision that led to some activity that harmed someone. It is more difficult to determine that a group, rather than the people who are part of that group share moral responsibility for an action or a set of actions. The question here for some critics of the notion of collective responsibility is the question of group. Can a collective cause harm in the same way as an individual can do? Some critics wonder if the idea of group responsibility receives attention mainly because individual members of a particular group who have caused harm and injury may claim that they have acted in the interest of the group. Some would argue that what happens in this case is merely distributing the amoral acts of a few individuals to the group. Critics do not think so.

There are those who argue that emphasizing collective responsibility in the end

undercuts the sense of individual values that have been developed over time.

Collective responsibility does not undercut individual values and freedoms; instead it is the desire to honor those values that that collective responsibility is emphasized as a way of addressing the abuse of power when leaders fail to act responsibly in their capacity as leaders of institutions or the states. This includes all acts of that violate individual and group rights and includes the planning and execution of wars that violate human dignity to the extreme. The concept of collective responsibility makes it possible to examine war crimes, genocide, and other acts of violence on a larger scale, especially when it is committed by one group against another group.

One important objection that has been raised is that it is difficult to assign intent to a collective as one would do to an individual person. Some argue that groups cannot be blameworthy like individuals; therefore assigning collective responsibility to a group is tantamount to making members of the group guilty by association. Some scholars in the twentieth century question the viability of the notion of collective responsibility because it overturns individualism. In his classic work, *Economy and Society,* Max Weber rejected the notion of collective responsibility because groups do not act with the same intention that individuals do (Weber, 1914). According to this view, Weber, maintained that it is individuals who determine actions and act intentionally and it easier assigning blame on actions of individuals than a group. H.D. Lewis has argued forcefully that collective responsibility is a barbarous thought because it is the individual alone who has moral responsibility (Lewis, 1948). The idea here is that if we assign collective responsibility, we end up criminalizing individuals who do not bear moral responsibility but who become culpable only because they belong to a particular group. Again what is central here is intentionality and whether one could and should assign it to a collective as one would assign intentionality to a single actor or a few actors. Therefore scholars who reject collective responsibility maintain that it is only individuals who act with intention and not an enter community (Narveson, 2002).

Scholars who support collective responsibility argue that individuals and groups could be held responsible because both have psychological responses and as such often respond to suggestions from others to participate in activities that could implicate individuals as well as members of a group. Deborah Tollefsen has argued that groups often also respond to events with emotions of anger, and disappointment that individual and groups have not acted in a moral manner (Tollefson, 2006). This is an important point to underscore because if we examine recent actions and violence in different places in Africa such as the recent post election violence in Côte d'Ivoire, and the one that erupted in Kenya, the actors demonstrated moral outrage against the manipulation of the elections; actions which they thought was wrong. Such actions do give many clues as to who should be assigned responsibility. In such actions, it is possible to see group intentions. Imagine a pattern which goes something like this. At the end of the elections, each side hopes that their candidate would be elected. Many of them, who expect that outcome, often follow the details. But if at the end something happens, they are bound to examine what has transpired in order to file a protest. But the problem in post-election violence is that many people are often pushed, as it were, to act violently. If they all act violently as a group, it is likely that the leadership incites the group to act that way. If that is the case, it is a good case to assign collective responsibility to the leaders and the group.

Some supporters of collective responsibility assume that a group has the same mind (Sosa, 2009). Margaret Gilbert has argued that there is something like shared intentions and can be attributed to a group. This seems to occur in post-election violence. Many times such action requires very careful coordination from the leaders, or people who stand to gain the most from such group action, but it is possible to get a crowd to think in a similar way, especially they are taught to see that their opponents want to make things difficult for them. What we see in such a situation is the perception by members of a group that they are under siege, or something has been stolen from them and it is their right to act as a group to recover what has been taken

away from them. They perceive that the only way to respond to this is to engage in the struggle as a group. While each individual has a mind of his or her own, it is the case that when they perceive that they have been threatened, they might also think that it would be to their advantage to act as a group. Under such circumstances, the group assumes moral agency in a manner that we could say an individual takes moral responsibility. Larry May has argued that when such a collective approach is taken, what is at work is a "pre-reflective intention" which precedes further deeper consideration of the issues by members of a group (May, 1987; May, 2006). The intentions that emerge from such actions certainly reflect group intentions.

Since 1994, scholars, Human Rights Groups have discussed the Rwandan Genocide in detail, as well as the extension of the conflict to Eastern Congo. Those familiar with the history of the genocide know that colonials and Christian missionaries demonstrated a preference for the Tutsi people who were in the minority. At the time of independence, the Tutsis occupied many of the responsible positions in the country while the Hutu who were the majority ethnic group felt they have been discriminated against and marginalized. Ethnic feelings were so important that the government created identity cards which spelled out one's ethnic group. In the post independent era, ethnic violence would break out several times. Later on political disagreements led to the creation of the Rwandan Patriotic Force which began fighting against the government in Kigali. The government of President Habariyamana reached an agreement with the RPF, but on his return from an important discussion on the implementation of the peace accords, his plane was shot down and this triggered the ethnic fighting in which the Hutu majority who had carried a campaign against the Tutsi set out to eliminate members of the Tutsi group. The death of the President just hastened the well laid out plan by Hutu leaders to exterminate the Tutsis. In preparation for that, they had compiled a list of Tutsis that would be killed and ordered weapons that would be used in carrying out the killings. The Hutus also carried out a systematic campaign on the radio, educating Hutus to kill Tutsis and Tutsi sympathizers.

In order to further demonstrate how the nature of collective responsibility may work, two important aspects of this Genocide must be mentioned. The first case is the fact that for 100 days, the international community did not do very much to stop the killings. Second, the United Nations Peace Keeping forces stationed in Kigali were recalled. As soon as they left the country, the full killing machine of the Hutu extremist was unleashed and after about 100 days, hundreds of thousands of people were killed in one most gruesome acts of violence of the 20th century. The international community then decided there was enough grounds to assign responsibility; those who perpetrated this massive killing. The international community has meticulously hunted those individuals down and brought before the international Court that was set up in Arusha Tanzania. Since the number of people implicated in the promotion or abating of the genocide was so large and the Arusha courts could not handle all of them, Rwandans set up the Gacaca Courts, a traditional court which held public hearings in the local communities and worked through the recognition of the crime, and promotions of reconciliation.

Some would argue that there is strong evidence for assigning collective responsibility to some members of the Hutu community. Members of that community planned the killings and persuaded their followers to believe the Tutsi were their enemies who should be eliminated for the good of the Hutu community. In the process, the leaders who instigated the genocide came up with appalling ideas such as raping and killing of Tutsi women because killing a woman meant that she would no longer give birth to Tutsi children. Even the clergy as we know from the account of the genocide were involved. They did not protect people who had gone to church or children who were in boarding school. They allowed the killers to come on sacred ground to carry out their acts of violence.

The question here for opponents of collective responsibility would be, why do we have to think of blaming whole communities when we could identify the perpetrators of wrongful actions and punish them for their crimes. Some would prefer that rather than pursue group responsibility, individuals in a

community and bring them to justice because it is not the case that every member of the community often participates in activities that cause great harm to others. Thos who support collective guilt argue that the leaders acted on behalf of their community.

The second thing on collective responsibility that we need to rethink regarding the Rwandan genocide is whether the international community itself had any responsibility or could also share in collective guilt. If blameworthiness is related to a moral position and it can be demonstrated that members of international organizations knew what could happen if they left Rwanda and went ahead and recommended that the peace keeping forces should be withdrawn from the volatile situation. Given what we know today, it is also possible to demonstrate that the international community could have taken another action. By failing to act, or by withdrawing the peace keeping forces, the international community, through the United Nations made it possible for the genocide to take place. I think it is possible and we should raise the question of collective responsibility on this account. The documentary, '*Sometimes in April',* dramatizes the crisis in a manner that helps us think of international complicity by showing the events in Rwanda, then panning back to what the makers of the film want to portray as active meetings at the United States Department to deal with the crises. If the documentary is correct, then the team met almost daily but did not take any concrete action to stop the killing. Towards the end, a frustrated State department official expressed her disappointment that they could not do anything to stop the killings, but one of the military leaders, simply said, the United States had no choice but remain neutral. He added, that it was Rwandans killing Rwandans and in the near future, the US president would apologize to the world and say that we will never allow such a thing to happen again, and that will be the end of it. This is what happened and it was not only the leader of the United States but other world leaders did a similar thing.

But let us take a look briefly at the international community again, especially the role of the United Nations which ordered its peace keepers out of Rwanda. One could say that the security situation in the country had deteriorated so badly that there was nothing they could do. One could also argue that if they remained in the country many of them could have been killed or caught in a civil war in which they could not do anything even to protect their own lives. Yet is also clear or at least there is some evidence that the United Nations knew that the situation in Rwanda had degenerated and that if all foreigners left the country, it would simply make it possible for an embolden Hutu extremist community to carry on what their leaders had planned, eliminate the Tutsis. The fact that the leaders of the United Nations knew this would happen and went ahead and pulled out the peace keeping forces out of Rwanda constitutes not only a lapse of judgment but a concrete action with moral implications that calls opens the door for all to assign collective blame here because the international community through the United Nations failed to remain and provide an important buffer zone, and let it be known that the Hutus could not carry on the killings because the whole world would be watching.

Speaking ten years after the genocide, the former UN Secretary General, Kofi Annan, said that he "could and should have done more to stop the genocide in Rwanda"(BBC News, 2011). The former UN chief reportedly said "The international community is guilty of sins of omission." Why did Annan take this step in trying to come clean? He was the head of the UN peacekeeping forces. Under his watch, the peacekeeping forces left Rwanda, and the Hutus systematically eliminated about 800, 000 people. The former UN Chief went on to say: "I believed at the time that I was doing my best." One almost wants to ask the question, how he could believe that he was doing his best when the history of ethnic violence in Rwanda was well known! He further admitted that "the international community failed Rwanda and that must leave us always with a sense of bitter regret." For the sake of argument, one could ask what the international community could have done if the Hutu were so bent in eliminating the Tutsi. Annan himself says that the UN could have provided reinforcements. When he became Secretary General it dawned on him that there was more he could have done to rally support for

the mission in Rwanda. What happened in Rwanda was more than a lapse of judgment on part of UN leaders like Kofi Annan. It was neglect of responsibility that contributed to a catastrophic outcome. It was not only Annan confessing but the United Nations Security Council also apologized in April 2000 and accepted responsibility for failing to prevent or stop the genocide.

Some Rwandans blamed the UN for failing to protect them. The BBC report mentioned what we learned of the mass aspects of the killing. About 4000 Tutsis sought shelter close to Belgian troops thinking that they would be safe because they were within the proximity of Belgian keeping forces. But they were not given any protection. The Canadian commander, Lieutenant General Romeo Dallaire, stated at the same conference where Annan spoke that the international community was not ready to help the Rwandans. In a statement which reflects what one could say were misplaced priorities of the international community which had ordered him and his troops out of Rwanda, he argued: "I still believe that if an organization decided to wipe out the 320 mountain gorillas there would be still more of a reaction by the international community to curtail or to stop that than there would be still today in attempting to protect thousands of human beings being slaughtered in the same country." This is not an anti animal statement, but a reflection of the choices we could make today in the face of mounting human crisis.

If we go back to the concept of group morality on which the idea of group responsibility is based, one could raise many questions. For example, should the UN system have been indicted? Should Kofi Annan himself have been made to answer for his lack of responsibility? The answer to this question depends on a number of things which certainly requires that we determine if Annan or his colleagues at the UN knew what would happen and if their attitude was intentional. Here the evidence of intentionality might be questioned by some. However, some would argue that given the volatile situation that had been building up in Rwanda since independence, it should have been clear that pulling out the peacekeeping forces would unleash a rash of killings. The next question here would be, could the international court have prosecuted the UN, the Security Council, or Kofi Annan and the generals on the ground? Some would say that could not happen even if some people wanted such prosecutions because the international community would have been prosecuting itself. Which leaves the question, should leaders like Annan have been held responsible? Some would argue that he made the best decision based on the information he had at the time. He did not intend to do anything that would lead to the slaughter of over 800,000 people. Even if one makes the case that he still was negligent and has accepted as much, the counter argument would be, to prosecute him would in effect be prosecuting the UN itself.

As one thinks of this the question, it is obvious that nothing happened to the individuals who were charged with protecting the people and preventing a war. Why would they be held accountable? This is where some would say as the ones who were responsible, it was their duty to provide the Security Council and the UN the necessary information to ask for an increase of peacekeeping forces rather than leave Rwanda. There was neglect on part of those leaders, but the UN itself turned around and gave Annan the top job at the United Nations. Holding him accountable would have been applying very tough rigorous standards of moral responsibility to him. Some would say it is precisely because of the magnitude of the neglect that such stringent moral responsibility should have been expected. Therefore UN leaders should have been prosecuted as the Hutu leaders who were prosecuted. Since the International community defined genocide and set in place conventions governing the declaration of genocide and steps to be taken when genocide has occurred, one would have thought that the UN was in a good position to know what to do in the case of Rwanda. Although African countries were not members of the UN when those conventions and the International Declaration of Human Rights were declared, they subscribed to these conventions, thus granting the UN jurisdiction on such issues in the African context. Therefore it would have made sense to hold UN officials accountable as a matter of fairness.

Global conventions recognize and treat people as a group and a good example is the

United Nations concerns for indigenous groups. These groups are increasingly being seen not as abstract entities, but people with rights that are articulated and often violated. In this case a prominent individual was held responsible for the crimes that were committed. There are cases in which individuals of members of a certain community may also escape being countered as part of the guilty party. These happen because even when ethnic cleansing or genocide was carefully planned and executed in Rwanda, all members of the political community do not carry the same responsibility for the crime. For many people the notion of collective guilt is acceptable especially in the case of Rwanda where certain members of the Hutu community engineered the 1994 genocide (Mamdani, 2001). We do know that not all Hutus were responsible and many of them went out of their way to protect Tutsis. However, the national scope of the genocide do show convincingly that group guilt is reasonable when a large segment or its leaders plan actions and order their followers to carry it out, that community should be held responsible for collective guilt. Wole Soyinka has called the hunting down and killing of the Tutsis in Rwanda a collectivized crime (Soyinka, 1998). However, it would be a mistake to think that the notion of collective guilt erases or exonerates individuals who have played a key role in those events. In seeking justice crimes against humanity, charges have been brought against leaders like Pauline Nyiramasuhuko, Elie Ndayambaje, Alphonse Nteziryayo, Sylvain Nsabimana, and Joseph Kanyabashi, all of Rwanda, have now been convicted of their roles in the Rwandan genocide.

Responsibility, Freedom and the Other

Responsibility has a relationship to freedom as I indicated at the beginning. The idea here is that when we claim that someone is responsible, we mean that the individual as a free moral agent, answers by his or her own will for their thoughts and actions towards other people. In the main, that is the least we can claim about individual or even collective responsibility. The question here is what if an action takes place in a context where the individual is not free or is constrained by circumstances to take actions which he or she would not have taken like in the case of actions taken under a dictatorial regime like apartheid South Africa? While we will not pursue that argument here, it is clear that in such a situation, the notion of collective responsibility might overshadow personal responsibility because it can be shown that people acted in certain ways not out of the exercise of their freedom but because they were compelled to act. It is clear then that responsibility is related to freedom, but under some circumstances, one's responsibility can be limited by that individual's freedom, an idea that is not only intriguing, but raises important moral dilemmas.

The work of Emmanuel Levinas has brought a different perspective on the idea of responsibility. In '*Otherwise than Being',* Levinas argues that responsibility is not limited to the type of deficiencies others suggest. The idea of responsibility in Levinas outstrips every limitation one could place on it and therefore Levinas brings a different perspective to responsibility by arguing that one is always responsible to the other and such responsibility extends beyond the freedom of the subject (Levinas and Levinas., 1981a). The issue here is not that one does not have a choice to make, but the view that one is responsible to the other and cannot allow his or her freedom infringe on those responsibilities because one is infinitely responsible for the other in the sense in which Levinas talks about the relationship to the other. In other words, based on an ethics of the face which Levinas has articulated, one is always responsible and answerable to the other regardless of the conditions under which your actions take place. Levinas describes that responsibility as an obsession which he calls "a responsibility of the ego for what the ego has not wished, that is for the others"(Levinas and Levinas., 1981b).

In this relationship Levinas emphasizes the freedom of the other which calls into question the plans of the subject. In calling into question, the domination of the subject, Levinas insists that the powers and the demands of the other who is encountered in the face-to-face relationship surpass those of the subject. It is a meeting that is filled with contradiction because the subject who assumes that he or she understands the other does not understand the

other. Thus the subject who encounters the other is summoned to responsibility even if the subjects might want to use his or her freedom differently. This summons to responsibility according to Levinas significantly changes the debate because it invites a new understanding of truth which must start when the subject realizes that he or she does not understand the other. The ontological view and understanding which turns the other into an object to be grasped, held, and controlled emphasizes the freedom of the subject at the expense of the other. Levinas in very telling language argues that the use of knowledge and understanding to present truth as a grasp implies "knowledge would involve the suppression of the other by the grasp and by the hold, or by the vision that grasps before the grasp"(Levinas, 1969a). This eliminates the freedom of the other. However, despite this ontological egoism, Levinas argues that the other's face preempts such a grasp and praxis of domination as the other also grasps the subject. But this is a different grasp because this grasp stops the subject from carrying out its dehumanizing projects; displaces, and overthrows the subject's view of truth.

The question then is what is truth? Levinas argues that truth from this perspective is to stand in the face of other and have that other reject your imperial projects of domination. The other simply does not tell you that she has a different view of what you are doing, but actually makes a demand on the subject and Levinas calls that demand an "appeal to me [which] is truth"(Levinas, 1969b). In this transaction, truth is not a comprehension that is worked out in dialogue between the other and the subject, but is already that relationship. In other words, being in relationship is truth itself. Levinas calls it a modality of relations between the subject and the other (Levinas, 1969c). Robert Manning has argued that "truth as a modality of this relationship means that truth is inseparable from the just relationship between people and, thus, from ethics or morality, or justice"(Manning, 1993). Levinas himself is insistent that truth is not control "but rather to encounter the other without allergy, that is in justice"(Levinas, 1969d).

What we have here is a claim that to be in the presence of the other, and relate to the other opens one to truth and truth which is an opportunity to be in the presence of the other on the terms of the other and not on the basis of one's propositions and knowledge. It is to open one's self to the demands of justice before the other. To be open to the demands of justice in the presence of the other is to be open to accept responsibility for the other. This has implications for our understanding of individual and one should add collective responsibility in the African context.

Africa stands at a significant crossroads and it is clear to all that Africa needs to move forward, and to do that, African leaders need to assume responsibility not only as their constitutional obligations, but as a matter of freedom, the freedom of the other(s), who are citizens. In recent years, Nobel Economist Amartya Sen has argued that development is not merely building new infrastructure, but creating the conditions for members of our political communities to experience freedom. This freedom is significantly different from the one articulated by rulers and those who have governed the postneocolonial state during the last half of the century. If we pursue development as freedom, it will be clear that change goes beyond infrastructural change because it is an activity that should respond in very definite ways to who were are as people. Such a view of the other and community opens spaces for individuals to define themselves and find ways of shaping their communities in new and responsible ways. The great accomplishment of Sen in '*Development as Freedom',* is his insistence that we cannot define or understand development and change merely as the possession of wealth (utilitarians), or merely as the processes we have used to achieve what we have (libertarians), but development comes when we have acted responsibly and nurtured the capabilities of people which according to Sen constitutes substantive human freedoms which would then allow people in a political community to focus on important things that matter to people.

If we look at political practice in Africa we will discover that many of the areas of human freedom which Sen discusses are lacking. Freedom in Sen's work involves political freedom, economic freedom, opportunities for

members of the political community to excel, socio-political transparency, and creating a social and political climate that is secure. All these things could contribute to the experience of justice which Sen defines as the creation of capabilities. It is not easy to give complete or settled answers on these questions because one has to weigh them in light of the politics of the day and the behavior of the markets, but capabilities is a useful tool because it offers different ways of understanding poverty, and the other disparity that exists in society such as the gender divide. Developing capabilities requires the establishment of strong democratic governance where political rights exist. "Political rights, including freedom of expression and discussion, are not only pivotal in inducing social responses to economic needs, they are also central to the conceptualization of economic needs themselves"(Sen, 2000). When Sen discusses political rights he is not talking of it in abstraction because he has addressed the rights of women in development. As part of his overall argument, it is not merely providing women with goods or money, but paying attention to the wellbeing of women. This is done by strengthening their capabilities and agency.

What is very appealing in the work of Sen is the idea that while he champions democratic ideals and the development of human capabilities, he is open to fresh ideas on these things. He draws examples from India to demonstrate how the West does not have a monopoly on organizing a functioning political community. We live at a time when pluralism in all respects must provide the resources and ideas that have to work with to achieve our goals and not ground economic success in a democratic society by selfish values alone.

Sen like Levinas brings together justice, freedom, and responsibility. What we have in Sen is an argument which calls the human community to the reality that we have a responsibility to see "development as an integrated process of expansion of substantive freedoms that connect with one another"(Sen, 2000). We may not be happy with this view because those of us who have championed neo liberal ideas as necessary perspective on economic development, but Sen has brought to the conversation ideas that are similar to what we have seen in Levinas. Levinas has formulated his ideas in response to the long ontological journey of the western, and we should add the postneocolonial leader as subject. Those three ideas point to a new truth which according to Levinas is the face of the other who stands before the subject. That face is not an object. We have developed certain characterization of the other: She is a widow, orphan, wife, concubine, prostitute, member of the opposition party, uneducated, gay, lesbian, AIDS victim, etc. The face, before which we stand, resists these categorizations and calls on us to see the human face that is in front of us. This face itself is a resistance, the on-going anti colonial and anti imperial project that has been ever been launched. It is a face that calls us to our core values. It is a face that reminds us of our collective responsibility as the path towards freedom.

Un-concluding Word

This reflection is written in honor of my senior colleague Professor Elisha Stephen Atieno-Odhiambo whose interdisciplinary thinking moved Africanists to ask local questions in a global context in a different way. One area of interest that was always imbedded in his work but never made explicit was the ethical and moral implications of our knowledge, power, and place in society. One could argue that in addition to their declared intention of exploring a sociology, politics, and risks of knowledge, Odhiambo and his co-author, David Cohen gave us an opportunity to reflect on responsibility, may be not in the broad sense as I have tried to sketch it, but left imprints there for one to think of individual as well as collective responsibility even in a narrow sense of the local community in Kenya or the outworking of political rivalry on the National stage in Kenya.

In '*Burying SM*' (Cohen and Atieno-Odhiambo, 1992), one could argue that Odhiambo and Cohen addressed not only the drama of an individual family, and that of an ethnic group, but the legal responsibility which many African elites ought to assume to ensure that after their departure, the funeral and burial rites would go smoothly and because he or she made provisions for all involved to respect the

will of his surviving spouse, and also made provisions for the local traditions. However, one wonders if in taking care of the legal aspects of his departure could have solved everything, given that his survivors claimed spousal and social responsibility in their respective claims and choices. The very fact that they mapped out the drama and included the different voices indicates that the idea of personal and social responsibility is complex and calls for constant negotiation. In the death of one individual, the society saw manifested the multiple debates on gender, kinship, succession, and the extent of jurisprudence over personal marital matters and cultural claims of the extended family. Assigning praise and blame here is very difficult because what is involved would be the idea that someone should accept responsibility for the aftermath of SM's death. Cohen and Odhiambo do not engage in that kind of speculation, but the reader could infer these questions from following the carefully crafted narrative that gives voice to ordinary citizens who themselves would like to see someone accept blame or take responsibility.

If '*Burying SM'* only hints at the idea of responsibility, '*The Risk of Knowledge'* (Cohen and Atieno-Odhiambo, 2004) perhaps opens, all the same, an undefined window into the question of responsibility. One could argue that the idea of responsibility even as a moral category is all over the book beginning with the expensive trip the Kenyan President and his entourage undertake to Washington DC on a rented Concorde jet at the Kenyan tax payers' expense. The large entourage was made up of ministers and civil servants. This was a political miscalculation that leads to the fact that President George Herbert W. Bush ignored the visiting Kenyan President, Daniel Arap Moi and preferred to pay attention to the astute Foreign Minister, the Honorable Robert Ouko, thus giving the impression that the Foreign Minister had willfully upstaged the Kenyan President and humiliated his boss. This suspicion was the beginning of Robert Ouko's downfall, so much so that when he died, many suspected that his enemies might have been responsible for his death.

Odhiambo and Cohen wrote as social scientist and had no intention of casting blame, or claiming that they knew who was behind the death of the Honorable Foreign Minister. Yet in their critical analysis, one wonders if they also make the reader want to ask the question, who is responsible? They do not answer that question, but I suspect that if they were to step out of their unique style of narrative which gave voice to the public, they might say responsibility lies in the vary story of the postcolonial state in which many a political dispute was settled by events which we cannot adequately account for. I do not intend to pursue these questions here, but close with this suspense to invite further reflection on the idea of collective responsibility as I have explored in this essay that I have written to honor the memory of Professor Elisha Stephen Atieno-Odhiambo, my colleague and friend, in the hope that we can reflect on the importance of collective responsibility in the postneocolonial states in Africa.

References

Alasdair, M. (1984) After Virtue: A Study in Moral Theory. Notre Dame, IN, Notre Dame University Press.

Aristotle and Ostwald, M. (1962) Nicomachean ethics. Bobbs-Merrill, Indianapolis,.

Baier, A. (1991) A Naturalist View o Persons. Presidential Address. Proceedings of the American Philosophical Association 65.

BBC News. (2011). BBC accessed June 9, 2011.

Bongmba, E., K. . (2012) Responsibility and governance presented at the Thabo Mbeki Institute for Leadership in Johannesburg, South Africa on 11 October 2012, forthcoming in Investing in Thought Leaderships for Africa's Renewal, edited by Kwandiwe Knodlo, 2012.

Cohen, D.W. and Atieno-Odhiambo, E.S. (1992) Burying SM - The Politics of Knowledge and the Sociology of Power in Africa. London: James Currey Ltd.

Cohen, D.W. and Atieno-Odhiambo, E.S. (2004) The Risks of Knowledge: Investigations into the Death of the Hon. Minister John Robert Ouko in Kenya, 1990. Athens, OH, Ohio University Press, and Nairobi, East African Educational Publishers Ltd.

Cushman, T. and Stjepan G. Mestovic eds. (1996) The Time we knew: Western Responses to Genocide in Bosnia. New York: New York University Press.

Fischer, J.M. and Ravizza., M. (1998) Responsibility and Control. Cambridge: Cambridge University Press.

Fischer, J.M. and Ravizza., M. (2000) Replies. Philosophy and Phenomenological Research 61, 467-480.

Held, V. (2001) Group Responsibility for Ethnic Conflict. The Journal of Ethics 6, 157-178.

Kallen, H.M. (1942) Responsibility. Ethics 52, 350-376.

Levinas, E. (1969a) Totality and Infinity: An Essay on Exteriority, trans. Alphonso Lingis. Pittsburgh, Pa.: Duquesne University Press, 302.

Levinas, E. (1969b) Totality and Infinity: An Essay on Exteriority, trans. Alphonso Lingis. Pittsburgh, Pa.: Duquesne University Press, 291.

Levinas, E. (1969c) Totality and Infinity: An Essay on Exteriority, trans. Alphonso Lingis. Pittsburgh, Pa.: Duquesne University Press, 210.

Levinas, E. (1969d) Totality and Infinity: An Essay on Exteriority, trans. Alphonso Lingis. Pittsburgh, Pa.: Duquesne University Press, 303.

Levinas, E. and Levinas, E. (1981a) Otherwise than Being, or Beyond Essence, Trans. Alphonso Lingis. Pittsburgh, Pa.: Duquesne University Press, 122.

Levinas, E. and Levinas, E. (1981b) Otherwise than Being, or Beyond Essence, Trans. Alphonso Lingis. Pittsburgh, Pa.: Duquesne University Press, 114.

Lewis, H.D. (1948) Collective Responsibility. Philosophy and Phenomenological Research 24, 3-18.

Lucas, J.R. (1993) Responsibility. Oxford: Clarendon Press, 11.

Mackie, J.L. (1977) Ethics: Inventing Right or Wrong. Harmondsworth, 208.

Mamdani, M. (2001) When Victims become Killers: Colonialism, Nativism, and the Genocide in Rwanda. Princeton: Princeton University Press.

Manning, R.J.S. (1993) Interpreting Otherwise than Heidegger: Emmanuel Levinas's Ethics as First Philosophy. Pittsburgh: Duquesne University Press, 117.

May, L. (1987) The Morality of Groups. Notre Dame: University of Notre Dame Press.

May, L. (2006) State Aggression, Collective Liability, and Individual Mens Rea. Midwest Studies in Philosophy XXX, 309-324.

Narveson, J. (2002) Collective Responsibility. Journal of Ethics 6, 179-198.

Sen, A. (2000) Development as Freedom. New York: Anchor books.

Smiley, M. (2010) From Moral Agency to Collective Wrongs: Re-thinking Collective Moral Responsibility. Journal of Law and Policy (Special issue on collective responsibility) 19.

Smiley, M. (2011) Collective Responsibility. The Stanford Encyclopedia of Philosophy, ed. Edward N. Zalta.

Smith, P. (1998) Liberalism and Affirmative Obligations. New York: Oxford University Press, 222.

Sosa, D. (2009) What is it Like to be a Group? Social Philosophy and Policy 26, 212-226.

Soyinka, W. (1998) Hearts of Darkness. The New York Times Review of Books (October 4, 1998), 11.

Tollefson, D. (2006) The Rationality of Collective Guilt. Midwest Studies in Philosophy XXX, 222-239.

Weber, M. (1914) Economy and Society 1.

Kenya's Elections Law dangles the Prospect of Recall even as it Renders it Essentialy Unworkable

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Abstract: The Constitution of Kenya granted the right to recall legislators. In stipulating the grounds and procedures thereto, The Elections Act 2011 (Republic of Kenya, 2011) only "...dangles the prospect of recall…even as it renders it essentially unworkable"(Johnston, 2009). The grounds for recall are faithful to Chapter Six of the Constitution (Republic of Kenya, 2010, 51-54). That the grounds must be confirmed by the High Court makes the Act evade the criticism of recall as a political tool for targeting marginal seats (Coleman, 2011). However, the signature requirements for a recall petition, conditions for the recall election, and the resulting special election create an insurmountable hurdle. The Act thus contravenes the constitutional provision of direct exercise of sovereignty.

Key words: Kenya, Elections Law, Unworkable

I. THE GROUNDS FOR RECALL

1. Grounds; Faithfull to Chapter Six of the Constitution

Article 104 of Chapter Eight (The Legislature) of the new *Constitution of Kenya* (Republic of Kenya, 2010, p. 69) give the electorate the right to recall members of Parliament, both from the Senate and the National Assembly. Parliament was in the transitional and consequential provisions (*Ibid.,* 190) tasked to enact legislation providing both the grounds and procedure, and this came in the provisions of Part IV, "Recall of a Member of Parliament", of *The Elections Act 2011* (Republic of Kenya, 2011).

Article 75 ("Conduct of State Officers") of Chapter Six of the Constitution (Leadership and Integrity) had already hinted (Republic of Kenya, 2010, pp. 52-53) at some grounds that have been included in the provisions of *The Elections Act 2011*. Article 75 states that State Officers, in this regard Members of Parliament, who contravene the following provisions of Articles 75, 76, 77, and 78 Constitution shall be subject to disciplinary procedures, including those resulting in dismissal or removal from office:

(a) Avoidance of conflict of interest between personal interests and public or official duties;
(b) Avoiding compromising any public of official interest in favour of a personal interest;
(c) Avoiding demeaning the office held;
(d) Delivering to the State a gift or donation received on a public or official occasion and which is not subject to exemption by an Act or Parliament;
(e) Not maintaining a bank account outside Kenya unless under exemption provided under an Act of Parliament;
(f) Not seeking or accepting a personal benefit or loan in circumstances that compromise the integrity of the officer;
(g) A full time State Officer not participating in any other gainful employment;

(h) Not holding dual citizenship unless one has been made a citizen of another country by laws of that country without the ability to opt out.

The Elections Act 2011(Republic of Kenya, 2011) in its Section 45 (Republic of Kenya, 2011, p. 629) on the other hand specifies two grounds for recall. First, that a Member of Parliament may be recalled if found to have violated the provisions of Chapter Six of the Constitution. Those provisions as specified in Articles 75, 76, 77, and 78 of the Constitution are the 8 numerated above. Article 73 of the Constitution (Republic of Kenya, 2010, p. 51) has elaborated the grounds as follows;

(a) State officers are to exercise their authority in a manner consistent with the purposes and objects of the Constitution;
(b) State Officers are to demonstrate respect for the people;
(c) They should promote public confidence in the integrity of the office;
(d) They are to be elected in free and fair elections;
(e) They must exercise objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, and other improper motives of corrupt practices
(f) They are to provide service based on honesty in the execution of public duties;
(g) They are to declare any personal interest that may conflict with public duties; They have to demonstrate accountability to the public for decisions and actions;
(h) They must demonstrate discipline and commitment in service of the people.

The Second ground specified for recall by *The Elections Act 2011* (Republic of Kenya, 2011, p. 629) is if a Member of Parliament is found to have mismanaged public resources.

2. Due Process Required to Confirm Grounds for Recall

Section 45 of the act, specifies that the recall can only be initiated if the grounds so specified are confirmed through a judgement of the High Court. In that way, and by being faithful to Chapter Six of the Constitution (Republic of Kenya, 2010, pp. 51-54) in providing for the grounds for recall, the Act has evaded one of the criticisms of recall, i.e. it can be used as a political tool by organised campaigns to target marginal seats (Coleman, 2011). With that it is unnecessary to put insurmountable hurdles in the conditions for circulation of the recall petition, in the recall election, and subsequent special election in the manner that the Act then proceeds to do.

3. Comparison of Grounds of Recall from Other Jurisdictions

One needs to take note of the fact that in some recall jurisdictions, especially in the most US states, any registered voter can begin a recall campaign for any reason. This is something the Kenyan law has avoided. Often, the reasons in the US states are political. The 2011 recall efforts in Wisconsin provide a good example for politically-motivated recalls (Legislatures, 2011), that the Kenyan Act has gone out of its way to avoid. Out of the 19 that have recall provisions, only the 8 listed in Table 1 below require specific reasons for recall.

Again in most of those 19 US states confirmation of whatever grounds for recall by due process is not even a requirement.

II. SOME PRELIMINARY CONDITIONS FOR FILING AND INITIATING OF RECALL PETITIONS

The Elections Act 2011 (Republic of Kenya, 2011, p. 630) Section 45 (5) is clearly unconstitutional when it provides that a recall petition shall not be filed against a Member of Parliament more than once during the term of that member of Parliament. This provision would only make sense in the case of avoidance of double jeopardy where the High Court has in a previous instance ruled against the confirmation of the very same

charge. It would not make sense if the member of Parliament has engaged in a different contravention of the provisions specified in the grounds, or if the High Court had confirmed the very same charge and the recall petition had for some reason not exhausted its process.

The Section 45 (6) of *The Elections Act 2011* (Republic of Kenya, 2011, p. 630) is also clearly unconstitutional when it stipulates that someone who unsuccessfully contested an election under the Act shall not directly or indirectly be eligible to initiate a recall petition. This is discriminatory to persons who have unsuccessfully contested elections. Article 104 of the Constitution (Republic of Kenya, 2010, p. 69), as should indeed be, has endowed the right of recall on the electorate as such.

III. CONDITIONS FOR CIRCULATING A RECALL PETITION

Some of the conditions specified for circulating the petition are clearly problematic.

1. The Petitioner Must have Been Registered as a Voter in the Respective Election:

Section 46 (1) of The Elections Act 2011 (Republic of Kenya, 2011, p. 630) provides that a petition can only be filed by one who is registered as a voter in the respective jurisdiction. What is however problematic is an additional requirement that the petitioner must have been a registered voter in the election in respect of which the recall is sought. Again, Article 104 of the Constitution (Republic of Kenya, 2010, p. 69), as should indeed be, has endowed the right of recall on the electorate as such.

2. Signature Requirements:

The signature requirements as provided in Section 46(2, 3, and 4) of *The Elections Act 2011* (Republic of Kenya, 2011, p. 631) are too stringent, and needlessly so. This is because as has been argued in Section I above, first the grounds specified by the Act for recall are non-political and involve the violation of Chapter Six of the Constitution or mismanagement of public resources. Secondly the violations of the grounds have to be confirmed by a judgement rendered by the High Court.

The Act states that the petition must be accompanied by the signatures of voters in the respective jurisdiction making at least 30% of its registered voters. Further to that, the 30% figure must have a spread of at least 15% of registered voters in at least half of the number of wards in either the respective county (in the case of a Senate seat) or the respective constituency (in the case of a National Assembly seat). Additionally, the 30% figure must have a spread in terms of representing "the diversity of people in the county or constituency as may be the case".

These signature requirements are extremely demanding. The 30% sum of registered voters in a jurisdiction is already demanding enough even before it is saddled with the two additional requirements for ward and diversity spread. The situation is even worsened by the requirement that the petitioner has to collect and submit the signatures to the Independent Electoral and Boundaries Commission within 30 days.

Perhaps a picture of how demanding those requirements are can be gleaned from comparisons with provisions from other jurisdictions.

(a). British Columbia, Canada: The signature requirements for recall of a member of the Legislative Assembly are very demanding. The petitioner has 60 days to collect signatures from more than 40 per cent of the voters who were registered to vote in the Member's electoral district in the last election. However, unlike in there are no set grounds with the petitioner only required to provide a statement of why the legislator should be recalled. One may nevertheless have to agree that the political events that led to the adoption of the recall in the Canadian Province resulted in "a law that dangles the prospect of recall …even as it renders [it] essentially unworkable" (Johnston, 2009), and the same could be said of Kenya.

(a). Ecuador: The request for recall must be backed by a number accounting for only no less than 10% of the persons registered in the corresponding voter registration list. In the case of the President of the Republic, backing by a number accounting for no less than 15% of the persons registered in the electoral registration list (Ecuador, 2011). There are no other requirements.

(b). **Federated States of Micronesia, Chuuk, Pohnpei, and Yap:** Article IX, Section 5, of the Constitution(Federated States of Micronesia, 2011a) provides that; **(**a) a petition for recall of the Governor or Lieutenant Governor may be initiated by a majority of all mayors in the State of Chuuk, or by registered voters equal in number to at least 15 % of those who voted in the last general election for Governor and Lieutenant Governor;
(b) a petition for recall of a Senator or a Representative may be initiated by a majority of all mayors in the applicable Representative district or Senatorial Region, or by registered voters from such district or region equal in number to at least 20% of those who voted in the last general election in such district or region.

(**c). Federated States of Micronesia, Kosrae:** Article VII, Section 1, of the Constitution (Federated States of Micronesia, 2011b) provides that the Governor, Lieutenant Governor, a justice of the State Court, or a Senator may be removed from office by recall initiated by a petition, and be signed by at least 25% of the persons qualified to vote for the office occupied by the official, except that recall of a justice of the State Court requires the same number of signatures as a statewide elective office.

(d) Germany: The constitutions of some states give the electorate the right to recall entire legislatures.
(i) In Baden-Wuerttemberg that can be initiated through a petition signed by 200, 000.00 registered voters, as per part II Article 43 of the constitution (Baden–Wuerttemberg., 1953). The population of that state is in the range of around 10, 000, 000.00 (European Social Fund, nd) so that the number of signatures required makes up just about 2.5% of the population.

(ii) **Bavaria:** In Bavaria, the constitution in Title II, Article 18 (2) (Bayern, 1946), provides for a recall of the entire legislature in a referendum if petitioned by 1, 000, 000.00 registered voters. The population of Bavaria now stands at approximately 12, 443,893 (Government of the State of Bavaria, 2011). The required number of signatures is thus below 10% of the total population. About 84.5% of the population is above 15 years of age, meaning that most of them are of voting age hence increasing possibilities for the availability of potential petitioners.

(iii) **Berlin:** According to the constitution of the city-state of Berlin, Article 63, a recall of the complete legislature can be initiated by 20% of the registered electors (International Institute for Democracy and Electoral Assistance, 2008, p. 116). During a political crisis in January 1981 the Christian Democratic opposition started a citizens' initiative to recall the legislature. Within a few days, 300,000 signatures – more than the quorum required – had been collected. In March, the parliament decided to call an early election in May 1981, without waiting for the referendum vote. Since the goal of the initiative had been reached the petition was withdrawn.

(iii) **Brandenburg:** Article 76(1) of the constitution (State of Brandenburg, 1992) provides for the recall of the entire legislature through an initiative that has to be signed by at least 150, 000.00 registered voters. The population of Brandenburg is about 2, 500, 000.00 (Government of the State of Brandenburg, circa 2004, p. 3), and thus the required signatories is just above 5% of the population.

(iv) **Bremen:** Article 70 of the constitution(Free Hanse City of Bremen 1947) provides for an initiation of recall of the entire legislature through a petition signed by at one fifth of registered voters, i.e. about 20%.

(e). Kiribati: This presents another case of a quite high figure of signatures required for filing a recall petition. Chapter V, Section 59 (1) of the Constitution (Republic of Kiribati, 2007) provides that subject to the provisions of subsections (6) and (7) of the section, if the Speaker receives a petition calling for the removal of an elected member of the Maneaba ni Maungatabu (legislature) signed by a majority of the persons who were registered as electors, at the time of the last election of that member, in the electoral district from which that member was last elected, he shall send the petition forthwith to the Electoral Commission.

(f). Liechtenstein: Article 48 of the Constitution provides that the entire legislature may be recalled if up to 1,500 Liechtenstein citizens eligible to vote or four municipalities, by means of resolutions of their municipal assemblies, demand a popular vote on the dissolution (Liechtenstein, 2009). The population of Liechtenstein was in July 2011 estimated at about 35, 236 (Index Mundi, 2011). Thus the sum of 1500 eligible voters required to sign a petition to recall the legislature is less than 5% of the entire population at least. Those of voting age were estimated to make up about 84% of the population, i.e. a figure of about 29, 571. So the sum of 1500 eligible voters is just about 5% of the population of eligible voters. Of course one must take into account the fact that it would not be too big a problem to organize an election for 35, 000, so that the recall of the entire legislatures should not be that much of a big deal.

(g). Nigeria: This appears to be on the same prohibitive side as in the Kenyan case. Articles 69 and 110 of the *Constitution of the Federal Republic of Nigeria, 1999(Law, 2009)* provide that recall petitions for either members of the National Assembly of the Senate has to be signed by more than one-half of the persons registered to vote in that member's constituency alleging their loss of confidence in that member.

(h). Palau: Article IX, Section 17 of the Constitution(Constitution of the Republic of Palau, 1981) provides that the people may recall a member of the Olbiil Era Kelulau (legislature) if initiated by a petition signed by not less than 25% of the number of persons who voted in the most recent election for that member of the Olbiil Era Kelulau.

(i). The US: In the 19 states that have recall provisions, as listed in Table 2 below, the signature requirements are also more or less as in the other jurisdictions based on a formula, generally, a percentage of the vote in the last election for the office in question, although some states base the formula on the number of eligible voters or other variants. The signature requirements, as one can see from Table 2, are: 25% in nine states; 25% for state wide offices and 35% for other offices in Washington; one-third (1/3) in Louisiana; and 40 % in Kansas. California's requirements are 12% for state wide offices and 20 % for state senators and appellate judges(Constitution of the State of California, 1879). Georgia requires 15% for state wide offices, and 30% for all others. Idaho requires 20% for all offices. Montana has the lowest number of required signatures, i.e. 10% for state wide officials and 15% for state district offices such as legislative districts.

A look at the percentages in Table 2 indicates that the average percentage of signatures required for state wide officials (governors, state legislators, and other state officials) in the 19 states, is about 22.7%. One arrives at that average percentage by adding the percentages provided for each state in regard to state wide offices and then dividing it by 19. In the case of California one has to get the average percentage between the 12% for some state wide offices and the 20% for other state wide offices like senators and appellate judges. In Louisiana one has to get the average percentage between the 33.3% for jurisdictions with over 1000 voters and the 40% for those with over 1000 voters.

Only in the cases of California and Illinois are there additional requirements relating to spread of the percentage of signatures needed, and these are hardly as prohibitive as in the Kenyan case. In California the 12% needed for state wide offices (other than senators and appellate and trial judges, and members of the Board of Equalization) has only to include 1% from each

of only 5 out of a total 58 counties. The 2010 census (California Department of Finance 2011) put the population of California at 37 million, almost the entire population of Kenya. The California petitioner has 160 days (more than 5 months) circulation time, whereas the Kenyan one has 30 days (only 1 month). In Illinois signatures needed are of at least 15% of the votes cast for governor in the preceding general election in each of each of at least only 25 out of a total of 102 counties. This is the only requirement and is not saddled with another one such as 30% of signatures of electors in Illinois as an addition to the 15% of signatures needed from each of 25 counties. The Illinois petitioner has 150 days (5 months) circulation time.

Only in 4 out the 19 states with recall provisions are there signature requirements of more than 25%. In Georgia, signatures of 30% of eligible voters for office at time of last election are needed for non-state wide offices. This has not been saddled with a spread or any other requirement. The Georgia petitioner has 90 days circulation time (3 months). In Kansas, signatures of electors equivalent to 40% of the votes cast in the last election for the official being recalled are needed for all offices. This is the only requirement and has not been saddled with a spread or any other requirement. The Kansas petitioner has 90 days circulation time (3 months). In Louisiana, signatures of 33.3 % eligible voters is needed for recall in jurisdictions with over 1000 eligible voters and signatures of 40% of eligible voters in jurisdictions of less than 1000 eligible voters. There is no additional requirement and the petitioner has 90 days (3 months). In Washington, signatures of an equivalent of 35% of the votes cast in the last election for the official being recalled are needed in the case of non- state wide offices. There is no additional requirement, and the petitioner has 180 days (6 months) circulation time.

(j). Venezuela: Article 72 of the Constitution provides that all magistrates and other offices filled by popular vote are subject to revocation. A number of voters constituting at least 20% of the voters registered in the pertinent circumscription may extend a petition for the calling of a referendum to revoke such official's mandate (Bolivarian Republic of Venezuela, 2011). There are no additional signature requirements.

IV. THE RECALL ELECTION AND THE RESULTING SPECIAL ELECTION

1. Is A Simple Majority Decision Needed in the Recall Election? Or Must There be a Mandate of at 50% of Registered Voters?

If the circulation conditions in *The Election Act 2011* (Republic of Kenya, 2011) have created quite an insurmountable hurdle, then the conditions for the recall election and the resulting special election are equally forbidding if not confusing. Section 47 (5) states that a recall election shall be decided by a simple majority of voters voting in the recall election. Section 48 on the other hand states that a recall election shall be valid if the number of voters who concur in the recall election is at least 50% of the total number of registered voters in the respective jurisdiction (county or constituency).

Three things arise here: Lack of clarity, an apparent contradiction, or a condition that would be very difficult to meet in a Kenyan by-election.

(a) Lack of Clarity: First it is unclear whether Section 48 applies to the recall election of Section 47 (1-6) which is like a referendum on whether or not to recall the legislator, or whether it applies to the resulting special election of Section 47 (6-7) which is subsequent to the recall election returning a verdict in favour of a recall.

(b) An Apparent Contradiction or at Least a Paradox: Secondly If Section 48 applies to the recall election, then it would be a contradiction, since a condition of a simple majority of the voters voting either way in the recall election as a deciding factor (Section 47, 5) is not one and the same thing as requiring that the recall be valid only if at least 50% of the total number of registered voters decide in favour. Section 48 refers only to the recall election rather than to the

subsequent special election referred to in Section 47 (6-7).

(c) A Near Impossible Hurdle to Surmount in a Kenyan Special Election: Let us assume, given the lack of clarity, that Section 48 applies to both the preceding recall election and the special election dependent on the former returning verdict in favour of recall. A validity condition of at least 50% of the total number of registered voter voting in favour either in the recall or in the special election is very difficult to achieve in a Kenyan special election, leave alone a validity condition of at least 50% of those voting deciding in favour. This can be gleaned from results of recent parliamentary special elections within the years 2009-2011, and even the constitutional referendum of 2010:

(i) At the referendum, Kenya had 12,616,627 registered voters. Votes cast both in favour and against the then draft constitution, were 9, 106, 285. The voter turnout was 72.18% (Kenya, 2010).

(ii) Parliamentary Special Elections in 2011: On the 23rd of May 2011 Ikolomani Constituency then had 35,434 registered voters. Votes cast were 24, 592, making a voter turnout of 69.4%. This was quite a high figure by Kenyan special election voter turnout percentages (Kenya, 2011a). On the 18th of August 2011 Kamukunji Constituency had 128, 526 registered voters. Votes cast were 40,474 making a voter turnout of 31.49% in an urban constituency where voting should ordinarily be relatively easier. The combined average turnout percentage for these two by-elections in 2011 was 50.44% (Kenya, 2011b).

(iii) Parliamentary Special Elections in 2010: On the 20th of September Starehe Constituency had 135,576 registered voters. Votes cast totalled 56,205, making a voter turnout of 41.46 % (Kenya, 2011e). Wajir South was quite interesting for a rural and quite vast constituency in an arid part of the country. It had a total number of 22,027 registered voters (Kenya, 2011f). Votes cast were 16, 084, making a turnout of 73.02%. Makadara Constituency had 124,493 registered voters, 50,187 votes were cast, and the turnout was 40% (Kenya, 2011d). Kirinyaga Central Constituency had 56,595 registered voters, out of 38,702 voted, and the turnout was 68%. The average turnout for 2010 was 49.82% (Kenya, 2011c).

(iv) Parliamentary Special Elections in 2009: Matuga Constituency had 41, 719 registered voters with 32,895 voting, making a turnout of 77.6% (Kenya, 2009b). Shinyalu had 40,950, and 25, 277 votes were cast, making a turnout of 61.73% (Kenya, 2009c) . Bomachoge had 51,515 registered voters with 35,785 voting, and making a turnout of 69% (Kenya, 2009a).

(v) Combined Average Voter Turnout in Parliamentary Special Elections in 2009, 2010, and 2011. The average turnout for 2009, at 69.44%, was much higher than those of 2010 and 2011. The combined average turnout for by-elections in those three years is 56.56%. It is difficult with such an average percentage of voter turnout to see how a recall election or a recall special election could attain a validity condition of at least 50% of the total number of registered voters voting in favour, leave alone a voter turnout of at least 50% of the total number of registered voters. Out of 9 special elections 4 had voter turnouts of below 50%.

CONCLUSION

The *Constitution of Kenya* (Republic of Kenya, 2010, p. 69) did not grant the right to recall legislators in vain. As a matter of fact that right was grounded in the express Statement in Article 1 (2) that the people may exercise their sovereign power either directly or through their

democratically elected representatives (Republic of Kenya, 2010, p. 13). Parliament has vitiated those provisions by creating a recall "law that dangles the prospect of recall…even as it renders it essentially unworkable" (Johnston, 2009).

The grounds specified for recall have been faithful to the requisites for the conduct of state officers of Chapter Six of the Constitution. Besides, those grounds have to be confirmed through due process by the High Court. Here the Act has evaded one of the criticisms of recall, i.e. it can be used as a political tool by organised campaigns to target marginal seats (Coleman, 2011).

However, the conditions for circulating a recall petition, especially the signature requirements, seem to have created an insurmountable hurdle, as can be gleaned from comparisons with other jurisdictions with recall provision. That this need not be the case can be argued on consideration of the fact that grounds for recall have to be confirmed by due process. Equally, the Constitution in Article 75 (a) and (b) already provides (Republic of Kenya, 2010) for dismissal or removal of office as possible disciplinary grounds for contravention of most of those grounds.

The conditions for the recall election and the resulting special election, i.e. that there has to be a voter a mandate of at least 50% of registered voters concurring with the recall is forbidding.

Since the *Elections Act* in this regard appears to be in direct contravention of the express constitutional provision of direct exercise of sovereignty of which the recall expressly constitutionally provided for is an instance, it can be challenged on constitutional and other grounds.

Table 1: Grounds for Recall in 8 US States

Grounds for Recall
Alaska: Lack of fitness, incompetence, neglect of duties or corruption (AS §15.45.510)
Georgia: Act of malfeasance or misconduct while in office; violation of oath of office; failure to perform duties prescribed by law; will fully misused, converted, or misappropriated, without authority, public property or public funds entrusted to or associated with the elective office to which the official has been elected or appointed. Discretionary performance of a lawful act or a prescribed duty shall not constitute a ground for recall of an elected public official. (Ga. Code §21-4-3(7) and 21-4-4(c)).
Kansas: Conviction for a felony, misconduct in office, incompetence, or failure to perform duties prescribed by law. No recall submitted to the voters shall be held void because of the insufficiency of the grounds, application, or petition by which the submission was procured. (KS Stat. §25-4301).
Minnesota: Serious malfeasance or nonfeasance during the term of office in the performance of the duties of the office or conviction during the term of office of a serious crime (Const. Art. VIII §6).
Montana: Physical or mental lack of fitness, incompetence, violation of oath of office, official misconduct, conviction of certain felony offenses (enumerated in Title 45). No person may be recalled for performing a mandatory duty of the office he holds or for not performing any act that, if performed, would subject him to prosecution for official misconduct. (Mont. Code §2-16-603).
Rhode Island: Authorized in the case of a general officer who has been indicted or informed against for a felony, convicted of a misdemeanour, or against whom a finding of probable cause of violation of the code of ethics has been made by the ethics commission (Const. Art. IV §1).
Virginia: Neglect of duty, misuse of office, or incompetence in the performance of duties when that neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse effect upon the conduct of the office, or upon conviction of a drug-related misdemeanour or a misdemeanour involving a "hate crime" (§24.2-233).

Table 2: Signature Requirements for Circulating a Recall Petition in US States

	Signature Requirements	Circulation Time
Alaska	25% of the votes cast in the last election for the official being recalled	Not specified
Arizona	25% of the votes cast in the last election for the official being recalled	120 days
California	*For state wide officers*: 12% of the votes cast in the last election for the official being recalled, 1% from each of 5 counties. *State Senators, members of the Assembly, members of the Board of Equalization, judges of courts of appeal*: 20% of the votes cast in the last election for the official being recalled	160 days
Colorado	25% of the votes cast in the last election for the official being recalled	60 days
Georgia	*For state wide officers*: 15% of eligible voters for office at time of last election, 1/5 from each congressional district. *Others*: 30% of eligible voters for office at time of last election	90 days
Idaho	20% of eligible voters for office at time of last election	60 days
Illinois	15% of the votes cast for governor in the preceding general election from each of at least 25 counties. Also required are the signatures from at least 20 members of the House of Representatives and 10 members of the Senate, with no more than half the signatures of members of each chamber from the same political party.	150 days
Kansas	40% of the votes cast in the last election for the official being recalled	90 days
Louisiana	*If over 1,000 eligible voters*: 33.3% of eligible voters for office at time of last election. *If fewer than 1,000 eligible voters:* 40% of eligible voters for office at time of last election	180 days
Michigan	25% of total votes cast for position at last election	90 days
Minnesota	25% of total votes cast for position at last election	90 days
Montana	*For state wide officers*: 10% of eligible voters for office at time of last election *For district officers:* 15% of eligible voters for office at time of last election	3 months
Nevada	25% of the votes cast in the last election for the official being recalled	60 days
New Jersey	25% of the registered voters in the electoral district of the official sought to be recalled	*Governor or U.S. Senator:* 320 days *All others:* 160 days
North Dakota	25% of the votes cast in the last election for the official being recalled	Not specified
Oregon	15% of total votes cast in officer's district for all candidates for governor in the last election	90 days
Rhode Island	15% of total votes cast for said office in last general election	90 days
Washington	*For state wide officers*:25% of the votes cast in the last election for the official being recalled *Others:*35% of the votes cast in the last election for the official being recalled	*State wide officers*: 270 days *Others:* 180 days
Wisconsin	25% of total votes cast for the office of governor at the last election within the same district or territory of that officer being recalled	60 days

Source: National Conference of State Legislatures, 2011

References

Baden–Wuerttemberg., V.D.L. (1953) Verfassung Des Landes Baden – Wuerttemberg, Vom 11 November 1953 (State of Baden Wuerttemberg, 1953).

Bayern, F.S.o. (1946) Gesetz- und Verordnungsblatt für den Freistaat Bayern 1946 Nr. 23 vom 8. Dezember1946. Verfassung Des Freistates Bayern, Vom 2 Dezember 1946, in Kraft Getreten am 8 Dezember 1946. Munich: Gesetz- und Verordnungsblatt für den Freistaat Bayern.

Bolivarian Republic of Venezuela. (2011) Constitution of the Bolivarian Republic of Venezuela (Bolivarian Republic of Venezuela, 2011).

California Department of Finance (2011) Census 2010. In: C.D.o. Finance (Ed). California State Data Center, Sacramento CA.

Coleman, C. (2011) Recall Elections. London: Library of the House of Commons.

Constitution of the Republic of Palau. (1981) Constitution of the Republic of Palau, 1981 (World Intellectual Property Organisation, 2011). In.

Constitution of the State of California. (1879) Constitution of the State of California, 1879 (State of California, 2011). In.

Ecuador, C.o. (2011) Constitution of Ecuador of 2008. George Town University, Edmund A. Walsh School of Foreign Service, Center for Latin American Studies.

Federated States of Micronesia, S.o.C., . . (2011a) Constitution of the State of Chuuk, 2005. Weno: Legal Information System of the Federated States of Micronesia.

Federated States of Micronesia, S.o.K., . . (2011b) Constitution of the State of Kosrae, 2005. Tofol: Legal Information System of the Federated States of Micronesia.

Free Hanse City of Bremen (1947) Verfassung Der Freien Hansestadt Bremen, vom 21 Oktober 1947. Bremen: Bremer Gesetzblatt 1947 S. 251ff.

Index Mundi. (2011) Liechtenstein Demographics Profile, 2011.

Johnston, R. (2009) A Piece of Democratic Window Dressing. Sydney Morning Herald, 30th December.

Kenya, I.I.E.C.o. (2009a) Bomachoge By-Election Results. Nairobi: Interim Independent Electoral Commission of Kenya.

Kenya, I.I.E.C.o. (2009b) Matuga By-Elections. Nairobi: Interim Independent Electoral Commission of Kenya.

Kenya, I.I.E.C.o. (2009c) Shinyalu By-Election Results. Nairobi: Interim Independent Electoral Commission of Kenya.

Kenya, I.I.E.C.o. (2010) Comprehensive IIEC Final 2010 Referendum Results. Interim Independent Electoral Commission of Kenya.

Kenya, I.I.E.C.o. (2011a) Ikolomani Final Results May 23rd 2011. Nairobi: Interim Independent Electoral Commission of Kenya.

Kenya, I.I.E.C.o. (2011b) Kamukunji By-Election Results. Nairobi: Interim Independent Electoral Commission of Kenya.

Kenya, I.I.E.C.o. (2011c) Kirinyaga By-Election Results. Nairobi: Interim Independent Electoral Commission of Kenya.

Kenya, I.I.E.C.o. (2011d) Makadara By-Election Results. Nairobi: Interim Independent Electoral Commission of Kenya.

Kenya, I.I.E.C.o. (2011e) Starehe Results. Nairobi: Interim Independent Electoral Commission of Kenya.

Kenya, I.I.E.C.o. (2011f) Wajir South Results. Nairobi: Interim Independent Electoral Commission of Kenya.

Law, I.C.f.N. (2009) Constitution of the Federal Republic of Nigeria, 1999. Abuja and Lagos: International Centre for Nigerian Law.

Legislatures, N.C.o.S. (2011) National Conference of State Legislatures. Const. Art. II §8

Liechtenstein, P.o. (2009) Constitution of the Principality of Liechtenstein.

Republic of Kenya. (2010) The Constitution of Kenya, 2010. Nairobi: Government Printer.

Republic of Kenya. (2011) Elections Act, 2011. Nairobi: Government Printer.

Republic of Kiribati. (2007) Constitution of Kiribati, 1979.

State of Brandenburg. (1992) Verfassung Des Landes Brandenburg, vom 20 August 1992 Gesetz- und Verordnungblatt Brandenburg 1992 Teil I. S. 298 ff. Potsdam: Gesetz- und Verordnungblatt Brandenburg.

Learning from a Friend: Everyday Intelligence and the Constitution of Republic

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ABSTRACT
The late Professor E. S. Atieno Odhiambo evolved a way of understanding the world through engaging the actions and expression of everyday life. He eloquently and amply demonstrated that the discourses among acquaintances and friends, through ordinary and extraordinary associations in the everyday, are essential to the constitution of republics.

Key words: Intelligence, Constitution, Learning

The late Professor E. S. Atieno Odhiambo evolved a way of understanding the world through engaging the actions and expression of everyday life. He eloquently and amply demonstrated that the discourses among acquaintances and friends, through ordinary and extraordinary associations in the everyday, are essential to the constitution of republics.

Jane and family, Prof. Masolo, Prof. Ogot, Dean Faculty of Arts and Social Sciences, Prof. Sussy Gumo, and staff of Maseno. . .thank you for your invitation to be here for this conference. I am so pleased to be able to be back with you these days after so many years away, and sad that I cannot share this visit with my dear colleague Atieno.

I begin with an echoing the observations of many dear colleagues of the late Professor Atieno Odhiambo, that he had a unique attraction to the impromptu.

Some twenty years ago at the African Studies Association annual meeting in the USA, from a podium such as this, with me and Atieno side-by-side, Atieno asked—indeed, insisted that—every person who had been in Kenya in 1985 or 1986 (among some two or three hundred in the room) speak to what she or he thought was going on in the SM Otieno burial saga--"what the case was *really* about and how the story *should be told*!" It was remarkable how many people in the room had been in Kenya during that time and remembered some part or another of the story. One of them even narrated waking up from a coma in hospital in Nairobi and hearing nurses talking of the case.

The book we eventually produced, *Burying SM* (Cohen and Atieno-Odhiambo, 1992)--the second of the three books we wrote together between 1984 and 2004--was a text describing an incredible debate. For Atieno, debate and critique, informed by philosophical reflection and knowledge of the everyday, was an essential piece of living in the world. But his world, the world he encouraged in everything he did, could not be segmented into scholarly and public domains. If we listened, ordinary lives and the everyday were thick with ideas, critique, debate, imagination, and knowing.

I recall that Atieno was both serious about and skeptical of virtually every claim and assertion made by all those involved in the SM Otieno saga, including SM's widow Wambui Waiyaki Otieno. Therefore, it was *not* quite predictable, but it should have been, that Atieno would agree to draft the "Foreword" to *Mau Mau's Daughter: A Life History* (Otieno, 1988), Wambui's provocative account of her life and of

the burial saga. His goal was not to assert the correctness of one side or another but rather to make sure that publics would be able to read Wambui in her own terms rather than from what people said and wrote about her. As he worked through rough drafts of her manuscript, Atieno surely saw that Wambui's life—as she was trying to tell it--reflected all the complexities and unpredictable fates of ordinary people, a *matatu* tout, a migrant laborer, a housemaid, a grave digger, a kiosk owner, a member of the bar, a child, and, yes, a foot-soldier in the nationalist struggle. . .all figures passing through the so-called "*SM saga*". These people were not "intellectuals" in unusual places but ordinary people experiencing and contributing to everyday life. These people-- to whose activities, speech, and writings Atieno was so attentive--are the critical casts of competent anthropology, solid history, and outstanding fiction, and I take note here especially of the beautiful writings of Grace Ogot and Ngugi wa Thiong'o, to which Atieno and I found our respective ways from quite different trajectories.

Atieno Odhiambo was an inspired scholar, one whose achievements placed him in the highest echelon of historians of Africa. Yet Atieno never navigated away from his oneness with the ordinary. His work was extraordinary . . .and yet characteristically so attentive to the ordinary, to the things which are all too familiar and hardly accounted. . .to the individuals, the people, who render lives possible but are hardly seen. . .to the language and thought of people whose writings and speech sustain the lives of communities, publics, societies, and nations. . .to the spaces of life such as the "republic of the taxi" in which everyday intelligence is crafted and exchanged.

My earliest memory of Atieno dates back to December 1973 at the great hall of the Organization of African Unity in Addis Ababa in which the International Congress of Africanists. Professor Bethwell Allan Ogot was chairing this session. I was presenting a paper on pre-colonial Luo history. Atieno was one of seven or eight lecturers and graduate students from Nairobi sitting just above and behind my shoulder. After the session wrapped, Atieno was the first to engage me. In a Congress in which there was an overhanging tension regarding Africanization of the academy and the questionable place of the scholar from outside, Atieno welcomed my contribution, through an engagement with the ideas and arguments of the paper. And I felt welcomed, as a scholar and colleague. We were, in a certain sense, kin, Atieno having been supervised to a PhD in History at Nairobi by Professor Ogot; in turn, Ogot and I were fellow students who had a few years earlier completed PhDs under the supervision of Roland Oliver at SOAS, University of London. In another way, Atieno and I worked in different landscapes: I was formed in the study of *pre-colonial* eastern African history; Atieno was just establishing himself as a fresh and influential voice in the study of the colonial period. There was much to learn from one other. Atieno's work on the deeper political and social contours of Kenya's settler colony drew him to recognize how old orders and strongly held ideas and practices could engage and shape new economic and political forces and conditions. He was concerned with the partiality of African historiography focussing on studies of colonialism, nationalism, and decolonization which had to take account of the real untidiness of historical development; that scholars must recognize the strangeness and consequent failures of compartmentalized knowledge produced in universities with research programs ordered in and divided among disciplines. Atieno's first two books, '*The Paradox of Collaboration and Other Essays (Atieno-Odhiambo, 1974)*' and '*Siasa: Politics and Nationalism in East Africa, 1905-1939 (Atieno Odhiambo, 1981)*'

reflected the possibilities of a new historical literature formed through the exercise of questions, approaches, and theory from multiple sites and engaged with diverse literatures. If a unified Kenyan history could be synthesized, it required more than an assemblage of pieces and regions. It would be constituted in the recognition of the salience of difference and contest—especially over class, wealth, access to resources, power--as much as the commonality of experience and affinity. Here, Atieno's deep and extraordinary knowledge of, engagement with, Oginga Odinga and the works of his life—signalled early in Atieno's early publications on the Luo thrift and trading corporation (LUTATCO)--moved understanding and meaning away from the easier stuff of labels and categories towards a search for that new historical literature that transforms the meanings and purposes of political economy, historical sociology, comparative politics, and historical anthropology. His early writing on Mau Mau was about the movement for sure, but also about the implications of "Mau Mau historiography" amid a search for some kind of unified history of Kenya or of decolonization. This was a meta-historical question unfamiliar to many working the furrows of recovering East Africa's past in the 1970s, though it was certainly the subject of steamy debates in junior/senior common rooms at the University of Nairobi. Later, Atieno would join with John Lonsdale in a dedicated engagement with scholarship on Mau Mau--*Mau Mau and Nationhood*. And, when the moment came to honor the father of modern Kenyan historiography, Professor Ogot, it was Atieno to whom everyone looked at, as the one to pull off this tribute, as he did in the collected volume honoring Ogot that Atieno edited: *African Historians and African Voices* (Atieno-Odhiambo, 2001).

We found common ground in the intriguing intersections of layered historical studies : "Ayany, Malo, and Ogot: Historians in Search of a Luo Nation," *Cahiers d'Etudes Africaines*, (Ayany et al., 1987). And we found common ground in the discoveries of histories that seemed a bit more complicated than the resident truths and histories that shifted the focus of historical interpretation and representation. The essential argument of my 1973 Congress paper—that the Nilotic Luo speaking migrants of the 16th or 17th centuries comprised not one cultural and historical formation but at least two distinctive sets of footprints (Jok'Owiny and Jok'Omolo)--found its way into our first conversations but then also into the first chapter of our first co-authored book, *Siaya: The Historical Anthropology of an African Landscape* (Cohen and Atieno-Odhiambo, 1989). In our work together on that book, Atieno and I found ourselves in productive conversations regarding the possibilities of bridging the differences in orientation that distinguished pre-colonial African histories from those focusing on the colonial period. In those conversations, some of which were in Baltimore and Washington during Atieno's visiting professor appointment at Johns Hopkins in 1985-86, where I was a member of the History faculty. These conversations continued through thick and thin across some twenty years, and through several published papers and two more books. One of those conversations took place in a small airplane terminal in Tennessee where, as we spoke with each other, we saw a plane crash upon landing.

There was a question that seemed too common. How did we work this collaboration, write together, co-author, across different formation, different locations of our work, different experiences of living in the world? I have always sensed in these queries the anticipation of an answer: Cohen, in the US, provides the gestures to scholarly literatures and philosophical domains; Atieno, in Kenya, provides the empirical stuff. But this presumption was wrong!

Despite Atieno's rich and poetic sense of the complexities of the lived world of Kenyans, Atieno was generous in giving me space to work through what I understood was going on "on the ground" when I drew on my own field research in Uganda and Kenya or on my zest for close reading of court records, narrative accounts, and newspapers. Atieno's strongest contributions were always in surprising reaches into world literatures, fiction, poetry, drama, music, philosophy, and biography. During times of our most intense work on *Risks of Knowledge* (Cohen and Atieno-Odhiambo, 2004), and well after Atieno had harnessed his hands to a computer keyboard, he would send me two or three referential fragments a day, occasionally several in an hour's burst. Atieno was able to introduce into our work remarkably salient ideas engaging with Marx, Hobsbawm, Thompson, Mudimbe, and Garcia Marquez—who else among my close colleagues could quote from Gibbon, Paz, the Old Testament and the New, and Richard II, via Shakespeare?-- but he was also able to bring into play the word-games and songs of Kenyan children. In 1985-86, at Johns Hopkins, Atieno was a visiting professor who not only taught students working in different fields of history but also a visitor who turned up and participated in an extraordinary array of seminars and conferences across the university. The Johns Hopkins métier was the robust discussion of papers read in advance and Atieno always seemed the one in the room to have read the paper most carefully and the one most prepared to introduce ideas from unexpected regions of life. His interventions could be most productive; he never, however, required the discussion to turn in his direction. More, he came to the discussion and contributed to it uniquely and quietly.

Atieno certainly valued the open quality of the Hopkins seminar. Once, in early October 1985, we travelled together with Rhys Isaac to a college in the south-western corner of Virginia to give a few papers and classes for the faculty and students there. Atieno remarked the strong distinction between the Hopkins style of seminar in which people work together on a paper around a table and the architectures of classrooms and instruction at that Virginia college in which chairs and tables were bolted to the floors in lecture room style and the students were riveted to a learning environment that did not encourage open discussion. Curiously, importantly, the paper Rhys Isaac gave at the college that day was a compression of a longer argument that the Jeffersonian-Madisonian principles of freedom of worship came not out of an exquisite philosophical library, or some singular pre-constitutional theory, but rather out of the efforts to engage, to acknowledge, the rough and tumble struggles of Baptists, through petitions and otherwise, to find security in a colony, Virginia, whose religious and political life was ordered by the Established Church. Here, again, it was a history of a formative debate among people of all walks of life that was producing a free republic. When Atieno reached Rice and organized seminars and workshops there, he encouraged and expected conversation, participation, from around the room, bringing everyone into the discussion and debate, giving everyone occasion to speak. In the Rice workshops, Atieno's approach was not only encouraging an open seminar style, à la Hopkins; he was also cultivating common conversation scholars from Africa and the U.S, and among scholars from multiple disciplines (including occasionally from outside the academy). I had the good fortune to be present at a few of these Rice events, and I recall thinking of them as the academic instantiation of the idea of "the republic of the taxi," a construction that Atieno launched into our common work. In one workshop at least, he sung as verse his own concluding remarks, astonishing us with both his

erudition and his playfulness, not to speak of his beautiful voice.

Atieno certainly knew, and surely experienced bodily, the differences between the free republics of ideas and debate that he could uncover in everyday life, as well as those he could himself foster, and those arenas of repression and limitation that so affected his teaching and writing career in Kenya from the early 1970s through to his departure for Rice in the late 1980s. Where some of my colleagues in my field might be hard to find in their offices, Atieno was always there listening to students and lecturers, responding to questions, sharing his own library of published and unpublished work, at least when he did not have to go in hiding during the purge-like times when Kenyan security attempted to control free speech and expression and freedom of organization on the Nairobi campus and beyond. Atieno was close to a number of Kenyan intellectuals and academics—students and faculty—who found themselves in trouble and detention. Atieno and his university colleagues were experienced McCarthy-ism Kenya style. Atieno was certainly threatened with arrest—"man, you have been warned!"--*and* he was arrested and detained, and tortured, across an extended period in 1986. I know that Atieno took incredible risks in associating himself with colleagues in trouble. I wish I could say that about more of his colleagues in those dark days who showed none of the same courage when some of us working outside Kenya tried to assist with Atieno's release in 1986. The future and authoritative biographies of figures such as Ngugi wa Thiong'o and Raila Odinga will surely note the devoted support, at his own great risk, that Atieno gave to these individuals when the Kenyan state turned on them. I knew not enough, or perhaps too much, regarding Atieno's engagements in the early 1980s, but I sense that future histories of Kenya will have to attend to these years, will have to give space to these activities, as constitutive of the greater democracy that Kenyans have sought in recent election. There are gap years in my knowledge of Atieno's career. While doing fieldwork in Siaya between early 1979 and 1981, I visited Liganua on several occasions, bringing fish, rice, bread, tea, and sugar to Atieno's mother, though I never did catch sight of him. I know that there were many strands to his life that I knew little of, and I do not comment here on the "republic" of his household in Houston, which I visited several times, treasuring the warmth of his family, and the richness of the intellectual lives that they enjoyed in that house (or home).

In *Risks of Knowledge* (Cohen and Atieno-Odhiambo, 2004), we worked through the productions of knowledge developing around the disappearance and death Kenya's Minister of Foreign Affairs and International Cooperation, Robert Ouko, February 1990. We marked the significance—and anticipated the long-running importance of—the *openness* of the questions of who killed Ouko and how and why. We did not, emphatically, try to solve the question of "who dunnit"; rather we attempted to grasp and interpret the specificities in play as knowledge unfolded or was constructed around the forensic efforts of detectives, commissions, and others to sort through the evidence to reach—and not reach—answers to the question of who killed Ouko and knowledge of Ouko and his demise was elaborated as publics themselves sifted through the public records for meaning and for answers. We did not go "to the field" to achieve a privileged understanding of the various routes to knowledge but rather drew upon, and directed attention towards, the extraordinary *public* record developing out of the many investigations. At times, this work felt extremely risky, at least to me, because I could see that our intention, our approach, could be *misunderstood* as the next, and maybe better, investigation of the crimes themselves.

I worried for Atieno through this project of fourteen years, if not also for myself, for I felt that many paths that Atieno had himself taken in his own now suddenly too short life were paths that overlapped with the generation of Ouko. For too many years, they had their loyalties questioned by those in power in the country that they loved. They saw the breakage of ideas and ideals of a Kenya republic by those entrusted to assure the delivery of a better Kenya to the next generations. They saw that their own personal safety lay in the difficult spaces between home and exile. They knew that a greater country would only grow in those very ordinary spaces where speech, writing, and debate find and create energy, but only so if they would find protection. They never gave up trying to make it so.

I have titled my paper "Learning from a Friend." I use the expression in three ways: first, our friend Atieno was uncommonly *learned*, always a *learner*, and so comfortable in *sharing* his thought, his learning, his experience with others; second, in its suggestion of the importance of *friendship* in the *movement* of knowledge across different fields of interest and attention; and third, that so much of *my* own understanding of the world, my own learning, evolved within our intense collaborations across more than two decades.

I can't replace Atieno, it takes many of us to make just a rough accounting of his life, a mapping of his intellectual itineraries. The discussion here is not only about Atieno or myself, or our relationship (about which I feel so privileged), and it is not only about learning and knowledge in all their varieties; it is also about the ways in which Atieno evolved a way of understanding the world through the actions and expression of everyday life. . .that the discourses among acquaintances and friends, through ordinary and extraordinary associations in the everyday, are essential to the constitution of republics.

References

Atieno-Odhiambo, E.S. (1974) The Paradox of collaboration and other Essays. Nairobi: East African Literature Bureau.

Atieno-Odhiambo, E.S. (2001) African Historians and African Voices. Essays Presented to Professor Bethwell Allan Ogot, Basel, Switzerland P. Schlettwein Publishing

Atieno Odhiambo, E.S. (1981) Siasa: politics and nationalism in E.A., 1905-1939. Kenya Literature Bureau.

Ayany, Malo and Ogot. (1987) Historians in Search of a Luo Nation. E. S. Atieno Odhiambo, David William Cohen Cahiers d'études africaines 27, 269-286.

Cohen, D.W. and Atieno-Odhiambo, E.S. (1989) Siaya: The Historical Anthropology of an African Landscape. London: James Currey, 1989.

Cohen, D.W. and Atieno-Odhiambo, E.S. (1992) Burrying S. M.: The Politics of Knowledge and the Sociology of Power in Africa. Portsmouth, NH, Heinemann Educational Books, and London, James Currey Ltd.

Cohen, D.W. and Atieno-Odhiambo, E.S. (2004) The Risks of Knowledge: Investigations into the Death of the Hon. Minister John Robert Ouko in Kenya, 1990. Athens, OH, Ohio University Press, and Nairobi, East African Educational Publishers Ltd.

Otieno, W.W. (1988) Mau Mau Daughter: A Life History. Boulder, CO: Lynne Rienner Publishers.

Historical Manifestation of Ethnocentrism and its Challenges Today

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Abstract In this article we have begun by defining ethnocentrism. According to anthropologists, the concept combines the belief that one's own culture is superior to other cultures, with the practice of judging other cultures by the standards of one's own culture. Sociologists and social-psychologists extend the term to group attitudes shown by religious, economic, racial, caste and class group within a larger social order. Ethnocentrism is also defined as a feeling that one's own group has a mode of living, values and patterns of adaptation that are superior to other groups. This leads to a generalized contempt of members of other groups. In conclusion, this paper point out that in its extreme form, ethnocentrism may lead to violent cultural conflicts and ethnic cleansing. This is followed by possible solutions to challenges raised in the paper.

Key words: Cleansing, Ethnology, Ethnicity, Ethnocentricism, Genocide

Introduction

I have divided this paper into four main parts. Part one presents the clarification of terms. This is followed by part two which gives the historical manifestations of Ethnocentrism. Part Three provides an overview of Ethnic conflicts in Specific African Countries. Summary, conclusion and proposals come in part four.

Part One

Clarification of Terms

Different scholars have given their understanding of the term ethnocentrism. According to anthropologists, the concept combines the belief that one's own culture is superior to other cultures, with the practice of judging other cultures by the standards of one's own culture (Den Van, 1970). Ethnocentrism is also defined as a feeling that one's own group has a mode of living, values and patterns of adaptation that are superior to other groups (Haviland, 1993). Ethnology is the scientific study of the origin and functioning of humans and their cultures. It is a major branch of cultural anthropology.

Ethnocentrism is a human universal phenomenon. It is believed by some scholars to be as old as the human race (Kasomo, 2010b). This stand is justified thus "right from childhood, we learn what is good, moral, civilized and normal according to our culture (Horton and Hunt, 1968)." As a human universal reality, ethnocentrism is said to be more pronounced in modern nations than in pre-literate "tribes".

Developed Countries

The researcher has observed that people in developed countries of Europe and America tend to despise other nations and their customs terming them as queer and foolish, just because they are different from their own. The "western church' has not been spared from prejudices and biases about African religion as revealed by missionaries attitudes (Hiebert, 1997). It is believed that enthnocentrism is a major cause of problems between the western industrialized portion of the world and the developing nations.

Ethnicity and the related concept of cultural identity are essentially ambivalent concepts; they may assume a positive as well as a negative

connotation (Kuria, 1998). However, the negative aspects appear to be overemphasized in the societies. It is for this reason that this paper may appear to overemphasize the negative connotations and their effects and manifestation of ethnocentrism.

Major Sources of Ethnic Conflicts

An ethnic conflict is connected with land issues, resources, struggle for power and leadership or education, the former is genocide on a large scale (Aquilar, 1998). Ethnic cleansing is the worlds' horrifying manifestation of ethnocentrism. Genocide is, in fact, killing members of one people or simply imposing measures that present their growth in population. It is the annihilation of a people or part of it. Genocide's killings are planned, intended and carried out systematically using any weapon, be it crude or sophisticated.

Theories of ethnocentrism

Scholars still speculate on the origin of ethnocentrism as no single theory can claim to have the whole truth. When one considers the ancient biblical story of the Egyptian Pharaoh who ordered the killing of all Hebrew males; the 1990 - 91 Gulf war, recent development in Rwanda, Burundi, Yugoslavia, Libya, Egypt and the former Soviet Union and needless to mention Kenya, in a series of after-election violence/land clashes, it is evident that ethnocentrism is a universal phenomenon.

Constructivist's Theory

This is a school of thought that considers ethnocentrism as a social construction. Thus, they hold that ethnicity can be constructed.

Pschological/Primordialism Theory

This is presented as the most conservative of the three theories. It tends to over-stress the primordial ties and makes them unquestionable or ineffable. Thus, the givenness that stems from being born into a particular religious community, speaking a particular language and following certain social practices (Freud, 1947). This cognition's of blood, speech, customs, are seen to have an ineffable and at times over-powering coerciveness in themselves. This theory further states that the primordial ties lead to a creation of a natural community. Naturally, such ties are stronger and older than the modern nation-state. The elements are passed from generation to generation forming a sort of historical continuity.

Structural Theory

ethnocentrism is generally held not to be a fact of human nature "but a result of particular conditions." ethnocentrism is caused (Mafeje, 1971).

Part Two

Ethnocentrism

Historical Manifestations

Classifications of peoples have been ideologically created, in which other peoples' right to life was denied them simply because they were looked upon as different. Therefore, cases of ethnic cleansing and genocide emerge from situations that support the attitude of "US" and "Them". They have this, yet we don't, they worship differently from us, they are a danger to our security, they speak a different language from us, they want to seize power from us, they have killed our own, they have more wealth than us, they have taken our land, among others. These are some of the reasons given for ethnic killings and cleansings.

Although Africa has, of late, experienced some of the worst consequences of ethnocentrism, it should be noted that the problem is universal. In Africa, the problem has had a long history. In other words, the current manifestations of ethnocentrism are based on the origins of various ethnic groupings, preferences, attitudes, politics, colonialism, evangelization of Africa and other powerful external pressures, such as neo-colonialism with its economic and social implications. With time, certain stereotype behaviours have been formed, consequently leading to the present realities facing Africa. The Rwandan and Burundi Genocides of 1994, and 1992, 1997 and 2007 ethnic conflicts in Kenya have not only shaken the continent of Africa to its basic foundations, but also the whole world.

The symbolic visit by the secretary general of the UN, Dr. Kofi Annan, to Rwanda in 1998 and in Kenya in 2008 indicated the level of international awareness and credit that has been achieved.

Ethnicity in itself does not connote a negative attitude. On the contrary, ethnicity indicates a gift of God which makes us different for our mutual enrichment. It is God who makes each of us as what we are. Ethnicity gives us our social and cultural identity as well as our security. The individuals find their roots and values in their ethnic groups. One should not apologize for belonging to a particular ethnic community.

Since Africans are deeply religious, we should discuss and theologize within the ecclesial and historical experience of violence in Africa (Bujo, 1986). I believe that if we have to address the phenomenon of ethnocentrism in a systematic manner, it is proper to give it a historical approach.

Historical development of ethnocentrism

In Israel

The book of Exodus Chapter one tells us that a Pharaoh who did not know Joseph ascended to the Egyptian throne. He gave orders that all the new born babies of the Hapiru (Hebrews) be killed at birth. Here is an example of a genocide based on demographic fear. The Pharaoh said, "Behold, the people of Israel are too - many and too mighty for us". The able men were turned into slaves. This incident is usually attributed to "Pharaoh Rameses II who ruled from Ca 1298 - 1232 BCE, (Kihumbi, 1985). This move by the Pharaoh was in fact an incitement of his people to commit genocide against the Jews.

When ethnocentric feeling gets both legal and religious backings, it can lead to senseless ethnic cleansing and genocide as the Israelite history shows. From 1914 to 1918, the First World War was fought and millions of people died.

Europe

The worst manifestation of ethnocentrism in Europe was realized under Hitler of Germany. During the Second World War (1939-1945), over 6 million Jews perished in the Nazi concentration camps. Hitler was out to ensure the survival of the pure Nazi race with blue eyes, special hair, intelligence, special height and even with special shape of the nose. The Jews did not qualify, hence the extermination policy. Around this time, the ethnic clashes in Greece between 1944-1949 left 160,000 people dead. The Russo-Hungarian war of the same period left 10,000 people dead (Van de Goor, 1996).

Ethnic tensions and clashes

In the Middle East

Ethnic clashes and even genocide's in Asia are mainly due to land problems, crave for autonomy and religious differences. The conflicts between the Israelis, Palestinians, Lebanese and other Arab states, have been mainly over land since 1947 and time of Moses in the Bible.

The conflict between Kuwait and Iraq in 1990 leading to the Gulf War in 1991 is another evidence of ethnic clash over land. Saddam Hussein has never abandoned his claim that Kuwait is the 8th Province of Iraq.

Ethnic tensions

In East Asia

In the 1940s and 50s, the Chinese attacked and destroyed many Buddhist Monasteries in Tibet. They have also tried to destroy the Buddhist culture (Mc Laren, 1995).

Ethnic tensions and clashes

In Latin America

Conflicts in Latin America are mainly political in nature. They involve the masses rising up against their governments or a group of elite's organizing themselves to challenge the regimes. The people of Latin America are reacting against harsh military governments, corruption by politicians and bad economic policies. This has been done with heavy human losses. The 1960 and 70 saw guerrilla movements in El Salvador, Guatemala, Colombia, Ecuador, Peru, Nicaragua, Costa Rica, Uruguay, Bolivia, Paraguay and Chile.

Some of these countries carried out ethnic cleansing under the pretext of fighting against communism during the cold war periods (Storey,

1996). This was the excuse General Agusto Pinochet used to kill thousands of opposition activists. There were also clashes with the local Indian population. This has been the case in Guatemala. The colonial authorities did not recognize the right of Indians. New governments have not addressed, sufficiently the Indian problem. One can even say that political rulers in the developing countries, like those in Latin America form themselves into a special (privileged) political "ethnic" group against their own people. This isolation leads to conflicts with untold human costs.

Part Three

Ethnocentrism in Africa pre-colonial Africa

In pre-colonial Africa, there were numerous nation-to-nation conflicts. The colonial powers called them tribal or ethnic conflicts.

African ethnicity has been explained by anthropologists, colonial administrators and missionaries as "tribalism" and the groups consisting it as "tribes" (Sanneh, 1984). It is important to note that many of the so called "tribes" did not exist before the colonial conquest (Magesa, 1998). Many of the peoples of Africa have no word for tribe. There were only words for nation, clan and lineage. In traditional Africa set up therefore, there could only have been nation-to-nation conflicts, inter-clan or family feuds within a lineage.

Although Africa has problems peculiar only to the continent, it is also true that many of the reasons for ethnic tensions and conflicts we have seen so far, can be found in that continent. The most common causes were migrations due to drought, war, diseases or need for greener pastures for the animal keepers. This was common among the Oromo-Galla, Nilotic and the Bantu's. Land expansion also often led to conflicts in pre-colonial Africa. The peoples who lived along the Coast often clashed due to slave trade introduced by the Arab Muslims. Kidnap of family members by a neighbouring clan led to clashes with losses of lives. This was true in West Africa and along the East African Coast. It is important to note that feuds between various African peoples were ended as soon as possible with a treaty or a covenant, by which the two parties promised to maintain peace.

However, the wronged party was given a compensation which acted as restitution. In traditional Africa, the political leader was also a religious person (Magesa, 1998).

Societies laid no firm distinction between religious and political life, between church and state. The religious, political, cultural, administrator and military institutions all dove-tailed and overlapped and were distinguished only by the ceremonies that accompanied their authority.

The dual responsibility checked the political excesses in pre-colonial Africa. If a leader failed to live up to the - expectations, he was simply removed from power without bloodshed and replaced by the next leader in line (Mugane, 1999).

Colonial Africa

"In the middle of the 19th century, it was thought that the people living outside of Europe or North America, as it were, lived a previous stage of the development of mankind" (Hanns, 1993). If you wanted to study a people who still lived close to the origin of the humankind, to the apes, or to the cave people, one of the best places to visit was Africa. African was termed as primitive and dark continent. A hotel in Nairobi, Kenya during colonial times was labelled 'Dogs and Africans not allowed'.

Some African communities during missionaries' evangelisation were given conditional baptism because the Europeans could not ascertain if they were human beings since they were too black. Conditional baptism goes like "If you are a human being, I baptise you in the name…" The earliest anthropologists, who preceded the colonial masters, came out to prove that their cultures were superior.

Since this is what the colonial masters did, it is not a wonder that they had no regard for the people of Africa. As such, they were not consulted on important decisions.

At the Berlin conference of 1885, Africa was divided between the European powers of the day without the consent of the local people.
Boundaries were drawn hastily, leaving a part of the same people in one country and a part in another. By this Berlin Accord, Europe planted seeds of discord in Africa, (Kyeyune, (ed)1997).

Post -independent Africa
There is no doubt today that ethnic conflict is afflicting many African countries' instability and that violence is the order of the day. "As affirmed by recent horrors in Rwanda, Burundi, Somalia and elsewhere, Africa is ethnically a conflict-ridden continent. In some countries, the conflicts have been so severe that a state no longer exists, or if it does, it is extremely weak. Such is the situation in Somalia and Sierra Leone today. This untruly brands Africa as a continent that can only produce babies and poverty.

Conflicts for religious reasons have been realised in Uganda, the Sudan, Ethiopia, Algeria and Nigeria. The mainly Muslim Hausa North and the Ibos in the south have had serious religious conflicts. Although the conflict in the Sudan should not be reduced to a mere religious conflict, religious differences between the Christian South and the Muslim North plays a big role in this conflict that has cost millions of lives. Thanks be to God Southern Sudan since it is currently an independent country.

Colonial powers came in and created "Tribes" and ignorantly put traditional enemies under one roof (Ott, 1998). For example, the Buganda and the Banyore were traditional enemies grouped together. The other tribes of Uganda take its name from the Kingdom of Buganda. The other Kingdoms must accept that they are Ugandans. The best example is the case of Rwanda and Burundi. Each country has a population of Hutus, Tutsi and who for along time were constantly at each other's threat, but today it has subsided. In Sierra Leone the Creoles (descendants of America slaves) were grouped with the Mende and the Temne people.

Kenya is no exception either. The Luo have to accept that they belong to a country called Kenya, when the majority of them have not even seen Mt Kirinyaga. There are Teso in Kenya and in Uganda, Sabaot in Uganda and Kenya, Bukusu (Bagishu) in Kenya and Uganda, Somali in Kenya and Somalia, the Maasai in Tanzania and Kenya and the Luo in Kenya, Tanzania and Uganda. We must note that the colonial policy of divide and rule heightened ethnic animosities suppressed only by the colonial presence. Some "tribes" were seen to be good cooks and watchmen, while others were good shamba boys. Only a few selected and trusted people could serve in clerical capacities. At Independence, there were these disparities. Some people found themselves disadvantaged because of the roles they had been assigned by the colonial power.

Churches also followed the government strategy of divide and rule. Certain areas were for the Anglican (Kikuyu) Luhya & Luo. The Methodist took Meru while the AIC were given Ukambani & Kalenjin land. Kikuyu and Chuka accepted Presbyterian Church. The Luo and the Kisii were identified with SDA. Islam remained for the Costal peoples. The Catholic had a bit here and a bit there. Today things are changing.

Another problem in Africa is illiteracy. It is said that if you want to hind your money put inside a book no a few Africans will discover it. The leaders easily resort to ethnic feelings to gain cheap support. This is easy because a strong since of nationalism and statehood has not yet been achieved. The gap between the people and their leaders who were largely trained in Europe and America widened at Independence (Storey, 1996).

They were more educated than the soldiers who they appointed to ensure security. Soon, the African armies began to see the leaders as closer to the former colonial masters than to them. What followed were *coup de ta* that has led Africa into serious problems.

So the founders of African states like Kwame Nkurumah of Ghana, Nnamdi Azikiwe of Nigeria, Milton Obote of Uganda, Ago stingho Neto of Angola, Patrice Lumumba of Congo (later Zaire and now Democratic Republic of Congo) were all overthrown. The people

preferred the semi-illiterate soldiers who spoke and thought like them, so Marcia Nguema, Amin Dada, Bokassa, Samuel K. Doe, Mobutu and other soldiers were born. These soldiers got strong support from their ethnic groups.

The cold war period created a lot of problems for Africa. The countries that were aligned to the Soviet Union such as Angola, Mozambique, Ethiopia, and Somalia were ported as enemies of pro-American countries such as Uganda, Kenya, Nigeria, and Zaire. In the 1970s, when Somalia and Ethiopia fought over the Ogden region, the Soviet Union secretly supplied each side with arm! The warring clans on the border of the two countries carried out what was close to genocide.

Many of the new African leaders are accused of nepotism and ethnic favouritism (Adeyemo, ed 1993). Of course, when a ruler favours members of his family and ethnic group, it does not mean that all their people have been favoured, unfortunately, this is what the general public thinks is the case. In Africa, the presidency is not a symbol of unity, but one of a favour to ones group.

This is why in Kenya, the President is a symbol of 'eating'. The Kikuyu 'ate' during the Kenyatta era and are now 'eating' under Kibaki era. The Kalenjins 'ate' under Moi's era. Each of the other tribes are trying to be as close as possible to the presidency.

In the meantime, the other Kenyan ethnic groups will prepare their appetites as they move closer and closer. It is this perception that led to the "ethnic" clashes. The Kalenjin leaders convinced their people that it was Moi who was under siege. If he was removed from power, then the Kalenjin were not going to continue eating. Many people got killed by people who were nowhere near the "Moi Meal", while those who were actually doing the eating were safe with their families at home.

Some African leaders have been known to arm their own peoples to ensure that they are protected in times of turmoil (Bate, 1994). President Juvenal Habryarimana is known to have armed the Interwar before the genocide in Rwanda. Obote of Uganda had armed his Nilotic Northerners and disarmed the Southern Bantus. This caused a lot of dissatisfaction. The Moi government is said to have armed the Kalenjin warriors with bows, arrows from Korea and with guns. Such countries have seen serious ethnic confrontations.

The latest reason for ethnic animosities in Africa is the introduction of multiparty system.

Africa can be seen as a pathological continent suffering from:

- Pathology of backwardness;
- Pathology of Economic Fragmentation;
- Pathology of Maldistribution of Natural Resources.

Pathology of Backwardness

Africa as a continent has always been seen as the continent that lacks creativity. It cannot produce anything of its own but many babies and poverty.

Pathology of Economic Fragmentation

African continent can be seen as small blocks. Each country has its own economic policy. It is survival for the fittest. We have therefore no economic strength. We have to keep on asking for aid since it cannot stand on its own. And unless Africa becomes an organised continent, Africa will continue to suffer to the glory of the west. Africa has to move away from a begging condition.

Pathology of Maldistribution of Natural Resources

Africa can be seen as a single group of rich people living in ivory towers while the masses are sinking in the ocean. Unless we get rid of these billionaires through fair and free equitable distribution of natural resources and create a democratic system, then Africa will continue suffering. Unfortunately, each class tries as much as possible to bar others from rising to their class. These are sinful structures not only in the secular world but also in the Church. Unless we evoke our ancient traditional heritage like the spirit of generosity, hospitality, communitarianism

among others, Africa will continue begging endlessly.

Part Four
Summary, Conclusion and Proposals

Summary

In this paper, we have shown that the usage of terms such as ethnic, ethnicity, ethnocentrism, "tribe" and nation have not been strict and very often misleading. The paper has also shown that ethnicity is God's gift to us, and that ethnocentrism is the deification of ethnicity. Ethnic belongings do not cause the so called ethnic clashes.

The destruction of all i.e. social mechanisms, rules, institutions and the reduction of social differences, groups and classes to the one and only difference of ethnic belonging are the actual causes of these conflicts, and the confusing term "ethnic" conflicts is suitable to conceal all these underlying causes.

Real causes of conflicts are usually political, economies, religious, cultural, linguistic and social in nature (SECAM, 1997).

It has been clearly stated, that ethnocentrism is as old as humanity, and that it is a worldwide problem (Chinchen, 1997). As much as it is true that the Africa continent seems to be in constant turmoil, it would not only be myopic, but also too unfair to suggest that the problem is largely an African one. Recent developments in Yugoslavia and former Soviet Union States and East Asia, are a glaring example.

To reduce African problems entirely to, the so called, "multi-ethnic nature" is to miss the point (West, 1984). This work has traced Africa's present conflicts to hastily drawn boundaries by the colonial powers. They divided the people. This is why the newly independent African States have not been able to create the requirements of assimilative or integrative nationhood. Furthermore, our governments have failed to convince their populations that they share a common culture and a common goal.

The colonial mentality was that Africans were inherently "tribal" and that they should never be detribalized (Wakano, 1985). In that way, the people could never gang up against the colonial authorities. So the African peoples had to be bounded and hounded into units called districts and provinces which were created along tribal lines.

But again, to reduce all Africa's turmoil's to its colonial past would be dishonest on our part. Many independent African States still keep the colonial legacy. Divide and rule tactic works very well for them.

Kenya is the best example in the whole of Africa. Her leaders have perfected the colonial art of dividing people along their ethnic backgrounds (Kasomo, 2010a). Practically, all the new districts are created for specific groups of people who are judged to be pro-government. In Kenya, the Bantu-speaking people tend to form their own political parties with their Nib- speaking counterparts forming their own. Kenya parliamentary and civic elections are increasingly determined by ethnic influence. This has led to a call by many of Kenyan politicians for the possibility of "Majimboism" (a federal form of government) (Kuria, 1998).

All over Africa, therefore the so called minority "tribe" or ethnic groups coalesce into regional power blocks. This is an attempt to ensure that their interests take precedence over national affairs. They do this in order to oppose the leadership by major "tribes" (Mugane, 1999).

Some countries like Zambia have tried to reduce the problem by making Chichewe and Bemba languages the *'Lingua Franca'* (Middleton, 1997). However, those whose languages are left out feel they are not considered important.

We have also presented the fact that Africa's latest experiment with multipartysm does not seem to have any promising prospects. The mistake is in the fact that they are formed along ethnic lines, and therefore not broad-based. In-spite of everything else, it is important to appreciate the fact that many people in Africa today can with the coming of pluralism, criticize

their governments without much fear as was the case a few years back.

In order to make African peoples cohesive, a lot of good will has to be done in the area of socialization. Africa must play politics, economies, provide an education and accept religious faiths that give room for other people to be themselves (Kasomo, 2010b). Many African states, as we have seen, are suffering serious conflicts in the name of religious fundamentalism. Algeria and Sudan have been bleeding profusely on this account. Tolerance must be treasured and not a thing to be detested.

Finally, Africa should take consolation in the fact that, those Western countries and America, which are relatively peaceful today, have had shocking history of violence worse than what Africa is experiencing currently. This is not to suggest that we should sit back and let things happen.

Possible Solutions to Global Ethnic Conflicts

1. The UN peace-keepers should never be reduced to sitting ducks. It should be constantly alert and a strong force.
2. Create an effective collective International Security System that will act as deterrence against the persecutors of different ethnic groups. Those who killed and maimed others should be arrested and tried anywhere in the world.
3. The ideology of revolution as a means to problem solutions should be seen and understood as suicidal. It is not only fatalistic, but also refusals to give dialogue a chance.
4. There is need to establish a programme of Popular Global Education for Development and Transformation" in each country. Stop grouping people in terms of "Us" and "Them".
5. Religion and politics should not be separated. There is generally no specific "political" structure that is distinct from the social and religious structures of society. The same person usually occupies both positions."
6. Stress the African value of communal ownership and African socialism (Ujamaa) and Ubuntu Philosophy.
7. Resort to the Elder Tradition. This does not mean consulting only the old in the village. African elders today include politicians, economists, scholars, diplomats, church leaders, members of NGOs and elders in the village.
8. Promote the Traditional value of peaceful dialogue and Conflict Resolution. Having brought the elders together, they must, in the spirit of the Traditional African value of a common consensus, sit down to talk.
9. We do not need expensive conference halls or hotel rooms. We can use natural shades or village huts away from the modem worries and hurries of life.
10. Bank on the African ability to forgive and forget painful experiences fast. For African Traditional Moral and ethical system an offence once forgiven is never recalled.
11. The practice of restitution for wrongs done to others should be explored.
12. The church in Africa should therefore promote a theology that promotes life. In fact, the focus of African religion is life. This is why killing is one of the worst crimes. Theology of liberation appears to be the relevant one for the bleeding continent.
13. The solutions to ethnic tensions exploding into ethnic cleansing and genocide must be found by architectures themselves.
14. No one has had a choice on where to be born. As such, one does not have to apologize for belonging to this or that ethnic group.
15. We need to recognize the value of universities as a forum to promote reconciliation, justice and peace, and to fight ethnic divisions.
16. Ethnic difference should never cause ethnic conflicts, genocides or ethnic cleansing. On the contrary ethnicity should be viewed as a gift of God meant for mutual enrichment.

17. Encourage the African people to be missionaries to themselves.

References

Adeyemo, T. (ed 1993) Christian Mind in A Changing Africa. Nairobi: AEAM.

Aquilar, I.M. (1998) The Rwanda Genocide. Eldoret. Gaba Publication.

Bate, S. (1994) Inculturation: . The Local Church Emerges in Missionalia - August 1994 22.

Bujo, B. (1986) African Theology in its Social Context. Nairobi: St. Paul Pub.

Chinchen, D. (1997) The Return of the Fourth "R" to Education: Relationships in Missiology. An International Review Vol. XXV.

Den Van, P.G. (1970) Race and Ethnicity Essays in Comparative Sociology. New York: Orbis Booka.

Freud, S. (1947) On War, Sex and Neurosis. N:Y: Arts & Science Press.

Hanns, E. (1993) "Political Musician". Havilan New York: Orbis Books.

Haviland, W. (1993) Cultural Anthoropology. Fort Worth.: Harrout Brace College.

Hiebert, P.G. (1997) Gospel and Culture. The WCC Project in Missiology: An International Review Vol XXV.

Horton, B.P. and Hunt, L.C. (1968) Sociology. New York: McGraw Hill Books Company.

Kasomo, D. (2010a) Challenges to Evangelisation in Africa Today: African Independent Churches. Berlin: Lambert Academic Publishing.

Kasomo, D. (2010b) Ethnocentrism a challenge to Evangelization in the world:Meaning and Implications to Religion. Berlin: Lambert Academic Publishing, 90.

Kihumbi, T. (1985) The African Civilization (Utamaduni wa kia Africa). Nairobi : Kenya Literature Bureau.

Kuria, K. (1998) Land Clashes. Kenya Daily Nation News Paper, Saturday, November, 28.Nairobi:Nation Media Group.

Kyeyune, D. ((ed)1997) New Trends for the Empowerment of the People. Nairobi: Paulines.

Mafeje, A. (1971) The Ideology of Tribalism. Journal of Modern African Studies 9, 253-261.

Magesa, L. (1998) African Religion, The Moral Tradition of Abundant Life. Nairobi: Paulines Africa.

Mc Laren, P. (1995) Critical Pedagogy and Predatory Culture. London: Routledge.

Middleton, J. (1997) Black Africa. Nairobi: Macmillan Publishers.

Mugane, P.A. (1999). Kenya Daily Nation Monday, January, 18th.

Ott, M. (1998) Tradition, Modernity and the Future of African Theology. Journal of Humanities, 56-76.

Sanneh, L. (1984) Christian Mission in the Pluralist Milieu: The African Experience in Missiology. An International Review - Edinburg: Edinburg University Press 11, 421 - 433.

SECAM, B. (1997) Message to the Churches of the Great Lakes Region and the Rest of Africa. Nairobi, 7823-34.

Storey, J. (1996) Cultural Studies and the study of popular culture: Theories and methods. Edinburg: Edinburg University Press.

Van de Goor, L. (1996) Between Development and Destruction, an Enquiry into the causes of Conflicts in Post Independent State. London: Macmillan Press Ltd.

Wakano, K. (1985) Coups d'état, Revolutions and Power Struggles in Post-Independence Africa. London: England, United Kingdom.

West, C.C. (1984) Culture, Power and Ideology in Third World Theologies In Missiology. An International Review XII.

Ethnicity: The Legacy of Kenyan Politics from Colonial to Post-colonial Era

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Abstract This paper was presented at the symposium held in honor of the late E.S.Atieno-Odhiambo on 14-15 July 2011 in Maseno University. Ethnicity and its implications was a key area of concern espoused by the late Atieno Odhiambo. Indeed, ethnic divisions as manifested in political participation before and after independence suffice to explain the ethnicization of politics in Kenya. The roots to ethnicity and ethnic mobilization in politics can be traced to the colonial Kenya, and transcended to the period after independence. Kenya realized independence in 1963 from Britain and subsequently became a post-colonial African property when Jomo Kenyatta took power as first president. Kenyatta perpetuated ethnicity in the political arena by perceiving Kenya as a personal property. This remains a fervent legacy of his administration. Data abounds on how Kenyatta secured the state for his primary constituency - the "Mount Kenya" interests for fifteen years. The entry of Daniel Arap Moi as president in 1978 up to 2002 aggravated the ethnicization of politics and institutions in Kenya. His philosophy of following 'Nyayo za Mzee' heightened regionalism and political participation in terms of ethnic consciousness. The repeal of section 2A in Kenyan Constitution in 1991 which allowed multi-party democracy appears to have exacerbated ethnic mobilization and participation in party politics. Exit Moi and enter President Mwai Kibaki in the year 2002 and the revival and emergence of reinvigorated 'Mt. Kenya Mafia' and the entrenchment of ethnic political fragmentation and involvement has been intriguing. Consequently, ethnicity has become the legacy of Kenya's politics.

Key words: Ethnicity, Legacy, Kenya, Politics, Post-colonial Era

Introduction

Ethnicity is quite a pervasive social process in Kenya. There is abundant data to the realization that it permeates every sector of the society. It has become a social process since its documentation vindicates it as very continuous, quite rooted and its tenets are not indicative of a culmination (Atieno-Odhiambo, 1996) had observed that ethnicity was an issue which Kenyans could not afford to ignore and, sixteen years later, it has become a critical malady which is so embedded in the social organization of the people. It persists at the heart of most architects of authority and power in Kenya. Indeed, Kenya is a prisoner of an ethnic stalemate which subsequently has fervent ramifications for political organization, democracy and stability.

Ethnicity is a concept which appeared in anthropological writings in the 1960s after the realization of the distortion of meaning and subjectivity in the usage of terms race and tribe. (Jenkins, 1997) observes that by the 1960s, the notion of "the tribe" was beginning to be replaced by perhaps less embarrassing concept, "ethnic group". The event which most clearly marked the paradigm shift within the social anthropology from the study of tribal society to social constructionist model of ethnic groups was the publication of Barth's work "Ethnic Groups and Boundaries" in 1969. The word tribe as used by ethnographers in the 19th and early 20th centuries denoted primitivity, backwardness and non-Western. This was particularly in describing African and other cultures whose social and cultural organization was diametrical to the Europeans. It was thus Eurocentric. Similarly, the word race, associated with Count Joseph Arthur de Gobeneau (1816-82), proposed the existence of three races; White (Caucasian), black (Negroid) and yellow (Mongoloid). Giddens (Giddens, 2006) observes that de Gobineau was of the view that the white race possesses superior intelligence, morality and will power in comparison to the other races. According to (Barth, 1996), the word "race" and "tribe" provided anthropologists (some of whom were sympathizers of colonialists) with grounds to classify human beings in terms of developed, civilized and vice versa. Indeed, this perspective can be said to have justified social evolution. In a nutshell then, both terms "race" and "tribe" were perceived to be value laden, lacked the academic neutrality (objectivity) and hence, the word ethnic. Contemporary Sociologists and Anthropologists favour the word ethnic to race and tribe because it is a concept that is completely, not academically and socially contested and adheres to the notion of cultural relativism as propagated by the anthropologist (Boas, 1922).

Nature of Ethnicity

The word ethnicity first appeared in the Oxford English dictionary in 1972, and is attributed to the American Sociologist David Reisman in 1953. He used it to refer to a shared (cultural) and perceived (psychological) group identity (Glazer and Moynihan, 1975). Further, within the American scholarship, the increasing use of "ethnicity" concept was part of a long term and gradual shift of analytical framework from "race" to "tribe" to "ethnicity" (Wolf, 1994). Anthropologist Fredrick Barth (Barth, 1996) played a key role in establishing the current anthropological understanding of ethnicity by associating the term with the conscious identity which individuals acquire for being members of a group. Clifford Geertz elegantly defined ethnicity as the "world of personal identity, collectively ratified and publicly expressed" and "socially ratified personal identity" (Geertz, 1973). Ethnicity can thus refer to a group identity, expressed behaviourally (by individuals or group) that emanates from membership to an ethnic group. Thus membership is either through ascription or achieved. It is ascriptive by virtue of being born in to a group, thus one acquires it automatically. This view is corroborated by (Eriksen, 1993); (Assefa, 1996) & (Rupesinghe, 1996). Further, ethnicity is achieved when one is inducted into it as a member of a group or, is as a result of the desire to belong, that is, the free will of the individual.

British anthropologist Wallman (Wallman, 1979) encapsulates the concept of ethnicity by arguing that it entails the differences through which human beings identify themselves as different from others. He demonstrates ethnicity as being defined by cultural differences and the identity that emanates from it. Eriksen (Eriksen, 1993) also emphasizes on the idea of cultural distinctiveness between groups/individuals and

the concomitant identity that defines each group, in understanding ethnicity. Further, Giddens (Giddens, 2006) avers that ethnicity is the cultural practices and outlooks of a given community of people that set them apart from others. Members of ethnic groups see themselves as culturally distinct from other groups in a society, and are seen by those other groups to be so in return.

The aforesaid factor is reinforced by Nyukuri (Nyukuri, 1997) who pointed out that ethnicity is an inclusive concept that defines groupings on the basis of indicators such as colour, appearance, language, race, religion, common primordialism and ancestry, height complexity, body structure, relationships and physical settlement. It is a common feature in culturally diversified societies in the globe, including Kenya.

In the endeavor to understand the nature of ethnicity, it is important to note that ethnicity and ethnic consciousness is a product of socio-cultural orientation. This view is corroborated by Hobsbawn and Ranger (Hobsbawn and Ranger, 1983), Ogot (Ogot, 1996), Handelman (Handelman, 1977) and Giddens (Giddens, 2006). The view of ethnicity being as a result of cultural orientation is predicated on the perspective that as a behavioral pattern, it can be learned, shared, transmitted and transformed as human beings interact with each other. Ethnicity is acquired as one gets inducted to become a member of society. In this sense then, behaviourism which is a set of principles defining the learning process in understanding human behavior can be applicable to the study of ethnicity. According to Bartol (Bartol, 1999), behaviourism "officially'' began in 1913 with the publication of a land mark paper by John B.Watson (1878-1958),"Psychology as the Behaviourist Views It". Other grandstanding architects of behaviourism include Ivan Pavlov, a Russian Scientist (1849-1936); and B.F. Skinner, an American (1904-2009), and their theories (Classical Conditioning and Operant Conditioning), respectively, emphasize social learning as critical in understanding developmental behaviour, which can include ethnicity. They also believe that environmental or external stimuli are the primary-if not the sole-determinants of all behaviour, both human and animal (Bartol, 1999). A synonym of social learning as applied by sociologists is the concept socialization, while anthropologists use the equivalent, enculturation. Giddens (Giddens, 2006) emphasizes that there is nothing innate about ethnicity; it is purely social phenomenon that is produced and reproduced over time. Through socialization, children assimilate the lifestyles, norms and beliefs of their communities.

Jenkins (Jenkins, 1997) further observes that ethnicity is variable and manipulable, not definitely fixed or unchanging. This view emphasizes on the dynamic nature of ethnicity and the capacity of the human being to manipulate and socially construct ethnicity either for personal aggrandizement or to be in tandem with other changes in the socio-cultural arena. For instance, (Smith, 1993) points out that conditions of modernity give rise to ethnicity and make such identity a powerful symbol of meaning and worth. Indeed, present day ethnic consciousness has a scope and intensity that did not exist earlier. In the current political configuration especially in Kenya, the sense of identity offered by ethnicity is quite evocative and has the power necessary for political mobilization. Additionally, Jenkins (Jenkins, 1997) points out that apart from the manipulable nature of ethnicity, ecological issues are particularly influential in determining ethnic identity, in as much as competition for economic riches plays an important role in the generation of ethnicity.

In line with above argument, Robert Merton's theory of Social Structure and Anomie comes in handy to understand nature of ethnicity. His theory leans heavily on the work of Emile Durkheim, one of the founders of sociology. Durkheim (Durkheim, 1893) used the term anomie to refer to a state of normlessness or lack of social regulation in modern society as one condition that promotes social disorganization. Merton (Merton, 1938) applied this Durkheimian approach to the condition of modern societies.

Merton argued that modern society evinces this means- ends disjuncture by strongly emphasizing on success goals, which is not matched by an equally strong emphasis on socially approved means. Everyone is socialized to aspire toward high achievement and success. Competitiveness and success are glorified by public authorities, taught in the schools, glamorized in the media, and encouraged by the values that are passed along from generation to generation. Worth is judged by material and monetary success. Alkers and Sellers (Akers and Sellers, 2009) argue that this success is supposed to be achieved legitimately (through education ,hard work, economic endeavor and social norms regulation).However, Merton perceived modern values to be more concerned with acquiring success, getting ahead and money at any cost, than with the right and proper ways to do so. When success goals are over emphasized, the norms governing their achievement get weakened, producing what Durkheim conceived of as Anomie. In the modern society including Kenya, individuals are prone to do what they can to achieve success, even if it means breaking the law. Thus, ethnic mobilization for success, political survival and personal aggrandizement becomes the norm.

Trajectory of Ethnicity In Kenyan Politics

Nyukuri (Nyukuri, 1997) observes that, British colonial imperialists invented ethnicity in Kenya's socio-political participation. Indeed, before the colonialists penetrated into the territories of Africans, the notion of borders was not of concern. The author points out that in the nineteenth century, the area that became "Kenya" was stateless, groups complemented each other and there was no central power that could arrange groups in hierarchical relations. It has also been documented that people of different cultural backgrounds interacted in total devoid of ethnic conscience, while cultural limitations couched in stereotypes, prejudices and bigotry were totally non existence. Were (Were, 1967) and Ogot (Ogot, 1996) argue that there were no water tight ethnic categories between cultural groups in Kenya before colonialism, while Muriuki (Muriuki, 1974) demonstrates how various cultural groups in Eastern, Central and Rift Valley provinces in Kenya had intimate relations with each other in total disregard to ethnicity by the 18th and 19th centuries. This scenario changed after the East African region was declared a protectorate in 1895.

As a strategy to annihilate, control and subjugate the Africans, the colonialists established borders configured in line with language, and this satiated their Eurocentric desire to create "tribes". Ogot (Ogot, 1996) observes that in furthering the policy of a gradual extension of British influence outwards from established colonial stations and forts, the new rulers established internal borders and district boundaries that were supposed to coincide with "tribal" and linguistic units. Their efforts were vitiated by the definition of ethnic groups as "tribes", a concept that was racist and ahistorical

in the sense that it regarded the various nationality groups as being static, exclusive and homogeneous. In this sense then, Ogot observes that the concept of a" tribe" was therefore an intellectual abstraction, a mental invention of the colonialists which was intended to convey or portray the picture of a people without government, without culture and without history, in order to justify colonialism. Borders (physical) were enacted to freeze movement and interaction, and in order to avoid contamination from neighboring, but culturally and linguistically different peoples. Fines and corporal punishment were imposed to deter movement from one locality to another while; Africans were to be governed in their own language units. As a consequence, "tribal" uniqueness was very well formulated, while strategies for inter-tribal tension and conflicts were well enacted. The strategy here was to divide and rule, in cahoots with colonial sympathizers (local chiefs and tribal headmen).

The process of balkanization of Kenyan African groups into tribal enclaves as strategized by the British colonialists succeeded and by 1920, indicators of ethnic consciousness among the Africans came in to the fore. Ethnic oriented pressure groups started cropping up and indeed, the struggle for independence involvement by Kenyans was inevitably ethicized. This assertion is exemplified by regional groups agitating for recognition and independence namely Kikuyu Central Association (KCA) and the "Piny Owacho" in Luo land in the 1920s. Later on, KCA transformed into Kenya African Union (KAU) in 1944. After the state of emergency was declared in Kenya in 1952, Africans were advised to go back to their ethnic regions. This strategy ensured they were confined to their regions of origin and invented their own "tribal" pressure groups to safeguard their interests and welfare

Ndege (Ndege, 1996) observes that the emergence of such associations as the Nairobi District African Congress, the Mombassa African Democratic Union, the Ukambani Members Association(UMA),the Luhya Union(LU), the Kisii Highlands Abagusii Association, the Taita Democratic Union,the Kalenjin Political Alliance (KPA),the Young Kavirondo Association(YKA),in that order is a manifestation of how barely a decade to independence, the colonial state was still determined in localizing (ethnicicing) African politics. In 1957, the colonial government legalized the creation of parties by locals but such parties were to be confined to their own districts as opposed to national operations throughout Kenya. When later national parties were allowed, the Kenya African National Union (KANU) was the first to be formed in 1960 in circumstances that made it the natural heir to the Kenya African Union (KAU). KANU emerged as a party to cater for interests of the larger ethnic groups (Kikuyu and Luo), while Kenya African Democratic Union (KADU) was established for the concern of the so called "small tribes". Behind these political groupings, the ethnic conscience was quite prominent. Later on, KADU was absorbed into KANU after the independence of Kenya. Technically, Kenya became a defacto one party state, main idea being to perpetuate ethnic interests. Remember, Kikuyu Central Association (KCA) had transformed to Kenya African Union (KAU), and later evolved to become KANU.

Moreover, the emergence of the Mau Mau movement in Kenya after the Second World War (1946) had become synonymous with the Kikuyu fraternity, and this has had its future political ramifications to Kenya. Indeed, it has been argued how the Kikuyu community in Kenya has for a long time viewed the country as their possession premised on the notion that their kith and kin fought for independence.

Moreover, the colonial administrations divide and rule practice tended to foster ethnic divisiveness as it favored some ethnic groups excluding others. For instance, some areas benefited from introduction of infrastructure, cash crops, urban and trading centers and missionary schools in total disregard of other regions. The Kikuyu and Luo communities appeared more favored in this policy – giving them resources and opportunities that were denied others. Consequently, seeds of ethnicity, ethnic inimical relations, hatred and belligerence became eminent by the time of independence.

Political Participation Since Independence In Kenya

At the dawn of independence, African leaders ascended to governmental structures armed with the Western Constitution and ill-trained manpower to soldier on and make provisions for the enlarged nation-state, now encompassing diverse ethnic groups with variegated interests. Nyukuri (Nyukuri, 1997) points out that as if this was not enough, Kenya, like most other African countries, inherited from the colonialists scarce national resources, inadequate infrastructure, inadequate human resource capacity, inadequate capital, inadequate education and health facilities, among others. The scramble for the scarce national resources and facilities intensified and ethnicity became the main vehicle through which the dominance and preservation of power as well as resources could be achieved. The author contents that leadership (i.e. ruling elites) in post colonial Kenya has often relied heavily on ethnicity to remain in leadership positions or settle a dispute with their perceived enemies.

Indeed, Kenya gained independence from British rule in 1963, and since then to date, successive governments have demonstrated that ethnicity invariably remains a fervent tool for resource and political mobilization .Certainly, the seeds of ethnic divisions germinating during colonial rule got anchored and perfected in the independent Kenya during Jomo Kenyatta, Daniel Arap Moi and presently, Mwai Kibaki's rule. In critical analysis of Kenyan nascent democracy, one cannot fail to notice the ethnic manipulation and tolerance for survival, while the ethnicity passion and sentiments attached to political leadership and participation of the country since independence intrigue all and sundry.

Kenyatta for instance, abhorred competitive politics and that's why he strategized very fast to dismantle KADU immediately after independence, and KPU pioneered by Jaramogi Oginga Odinga in 1966. He set the stage by personalizing politics in Kenya, placed his hench men (Kikuyu) in strategic governmental institutions and subsequently, entrenched and perpetuated the kikuyu hegemony. Atieno Odhiambo asserts that,

> *"After Kenya became a post colonial African property, Kenyatta took over political power. Having captured the state, Kenyatta fell back to his life long and primary agenda, tending to the needs of his basic community, the Agikuyu. This he succeeded in doing very effectively in the fifteen years of his presidency. At the end of 1978, it could legitimately be stated that his was a story of spectacular success for his primary constituency, the Agikuyu. He had secured the state for them, the government and vast homeland in the Rift Valley and along the*

> *Coast. He had put commerce in their hands" (Atieno-Odhiambo, 1996).*

Data abounds to the realization of how people from Central Kenya controlled major financial lending bodies after independence, Industrial and Commercial Development Corporation (ICDC), African Finance Corporation (AFC), Kenya Commercial Bank (KCB), National Bank of Kenya (NBK), inter alia with the aim of empowering "their" people financially and ultimately, control the political dispensation. Donald Rothchild (Rothchild, 1969) in his paper, "Ethnic Inequalities in Kenya" states that "the statistics on ICDC loans up to April 1966 show that Kikuyus' received 64 percent of the industrial loans and 44 percent of the commercial loans" Further the top management of Kenya Commercial Bank, National Bank of Kenya and the Industrial and Commercial Development Corporation(ICDC) were registers of managers from one ethnic group and their allies from Eastern province.

Moreover, as a strategy to perpetuate Central Kenya into the political, economic and social sphere of the country, the Kikuyu and communities surrounding them saw the efficacy of ethnicity and ultimately created the incredible Agikuyu, Embu, Ameru Association (GEMA). GEMA evolved into a powerful land buying and political entity in the 1970s and had a high influence in the socio-economic and political empowerment of its members. The fall out between Oginga Odinga and Kenyatta in 1966 was grounded on the injustice and controls the Central province elite was subjecting Kenyans to. This fall out set the pace for the political alienation of the Luo community. Kenya Peoples Union (KPU), the vehicle which Oginga Odinga clung to for political survival was proscribed in 1969 and opposition politics criminalized. Atieno Odhiambo (Atieno-Odhiambo, 1996) argues that with criminalization of competitive politics, the "ideology of order" moved to centre stage. Proscription of party politics gave room to the growth of Government supported tribal associations headed by "tribal kingpins" who acted as the leadership elites and avenue for control of ethnic groups. Tribal associations permeated almost all public institutions. Atieno Odhiambo states that the democratic pillar became an orphan in Kenya, and ethnic interests superseded nationalism.

Kenyatta presided over Kenya as a one party system – and coincidentally this happened to be the trend all over the African continent during the 1960s and 1970s (Tordoff, 1997). Kenya's one party system was under KANU and clientelism shaped and colored Kenyan politics with Kenyatta himself as patron. Political alliance and patronage became increasingly important and politicians relied on ethnic linkages and network for support. Many supposedly apolitical bodies were politicized such as "trade unions, universities, co-operative societies, women organizations, police, army", inter alia (Tordoff, 1997). In a similar version, provincial administration (provincial commissioners, district commissioners and chiefs), majority of whom also had strong Central province connections executed and controlled party policies and ultimately determined political dispensation. From 1963-1978 Kenya was synonymous with Kenyatta and his constituency (Agikuyu) in controlling socio-political and economic affairs of the country. As an illustration, during Kenyatta's twilight years of leadership, certain Kikuyu elites endeavored to change the constitution (1976), with the main aim of blocking Daniel Arap Moi from taking over power, and in place install "one of their own". This endeavor never bore fruit and after the demise of Kenyatta in August 1978, Daniel

Arap Moi, a Kalenjin, assumed the leadership of the country.

Daniel arap Moi's Era (1978-2002)

President Daniel Torotich Arap Moi (August 1978 – 30th December 2002) presided over a Kenya inundated with politics of patronage and clientelism (ethnicity), deception and hypocrisy, politics of anxiety and subservience. In the initial stages, his clarion call of following "Nyayo za Mzee" translated to imply following the footsteps of Kenyatta, by implication meant subscribing to the ideologies and philosophy of leadership of Kenyatta. This he did "very well" for he appeared to loathe competitive politics (multi party democracy) as Kenyatta did. Atieno – Odhiambo (Atieno-Odhiambo, 1996) argues that throughout 1970s into 1990, discussing possibilities of democracy was anathema. Furthermore, every means at the disposal of his ruling party KANU was used to derail the formation and registration of opposition parties including detention without trial, the brutality of provincial administration and the police, the registrar of societies, courts of law and KANU youth wingers. Through these machinations and deliberately, Kenya became a dejure one party system in 1982 after a failed military coup whose instigation had some sense of ethnic discontentment in the running of the country.

As a strategy to entrench himself and his clique of leaders, and out of sheer paranoia, Moi started dismantling the Kenyatta Empire. Simatei (Simatei, 1996) points out that Moi embarked on dekikuyunization of the civil service including strategic state institutions (parastatals, security, diplomatic circles, learning institutions, etc) in to the Kalenjinization of the same. It has been argued jokingly how one would find people of the same ethnic group turning their local language into the office language of some parastatals, like posts and telecommunication, among others. Kalenjinization of key institutions was compounded with empowering ethnic chieftains (kingpins), hand-picked by Moi himself to champion his interests at local (ethnic) level and to perpetuate subservience. Such tribal kingpins wielding a lot of power among their ethnics suffice; Mulu Mutisya in Ukambani region; Shariff Nassir at the Coast, Kariuki Chotara and Joseph Kamotho in Central Province, Joseph Lotodo in North Rift Valley and the likes of Ezekiel Berngetuny in Uasin Gishu, William ole Ntimama among the Maasai, Wycliff Mudavadi among the Abaluhya, among others. Paradoxically, after coming into power in 1978, Moi had disbanded all tribal caucuses formed during Kenyatta's time including GEMA, but in turn, he endeavored to use ethnic chieftains to entrench himself. Through Moi and his tribal henchmen, intra and extra ethnic dissent was confronted with extra judicial repercussions. To cite Koigi Wa Wamwere (Wamwere, 2008), how would one explain the demise of dissenters like Bishop Alexander Muge, Jean Marie Saroney, Robert Ouko, and the incarceration of Kenneth Matiba, Charles Rubia, Raila Odinga, Koigi Wa Wamwere, *inter alia*.

Indeed, the balkanization of African regions into "tribal units" as happened during colonial times was highly rekindled in Moi's era. Ethnic dictatorship and in turn ethnicizing Government and politics in Kenya pervaded in the entire 24 years of Moi's rule. Wamwere (Wamwere, 2008) broaches the idea of ethnic dictators who handpicked leaders (if not themselves), manipulated elections, created fear (anxiety) and despondency at the expense of democracy.

In the 1990s, there was an agitation to democratize the African continent – which was more intense in former British colonies. Moi and his ruling elite eventually succumbed to both

domestic and international pressure. This led to the repeal of section 2(A) of the Kenyan Constitution that allowed creation of plural democracy in 1991. Fascinatingly, the emerging opposition parties by 1992 (Ford Kenya, Ford Asili, Kenya National Congress, Democratic Party), and other smaller ones failed to forge a unified platform to challenge Moi's ruling party, KANU. It is important to note that ethnic parochialism (among leaders), and an ethnically driven population was a leading factor. Mind you, most of these leaders had grown and nurtured their leadership skills under Kenyatta and Moi. Throup and Horby (Throup and Hornsby, 1998) offer three main arguments to explain failure to unite by the emerging parties and their presidential aspirants. First, Kenyan voters had always rewarded politicians who could guarantee "maendeleo" (literally, development, but usually understood as patronage of state resources). The second factor was that in the minds of voters and politicians alike, ethnic calculations had always outweighed any ideological consideration, and lastly, the euphoria of pluralism created unrealistic expectations of change in the era of multiparty competition.

The voting pattern for the presidential candidates in 1992 suffices to demonstrate ethnicization of political participation in Kenya. President Moi had managed to consolidate Kalenjin votes together with those of smaller ethnic groups to emerge the winner. Kenneth Matiba and Mwai Kibaki shared all Kikuyu votes, while Oginga Odinga's bulwark for his votes was from Luo Nyanza. Prior to the election of 1992, ethnic tensions had been very high with tribal clashes in the Rift valley and Western Kenya, instigated to drive away non – indigenous people.

The second multiparty election in December 1997 presented a myriad of political parties (27) to compete against KANU. Indeed, the proliferation of these parties confirmed sentiments by Bratton and Van de Walle (Bratton and Van-de-Walle, 1997) that "democratization in Kenya has resulted in reaffirmation of ethnic identities with political parties emerging along ethno regional criteria rather than ideological ones". Each aspiring politician was under the illusion that they could marshal their ethnic group behind them to trounce Moi and KANU. This costed the opposition candidates the presidency. Once more, Moi trounced them (Moi 40.64% ; Mwai Kibaki 31.49%; Raila Odinga 11.06%, Michael Wamalwa 8.40% and Charity Ngilu 7.81%. Ideally, their combined votes would have led to a win, but factionalism driven by ethnic chauvinism and fixation was their undoing. Just as in 1992, prior to the 1997 elections, there had been tribal clashes at Coast province to eject out non – Coastal people (especially the Luo) from South Coast, while after the election, ethnic groups clashed again in the Rift Valley.

The period between 1998 -2002 experienced an era of political realignment and strategizing with the main desire to succeed Daniel Arap Moi – who according to the constitution was not eligible to vie. These realignments and political manoeuvres were couched in ethnic calculation. National Alliance Party of Kenya (NAK) fronted by Mwai Kibaki's (DP), Social Democratic Party(SDP) by Charity Ngilu and FORD Kenya by Michael Wamalwa- all aspired to embrace the Kikuyu, Akamba and Abaluhya and to confront KANU (read Kalenjin) which had found a political alignment for convenience with National Development Party (NDP) fronted by Raila Amollo Odinga (read Luo). Moi and Raila were later to fall out when Moi anointed Uhuru Kenyatta as his heir. Together with other formidable forces from KANU (George Saitoti, Stephen Kalonzo and Moody Awori), Raila joined forces with NAK prior to election of 2002 and formed National Rainbow Coalition

(NARC). Ethnic calculation and patronage appeared the dominant factor when Raila Odinga pronounced "Kibaki Tosha" in 2002 at a rally in Uhuru Park, Nairobi. Kibaki became the sole opposition candidate to square it out with Uhuru Kenyatta, heir apparent to Moi. Through ethnic balance, Kibaki came to power in December 30th, 2002.

Mwai Kibaki`s Era (2002 –to date)

Kibaki ascended to power in an ambience of hope, fortitude and emancipation from ethnicity. Indeed, the diverse representation of key regional figures in his government in the beginning gave rise to the possibility that ethnic factor in politics could dissipate in Kenya. To the chagrin and disillusionment of many, Kibaki gradually started reviving the politics of patronage and what Kiai and Muite (Kiai and Muite, 2009) term as politics of ethnic "entitlement". To demonstrate that he was not for change, Kibaki reneged on a Memorandum of Understanding he had signed with key figures that spearheaded his campaign, which prominently had been led by Raila Amolo Odinga. Secondly, in critical Government positions and appointments, Kibaki retained some of the bureaucrats or remnants who had presided over Moi's system. No wonder it had to be argued later that "we had done away with Moi but Moism persisted in Kibaki's" Government. Thirdly, in his so called "Kitchen cabinet", Kenya witnessed the revival of the enigmatic "Mount Kenya Mafia" – which rekindled memories of Kenyatta leadership (read GEMA). The implication of Kibaki surrounding himself with his ethnic henchmen was the appointment of one ethnic group and its "close relatives" to crucial positions in the civil service. Once more, the tradition of ethnic fixation in running the affairs of the country and politics of exclusion took root.

The Kenyan leadership of 2003 which had given hope and fortitude to its citizenry after many years of misrule, ethnicity and despondency turned into a farce. By the year 2004, Kibaki had started facing a revolt from prominent figures in his government who had played a key role in his campaigns for presidency. Consequently, total fallout was quite imminent in the beginning of 2005. Apart from their grievances in affairs of running the country, the opposition by Kibaki and his inner circle to a comprehensive constitution review aggravated discord within the revolting group in the cabinet. One remembers assertions associated with a Kibaki key cabinet minister and ally who in 2005 had said that there was no need to review the constitution since "we had removed" Moi from power.

The emerging animosity culminated into two extreme antagonistic groups towards constitution making, and by extension, demonstrated the political trajectory in the country. As Kenya approached a national constitution referendum towards end of 2005, the disintegration of (National Rain ball Coalition) NARC Government was quite imminent and inevitable. The two protagonists, that is, "Banana" group spearheaded by the president himself and those against comprehensive constitutional change was pitied against the pro-change, the "Orange" team. Indeed, ethnic passions and sentiments pervaded the campaigns of either to adopt piece meal constitutional change or comprehensive. Central Kenya appeared to be pitied against the rest of the country – and the end results confirmed it.

The referendum was won by the Orange team – rightly reaffirming people's discontentment with the centre. Kibaki sacked the "renegade" members of his cabinet (those in the Orange team) – most of whom had been very critical to his presidency. Thereafter, as Kenya approached

legislative and presidential elections in 2007, ethnicity took a centre stage as politicians strategized for the elections. The Orange team portrayed themselves as nationalists, but it was very clear that ethnic mobilization and participation was paramount. Indeed, the Orange team appeared to sail comfortably within Nyanza (Luo), Western (Abaluhya) and Rift Valley (Kalenjin). The population of these regions was behind their leaders, namely Raila Odinga, Musalia Mudavadi and William Ruto, respectively. On the other hand, the Banana team had its bulwark of following in Central province (Kikuyu) and Eastern (Embu and Meru), significantly.

Prior to elections in 2007, Kenya projected itself as a very politically ethicized society, more than ever before. The politicians and the mass media played a very key role in elevating Kenya to ethnic politics. Interestingly, the religious fraternity with its diversity also demonstrated a penchant of discrimination and favoritism in political affiliation and party participation. Moreover, ethnic hate speeches, reminiscent of the period preceding general elections in 1992 and 1997 put the country at risk. Much of it was beset with reckless and derogatory comments that undermined national unity. Statements like, "tutatoa madoadoa kati kati yetu" translated to mean we shall do away with those different from us – attributed to a politician from the Rift Valley, Kenya, were not different from the ones associated with a Maasai politician in 1991, who championed for "making the Kikuyu in Maasai land lie low like an antelope". Kenya was also treated to "politics of circumcision" and "Majimboism" or federalism which to many, meant ejecting out those who never belonged to certain regions. These among many other speeches and outbursts that embody on ethnic animosity associated with Kenyan politicians illuminated the political arena.

The results of the legislative and presidential elections of December 2007 strongly pitying Mwai Kibaki against Raila Odinga clearly vindicated Kenya as highly ethnicized politically. Kibaki's potent electoral zones were Eastern and Central province. Indeed, in Central province (Kikuyu), Kibaki's vote was up to the last person. The same scenario was indicative of Raila's votes, especially in Luo Nyanza and in other regions (Rift Valley- Kalenjin) and Western (Abaluhya), where emerging ethnic chieftains namely William Ruto and Musalia Mudavadi, respectively, played a key role towards his campaign. The intrigues of ethnic politics were also exemplified in Ukambani region where Kalonzo Musyoka carried the day in presidential votes with his ODM-K political flagship.

Mwai Kibaki was pronounced the winner of the presidential elections in the year 2007 amid intense protestations from his competitors. The aftermath of these protests were the post – election violence in January and February 2008 which epitomized deep, inbuilt and passion ethnic hatred between certain ethnic groups in Kenya.

The international community intervened to restore "normalcy" in Kenya, which culminated in the formation of a Grand Coalition Government between president Kibaki and Raila Odinga as the prime minister. Intriguingly, ethnicity appeared to play a key role toward the formation of this coalition government. With the inclusion of Kalonzo Musyoka in the government, each party appeared to champion for the interests of its ethnic group as well as rewarding their kinsmen and women. There have been squabbles in the four year coalition government, relating to appointments to the civil service as well as allocation of national resources. There is also an emerging trend in politics as politicians start strategizing for the elections of 2012. Political alliances based on

ethnic strengths have started emerging as politicians' position themselves for the forth coming elections. In 2011 talk had been rife within the Kibaki circle of the Musyoka-Kenyatta-Ruto axis, geared toward bringing the three of the big five – Kikuyu, Kamba and Kalenjin (KKK) with them to offset the challenge by Mr. Raila Odinga and his allies. This was transformed in to G7 toward end of 2011 and appears to gain momentum in 2012. It includes the three politicians and their close allies whose conscription into the group is through ethnic calculations. The confirmation of the post election cases by International Criminal Court (ICC) for the four suspects in February 2012 appears to heighten ethnic passions. A scenario is playing where by politicians project Raila Amolo Odinga as the culprit while William Ruto and Uhuru Kenyatta are the victims. The two politicians project the case as an ethnic trial and their machinations appear to bear significance amongst their communities. Interestingly, the current Vice President Stephen Kalonzo Musyoka who comes from an ethnic group (Akamba people) whose numbers are smaller compared to Ruto and Uhuru is reported to have mischievously teamed up with the two in their national "prayer" campaigns in the hope of being endorsed by the suspects who command huge support from the Kalenjin and Kikuyu voting blocks. This is a clear indication that ethnic alliances triumph ideology in Kenyan politics.

Critical consequence of ethnic alignments for 2012 general elections in Kenya is the emergence of ethnic spokes men, women and elders, reminiscent of Arap Moi's era. According to Kituyi (Kituyi, 2011)),the media is awash with stories of politicians seeking to be crowned tribal spokesmen or inventing the office of tribal elders and seeking it to read the tribal oracle for their groups .Mr.chirau Makwere insists he is the elder spokesman of all Coastal Miji Kenda people ,Raila Odinga is projected the kingpin of the Luo People, Uhuru Kenyatta for the Kikuyu, William Ruto for the Kalenjin people, Kalonzo Musyoka and Charity Ngilu appear to spoil for each other for the Akamba people supremacy. Kituyi further observes that in Western Kenya, Mr.Wycliffe Oparanya, Musalia Mudavadi and Moses Wetangula declare that a "Luhya Council of Elders" is consulting on who should be the tribal candidate for president. These developments reflect the ethnic political configuration of the Kenyan society.

Moreover, as politicians in the current Government get implicated in corruption, they appear to find recourse from their ethnic groups. This was demonstrated in the recent maize scandals (William Ruto, Minister for Agriculture), as well as in the noted errors in 2008/2009 supplementary budget which had been inflated into billions of Kenyan shillings (Uhuru Kenyatta, Minister for Finance). The same scenario was replayed with the ethnic support Haroun Ringera received after reappointment by the president to head Kenya Anti-Corruption Commission and the eventual censure by parliament. Equally, the sacking of Kioko Mangeli as head of Kenya Bureau of Standards drew similar ethnic overtones from Akamba politicians. Amongst the Kalenjin, the agitation by members of the community to retain Professor Mengich as the chief executive of Eldoret Moi University Referral Hospital notwithstanding the expiry of his tenure was quite intriguing. Similarly, recent appointment of Mr.Keriako Tobiko to the Directorship of Public Prosecution whipped a lot of ethnic overtones, threats and protests from the Maasai community; in spite the glaring accusations on his professional improprieties.Recently,March,2012,Kenyans witnessed ethnic intrigues play in parliament when the legislators from Central province marshalled support from their like minded from

the Rift valley to salvage the Central Bank of Kenya Governor Njuguna Ndung'u from being edged out of the institution in spite the mismanagement which has led to the depreciation of the Kenyan currency. Money also "changed hands". It has become a norm for politicians and technocrats to retreat back to their ethnic groups to solicit for support in the guise of being targeted by their "political enemies". Moreover, the current trend of political calculations and alignment in anticipation for the 2012 general election, coupled with strategy of retreat for ethnic support and recourse in times of threat to one's position as well as the ethnic sentiments, passions and emotions aroused by the ICC confirmation of post election violence cases are a clear manifestation of the future political dispensation in Kenya.

Implications of Ethnicity in Kenya

The aforesaid discourse of the ethnicity trajectory plays like a jinx in Kenyan socio-political configuration. The ethnic disparities aggravated during and after independence have had severe socio-cultural, economic and physical ramifications to the Kenyan society. First and foremost, it has become quite difficulty and an uphill task to build a national culture or character. Kenyans consciously first belong to a tribe before identifying with their country. This is manifested in their socio-political and religious organizations and affiliations as well as in their mother tongues. This dividedness which militates against nationalism is further exhibited and exemplified in the mental entrenchment of ethnic stereotypes and prejudices amongst Kenya's ethnic groups. Ethnic stereotypes and prejudices are not conducive for amicable coexistence between groups. The assertions that "Kikuyus are thieves", "Luos are proud", "Luhyas are good watchmen and cooks", "Kambas are weak and cowards", "Kisiis are temperamental", "Kalenjins are war mongers", amongst others have been detrimental to Kenya's unity and cohesiveness. Politicians have systematically used the prevailing stereotypes and prejudices to breed hatred and suspicion between groups culminating in ethnic rivalries, belligerence and conflicts. Indeed, the ethnic conflict experienced in Kenya since independence, to the most recent post election violence in 2008 suffice to demonstrate that ethnicity is the jinx of Kenyan politics.

Kenya has witnessed politically and ethnically instigated conflicts before and after every presidential and general election held in 1992, 1997, 2002 and 2007, especially in Western Kenya, the Rift valley and Coast region. For instance, before the multi-party elections in 1992, tribal clashes flared up in the rift valley culminating into the killing of around 2000 people and displacement of thousands of others (Tordoff, 1997). The main victims were the Kikuyu community. Similar ethnic strife and tension replayed again before the 1997 elections, this time in the South Coast. Those targeted were ethnic groups from upcountry, that is, "Watoka bara". Lives were lost and a lot of property torched down. The aftermath of this conflict was also felt in the decline in the tourism industry in Kenya which apparently had happened to be the main source of public revenue around that time.

The climax of ethnic conflict in Kenya was witnessed after the disputed presidential elections of 2007. The ethnic jinx played itself in a very wanton manner. The Kikuyu and Luo communities bore the brunt of this conflict. In the Rift valley and Western Kenya, the Kikuyu community and their economic empire were highly decimated. In retaliation, a section of the Kikuyu "warriors" blockaded a section of Nairobi –Nakuru highway and its environs in

Naivasha and physically targeted Luo people for physical assault. Luo men were humiliated with forceful physical circumcision, torching of their houses and killings. Same scenarios of conflict between the two protagonists were experienced in certain estates in Nairobi (Kibera, Kawangware, Kariobangi, Dandora).The post-election violence in 2008 led to the phenomenon of Internally Displaced persons (IDPS) of almost one million people, around 1,500 people lost their lives, thousands of women and young girls were raped while property worth billions of shillings were destroyed. The recent,February,2012 inter ethnic conflict between the Luo community and the Kalenjin along the border of Rift Valley and Nyanza provinces are a clear sign that such tensions are a long way to dissipate. In this conflict, over 1000 people were displaced; hundreds of acres of sugarcane were torched as well as several houses. Intriguingly, political instigation appears as a dominating factor. Indeed, politicians were quick to point fingers at their rivals accusing them of attempting to divide the communities along ethnic lines for their personal political gains.

Ethnicity in Kenya has bred "tribalism" and nepotism in the employment sector. Patronage in job employment was strongly entrenched during Kenyatta's presidency while Moi and Kibaki perfected it. It is evident that those in power crave to employ those from their ethnic groups in the institutions they preside. The Kenya of the three subsequent presidents since independence has seen some government institutions such as universities, colleges, parastatals, ministries, security agencies and even private companies being the domain of certain ethnic groups. This kind of scenario has infested and inundated the Kenyan socio-political and economic environment with the culture of impunity, corruption and subservience.

The regimes of Kenyatta and Moi were highly identified with initiating selective and lope-sided development. Indeed, Kenya is an example where resources have systematically been allocated according to proximity to power and ethnic alliance. During Kenyatta's era, Central Kenya and its environs was the hub of good infrastructure, schools and hospitals. When Moi took over, there was a drastic shift of the development machinery to the Rift Valley and other well politically connected areas. Moi was popularly known for the slogan "Siasa mbaya, Maisha mbaya" translated to mean those outside KANU and not royal to him would be alienated from sharing the national cake. It was during his time when it was joked of how tarmacked roads in the Rift valley were being used for drying harvests (Maize and beans) and for livestock to idle, while the rest of Kenya, especially areas perceived to harbour political enemies were in poor and unkempt infrastructure. Thus Moi`s *modus operandi* was ethnic manipulation that set the stage for control of public resources without consideration to the whole society.

As Kenya geared up for a new constitution in 2010, ethnic sentiments appeared to pervade the ongoing debate to adopt the harmonized draft. The rival Party of National Unity (PNU) and Orange Democratic Movement (ODM) groupings in the coalition government developed pressure groups that took positions that reflected selfish and ethnic pattern. PNU was opposed to the creation of a post of a Prime Minister with executive powers for they thought it would dilute president Kabaki's power and authority. ODM on the other hand supported transfer of executive powers to the Prime Minister - under illusion that the proposal bestowed power on Prime Minister Raila Odinga. Although the adagonistic parties later on agreed on presidential system of governance, their earlier intentions demonstrated a dangerous scenario since the political leaders and their hench men and women in

constitutional debate did not realize that the constitution was not about Mr. Kibaki and Mr. Raila. This amounted to the promotion of mediocrity, dogmatic and parochial observance to matters of national importance, which is engendered by ethnicity.

Conclusion

The malady of ethnicity in defining politics has been quite pervasive before and after independence in Kenya. Ethnicity has become the Achilles heel upon which any political dispensation has been grounded on, especially after independence. This kind of scenario has systematically played a dangerous and harmful manifestation for the country. Indeed, Kenya has for a long time been subjected to guided democracy, that is, a democracy that borders on authoritarianism and the perpetuation of the interests of the minority. For Kenya to divorce itself from ethnicity there must be the desire to enact a government which has the interests of the nation and the entire diversity at heart, devoid of "tribal" under linings and sentiments. This calls for what Pinkney (Pinkney, 1993) calls consociational democracy. The word is used to describe how a culturally diverse country like Kenya can ensure that all significant groups are incorporated in Government without alienation of "others". The system recognizes society as consisting of these distinctive groups, based on language, race or religious autonomy of one another and the state. Indeed, the object of consociational democracy is to seek consensus between the different groups through a political process that brings all leaders into a governmental process, through carefully tailored forms of proportional representation of federalism and devolution of power or, by specifically reserving offices of state for members of the different groups. Moreover, there is need for a legislation to guard Kenyans against politicians who whip ethnic emotions for political survival and aggrandizement. Presently in Kenya, the National Cohesion and Integration Commission (NCIC) established through an act of parliament in 2008 is gaining ground in the endeavour to contain ethnicity. The law must be very clear, with severe penalties and fines for those who violate and whip ethnicity for political survival. Lastly, Kenya requires an elaborate civic education targeting its citizens with information on the repercussions of ethnicity. Such information should also emphasize on building a national culture.

References

Akers, R.L. and Sellers, C.S. (2009) Criminological Theories. New York: Oxford University Press.

Assefa, H. (1996) Ethnic conflict in the Horn of Africa. K. Rupesinghe and V. A. Tishkov (Eds.), Ethnicity and Power in the contemporary world: Tokyo; The United Nations University, 32-51.

Atieno-Odhiambo, E.S. (1996) Reconditioning the terms of fact. Ethnicity, nationality and democracy as political vectors. B. Ogot (ed.), Ethnicity Nationalism and Democracy in Africa, Kisumu: Institute of Research and postgraduate studies, Maseno University, 74-84.

Barth, F. (1996) Ethnic Groups and boundaries: The social organization of culture difference. Oslo: UniversitetforLaget.

Bartol, C.R. (1999) Criminal Behaviour:A psychological Approach. New Jersey:Prentice Hall.

Boas, F. (1922) The limitations of the comparative method in Anthropology. Science 4, 901-908.

Bratton, M. and Van-de-Walle, N. (1997) Democratic Experiments in Africa: Regime Transitions in Comparative Perspective. New York: Cambridge University Press.

Durkheim, E. (1893) The Division of Labour in Society. New York:Free Press of Glencoe.

Eriksen, T.H. (1993) Ethnicity and Nationalism: Anthropological Perspectives. London: Pluto Press.

Geertz, C. (1973) The Interpretation of Cultures. New York: Basic Books.

Giddens, A. (2006) Sociology. 5th Edition. Cambridge: Polity Press.

Glazer, N. and Moynihan, D. (1975) Ethnicity: Theory and Experience. Cambridge, Mass: Harvard University Press.

Handelman, D. (1977) "The organization of ethnicity". Ethnic Groups 1, 187-200.

Hobsbawn, E. and Ranger, T.T. (1983) The Invention of Tradition. Cambridge University Press.

Jenkins, R. (1997) Rethinking Ethnicity: Arguments and Exploration. London: Sage Publications.

Kiai, M. and Muite, P. (2009) Ethnic entitlement does not bode well for our Country and communities. Daily Nation April, 17th, 4.

Kituyi, M. (2011) Time is Up for Tribal Spokes Men and Ethnic Candidates. Daily Nation, November,13, 19.

Merton, R. (1938) Social structure of anomie. American Sociological Review 3, 672-682.

Muriuki, G. (1974) A History of the Kikuyu, 1500-1800. Nairobi: Oxford University Press.

Ndege, G.O. (1996) Ethnicity, nationalism and the shaky foundation of political multipartysm in Kenya. B. Ogot, B. (ed.), Ethnicity, Nationalism and Democracy in Africa: Kisumu. Institute of Research and Post Graduate studies, Maseno University,Kenya, 65-73.

Nyukuri, B.K. (1997) The Impact of Past and Potential Ethnic Conflicts on Kenyans Stability and Development. A Paper Prepared for USAID Conference on Conflict Resolution in the Greater Horn of Africa, June, 1997.

Ogot, B.A. (1996) Ethnicity, nationalism and democracy - a kind of historiography. B. Ogot (ed.), Ethnicity, Nationalism and Democracy in Africa. Kisumu: IRPS, Maseno University.Kenya, 16-25.

Pinkney, R. (1993) Democracy in the Third World. Buckingham: Open University Press.

Rothchild, D. (1969) Ethnic inequalities in Kenya. Journal of Modern Studies 7.

Rupesinghe, K. (1996) Governance and conflict resolution in multi-ethnic societies. K.Rupesinghe and V. Tishkov (eds.), Ethnicity and Power in theContemporary World. Tokyo: The United Nations University, 10-31.

Simatei, P.T. (1996) Ethnicity and otherness in Kenya cultures. B. Ogot (ed.), Ethnicity, Nationalism and Democracy in Africa. Kisumu: IRPS, Maseno University.Kenya, 51-55.

Smith, J. (1993) The Ethnic Origin of Nations. London: Oxford University Press.

Throup, D. and Hornsby, C. (1998) Multi Party Politics in Kenya: The Kenyatta and Moi States and the Triumph of the System in the 1992 Election. Oxford: James Currey.

Tordoff, W. (1997) Government and Politics in Africa. Bloomington: Indiana press.

Wallman, S. (1979) Introduction: The scope of ethnicity. S. Wallman (ed.), Ethnicity at Work. London: Macmillan.

Wamwere, K. (2008) Towards Genocide in Kenya: the Curse of Negative Ethnicity. Nairobi: Mvule Africa.

Were, G.S. (1967) A History of the Abaluhya of Western Kenya, C.1500-1930. Nairobi: East African Publishing house.

Wolf, E.R. (1994) Perilous ideas: race, culture and people. Current Anthropology 35, 1-2.

Knowledge, History and People: Communitarian Threads in the Thought and Works of E.S. Atieno-Odhiambo: Remembering E.S. Atieno-Odhiambo and Conceptualizing the Mau Mau Oath

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Abstract This study responds to a question posed by the late Dr. E.S Atieno Odhiambo in his 2007 Mau Mau historiography seminar at Rice University on the significance of oathing in the Mau Mau movement. This response critically examines oathing practices of Mau Mau fighters during Kenya's revolutionary war against British rule and hegemonic dominance of the colonial state from 1952-1960. All Mau Mau initiates took dangerous and secret oaths in order to join the Mau Mau movement. The oaths were rooted in old beliefs, traditions, and knowledge radicalized during the war. The work done on this topic over the last several years has been conducted remembering the complexity and contradictory nature of Kenyan history keenly stressed and articulated by Dr. E.S Atieno Odhiambo. Thus, the study treats the entanglements and varied interpretations of the Mau Mau oath by exploring the inner structures, meaning, and symbolism of the experience. The paper argues that the Mau Mau oath was not only central to the unity of the Mau Mau movement, but it was also a complex and dynamic system offering a powerful window into the social, cultural, and political moment in Kenya. This study concludes exploring new research and work on Mau Mau oath continuities in Kenya to understand how the practice of Mau Mau oathing has found new forms of expression to fight social, political, and economic inequalities in Kenya today. Powerful traditions of the past do not vanish, but find new ways to re-emerge in the present.

Keywords: E.S. Atieno Odhiambo, Mau Mau, Oath, Kenya, Ceremony, Model, Symbol

Introduction

On Tuesday, January 9, 2007, I anxiously walked into Dr. E.S. Atieno Odhiambo's 589 Mau Mau Historiography Seminar at Rice University located in Houston, Texas in the United States. As a doctoral student at the time, I selected Rice University for the opportunity to work with the renowned professor; he was one of only a few historians in the United States that could provide me the complicated and entangled version of Kenyan, African, and African Diasporic history. On that day in class, Dr. E.S. Atieno Odhiambo passed out his 12-page syllabus that included 5 background reading books, 25 required reading books, 53 additional books labeled under "other", and 50 articles. Both the syllabus and the class were one of a kind. Reflecting back, this class was a pivotal moment in shaping my outlook and work on Mau Mau. The syllabus became invaluable to my understanding of Mau Mau and ensuing research. I am often asked how I decided on the topic of oathing in my research. Interestingly, it was during this Mau Mau historiography class that I was first confronted with the question of the significance and role of oathing in the making of the Mau Mau movement. For our final paper assignments, Dr. E.S. Atieno Odhiambo listed a handful of essay questions,

with one examining the relationship between oathing and Mau Mau. Although I was not able to address the significance of oathing in the movement in 2007, I have spent the last several years wrestling with the intricacies of this topic. When working on this topic, I always conduct my analysis thinking of Dr. E.S. Atieno Odhiambo's notions of "complexity" and "contradiction" in Kenyan history.

Oathing is an old and new practice of justice and order. It occupies this position because it is a system that straddles the past, but addresses the modern needs and moments of the present in modified forms. We can best see this through the use of oaths during Mau Mau, a war against the hegemonic British rule and domination in Kenya from 1952 to 1960. The Mau Mau war resulted in the end of British rule and colonialism in Kenya. British authorities were in the dark about Mau Mau's development because the heart of the movement was secret ceremonial oaths that all Mau Mau initiates had to take. Oaths served as the center of the insurgent groups' allegiance and unity. Over time fabricated writings and notions about these secret, obscure, bestial oaths became available. The oath was and still is the focal point of fascination and mystery, yet very little is known about it because of the secrecy and because of a failure to treat it as the center object for analysis. Despite over fifty years of sustained scholarship, writing, and interest in Mau Mau, scholars have only narrowly defined oathing or analyzed it only as a backdrop to a larger narrative. In the process, scholars miss the opportunity to thoroughly treat the dynamic nature and structural components of oathing.

I spent a great deal of time attempting to communicate the oathing system that surfaced from my research. My breakthrough finally occurred when one of my advisors, Professor Elias Bongmba at Rice University, suggested I create my own model and not limit my ritual conceptualizations to existing theories. This opened new possibilities, but I needed the technology and methodology to support my analysis. Although this study only focuses on one modeled interpretation of oathing, it does hope to offer a new Mau Mau conversation.

The Model Methodology

In order to understand the Mau Mau oath, I approached the topic by attempting to first center my analysis on the Mau Mau oath object while designing all of the other structures and relationships around it based on what I viewed as a single instance of the oathing moment. This approach provides a center to a dynamic process. Part of the difficulty in communicating complicated systems, such as oathing, is limited tools for analysis. Currently, historians are restricted in the ability to present findings because of this limitation, especially for complex historical analysis. Surprisingly, this has not surfaced as a field issue, but part of the problem is that history is often treated narrowly along fixed categories, missing the varied interactions and changes that complicate history making.

This treatment of the Mau Mau oath shows how oathing worked together dynamically with other objects and relationships. It reveals the true complexity of the oath experience. I used the software tool, *Dezign*, to manage the model objects, descriptions, rules, and connections. A wide variety of graphical design tools could have been used; however, this tool was the most effective for the limited functionality of the model. The tool offers flexible visual representations of information that are easily maneuvered to understand the intricacy of the existing structures and its connections.

The different objects can be reused in different presentations or diagrams, and detailed information can be captured on the object that may contain rules, definitions, historical details, and other useful data about the object. This software is normally used by developers of systems to communicate data designs, but for this analysis of the Mau Mau oath, it fits since it too, is a complicated system.

The model consists of objects, lines, and descriptions. Each object is represented as a rectangular shape, and it can have attributes that

describe the object. The attributes (in bold) are key to identifying the object. In other words, they are dominant and important characteristics of the object. The objects relate to each other through relationship lines. These lines, however, present a limitation in the model's visual representation. They are unable to clearly show some of the relationship rules because they are embedded in the tool, but the application of color in the diagram has worked to visually represent new objects and relationships. With this background, we can now turn to the Mau Mau oath model as a solution to understanding this dynamic system.

The Mau Mau oath was a dynamic, elaborate, and sophisticated system of relationships, rules, and structures. Through the depiction of the created "Mau Mau Oath Model", represented as Figure 1.0, this section aims to walk through the complexity of the oathing by examining the relationship between the oath and other oathing related variables within the scope of this research. Unfortunately, this model is not able to capture every nuance of the oathing experience, but it is designed in a manner that will allow a careful treatment and analysis of the key objects represented. The objective of the model is to help construct and frame the complex oathing structures in order to analyze the Mau Mau oath.[1]

The Mau Mau Oath Model as depicted shows that each Mau Mau oath was a function of several components that all provided a unique Mau Mau oath occurrence which is displayed mostly through the required relationships to the objects (2.0-2.5) that make up each oathing experience. In other words, a Mau Mau oath experience was dependent on relationships to different oathing statements, symbols, location details, time details, and the nature. It also shows that there were new optional relationships to objects (3.0-3.2) created during Mau Mau that included oathing to women and to the young. The model also included relationships to new objects: colonial criminalization and oathing purification.[2] These objects represent complex social and political changes that will be treated separately in subsequent studies.[3] The focus here is on the examination of objects 2.0-2.5 since they provide insight into the core meaning, structure, and interpretation of the Mau Mau oath.[4]

Mau Mau oathing was distinct from oaths prior to 1950 because it often involved multiple oaths related to the movement. Object 2.5 represents the type of Mau Mau oath taken. All participants underwent at a minimum the basic oath called the first Mau Mau oath. The Mau Mau oath was a tailored oath of resistance designed as an African response to colonial economic, social, and political injustices. The oath was a blend of the past with the urgency of the present; it encompassed truth, secrecy, and unity. The first oath was vital as it was created "to guarantee the allegiance of its members…it demanded strict secrecy as well as total commitment…"(Barnett and Karari, 1966) It was also referred to as the "muma wa uigoano" or the oath of the secret movement because of the danger and violence required challenging British authority. (Clough, 1998) The first Mau Mau Oath was primarily an oath of truth and an oath of unity (Matingo,

[1] Another characteristic of the model is that it has been designed to provide the best structure for future research analysis on the topic.

[2] In traditional society, these relationships with oathing did not exist; however, the Mau Mau period forged these relationship changes. Colonial criminalization was new because in traditional society, oathing was not viewed as a criminal activity; it actually worked alongside the judicial systems. Similarly, purification was not used in oathing but was a new relationship based on how the oath changed in nature. These objects are outside of the scope of this particular study but are treated in a separate article.

[3] However, the object "young" as a full blown category for analysis is not treated in detail for this particular study, but the new oathing relationship to this group is important to current research efforts on this topic.

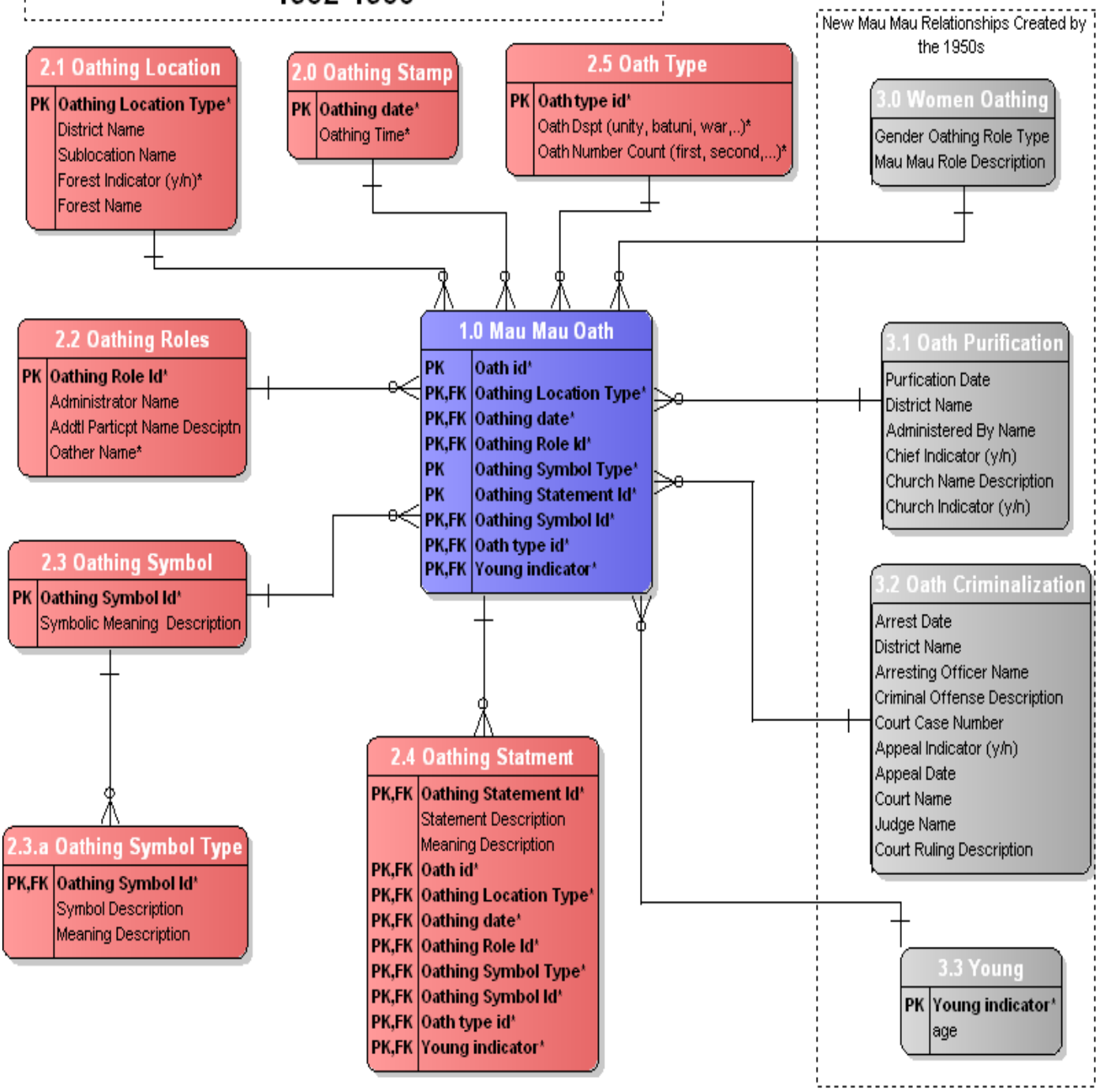
[4] On the model the references of FK or PK are indicators used to track how the object may be uniquely identified. The technical detail of this is not pertinent to this study and useful only in how we conceptualize a unique occurrence of an othing experience or event.

December 2008; Malei, February 2009; Maveke, December 2008; Musuo, February 2009; Mulwa, January, 2009).

The oath of truth was based on traditional oathing beliefs around the guilt or innocence of involved parties.

The Mau Mau Oath Model

Figure 1.0 The Mau Mau Oath Model, 1952-1960



The Oath Type

The additional oath types varied in number and nature (Maveke, December 2008). For example, secondary literature points to specific warrior oaths called batuni and muma wa ngero (the oath for killing)(Clough, 1998) that were noted in Kikuyu oathing practices as a second Mau Mau oath type. These second Mau Mau oaths were done after the unity oath but before oathers went to the forest to fight. The second oath was described as oathing based on extreme conditions. These oaths were designed to prepare the select group of fighters to face death and centered on loyalty while vowing to help each other during the fighting. These oathing ceremonies included many more taboos, contact with excrements, and more sexual connections between the participants or objects (Wamweya, 1971; Mathu, 1974; Clough, 1998; Musuo, February 2009). As a consequence, they shaped the oathing process by embracing taboos and cultural sexual violations that were never a part of tradition (Musuo, February 2009). These acts were misunderstood by many British colonial officers and referred as a return to tribalism and savagery, but the reality was that sexual offenses in the society were carefully watched and frowned upon by African society. The purpose of the warrior dimension of the oath was to strengthen group loyalty and allegiance while fighting. Very few Mau Mau participants took more than four oaths. The additional oaths were usually conducted to promote the first or to strengthen a particular aspect of upcoming Mau Mau activities. But the model structure as it stands was designed to show that these subsequent oaths were just as complicated and meaningful as the first Mau Mau.

The Oath Date

The Mau Mau oath was also unique based on the time/date of the oath. This object is represented by the entity oathing time stamp (object 2.0) to represent the actual date and time of the oathing activity. The date as a separate category provides visibility to specific events that may have impacted the oathing activities and needs. The distinction shows that for every oath, there was a specific time in which the oathing occurred. Although out of scope for this particular study, a more rigorous analysis of chronological oathing activities based on date could provide an interesting oathing historical narrative in order to trace how oathing accommodated the needs of the Mau Mau movement. The peak of the Mau Mau movement was between 1948 and 1954. The oath changed during the time period of Mau Mau in response to the needs and conditions of the war. For example, during the later years of the movement there were more secondary oathings, based on the needs of the movement, and the oathing practices grew more intense compared to the previous years (Kershaw, 1997).

The Oath Location

Similarly, the Mau Mau oath was distinct based on the oathing location. On the model, this is represented by the object, oathing location (entity 2.1) that shows the physical place of the oathing ceremony. For example, oaths took place in urban or rural settings and were conducted in very specific places. The location is also aimed to capture the oathing locales linked to districts and sub-locations. This is important because for a variety of reasons like secrecy the different oaths did not necessarily occur in the same place. One interview account reveals an important dynamic aspect of Mau Mau oathing; he states, "It [the oath] could be given anywhere, anytime"(Musuo, February 2009). This information also helps to define the oath experience.

Oathing locations were important for other reasons. The sites could carry symbolic meaning. For example, oathing ceremonies in the forest possessed a certain level of intensity and mystery that was different from the oathing ceremonies in houses or in rooms. The forest location contains embedded symbolism as the place of the dead, unknown spirits, and obscurity. The forest is often viewed as a place where evil spirits dwell; as a result, individuals avoid it or enter with caution to avoid the possibility of spirit possession (Ngomlokojo, 1985). For Mau Mau participants, the forest represented a place that was beyond contact by Europeans and others because of the fear and myths associated with the

forest.[5] Thus, the forests were a sacred refuge space.

However, this space also symbolized a place of isolation, a place of the unknown, danger, evil, and a place of mystical power. In one Kenyan field interview account, the oathing location was referred to as "a secret place set aside to give people the oath to be one thing"(Kakie, February 2009). In another account, the forest was referenced as a common location for Mau Mau oathing ceremonies (Malei, February 2009). The Mau Mau movement is still remembered by its association and attachment with the forest. Even in recent conversations on the topic, there are myths that Mau Mau participants still live and hide there.[6] Historically, forests were the primary locations for traditional initiation and hunting ceremonies. Oathing ceremonies in this setting took on a different experience because of its closeness to the natural and spiritual world. However, it is important to note that based on interview accounts, if the oath was held in a detention camp or house, there was a higher probability that interviewees would state that the location was not symbolic. This differs from the respondents that oathed in the forest.

The Oath Roles

All Mau Mau participants played, at a minimum, one role which is shown by object 2.2., Oathing Roles. In most ceremonies there are distinguishable roles; the oath taker, the oath administrator, and the guard (Musuo, February 2009; Mulwa, January, 2009). The oath taker is the dominant character of the ceremony, responsible for repeating dictated words, statements, gestures, and acts. In pre-colonial oathing practices, women and the young were typically excluded from the oathing practices. However, as the model shows new relationships were forged as a result of the critical Mau Mau movement and societal needs (which included young men and women). These changes took on a profound meaning for Kenyans and were embedded in much larger social changes in Kenya.

The oath taker followed the instructions of the oathing administrator who orchestrated all of the oathing activities and ceremony (Archives) and was typically an old or mature man (Malei, February 2009). There may have been one or multiple individuals that took on this responsibility. The administrator was very keen on the meanings, purpose, and oathing process; he or she aimed to successfully transition the oath taker into being a full Mau Mau fighter who pledged to fight colonial injustice. This leader customized the oathing process based on the materials, artifacts, and resources available at the time. There was not one standard oath process because the administrator decided on the vows, the gestures and symbolic acts to follow, the duration of activities, and all of the other activities.

The other important role was the guard or the escort guard. This "guarding" role was important and new in Mau Mau oathing activities because of the secrecy and danger from the colonial police and African loyalists. If an oather refused to oath at any point during the oath process, this individual would be killed by one of the guards, who served as protection for all involved in the oathing ceremony which colonial laws proscribed as illegal.[7] The guard was also responsible for finding food and nourishment for all participants. The

[5] In some societies in Kenya, the forest was the place that the dead were thrown, thus people were hesitant to go into certain areas of the forest. I have heard these stories in my family also.

[6] I found this also to be the case with my Kenyan husband and family who claim that Mau Mau participants still live in the forests. I clearly remember my mother's statement that, "if you go there, you may see them; they think the war is still happening". The discussion continued with a description of how they looked. What is revealing is that these new oral accounts on the topic continue to develop and have a place in modern Kenya. This note is here to also suggest the need for more research on the contemporary myths of Mau Mau and how they continue to be imagined and re-imagined.

[7] This criminalization aspect of the Mau Mau oath is the subject of one aspect of my previous work.

acknowledgement and understanding of the different roles and participants is important in understanding the dynamics of the oathing process.

The Oath Symbol

In order to analyze and describe the essence of the Mau Mau oath, this section focuses on symbolism used in the ceremony. Symbols are a crucial component in the experience because they express the objectives and values of the ceremony (Draper, 2000). Mau Mau oathing symbols are represented in the model as 2.3 Oathing Symbol and 2.3.a Oathing Symbol Type. The model structure is designed to show that for each oathing event there could be zero to many different symbols represented.[8] The two objects together capture the multiple symbols, types of symbols, and symbolic meaning.[9] Victor Turner defines a symbol as "a thing regarded by general consent as naturally typifying or representing or recalling something by possession of analogous qualities or by association in fact or thought" (Turner 1967).

Turner discusses two types of symbols, dominant and instrumental, which are examined as they relate to the Mau Mau Oathing Model. There are several dominant symbols incorporated in the practice that are important in conveying the overall meaning and purpose of the experience. For this analysis, dominant symbols may be viewed as objects like blood, sex/taboo acts, *ng'ondu* mixture, and war weapons. For Turner, dominant symbols are consistent, autonomous, and constant as they can appear throughout the ceremony or only in specific phases. The dominant symbols for the Mau Mau oath "represent not beings but non-empirical powers of kinds of efficacy" (Turner, 1967).

Instrumental symbols can be analyzed in wider contexts and include numbers and banana leaves. Instrumental symbols are interrelated and also connected to the overall goal of the ceremony" (Turner, 1967). The Mau Mau model aims to show that all oath instances were associated with zero to many symbols - each could represent a particular type and have a specific meaning. To understand this in more detail, six symbols and their use have been selected for discussion.

Blood Symbolism

The application of blood in the Mau Mau oath was a common symbolic gesture and took on different meanings and interpretations that were very specific to the entire oathing experience. The blood presented in the ceremony represented life and death. Oathing participants entered into a new life as they underwent a rebirthing or initiation process represented in the use of blood. The relationships to death are seen on the individual and movement level. On the individual level, death was connected to the pre-oathed state of the person.[10] Death was also associated with the individual in the form of a curse for breaking oathing vowels and revealing the secrets of Mau Mau.

On the Mau Mau organization level, blood was symbolic of the eventual death of the Mau Mau movement resulting in the birth of a new Kenyan nation with the stolen lands being restored (Larson, 1972). It is important to note that this dominant symbol had meaning in various phases. For example, during the vow phase, the presence of blood referred to death connected to breaking the oath. In later phases of the ceremony, eating bloody meat represented renewal, purification, and life.

In many pre-colonial African societies, blood was the unifier in relationships with others. It was used to unite individuals together as blood-brothers based on a sworn brotherhood established through sucking the blood from each partner to create a new bond (Lindblom, 1920).

[8] However, in all of the oathing rituals analyzed during this research, ritual symbols were present in the ceremony.

[9] The symbolic structures and properties change to respond to social processes and environmental alterations.

[10] The old individual dies and no longer exists. This concept is similar to the traditional initiation of young men and women.

New brotherhood relationships outside of the ethnic group were also permissible through the mutual exchange of blood. However, in this case the blood of the different partner was applied to goat meat and eaten. In both cases the oath swearing process associated with this unity was powerful. The combination of the blood and the oath allowed for the invoking of a power which, if broken, could lead to death. Lindblom stresses this power in saying that, "the ceremony has the same effect as an oath sworn over a strong *kipitu* and the breaking of such an oath brings with it death"(Lindblom, 1920).

Sex Symbolism

African traditional law is very clear on sexual offenses and taboos. Although traditionally there was tolerance for sex before marriage through youth night dances, sexuality was generally a very private and regulated sphere. Public sexual intimacy was uncommon and frowned on by society. The code of sexual conduct in the household was often regulated during particular times of the day, around ceremonies, births, initiations, marriages, and so on (Dundas, 1921). With this in mind, it is important to properly place and understand the application of sexual acts in the Mau Mau oath. Why was the oath transformed to engage in offensive sexual activity that was clearly breaking from traditional values and beliefs? The application of these acts was symbolic because they became unified acts of shame, disgrace, dirtiness, and dishonor that provided a psychological shock, madness, disgust, and mystery around the entire movement. It is important to note that they were unified in participating in this experience because it bound them together and remained a memorable and secret moment.

It is difficult to describe the ceremonial practices that involved sexual acts between participants, partly because of the level of secrecy and the bond of the oath. The reality is that there are some things that we will never know that occurred; therefore, we can only pull together scattered pieces. Ceremonies in different parts of Africa involved the practice of copulation; and these acts were not new to some of these traditional ceremonies (Ngomlokojo, 1985).

During Mau Mau, there were references to nudity, beating, and sexual gestures with objects while taking the oath (archives, ; Clough, 1998; Musuo, February 2009). For example, in one recorded statement, an oather explains, "They told us to take off our clothes at the beginning of this oath and later we were beaten"(Archives, 1954). Sexual abuse and beating often work together in forms of humiliation and bodily degradation. Most of these sexual acts were done while saying vows that the oath would kill or destroy if broken. These acts were symbolic because of the vile nature of the acts that helped make the experience for participants more united and secretive because they would not want to discuss these acts and acknowledge the repulsion of the behavior (Barnett and Karari, 1966). Nudity was also an important aspect of the oath symbolically for the same reasons above, as some participants mentioned the need to remove all clothes during the ceremony to invoke all of the mentioned feelings and emotions associated with sexual disobedience.

Ng'ondu Symbolism

Ng'ondu was used in Kenya for purifying and cleansing. This mixture was embraced during Mau Mau oathing ceremonies for the same purposes. During the healing phase, the *ng'ondu* was symbolic of the actual act of purifying and unifiying and served as medicine for healing. It was a combination of herbs, oils, and sometimes animal parts (Lindblom, 1920). One Mau Mau oath taker involved in this process commented that after eating the meat, "We became one"(Musuo, February 2009). The act of eating the *ng'ondu* together created a bond between all participants.

Weapon Symbolism

Warrior artifacts in the form of a sword, spear, or shield were also dominant symbols in Mau Mau oathing. These instruments were used in the ceremony as a means of contacting the spirits associated with the victim (Lindblom, 1920; Matingo, December 2008). The weapons were symbolic of the Mau Mau struggle and were often used during the swearing process indicating that they symbolized a gateway to the spiritual

world and power so that their utterances could be heard spiritually. One participant stated that, "I was given a sword, to rise up vertically and vow by it, that I will heed to the Mau Mau laws"(Kakie, February 2009). These artifacts also symbolized the fighting and violence that would be necessary in the Mau Mau struggle.

Number Symbolism

Numbers are very important in African ceremonial practices. In many Mau Mau oathing ceremonies, the number seven was frequently used to perform particular acts. The number seven was symbolic because it was believed to invoke the act done; therefore seven represented power. For example, in a recorded court testimony, one witness described the application of seven in her statement about the forced oathing ceremony in saying, "We were obliged to go through the arch seven times and to bite a substance of a nature I could not recognize"(Archives, 1954). The use of this number was not coincidental but symbolic, and it was dependent on the specific associated actions. Lindblom documented the magic tradition of carrying out actions a specific number of times when performing acts (Lindblom, 1920). He stated, "The idea that the number seven has a special importance is, of course, very widespread…it is the most prominent of all the numbers" (Lindblom 1921).

In many of the oathing descriptions, specific acts were repeated seven times. For example, accounts included descriptions of oathing participants: going through the banana leaf arches seven times; waving swords seven times while oathing, stirring pots seven times, and licking the sticks while taking the oath in order to enforce the power of the oath, and drinking blood seven times (archives). By repeating these actions seven times, the oath administrators were invoking the symbolic "magic" or power of numbers. Some accounts of traditional *kithitu* invoked the use of seven such as using seven stones while taking the oath. Lindblom states "…in taking the oath on the *kipitu* 7 stones are placed by the side of it; on these stands the man who swears and they probably help to a certain extent to make the breaking of the oath baneful"(pp307). Lindblom also references in his work that the number seven was used during prayers and sacrifices when the Kenyans wanted something positive Lindblom (Lindblom, 1920). Therefore, the number seven was symbolic of another power source to enforce the dangerous nature and consequences for breaking the oathing statements. The number seven was found both as a good and evil number leading to good or bad repercussions Lindblom (1921).

Banana Leaf Symbolism

The banana leaves were also an instrumental symbol in oathing and remain sacred in different cultures. Banana trees can create large and luscious leaves and are readily available. This is part of the reason for its use in oathing practices. In the case of Mau Mau oathing ceremonies the leaves were used to form an arch symbolic of a gate in which participants went through representing their spiritual transformation. The physical movement through the banana arch represented the spiritual newness of the individual. The application of the banana leaves often involved walking through the arch seven times giving it added meaning which is why it is viewed as an instrumental symbol type.

The list covered in this Oath Symbol Type section represents some of the symbols that were used in different Mau Mau oathing ceremonies; this is far from being a complete list. As a result, the model has been designed to treat this as a separate object because the symbols were not fixed. It is questionable if a complete list is even possible based on the dynamic nature of oathing ceremonies. After all oathing administrators had flexibility in the symbols they used. They were trusted to make sure the initiates were accepted into Mau Mau. Therefore, they used whatever they needed to invoke the spirits, and they followed the guidance of the higher power in determining what to use and what it was to represent. They also used what was available at the particular oathing time.

The symbol types presented are displayed and described as examples of the complexity, impromptu nature, and cleverness of the ceremonial acts and embedded gestures in order to create a performance that would impact participants. The symbols were powerful because

of their cultural and historical group association. For example, holding a sword and moving it over the head seven times while uttering oathing statements was an act that was designed to invoke the power of the oath (Archives). The collection of symbols was assembled for each particular oath instance to create a Mau Mau oath experience that would unify, strengthen, create secrecy, and prepare participants for war.

The Oath Statements

Finally the Mau Mau oath model analysis includes the necessity for all oathing ceremonies to have oathing statements, vows, and utterances.[11] Therefore, the model depicts that for every Mau Mau oath, there is an associated relationship between the oath and the oathing statements, object 2.4. The collection of oathing statements includes short phrases, words, affirmations, and even songs that were used to move Mau Mau participants into full Mau Mau members. Oathing could consist of many different oathing statements. The vocal utterances of words, language, and actions were a key component of the oathing ceremony. The *kithitu* oath or spirits heard the words spoken by the oather.

There was not one set oath statement that all Mau Mau participants vowed. Generally the statements were different based on all of the conditions that went into the Mau Mau oath experience. Some oathing statements were brief; some were much longer, some included chants and singing, while others did not. Despite the variability of statements, there were commonalities. However, all oaths did appear to have consistency in the meaning and purpose of the oathing statements - the unification and liberation of Kenyan.

Oathing administrators knew the core elements needed in the statements to ensure unity, secrecy, and allegiance to Mau Mau. However, the oath administrator again had flexibility in selecting the sequence, the accents, and the words as he was guided spiritually to know what would invoke the oath. One of the most important aspects of oathing statements was that they were being heard by the Supreme Being who was witness to the statements. Therefore, the failure to abide by the statements meant severe punishment.

The best way to illustrate the variety of different oathing statements is through actual examples. Some oathing statements focused more on the punishments for breaking the oath in achieving Mau Mau unity. For example, consider the following oathing statement from one oather, J.M Wambua:

> *"I will not reveal any secrets to any government officials. If I do, I should die. I will never report Mau Mau to the government. If I do, I should die. I will never take away the property of an African. If I do, I should die"(Wambua, February 2009).*

Other statements were more concise but also followed the theme of freedom. According to Mutituni interviewee, J.M. Malei, born in1936, the Mau Mau oath meant "setting ourselves free from colonialism." His oathing statements were, "I will not reveal the oath. If I do so, I should be killed. I will help other members of Mau Mau when hungry or in need. If I do not, I should be killed." (Malei, February 2009) He also mentioned oathing Mau Mau songs that were important statements. The following is a documented song in Kikuyu (translated afterwards in English):

> *"Nitamukethia inyonthe asyari na arata. Na tusyokerie nagato. Tondu niatuotehisye Kukoro twiamwe. Tukethania na kikeno. Wiathi, wiathi, wiathi, mbururi wa kirinyag. Mbururi wa kikeno, Wikamba no Kikuyu, Kenya ni mbururi wa and uairu.*

[11] To date, I have not been able to find any cases of an oathing ceremony conducted without the application of oathing statements or words because the oath, by definition, is spoken.

> *Tutarasha na kwowo na kuthamio. Na mutikatika kuterera wiathi, Kenya ni mbururi wa andu airu. Kenyatta ila wekire kwoko thankdukuni ya kura ndamuthaitha no Kenya woire"(Malei, February 2009).*

> *English version: "We have greeted all of you parents and friends. Let us thank the Lord, because he has made us to be together to greet each other happily. Independence, independence, independence, the land of Kirinyaga, land of happiness of Kambas and Kikuyu. Kenya is a land of the Blacks. When Kenyatta put his hand in the ballot box, he saved Kenya "(Malei, February 2009).*

The songs as statements offered group unity in the struggle. In this case, the statements showed the importance and value of the Kenyan land and the need for independence. Also, in January 2009, 87-year old, P. Musuo remembered his oathing statements and the punishment of breaking the oathing principles as:

> *"If I am a Mau Mau and I have a fellow Mau Mau hungry and I fail to give him some money to buy food or buy it for him, the oath should kill me. If my family has food and my colleague has no more and I let them sleep hungry, the oath is to kill me. If I have extra clothing and you have none, and I fail to share with you, the oath must kill me"(Musuo, February 2009).*

His statements are revealing because the oath was central to the basics of existence. His comment on providing food speaks to the survival and desperation felt by many of the Africans during this period. The oath was a matter of life and death; it was a movement of survival. The oath was ultimately responsible for enforcing the unity and togetherness necessary for Kenyan liberation. When questioned what the oath meant, P. Musuo responded that it meant "to be united to rule ourselves"(Musuo, February 2009).

Other oathing statements were much longer and spoke about specific roles of the participants. For example, some oaths were directed at warriors and designed to strengthen group loyalty and allegiance while fighting. One of the best written testimonies on this topic is from the account of Karari Njama which provides an example of the language and associated warrior principles:

> *(1) I have today become a soldier of Gikuyu and Mumbi and I will from now onwards fight the real fight for the land and freedom of our country till we get it or till my last drop of blood. Today I have set my first step (steeping over the first line of the goat's small intestine) as a warrior and I will never retreat:*
>
> *May this soil and all its products be a curse upon me!*
>
> *(2) If ever I am called to accompany a raid or bring in the head of an enemy, I shall obey and never give lame excuses. And if I refuse: May this soil and all its products curse upon me!*
>
> *(3) I will never spy or inform on my people, and if ever sent to spy on our enemies I will always report the truth. And if I fail in this: May this soil and all its products curse upon me!*
>
> *(4) I will never reveal a raid or crime committed to any person who has not taken the Ngero Oath (Oath of Violence or Crime) and will steal firearms wherever possible. And if I ever reveal our secrets or fail to use or turn over to our warriors any*

firearms I acquire: May this soil and all its products curse upon me!

(5) I will never leave a member in difficulty without trying to help him. And if I ever abandon a member in trouble: May this soil and all its products be a curse upon me!

(6) I will obey the orders of my leaders at all times without any arguments or complaint and will never fail to give them any money or goods taken in a raid and will never hide any pillages or take them for myself. And If I fail in these things: May this soil and all its products curse upon me!

(7) I will never sell land to any white man. And if I sell: May this soil and all its product be a curse upon me!(Clough, 1998).

Many varied practices were associated with Njama's statements. For example, his descriptions included practices such as dropping soil into a gourd after testimonies; inserting his penis into a hole in a goat while biting the goat when stating, "May the *thenge* kill me;" and swinging artifacts like the sword, knife, and needle over his body seven times while the oathing administrator condemned him to death for violations (Barnett and Karari, 1966). This statement is revealing as it covers the warrior expectations, oath breaking curse, unity, and the importance of the soil in the struggle. The associated object symbols and gestures also show how these things all move together in one accord in the seriousness of oath making.

One of the most beneficial aspects of the archived documents is the detailed information provided. For example, in one courtroom drama, M. Ndibo recorded his Mau Mau oathing process and statements about an oathing ceremony on October 27, 1953:

"I took off my clothes. They then tied goats flesh and grass round my wrists I was given a dish to hold. I was then told to go through a circular thing 7 times – it was an arch with ends stuck into ground. I did so. Then I was told to stand in front of [the] arch and the Accused gave me a piece of meat. I had to push it over my left shoulder. As I was doing this Masika [the accused oath administrator] told me – as I came across a Europeans property I should take it. If I am called during the night by that group I should go out. That I should get ammunition (Archives).

In this same case another testifier, Nzango s/o Muinde also gave his oathing statements as:

"If I am called out at night by the Mau Mau, even if it is to kill Europeans, Government servant or Chiefs, I must go; if I do not go I must die. If I am called out to do damage to the property of Europeans, Government Servants of Chiefs I must do it or I must die. If I hear of any member of Mau Mau who is in trouble with the Government I must help him or I will be killed. I must not pay money when I go to Church as the money is not for God but for Europeans. If I tell the secret of Mau Mau oath to anyone, I will be killed" (Archives).

It is important to note that the statements were given on the same day by the same oath administrator showing how the statements can vary for each individual oather. What is interesting is that the individuals that came forth to testify about the oath in some ways revealed that they did not fear the curse of the oath for revealing its secrets. What is important is that for all statements given, there was associated meaning.

The oathing statement meaning can be described on different levels. In several interviews, participants were questioned about the general meaning of oathing compared to ethnic specific reasons for the oath (Berman and John, 1992). The results revealed that there were general meanings associated with the oath: to end colonial rule, to liberate people, to self rule, to gain freedom, to unite, to gain back land, and to seek independence (Malei, February 2009; Kakie, February 2009; Musuo, February 2009; Wambua, February 2009; Mulwa, January, 2009). However, for some ethnicities the oath also meant to retrieve their livestock and property, to receive equal wages, to restore their stolen land, to expel the Europeans from Kenya, and to end European beatings (Malei, February 2009; Kakie, February 2009; Musuo, February 2009; Wambua, February 2009; Mulwa, January, 2009). The statements show only slight differences in meaning.

The general and ethnic specific meanings presented show that there were common themes, and the Mau Mau movement was powerful enough through the oath experience that it united many Kenyans under one Mau Mau movement creating the foundation for Kenyan nationalism (Berman and John, 1992). In general, the meaning beyond the oathing statements was variable and dynamic, and in some ways the meaning may only really be interpreted by considering the entire oathing experience together. This includes the combination of all elements of the oath components because all of these things worked together as a system.

Conclusion

Many African ceremonies were situated in very specific conditions that varied according to the participants, location, resources available, time, specific social conditions, and values at the moment of the ceremony. This was undoubtedly the case for the Mau Mau oath. This oath was a dynamic and sophisticated system of relationships, rules, and structures. From this study, we have seen ways in which it was customized, providing tailored oathing statements, symbolic gestures, oath participants, oath types, and a specific oath location for a truly unique oathing experience. The process was complicated even more by: the inclusion of women and young members of the society in ceremonies (both are groups that were previously excluded from political oathing practices in traditional society); colonial criminalization that increased the need for secrecy; and oathing purification/cleansing that allowed for the re-entry of some Mau Mau oathers in the villages. There were layers of variables, structures, and relationships that went into the making of the oath and the making of the Mau Mau movement that reveal the multifaceted and dynamic nature of the ceremony.

Oathing was central to the Mau Mau movement. What is most intriguing about oath analysis is that despite numerous variables, it was the similarity in values, beliefs, objectives, and principles associated with the conflict that created uniformity in the oathing experience. This speaks a great deal about the spirit of the movement that went beyond the participants. We cannot deny the participation of various ethnic groups that joined the Kikuyu to fight and the inclusion of groups like women and the young. From their perspective, a common enemy stole African land and freedom, making Mau Mau a symbol of African unity. The unifying goal was to fight for Kenyan freedom, which started with taking the Mau Mau oath.[12]

Mau Mau is still evolving. After more than 60 years, new information is surfacing confirming or shifting knowledge and remembrances (News, April 6, 2011; News, May 11, 2009). With the recent release of thousands of files from the British government on Mau Mau, new versions and conversations are undoubtedly expected (News, April 6, 2011; News, May 11, 2009). However, through the Mau Mau oath, it is possible to discern much more about the process and structure of the movement, providing new ways to conceptualize existing and future information on the topic. Like all unresolved

[12] However, the term "freedom" is still being questioned in modern Kenya.

histories, Mau Mau and their arcane oaths will continue to occupy the attention of scholars – not surprising given the varied number of "truths".

References

Archives, K.N. CC 36/54 Rex vs. Masika S/O Nyanze. KNA MLA 1/791.

Archives, K.N. CC 103/54 Rex vs. Rueben Mbwika, p. 2. KNA MLA 1/986, 2.

archives, K.N. CC 204/55 Rex vs. Kabibya p. 2 example of nakedness during oathing ceremony. KNA MLA 11/93.

Archives, K.N. Testimony of Masau Ndibo, KNA MLA 1/791 – CC 36/54 Rex vs. Masika S/O Nyanze. KNA MLA 1/791 – CC 36/54, 1.

Archives, K.N. Testimony of William Nzango S/O Muinde, Third Class Magistrate Court at Machakos, case 60, 1953

KNA MLA 1/791, 1.

Archives, K.N. (1954) Testimony of Kasina Nguku, Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandu, 5. KNA MLA 1/1007-CC 127/1954.

Barnett, D.L. and Karari, N. (1966) Mau Mau from Within: Autobiography and Analysis of Kenya's Peasant Revolt. Dublin, Ireland: MacGibbon and Kee.

Berman, B. and John, L. (1992) Unhappy Valley: Conflict in Kenya and Africa, Books One and Two. Oxford: James Curry.

Clough, M.S. (1998) Mau Mau Memoirs: History, Memory and Politics. Boulder: Lynne Rienner Publishers.

Draper, J.A. (2000) Ritual Process and Ritual Symbol. in 'Didache' 7-10," Vigiliae Christianea 54, 200.

Dundas, C. (1921) Native Laws of Some Bantu Tribes of East Africa. Journal of the Royal Anthropological Institute of Great Britain and Ireland (January-June, 1921) 244-248.

Kakie, S. (February 2009) Interviewed by M. Musyimi. Tape recording and notes. Mutituni.

Kershaw, G. (1997) Mau Mau from Below. Ohio: Ohio University Press 1997, 318.

Larson, M.T. (1972) A Mau Mau oath-taking ceremony administered by General Blood performed on February 2, 1956. Unpublished Ph.D. dissertation, University of North Carolina - Chapel Hill.

Lindblom, G. (1920) The Akamba in British East Africa: an Ethnological Monograph. In: Uppsala: Appelbergs Boktryckeri Aktiebolag.

Malei, J.M. (February 2009) Interviewed by M. Musyimi. Tape recording and notes. Mutituni.

Mathu, M. (1974) The Urban Guerrilla. Richmond, B.C.: LSM Information Center.

Matingo, A.N.M. (December 2008) Interviewed by M. Musyimi. Tape recording, notes, and video. Kikumbulyu.

Maveke, S.S. (December 2008) Interviewed by M. Musyimi. Tape recording and notes. Kikumbulyu.

Mulwa, K. (January, 2009) Interviewed by M. Musyimi. Tape recording and notes. Mutituni.

Musuo, P. (February 2009) Interviewed by M. Musyimi. Tape recording and notes. Mutituni.

News, B. (May 11, 2009) Kenya Mau Mau Veterens to Sue UK.

News, B.O.-l. (April 6, 2011) Kenyan Mau Mau Uprising Documents Released. Accessed September 9, 2011.

Ngomlokojo, J.J. (1985) Rituals of Religious Worship Among the Traditional Alur. Gulu, Uganda.

Turner, V. (1967) The Forest Of Symbols. Ithaca, London: Cornell University Press.

Wambua, J.M. (February 2009) Interviewed and Translated by M. Musyimi. Tape recording and notes. Mutituni.

Wamweya, J. (1971) Freedom Fighter. Nairobi: East African Pub. House.

Living on the Edge: Rustling, Raids and Banditry in Kenya's North-Eastern Frontier

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Abstract Banditry is one of the biggest security challenges currently facing Kenya and East African sub-region. The practice is creating great concerns and has resulted into loss of human lives, stealing livestock, destruction of property and dislocation of populations. The thrust of the current paper is rustling and banditry as a contribution to a state of violence and lawlessness which in turn creates insecurity and threatens lives of the residents. The availability of weapons in the hands of bandits has not only contributed in fueling instability, lawlessness and conflict, but also pose a threat to sustainable development. This paper posits that the study of the phenomenon must be done in tandem with the geopolitical issues that wrap together poverty, political instability and lawlessness. The state, finding itself caught up in the whole issue, is unable to provide effective control leaving the perpetrators to have a field day. The scenario is given impetus by the fact that bandits have transformed their operations through increased sophistication, have become more militarized and destructive. The rapture of the vice is traceable through colonialism and post-colonial period. In conclusions, reflection measures are recommended for the government to eradicate the problem.

Key words: Rustling, Raids, Banditry, Kenya, North-Eastern Frontier

Introduction

On December 12, 1996 at Doldol in East Africa, eight armed gangsters fired shots and for twenty minutes the bandits looted shops at will after having scared away residents. According to a nominated Member of Parliament from the area and a former Minister of State, parts of Liakipia District were degenerating into a bandit area with cattle rustlers gunning down helpless villagers (Umar, 1997a). Within the same month, it was reported that a Pokot-led cattle rustling expedition shot down a police helicopter in Suguta Valley killing the Samburu District Commisioner, Mr. Henry Nyandoro and ten other senior security personnel who were on official mission monitoring the bandit movements. Fifteen thousand herds of cattle were reportedly stolen in the raid (Standard, 1996). Elsewhere, the national circulation, the Daily Nation, raised alarm over the exodus of essential staff, among them teachers and doctors from Malindi in an editorial piece on October 19, 1996 titled "End the Insecurity in the frontier areas".

> *".....school children in this part of the country will not go through syllabi and yet they have to compete with their counterparts elsewhere. How about the sick? They will continue to suffer. We are confident that it is not only us that feel that insecurity in Kenya must be paramount and that the government must invest a lot more in it"* (Daily Nation, 1996).

On July 8, 2011 Kenya Television Network news at one o'clock was broadcasting a celebration of

three years of relative peace by residents of Laikipia since the Kanampiu massacre of 1997 where thirty four people were killed. Recently, on Monday, July 12, 2011, the Standard Newspaper on its national page titled *"Rustlers leave trail of death and destruction"* reported that more than one hundred armed raiders from Samburu North attacked villagers in Sarima area in Marsabit and in Isiolo killing seven villagers, left scores injured and drove away hundreds of camels, goats and sheep. It also reported that in a span of three weeks, those killed in the county numbered over hundred (Standard, 2011).

The foregoing are living testimonies of the presence of bandit and rustling problems in Kenya. In the 1980s and 1990s, the problem had acquired a sophisticated form. In virtually all the remote areas the authorities had continuously threatened harsh security measures to wipe out the banditry, pouring in all manner of armed forces. In response bandits appear to adopt a resilience becoming more violent, acquiring heavier and more sophisticated weapons and updating their warfare skills.

The fact that the vice presents a matter of grave concern in modern Kenya cannot be gain said. A cursory survey reveals that in the past traditional practice of rustling or banditry among the pastoral communities was a cultural practice sanctioned and controlled by the elders. It arose from the need to have more livestock, the traditional measure of wealth in pastoral societies. Over time, and more recently, however, rustling has assumed a deadly plot to enrich well connected individuals who sell off the thousands of stock in large urban markets. The commercial forces have created a new form of raiding devoid of restraint and inspired maximizing one's own crude material gain(Anderson, 2005). Aided by unscrupulous politicians and businessmen, the raiders are able to sell stolen cattle rapidly and then use the money to pay for new recruits and new weapons. These individuals take advantage of inter-clan tensions to rustle stock from the opponent clan thus raising tension and propaganda between the clans. The crippling large scale livestock looting has been accompanied with negative ramifications namely; loss of lives, arson, destruction of property, rape and such related problems.

The thrust of this paper is to examine the new trends and dynamics that have emerged following commercialization of rustling and the bearing it manifests on the lives of the local populations resident on pastoral regions. The terms rustling, banditry and raids are used interchangeably since they are not just closely related but also intertwined. The north-west frontier which includes areas occupied by the Pokot, Turkana, Marakwet and Samburu is taken as the point of focus for this paper. The point of departure for the paper is summed up thus; rustling and banditry in north-western frontier of Kenya has contributed to a state of violence and lawlessness thus creating insecurity and threatening the lives of the residents. Critical questions that may be asked are; why has the government of Kenya been unable to once and for all stamp out the problem and what really explains its ability to self-perpetuate? Who are the forces behind the mayhem?

Historical Background: Legacy of Colonialism

North West Kenya has remained predominantly pastoralist in orientation like many other regions in Kenya. Her economic disparity with other parts of Kenya is discernible; poor infrastructure, poor roads in vast areas, inadequate and dispersed health facilities, poor telecommunication services, bad schools and no electricity, to mention but a few. The region seems to be so neglected that one hardly identifies government's presence in the remote villages. It is of little wonder to hear a native Turkana for instance speak about "going to Kenya" meaning a visit to the nearest town, for example, Kitale situated several hundred of kilometers away.

The day to day life of the inhabitants of this region is in reality a tale of constant interaction with poverty and insecurity. Insecurity appears in multiple forms; the incessant conflict with neighbours over land, water and pasture, fear of famine and starvation, fear of destruction and

loss of life. In other words, the majorities of people in this region are destitute, poor and lacks the means of empowerment.

Although banditry in north-west Kenya cannot be said to a direct byproduct of British colonialism, it is important to note, however, that the British divided Kenya into three regions. The first was the developed white highlands. The second was the less developed native lands, which was also providing a source of cheap labour. Lastly, was the frontier or closed district where permits were required for those intending to travel out to the emerging cities. In their quest to curve out the white highlands, the British took some of the most arable lands of the Pokot and other parts of the Rift Valley. The Pokots were herded to the drier parts where their livelihood depended on pastoralism. Other sections in the Rift Valley suffered similar experiences. The British administration did not do much to redress the conditions of those dispossessed. The Pokot and their neighbours henceforth became exposed to conditions of hardships as they came face to face with colonialism. The spread of rustling within this period must therefore be understood to have been resorted to as a coping mechanism by those dispossessed and marginalized. Ocan has aptly said, as access to land shrunk and population of animals and people increases in restricted areas, it strains on the available resources an the natural response has been to resort to cattle raiding (Ocan, 1992).

The Turkana resisted the imposition of colonial rule upon them for a period spanning twenty-five years (1895–1925). Following their defeat in 1925, the British official policy towards the Turkana was very inimical and disruptive (Odegi-Awuondo, 1992). Many raids carried out by the Turkana during this period were basically to counteract British raids upon them. The Turkana in turn raided their neighbours whom they perceived to be loyal to the British. Such raids were also a way of restocking their stock lost through British expeditions. With the World War II looming, Britain preferred a policy recruiting from "Martial Races" to build up her troops to be used in attacking the Italians in Abyssinia. The Turkana, given their long history of resisting the British fitted the "martial races" theory. Five hundred and fifty young Turkana men were recruited, trained, armed and deployed at Lokitaung where the 25th (East African) Brigade was garrisoned. In recognition of their military ethos and courage, the Turkana formed the vanguard and flunk scouts for upsetting any ambushes organized by regular Italian troops and Italian armed Merille and Donyiro tribes of Ethiopia. The legacy inherited from colonialism was an area with disproportionately high numbers of veterans of colonial wars whose sons and daughters had been accustomed to seeing a loaded rifle in the homestead and listening to gripping narratives of war (Nene, 1999). This legacy inculcated upon the Turkana a propensity for aggression and the raids or banditry carried out thereafter must have their meaning and explanation from this background.

Moreover, during the colonial period, the area's potential in agriculture and livestock development was underexploited while Turkana and Pokot ethnic communities were socially isolated from the mainstream Kenyan society except when used to perform traditional dances for entertaining tourists and visiting government officials. So right from the advent of colonial rule the Turkana and the Pokot tribes retained a devastating means of conducting organized violence while economic and political isolation of their geographical region during colonization and after provided them with the motive and opportunity (Nene, 1999).

The official policy of the colonial state was skewed towards developing settler agriculture. Peasant production and pastoralism played a second fiddle. Frantic efforts were made to discourage the two sectors. One such effort was demarcation of tribal reserves which apart from appropriating fertile lands for white settlements also created borders. The borders limited free access to grazing land and water, hence creating social conflict among pastoralists. The borders also hindered movements of people and livestock that affected the pastoralists' mode of life. Other impediments to pastoralism brought about under colonialism were imposition of market taxes, quarantine laws, destocking campaigns, all aimed at depastoralising the communities. The onset of the 19th century witnessed the steady

transformation within the modes of the Turkana and the Pokot as they adopted transhumance. The adoption of transhumance came with accompanying problems namely, rise of hostilities among various groups competing over grazing grounds. Moreover the loss of animals during droughts provided justification for raiding to restock the herds.

Northern Kenya was a closed district during the colonial period and was administered by military officers. This had negative effects on the social, economic and political developments of the pastoral communities. Whenever there occurred a raid, the government would send punitive expeditions against the suspect groups. Many human casualties resulted from such expeditions besides loss of livestock through confiscation by the authorities. Measures taken by the administration on Africans solicited equal measure of resentment against colonial rule.

Since livestock keeping remained the mainstay for the pastoralists, it was prudent that they protect their livestock from wild animals and human thieves. It was necessary therefore for them to be armed. The British perceived them to be warlike and hence a threat to colonial authority. The administration used this perception as a justification to put a close watch over the Turkana and the Pokot. Perceiving them as war-like was a way of creating an enemy image and using it as an ideological justification for counter aggression (Markakis, 1993). The myth that nomadic communities are traditionally warlike and aggressive seems to have gained international currency among a section of extreme anthropologists who have studied the role of stock rustling, territorial expansion, ritualized and actual war in pastoral community. They claim that it is through war with neighbours that certain clans gain their identity and sense of being (Nene, 1999). An easily observable characteristic of pastoral people is the way they casually but proudly carry offensive weapons around. It is easy to assume that the unusual cultural phenomenon that concern external experts-pastoral warrior clan systems, age grade systems, pride of war traditional raiding, are the main reason for the slow burn wars, banditry and breakdown of state law and order and have been characteristic of Africa's arid areas. If this is the case, the only way to solve the insecurity problem is to thoroughly change the pastoralist cultures and discarding traditional ways!! (Nene, 1999). It was in this light that government officials and their African collaborators believed that the only way to deal with cattle rustling was to use brute force (Osamba, 2000a).

Post-colonial State Policies

During the post independence period, the government of Kenya replicated the colonial strategy in dealing with frequent cattle rustling activities. The application of force however, failed. This owes to the fact that raiders tended to acquire more sophisticated weapons and new forms of organization and coordination making them to become the defacto administrators on the northern frontier. Presently, after forty eight years of independence, pastoralists in Kenya find themselves faced with a three pronged struggle for survival. First is the bitter localized conflict over resources between poor pastoralist groups. Second is the wider and complex national level conflict with state authorities, voracious local elite and expanding populations of peasant cultivators. Lastly is the struggle for meaningful development cognizant and respectful of social and ecological realities of arid regions. All these three struggles are related and makes the life of a pastoralist a bitter and often a no-win battle in which the main focus has been debilitating and fierce struggle between pastoral groups (Umar, 1997b). The Kenyan state seems indifferent or merely incapable of doing anything in the face of these struggles. The state has failed to fully integrate the pastoralists in Kenya's modern economy leaving them to continue being engaged in increasing and unending conflicts that has made certain areas no-go bandit territory.

As early as the 1970s, the Turkana in collaboration with elements in government, employed sophisticated raiding methods using heavy guns, military tracks for transport and large scale network of smuggling extending up to

Sudan (Markakis, 1993). During the 1980s and 1990s, spates of infectious violence existed along the Kenyan border with Uganda and Sudan. Sporadic bandit activities epitomized the level of political dissatisfaction and security brewing across the international frontier. The borders of Kenya are porous and are being shared with countries that have experienced war over decades. Political ambition in these countries has overtaken common sense, resulting into violent changes of government and the release of more tools of violence into society. Moreover, poor and corrupt policing of these borders has facilitated the influx of large quantities of arms into Kenya. Individuals have been able to acquire weapons for overt criminal purposes. Bandits and traffickers have found easy entry within the porous borders particularly rebel movements in Ethiopia, Sudan and Uganda have benefited from this state of affairs. Law in these marginalized regions is not adequately enforced leaving the people with the option of arming themselves for personal, communal, clan or larger family defense requirements.

It is important to note that finding itself unable to provide the needed security, the post-independence Kenyan government has overtly or covertly opted to arm groups in frontier districts. This policy has sent unambiguous signals to communities that they should take care of their own security and it has thus solidified the belief that the government itself is unable to take care of this basic need (Kiflemariam, 2002). The periphery of Kenya and Sudan is not only neglected administratively but it is also unimportant that the precise delineation of the Kenyan-Sudan-Ethiopia trijunction point known as the Ilemi Triangle is still pending. Consequently, the area extending into the triangle due South into Kenya's Turkana and Pokot district, has become a battleground for nomadic tribes of no specific nationality. Due to lack of government control, each tribe has its own armies of heavily armed bandits known as the Ngoroko. They compete for the latest technology in arms, which, thanks to the volatile situation in the neighbouring countries have found their way from north and north eastern regions of Uganda. Here changes in government between the Obote regime to Museveni has given a window to soldiers to flee with weapons which eventually find their way into Kenya.

The easy access to arms in this region makes life livable for the bandits yet at the same time, it causes serious stress and insecurity to other inhabitants. Because the firearms are cheap to acquire, banditry thrives in endemic poverty that springs from the neglect by the existing state structure of Kenya, Uganda, Sudan and Ethiopia, where geographical distance from each country's capital literally translates into distance from consideration of the people's economic advancement and security (Nene, 1999). Given the harsh physical terrain that induces these nomads to compete over scarce resources of water and pasture and the absence of authority, violence becomes an inexorable culture. Although it is primarily an aspect of survival, banditry escalates with high magnitude of devastation because the arms that make it thrive are readily present in the region. Banditry has not only robbed people of their material possessions but also their national identity. Many Turkana populations, like their other far flung counterparts, do not feel they are Kenyans or live in Kenya. To them Turkana is Turkana and Kenya is Kenya.

The ready availability of sophisticated weapons amongst pastoralists has transformed the dynamics of rustling in varying degrees. Raiding has evolved into military operation applying conventional war tactics. The Samburu case where a District Commissioner and senior government security officials were killed is clear illustration of this transformation in banditry. Yet battles of similar magnitude are not uncommon but are regularly fought between the Turkana, Pokot and Samburu just as they happen in the horn between the pastoralist groups there. The victims of such conflicts are usually young men, women, and children who are brutally murdered. Harvests have been set on fire, shops looted, huts and stores burnt down, livestock stolen and above all women and young girls raped. Of critical importance is the government's lack of action on the root cause of the conflict, namely resources, but instead it has resorted to illegal highhanded and thoroughly inhuman ways of "disciplining" pastoral

offenders (Umar, 1997b). Apart from issuing stern warnings and threats, the government has continued to send large numbers of armed security men, some in military helicopters to bombard the suspected bandit hideouts (Osamba, 2000a). In other instances, the security personnel have randomly rounded and picked up suspects for questioning and in the process subjecting them to a lot of torture.

An illustration of the foregoing found expression in 1997 where Turkana leaders including an Assistant Minister said the military operation in the area involving the use of helicopter gunships, tanks, bomber aircraft and infantry to flush out bandits was victimizing innocent villagers including women, children and men. They appealed to the state to intervene against the excessive force visited upon innocent villagers. They claimed that the military operations and the spate of inter-tribal killings that led to its mounting may result into the elimination of Turkana as a community. They urged the government to come up with a clear policy of the security issue in Turkana as the District "was surrounded by hostile tribes"(Umar, 1997b).

Similar operations had been undertaken elsewhere in the north among Garissa inhabitants where local population including Members of Parliament, councilors, civil servants of Somali origin were herded to Garissa County grounds and made to squat in the sun for three days under the watch of security forces. But perhaps the most indiscriminate of all such operation was committed in 1984 amongst the Wagalla known infamously as the "*Wagalla Massacre*" and whose investigation has been reinstituted twenty seven years since it happened. On this February day, following the shooting dead of four Ajuran clan members in Wajir, the government decided the Digodia clan was the aggressors, and punitive military operation was mounted against them. All male Digodia were rounded up in Wajir and taken to a disused airport at Wagalla. For three days they were herded without water or food, and heavily surrounded by armed police and army personnel. On the fourth day of their incarceration, overcome by hunger and thirst, a section of the crowd made for the perimeter fence. The security forces opened fire killing four hundred people (Umar, 1997b). Much as these incidences may appear like some kind of fiction story or a fairy tale, they are indeed the true representation of how a government can be cruel and insensitive to the problems of its citizenry. The state in all manners of speaking has become predatory and as pointed out by Salih, "the state is reduced to an arena of competing interests and political objectives inconsistent either with its role as the main monopolizer of the use of force or the sole arbiter of divergent ethnic and regional interests" (Salih, 1993).

The government in its intervention policy has stood accused of being selective and discriminatory, arbitrarily taking sides in local conflict. The government is guilty of practicing open favouritism towards some tribes allowing some to acquire guns like AK-47 rifles in the pretext of arming home guards while disarming others. In 1996, the government directed armed forces to Turkana to punish them for transgressing in Samburu and Pokot despite the fact that large numbers of the "Turkana had been or were being slaughtered by the favoured Samburu and Pokot groups". Such policy leads to bitterness among the disfavoured group who usually attack the favoured group to avenge attacks against them. In 1997, the Meru claimed that the Turkana of Isiolo had taken cattle from them. Again the government led its forces to Turkana *manyattas*, rounded up livestock and handed them over to the Meru. Although the Turkana were alarmed, the action taken by the government, show its inconsistency and its biasness when cultivator communities clash with pastoralists. It reveals that different laws apply when dealing with different communities. The Meru cannot be punished because they hail from a region where the law requires that an individual appears in court before his property is forcibly taken away.

During the last three decades, particularly beginning with the 1980's, a new dimension in cattle rustling emerged. Organized militia groups emerged and permeated the Turkana and Pokot regions. They recruited a large number of youths who were taken through vigorous military

training under the supervision of ex-military men. They were thereafter sent on raiding expeditions which they judiciously executed thereby turning the whole practice into a profitable venture. Although there were many casualties resulting from the raids, the need for profit outweighed such casualties. This new wave of banditry became associated with wealthy individuals who finance and sponsor the mobilization of marginalized youths who willingly join hoping to better their positions in society by escaping from poverty. The appropriation of violence by the youth has brought societal dislocation and impacted on traditional hierarchy where gerontocratic role of elders in moderating societal affairs have been overlooked, ignored and disobeyed.

Apart from the wealthy individuals who are associated with new forms of banditry, there are also some politicians who have joined the practice as a way of settling political scores. Their aim is to make political statements to the government of the day. Pokot leaders for instance felt let down and given a raw deal in Moi's government of which they had been key and staunch supporters. Although they were part of KAMATUSA (Kalenjin, Maasai, Turkana and Samburu) ruling elites, there was a growing disquiet and disenchantment within their circles that they did not gain much compared to other Kalenjin ethnic groups within KAMATUSA conglomeration. They felt that the government only favoured the Tugen-Keiyo axis in the distribution of political and economic resources (Osamba, 2000b). The Pokot also felt cheated by the government over fertile lands in Trans Nzoia which historically belonged to them before they were converted into white highlands. After independence the people who bought land in Trans Nzoia from the European settlers were non-Pokot. In the subsequent years the government undertook the subdivision of state farms within the district but allocated land only to favoured individuals, the Tugen and the Keiyo, leaving out a majority of the Pokot. The Pokot leaders have thus felt the need to re-assert themselves and lay historical claim to the fertile lands in Trans Nzoia. The infamous land clashes in this region during the 1990's find vivid explanation.

The advent of multiparty politics in Kenya in the 1990's was accompanied by conflicts which dichotomized Kenyans into two parallel camps; those supporting the status quo (government) and those for reforms. The government had for long resisted multipartysm claiming it will bring divisions and conflicts as Kenyan society was still not cohesive enough. With the 1992 election period approaching, the ruling elite realized that all was not well with them as the support was turning more to the opposition. To scuttle this, the government instigated tribal classes ostensibly to deny the opposition victory. The calculation was to unleash fear and scatter potential voters from their voting bases especially in opposition strongholds. Those behind this plan had recruited and gave special training to Kalenjin youths who were later released to various parts of the country to create mayhem (Report, 1992). After elections (1992), which the incumbent government won, these warriors became uncontrollable. The government had merely used them as a means to achieve political end but did not care about them thereafter. These youths began a new form of banditry and cattle rustling never before seen in north western Kenya region. In February 1998 after general elections the previous year, bandits from Pokot launched the bloodiest raids ever seen in the living memory of their Marakwet neighbours. It claimed several lives and displacement of thousands of population. Homes, farms and stores were torched, women were raped and thousands of livestock were stolen (Nation, 1998). The government stood accused of complicity by the Marakwet leadership.

As usual, government response in dealing with the conflict was to send a battalion of military men heavily armed with powerful weapons including helicopter gunships. The mission was however, frustrated. The bandits who had mastered the rugged terrain of North Western Kenya outwitted the government forces. The bandits also seemed to be well-trained and coordinated in their operations. They had become brutal and ruthless often times they organized and extended their activities into neighbouring counties thereby inviting similar counter attacks whose impacts would even be

heavier. Just recently, the Merille from Ethiopia attacked the Turkana, killed people and stole their animals besides pushing them beyond the boundaries of Kenya and Ethiopia. A diplomatic solution is yet to be found over this problem. On July 11, 2011 it was reported on National Radio that a group of Turkana militias attacked South Horr and unleashed mayhem in the region. The activities of bandits have made life to be desolate causing dislocation in society. Many have been turned to become refuges as a result. Life for the residents in bandit-hit areas is precarious. On one hand there is the bandit menace, while on the other hand are security forces who normally vent their anger on civilians whom they accuse of colluding and hiding the bandits. Those suspected to be working with government forces are always subjected to full wrath of the bandits and because of these, locals have formed a tendency to run away from the reach of both.

Way Forward

During the pre-colonial period, there were clear methods employed to control war and peace. During the war, elders from different clans would keep the option of peacemaking alive, partly through lively communication with rival clan elders. Reciprocal grazing rights, mutual assistance during times of drought and exchange of livestock, wives and sons were methods used to carry on relationships with rival clans. Peace between the clans was celebrated ritually through symbolic meals, sharing and involvement of religious leaders.

Whereas colonialism broke down these traditional methods, African governments at independence relegated them further. It is important today for the government to think about re-instituting these traditional and cultural institutions that would help regulate community behaviour. The gerontocratic authority should be given more recognition and support by the government so that they play the role of inter-tribal arbiters. Clan homeguards are deemed more effective in stamping out localized inter-clan banditry through proactive dialogue within the community as opposed to applying coercive methods using regular troops.

At another level, eradication of banditry could start with a dedicated in-depth study of the problem itself. Physical environment, weather constraints and inexplicable epidemics have been contributive factors to the phenomena. Lawlessness can be eradicated if the government embarks on a serious economic development particularly in livestock industry. This could be done through provision of water in boreholes and dams, introduction of cattle insurance to cushion the pastoralists from livestock losses and introduction of group ranches that would control seasonal movements as a way of arresting conflicts related to pasture among many others.

There is need to create and deploy specialized regional task forces under the auspices of the East African Community to specialize more on counter banditry in the region. Currently, the existing organization is built on the premise that regional integration is more feasible in the economic field, which is a delusion unless security and political stability can be given equal measures of importance.

To stem out banditry requires one to identify and win the cooperation of the victims of banditry who would be used to provide vital human intelligence. Time and patience may be required to inculcate trust among the victims and to convince them of the government's unconditional commitment to their security and sustainable development. The high-handed approach adopted by the government in dealing with banditry must be given up completely if the confidence of the people is to be won.

Conclusion

This paper has attempted to provide an analysis of problem of rustling and banditry in North West Kenyan Region. Ecological factors have been identified as having a debilitating effect on pastoral economy thus making lawlessness an alternative means of livelihood. The legacy of the colonial state had been seen as a contributor to rustling phenomena. Colonialism strained the economic relations of the pastoralists, an

appropriation in parts of North West Kenya, dispossessed the Pokots and limited their access to land and brought strains on the available resources. This naturally forces the people to resort to other means of obtaining livelihood.

During the colonial period, not much attention was given to north western region. Government policy became inimical to pastoralism which over the years remained unexploited. Instead measures taken were aimed at de-pastoralizing the region; imposition of market taxes, quarantine laws, destocking campaigns and punitive expedition exhibiting high-handedness, all attracted equal measure of hatred from pastoralists. Pushed against the wall, the Africans had no choice but to turn to banditry as a way of survival.

The post-colonial state in Kenya has tended to ignore and neglect the welfare of the pastoralists in terms of development and distribution of political and economic resources. A more proactive and interactive approach need to be developed by policy makers. This approach should go a long way to integrating the pastoralists within the nexus of Kenya's modern economy. This method must be seen as the only avenue through which debilitating effects of banditry can be slowed and eventually eradicated. Whereas surveillance must be exercised by the government, it should nonetheless desist from archaic forms of managing rustling namely, it must desist from applying high-handedness in wrestling banditry. This only hardens the bandits and exacerbates the vice.

The institutional of violence and the resultant insecurity have contributed to widespread poverty, hunger and destitutions in the region. The paper therefore argues that under the background, the gun has become the tool of opportunity for the militia and the youth. The paper ends with a way forward recommending that socio-economic and political instability be addressed. In addition, the root causes of banditry as well as the formation of regional mechanisms for pro-active resolution of tensions arising from the phenomena need to be pursued.

References

Anderson, D. (2005) Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire. London: Weidenfeld and Nelson.

Daily Nation. (1996). In: Daily Nation, October 19, 1996.

Kiflemariam, G. (2002) Understanding the Demand for Small Arms in the Horn of Africa. Njoroge Mbugua "Small Arms and Light Weapons in Kenya", 39.

Markakis, J. (1993) Conflict and the Decline of Pastoralism in the Horn of Africa. London Macmillan, 193.

Nation, D. (1998). Daily Nation, February 13, .

Nene, M. (1999) Contemporary Banditry in the Horn of Africa: Causes, History and Political Implications. Nordic Journal of African Studies 8, 97.

Ocan, C.M. (1992) Pastoral Crisis in North-Eastern Uganda: The Changing Significance of Raids. Working Paper No. 2, Kampala, CBR Publishers, 9.

Odegi-Awuondo, C. (1992) Life in the Balance: Ecological Sociology of Turkana Nomads. Nairobi ACT Press, 4.

Osamba, J.O. (2000a) The Sociology of Insecurity: Cattle Rustling and Banditry in North-Western Kenya. AJCR 1, 17-18.

Osamba, J.O. (2000b) The Sociology of Insecurity: Cattle Rustling and Banditry in North-Western Kenya. African Journal in Conflict Resolution 2, 26.

Report, T.K.P.C. (1992). The Kiliku Parliamentary Committee Report – Kenya

Salih, M.A. (1993) Agro-Pastoralism: An Underestimated Regional Food Production System. Eastern Africa Social Science Review (EASSR) IX, 23 - 37.

Standard, T.D.N.a.t.E.A. (1996). The Daily Nation and the East African Standard December 28 – 31, 1996.

Standard, T.E.A. (2011). The East African Standard, Monday July 12, 2011.

Umar, A. (1997a) Resource Utilization, Conflict and Insecurity in Pastoral Areas of Kenya. Kenya Pastoral Forum 1997, 6.

Umar, A. (1997b) Resource Utilization, Conflict and Insecurity in Pastoral Areas of Kenya. Kenya Pastoral Forum, 18 - 19.

For an African Communitarian Philosophy of History: Remembering E. S. Atieno-Odhiambo

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Abstract
The two decades of the 1980s and 1990s saw the collapse of the idea and structures of state as a natural development of history. The crisis and eventual rupture in the systems of political power that defined the political conquests and dominations in the nineteenth and twentieth centuries – Soviet and colonial state empires in particular – gave way to new and more liberal views of human societies everywhere as communities that evolve from discursive interactions, negotiations, and choices of convenient and workable accommodations in their respective experiences and expressive cultures. We argue in this paper that such a distinction, namely between the naturalist and communitarian views of history and societies, is what significantly informs the work of the noted and erstwhile Kenyan historian, E. S. (Elisha Stephen) Atieno-Odhiambo, thus placing him among the noted present-day social theorists and best known African critics of European modernity generally, and of colonial knowledge in particular, in its application to the understanding of African history and socio-political formations. But while being cautious of possible colonially derived misuses or abuses of the idea of communities as imagined, Atieno-Odhiambo persistently pushed the view that in order to sustain itself, the neocolonial state was unhelpably mired in self-destructing forms of authoritarianism by suppressing the processes of self-constitution of the communities within it. As African scholars grappled with the idea of state and the search for paths to democracy in the 1980s and 1990s, community-state relations became an apt topic for social theorists, and Atieno-Odhiambo was one of the leading voices in that scholarly quest.

Key words: African, Communitarian Philosophy, History, E. S. Atieno-Odhiambo

Introduction

What follows here below are testimonies of Kenyan scholars to the vibrant academic career of the late renowned Kenyan historian, Elisha-Stephen Atieno-Odhiambo, all resulting from an international workshop held over two days in his honour and memory at Maseno University, Kenya, on July 14 and 15, 2011. The essays reflect the span of the late Atieno-Odhiambo's impact on the international academic community, across disciplinary and geographical boundaries, and the influence he had on those who interacted with him. The authors of these essays were either his teachers, schoolmates, colleagues, or students at one time during his life, and several of them knew him in more than one of those relational categories. They narrate stories of interactions that almost invariably started first as teacher-student encounters and developed into scholarly engagements and, frequently, collaborations.

Beyond the strict academic circles of scholars, many Kenyans are most likely to remember Atieno-Odhiambo on two broad fronts, although those fronts were made possible and driven by the same zeal and vision that lay at the center of his academic career. We will explain that drive a little later. The fronts were, first, his authorship

and education of Kenyan youth at both the primary and secondary levels of school, and two, his community service as a public intellectual who wrote on issues generated by and in popular discourse on current affairs. Not only have Atieno-Odhiambo's books been authoritative textbooks of History and Civics at all school and college levels, his opinion on social and political issues are perennially respected and influential. In the conventionally strict scholarly circles, as Professor Ogot magisterially and chronologically outlines in his own essay included here, Atieno, as we all fondly called him, tackled every issue imaginable during his relatively short but immensely rich academic career.

Shifts in guild history: Atieno on African historiography

Professor Ogot provides a brief yet comprehensive intellectual biography of Atieno that will be hard to match. He was Atieno's teacher, having first noticed his exceptional intellectual gifts while acting as an external examiner at Makerere University and subsequently guiding him to his doctoral degree at the University of Nairobi. This Master-apprentice relationship is underlined by Atieno's 2001 book, *African Historians and African voices* (Atieno-Odhiambo, 2001) a collection of essays edited by him as a celebratory tribute to a deserving teacher at his seventieth birthday.

Central to Atieno's intellectual quest, both within history itself, and across disciplines generally, was how knowledge was created. Relentlessly weary of and opposed to the idea that only those in positions of leadership create knowledge or make history, Atieno spent his life outlining, an understanding of the world from the base of the pyramid, or, as others would put it, from-bottom-up. Positions of leadership, if we may so call institutional roles for lack of a better term, may be privileged in respect to enabling those who occupy them to manipulate available knowledge, but they do not, and should never be seen to include cognitive advantages for those who occupy them. Sadly, however, occupants of positions of power, both in academia as well as in the world of conventional politics, falsely equate occupation of those positions to unfettered or unquestionable authority in the creation of knowledge. Yet, Atieno firmly believed, academicians do not create knowledge, nor, more particularly, do historians alone tell how history ought to be understood as historically significant.

So, who creates knowledge? Or, more specifically, who makes history? And whose word, whose opinion, should matter in the writing of history? Inadvertently, and perhaps not so happily for African theoreticians of history for that matter, recent changes in attitudes toward knowledge-creation, toward change, and the relation between them, have returned to Hegel to uncover from his theory of history the idea that its nuts and bolts are to be found in the aspirations of the people, in the choices that define and direct their daily lives, and in the collective spirit that gives their daily choices a sense of right by virtue of belonging to a group system. There is, in other words, nothing separately called "history" other than in the abstract. The reality of human experience is made up of the many decisions individuals and groups make in their moral conduct, in their social decisions such as when and to whom to get married, and how to get it done. Realities of life also show themselves in when people make their decisions that it is the right time to start the tilling, planting, weeding, and harvest seasons and to participate in the other events in-between. Obviously, festivals as well as all other ceremonies that describe a full life-cycle for any and every group are how life is lived. In the olden days of the search for settlements, expeditions were part of this humanly rich train of events, all in search of what reason dictated to be part of the human quest. Hegel's myopic (non-global), racist, and simply skewed view of how these endeavors were unevenly manifested in different global regions notwithstanding,it is now widely accepted that the "making the world" – that is, creating the knowledge on the basis of which humans persistently shape and re-shape their worlds – is a collective endeavor that goes on all the time in every reasonable person's wake life, at least most of the time that they exercise their agency. The making of history is not a preserve of the scholar of history.

Foreshadowing what would become a widely known and used phrase, thanks to Fred Cooper's famous title, "peasants as intellectuals", Atieno directed his attention to the aspirations of the ordinary folks from the early days of his academic career, embracing the strings of the radical turn in African scholarship at the time that it was important to see things differently from how Western scholarship had charted the knowledge of Africa.

Indeed, if African freedom was for the benefit of the masses rather than of the elite, then the aspirations of the masses could neither be ignored nor be trampled. Rather, they had to be incorporated into the writing of the histories of the new nations, a significant shift from the colonial approach to whom colonized natives were not agents in the making of history. Spurred by a broadened Hegelian vision, it was upon them, the colonizers, to plant the sparks of dialectical motion – known in pragmatic terms as progress and development – in the heart of the inert (non-historical) realm of darkness. No-one needs to be reminded that in its structure and form, the history of the colonized people was colonial history of which the colonized were not part. Radical post-independence scholarship sought to revert this situation by embarking on a different kind of social research. There were two options for doing research or, more generally, for practicing intellectual life: the first was to do research that carried out the mandates of the government by seeking to install descriptive conceptual and empirical frameworks that fit government programs. Although appearing to be useful in the sense of being responsive to the "needs" of the nation, this approach had pitfalls. While appearing to be nationalistic, it fails – then and now – to question the social order and ideology on which government projects and policies are based. Thus, due to its alliance with the tradition class, its framework is both narrow and apologetic. It lacks the autonomy that scholarship requires as it degenerates fast into the role of handmaiden of the political order of the day. In return, the practitioners of this approach become advisors or consultants to the government as they mediate – in their roles as local or local informers – between the donor organizations and governments that sponsor their research. Many folks will remember the years of such organizations as Canada's IDRC, United States of America's USAID, Germany's DAD, and other similar research organizations as they dominated the funding and oversight for research activities in the global South. They defined and directed development patterns on behalf of their donor governments back home.

Based on the above, Atieno loathed this approach and always thought of its practitioners as technocrats rather than scholars or intellectuals, and thought of their work as a perpetuation of the colonial idea of history and state from the viewpoint of the ruling class. The second option was to do research that questioned the kind of social order assumed in the goals of public policy and programs. He would often ask of such government documents: whose public, and whose goals are assumed in government or research development agenda? It does not take much head-scratching to see that the latter approach would question the extent to which Africa's new governments would separate themselves from the colonial order and objectives. Although it is equally – if not more – committed to the goal of nation-building, this latter approach placed freedom and autonomy at the center of their understanding of development, hence its proponents were inevitably seen by newly-installed political leaders to be "radical" and anti-government in its opposition to the perpetuation of the colonial project in which the masses were marginalized and muffled.

Atieno's point of departure was within the radical social perspective which, at the time, was informed, at least in part, by a new and critical generation of social theory, itself informed by what its chief proponents identified as limitations of the conventional Marxist critiques of social structures historically effected by capitalist modes of production incorporated in colonial structures and operations. In its anti-and-post-colonial representations, this new radical push was ingrained in the works and thought of Frantz Fanon (Fanon, 1965; Fanon, 1967a; Fanon, 1967b; Fanon and Philcox, 2004; Fanon, 2008), especially in its embrace of the peasantry as the critical mass of the anti-colonial movement. Such connections can be only

incidental, but it is also the case that young African intellectuals were the main and crucial avenue in the popularization of Fanon in the early post-independence years, that is in the sixties and seventies. In Atieno's thought and works we see not only the critique of Kantian solipsism and its replacement with a dialectical process in which knowledge is both function and tool of humanity's self-reflection in respect to ends by which the practical competence and identities of its members are measured. We also see a sharp critique of new African political and economic elite, as well as the huge majority of the pioneer intellectual elite trained and made comfortable within the colonial structures, including the academy.

In considering the emerging worldview of the new and radical intellectual *à la* Fanon, one that, in the reversal of things into a new order, now embraces the experiences of ordinary people, people of both genders, those people that Fanon said colonialism had discarded as "*les damnés de la terre*", the wretched of the earth, the under trodden, who later were equally marginalized by their compromised compatriot intellectuals as inconsequential to value-creation, especially the creation of knowledge. To the contrary, what we generally refer to as world is indeed a constellation of cultural communities defined by their respective traditions. Such communities are understandable only as self-reflective systems or forms of life that comprise their own authoritative reasons for the beliefs and actions by which the competence of members acting as agents are judged. In this sense, every community is a slice of what Hegel referred to as "absolute spirit", that is, a human community reflecting on its essential self-identity and therefore on the ultimate ends of life in which the practice of culture is a form of communal reflection on the principles governing human life. As the self-consciousness of a community, every normative belief, and the cultural practices built upon them, including rituals of all kinds, are the bearers of what each community regards as normatively authoritative for that community. As in Fanon, the reversal of the colonial structures and its remnants in the morality of the local petit bourgeois meant reclaiming the agency – the Caribbean philosopher Charles Mills would say "regaining their status of 'person', once denied by colonialism and replaced with the status of 'sub personhood' as the antithesis of the colonizer's Herrenvolk status and values (Mills, 1997; Mills, 1998) – of and for the formerly colonized people, all of them, men and women alike. For once, Africans could become their own subjects again.

For Atieno, understanding the past and present of every community lay in knowing what its single most basic absolute principle governing human life was, such that all other beliefs and practices found their warrant or ground in it. In pure Hegelian terms, accepting some irony in making such a reference, knowledge of such absolute principle is what opens up knowledge of the "spirit of the community" because it makes possible an understanding of the object in service of which social practices acquire meaning and purpose. The crucial point, in the best scenario, is, then, that the life of a nation issues out of, or is the function, of such a principle, and the knowledge of it, as it gets both translated and reconciled into the life of a nation rather than only of the many cultural communities whose aspirations they unveil. That would be the ideal. Often, however, it is not. Fanon talks of the contradictions the newly independent states find themselves mired in, namely how to register, even vindicate, the anti-imperialist "love of one's own", knowing well that this homestead is in many ways a house of oppression and discrimination, repression and exclusion. After fighting colonialism to make it possible for the many ethnicities and communities of our nations to express themselves freely and with pride, half-hearted nationalists have made ethnicities and ethnic identities political and moral burdens. Like Immanuel Wallerstein would later say of Sékou Touré, the liberator had quickly become Leviathan to his people, stretching the extent of oppression from where the colonial oppressor had left the job (Wallerstein, 1962). In the light of these contradictions, one may ask, for example, what picture of identity emerges in one's mind when the word "Kenya" is uttered. It is not an understatement to claim that the pursuit of our multiple identities presents the dilemma of

critical political and cultural discourse in the colonies and neocolonies of the world system.

The key question, then, is: does nationalism have an "essence" for itself, a form of life that gives one an identity as a citizen of a specific nation as distinct from another? What are such essences, and how do people embody and manifest them? Issues like this may seem abstract, but not when we think of nations as eco-claims that are only artificially imagined spaces on the expansive and unmarked earth. Hence there must be something else that drives our senses of national differences from those we regard to not belong. The problem with nationalism is that it strikes us as an entity whose entity transcends the concreteness of our emotional attachment to names and other types of imagination, as something we can make to objectively include some people while excluding others.

Atieno believed that the modern state lacked the Hegelian principle. Why? Because it was the product of European imperial imagination. While the pre-modern African "nations" had it, the modern and colonially-produced state lacks it, which is why it was negated so quickly by the pull of the ethnic nation. By interrogating the origin and nature of nationalism in Africa, and the Kenyan nation in particular, Atieno drew on some of the leading twentieth-century social theories of nations and communities as imagined identities whose realities were the function of ideological movements and propaganda as made evident in Eastern and Central Europe in the post-WWII period (Benedict, 1983; Chetterjee, 1993). But Atieno was weary of some misapplications of this fashionable "post-modern" idea of communities as imagined or constructed, because it bears the dangers of belittling the histories and experiences of real people whose cultural beliefs and practices, and whose freedoms have been the subject matter of scholars and concerns of freedom fighters everywhere across the globe. Above all, the liberal underpinnings of theorizing communities as imagined betrays possible sympathy with the discourses of power whose sovereignty overrides the rights of those who can be dominated or dismissed altogether as either absent, inexistent, or as of such far lesser value that their domination in any way would be warranted.

In Africa we have lived with the historical consequences of being mere imaginations in the minds of others since, according to Atieno, the Homeric fantasization about Greek gods flying to Africa to feast with Ethiopians, or as we have done with European occupiers since Chancellor Bismark's Berlin West Africa Conference of 1884-1885, as well as with the influence of the Victorian social anthropological project. At the same time, on purely historical and linguistic evidence as fact, Atieno could not have denied that collective, and by pragmatic implication also individual choices of identities, especially social, cultural and political ones, historically have been mechanisms for scrambling and re-drawing the maps of social and cultural practices in service of response to the necessities of political survival. This is part of what oral sources of history are most useful for revealing. Professor Ogot, himself one of the pioneers in the incorporation and formalization of oral narratives as credible sources of history, has eloquently alluded to this in respect to Atieno and the segment of KaRuoth clan in his paper as he tried to show the complexity of Atieno's social genesis as is revealed by the names in that sub-clan. While referring to Atieno's multiethnic heredity, he was making a significant point about the fluidity and indeterminacy of everyone's identity as functions of constantly changing narratives. Indeed every time one asserts their socio-cultural or national identity they are performing a political act (Vansina, 1961; Vansina, 1985; Vansina, 1990; Vansina, 1994b; Vansina, 1994a; Vansina, 2004). We have learned from Cohen and Atieno (Cohen and Atieno-Odhiambo, 2004) that ethno-history, and oral histories generally, carry great responsibility, especially when their narrators are aware of preserving them against a more dominant force that may want them suppressed or annihilated altogether, or, put slightly differently, oral preservation of knowledge in present societies faces challenges of different political magnitudes. In some cases, it faces the competition of the official archival documentation that steadfastly sides with the political powers of the time. In a related way, custodians of oral knowledge generally, and of

historical knowledge particularly, face constant threats from those in positions of political power and influence who view them as adversaries by virtue of their witness to the truths of political intrigues and dirty games. While the best example of the uneasy relations between custodians of oral history on the one hand and the crafters of distorted official narratives remains the standoff between the Government of Kenya and the household staff of Hon. Robert Ouko in 1990, we can broaden the map to include the vast numbers of similar household staff in other politicians' homes everywhere in the world. When the "politically wrong" versions of oral history are too threatening to the establishment, they are eliminated altogether, as in the mysterious death of thirty-eight individuals related to Ouko's household, or to the events around his death, like the mysterious herdsboy who never lived to tell his story about the location of Ouko's charred body in the bushes of Got Alila. Indeed, outsiders' knowledge is the biggest anathema to organized crime.

To what end, one may ask, are we invoking all these ideas anyway? Atieno frequently posed and critically discussed such matters both formally in his papers and informally in his perennial conversational probes. He did so with one goal: to determine whether, and how or why, to borrow words from Partha Chatterjee's titles, some fragments of the new nations were privileged over others such as to warrant claims to favorable differential treatment at state and government levels. It was not infrequent to witness Atieno challenge his discussants to express or declare their preferred order of allegiance, namely whether they thought of their respective ethnic communities bore more significant synchrony with the new idea of nation than others did. To what extent was any given number of indigenous communities viewable as more naturally interfacing with or evolving into new nations than others? By posing these questions, and pursuing theoretical explanations or basis of Africa's political crises, Atieno aimed at subtle critiques of both colonial creatures and their continued complicity in spurring Africa's politics of disintegration in the post-colonial period. Equally unrelenting, then, was Atieno's penchant for challenging British historians for taking over and extending their disciplinary practice from where their compatriot social anthropologists had left, namely social organization and social change. In other words, the search for a coherent nationalist narrative has produced multiple readings and emphases of the events that led to the emergence of Kenya as a nation. This search starts with a perspective that sees Kenya as a White man's conquest, thus focusing on the opposition between the settlers and Africans. This was prior to the critical Marxist analyses that, by focusing on the exploitative relations between colonial economic interests on the one hand, and the unrewarded local labor on the other, influenced the shift in historiographical endeavors to the role of local communities as resisters of colonial capitalism. The result was a focus on the roles played by local communities in their resistance against British rule.

Similarly, as local historians descended on describing activities of various communities during the colonial period with the aim of writing them into the nationalist framework, a school of British historians have been busy at trying to wrestle the Kenyan nationalist discourse from other communities to locate it squarely in central Kenya and equating the Mau Mau movement with Kenya's independence as its *sine qua non* driver. They describe the movement itself as an event that can be understood solely in its relation to the worldview of the Kikuyu people, their religious and moral ideals. In other words, they forestall the possibility of inventing a Kenyan nationalist narrative. It was Atieno's contention, however, that whether or not this attempt to ethnicize Kenya's independence holds, the lesson one gets from it is that "nationalism [is not] is a prerequisite ideology for the construction of a future nation-state"(Atieno-Odhiambo, 2002). Furthermore, Atieno argued, the Mau Mau-based historiography overlooks the complexity of resistance generally, and that of central Kenya in particular. In his counter-position, Atieno argued that "in African communities there obtained a paradox of collaboration and resistance; that within the textures of African societies the resisters of today would be the collaborators of tomorrow, thus creating 'the paradox of

collaboration"(Atieno-Odhiambo, 1974). Even as it tries to whip up visions of a nationalist history by focusing on the initiatives of local communities, the approach of British historians tends to be too narrow for the need to see local events as local variations or specific illustrations of general social theories and patterns affecting social structures and change everywhere else around the globe. As oral narratives became more widely accepted as legitimate sources of history, the experiences – languages, religious beliefs, and modes of subsistence – of ordinary people and communities became key to historical research and knowledge.

If not exactly in relation to how we narrate the making of our nation, focus on Mau Mau signals a significant shift in mapping knowledge production. Together with the legitimation of oral methods, and with the critical Marxist social theory, reading history through the conscience of the masses puts the production of knowledge and history in the consciousness and actions of ordinary folks by countering the old perception that knowledge belongs to the social and political elite. In its place this alternative approach proposes to excavate knowledge from the narratives of lived experiences of workers and peasants, sharecroppers, women and the family, the arts, from music, and other aspects of everyday deliberations and struggles of ordinary folks. Recognition of ordinary folks as creators of knowledge by which they order their experience had started and taken roots in the sixties and seventies with the study of the peasantry as a model that integrates thick description and historical change like Steven Feireman would exemplify later in his noted study of peasants in Tanzania (Feierman, 1990; Gutkind and Waterman, ed 1977). This approach is interesting in at least one sense – namely that it identifies the peasant as an agent in his/her own world, disconnected from the state whose demands he/she works to satisfy. His/her judgments and decisions are free of the constraints of state and capital. Rather, peasants inhabit that space in which they live their own lives where they determine for themselves what counts as an authoritative reason for them to act.

Focusing on the experiences of peasants, or of ordinary folks more generally by tapping into oral accounts meant, for historians, philosophers, and anthropologists alike, that ideas that inform and explain systems of value, whether these are in the political arena, or for organizing the norms for private conduct in the moral world, stem from conceptions of power, personhood, and agency, and about how human beings in interaction with one another produce effects on the world (Karp and Masolo, 2000). Hence, if focusing on ordinary folks by means of the oral method makes it possible for historians to write histories of communities into national histories. It also provides a huge challenge to find the unifying conceptions of reality, including those of persons and selves as moral and political agents, that makes it possible to critique the performance of the nation-state under a common polity. In this sense, the ethno-structural view of the nation-state mimics similar structures of the regional groups based on the constituting clans and their competing oral narratives. This approach that maps regional histories in opposition to state ones exemplifies a similar problem constantly faced by African philosophers regarding the possibility of constructing common continent-wide philosophical positions in contrast to the ethnically or regionally-informed conceptual schemes as separate cultural spheres (Gyekye, 1987; Appiah, 1992; Wiredu, 1996; Gyekye, 1997). Together, and in their quasi-concurrent multi-disciplinary eruption, these texts give the voice back to indigenous keepers of knowledge, whether they are court historians in the royal systems or clan elders in the so-called stateless societies, or heads of family in the many African social systems. These texts mark a significant shift from the image of indigenous intellectuals as native intellectuals – in both contemporary professional and the informal senses as captured by Feierman – whose value lay in feeding the colonial narrative in which their appearance was merely incidental. In the new paradigms, they not only reclaim their voices, they also assert the legitimacy of their own historiography as an alternative to that of the state, an alternative paradigm which, according to Atieno, "that is closer to the people's experiences with history in the *longue duree* than the western historical

practice and which throws up challenges for the student of comparative history..."(Atieno-Odhiambo, 2002) Consequently, Atieno argues, the "nationhood" of communities like the Luo in East Africa or Mande in West Africa, or the Banyamwezi in central Tanganyika, Zulu or Tswana in South Africa, all existed long before the incursions of the colonial state or its postcolonial heir. Thus the histories of the older and indigenous nations can be written unproblematically side-by-side with the histories of the colonially constructed nations. Atieno's proposal is, then, that these regional histories are separate from, and should not be mistaken for, histories of colonially constituted states.

History and histories: the state without nationhood

So what did Atieno envisage as an African philosopher of history? Or, to put the matter slightly differently, now that we have been walked through the different models of writing Africans' histories, can we identify what makes every theoretical trajectory as crucial as the other, or as bearing autonomous concepts of human destiny and purpose that can only be seen in the normative articulation of such values in most spheres of human experience that are deemed to enable the attainment of such human destiny and purpose? Like his grand teacher Bethwell Allan Ogot, Atieno's guild history, or the trace of different approaches to writing African history, unmistakably asserts the need for a clear departure from writing African history, let alone explaining it, from foreign standpoints, a stance, he tells us, the Master had been worried about since the seventies as part of his pioneering influence on the adoption of oral narratives and memories as legitimate sources of African history (Vansina, 1990; Atieno-Odhiambo, 2002). There is some irony here that is worth mentioning. While historians believed that oral histories harbored the values of autochthony of knowledge, philosophers, African and their Western trainers alike, loathed the oral tradition as indicative only of what has come to be known as ethnophilosophy, a school of thought and body of texts written mainly since the WWII under the influence of Placide Tempels (Tempels, 1969). The critics of this school, led by the Beninois philosopher Paulin Hountondji(Hountondji, 1983), regard the term ethnophilosophy specifically, and oral texts generally as they relate to the claim of the presence of philosophy in African oral traditions, with scorn and derogation. The late Kenyan philosopher Odera Oruka(Odera Oruka, 1991), as well as Barry Hallen and his co-author the late John O. Sodipo of Nigeria (Hallen and Sodipo, 1997) believed differently and have shown how good and sometimes pretty sophisticated philosophical ideas can be teased out of oral traditions. Kwasi Wiredu, Kwame Gyekye, and Kwame Anthony Appiah (Wiredu, 1980; Gyekye, 1987; Appiah, 1992; Wiredu, 1996), all Ghanaian-born and leading African philosophers, have indicated, perhaps in the clearest fashion close to what the historians mentioned here were saying for their discipline, that sources of knowledge in African cannot ignore the oral tradition, after all philosophers, and any scholars who produce formally presented knowledge in the academic sense ground themselves in the language of the people as well as in the language of professional thinkers.

It is evident that Atieno, like Ogot, was a special kind of historian. Both he and his former teacher reveled in taking on complex philosophical issues in search of theoretical threads that justified, or at least explained, historical choices and paths of communities, as well as the different political practices and structures. Driven by a search for reason as the ground for social and cultural systems, he took no ideological sides as he spared no one in his criticism of the rationally unacceptable, just as he defended all victims of injustice in the same measure. Such was the basis of his incessant critique of the unjustified politics of exclusion. In carrying out such examination of society, he looked at both what people took to be the essence of nationhood, and how people, as citizens of such formations, took themselves to be related to the said-essence of nationhood such that it would give them justifiable unequal interest claims in exclusion of others.

To put his concerns in proper perspective, it was never the case for him that the emergence of

nations had suddenly rendered histories of communities irrelevant. Rather, in order to counter such European texts whose aim was deliberately to help establish Western sovereignty over Africa by describing it as a *terra nullius* (nobody's land) as one finds in the fifteenth century Papal Bull or a *terra obscura* (dark continent) and as one reads in Hegel's *Lectures on the Philosophy of World History*. An African historiography must take into account all sources as may be gathered about kingdoms as they have been written and kept by African writers, or as can be recouped from the oral traditions which memorize and re-tell the clan narratives of those people once called "stateless" by the British social anthropologists Meyer Fortes and E. E. Evans-Pritchard (Fortes and Evans-Pritchard, 1970). Contrary to the empty or dark continent of the European text, there was, again in Atieno's words, "The other Africa, the actually existing Africa of the Africans..."(Atieno-Odhiambo, 2002). The history of this Africa dating back to the Middle Ages was well recorded in the works of scholars using both written and oral sources. When we were inviting people to participate in the conference out of which these papers were born, many of Atieno's former colleagues intimated that there was hardly a subject Atieno was not at ease in discussing whether good or bad. Definitely they did not imply any negatives for their remarks. Besides indicating the interdisciplinary nature of Atieno's intellectual vocation, these colleagues probably also meant something deeper regarding Atieno's broad interests across many disciplinary fields in the humanistic and social sciences. Again, Atieno was a theoretician or philosopher of history and, by derivation, a historian of social movements, a reason why most aspects of human experience and social events found a place within his broad and deep intellectual interest as we believed our colleagues implied. Hence his driving concern could be put as follows, in his own words:

> Recent thinking on the philosophy of history has delineated its basic concerns as being, firstly, the nature of historiographical knowledge, and secondly, the metaphysical assumptions of historiography...The seemingly weak status of the sub-discipline... belies the interdisciplinary diffusion of articles and books across the disciplines of history, philosophy, law, political science, and sociology. This diffusion is particularly marked in the field of African studies..., and may indeed beguile the scholar into the false recognition of the absence of an African philosophy of history. And yet a proper reading of the Africanist founders of African historiography should soon disabuse us of this erroneous posture, given their early concerns with ancient Egypt as the plenum of all history and the foundation of all black civilization...[and with other concerns that premise an understanding of African history upon the realities of African people's experiences over the millennia]. Can African historians recapture this historical space and reintroduce an African philosophy of history that emphasizes African autonomy?"(Atieno-Odhiambo, 2002).

Although it draws him dangerously closer to the Hegelian instrumental view of reason or knowledge and its nexus to history, for Atieno, history ought to be understood as a process by which each community, through the active realization in the thoughts and actions of their individual members, articulates and practices those culturally defined activities that enable them to meet their needs as their interaction with the environment of their abode. It further allows them to design and execute, as well as the normative principles that regulate their social relations according to their view of a good life. Such norms are important whether they are about activities for subsistence, or the norms that define propriety of dress in different occasions and circumstances, or about how to accomplish ritual obligations toward the dead, or what it means for a claim to property to be justified, or, as in the domain of the arts, even what it means to an accomplished singer or dancer or a skilled suitor. All such norms need to come from the people themselves, as they are the symbols of their "sense" of the world. History, then, must be seen as the view that studies the presence of these

categories of values at any given time, and how, as they are formalized into the specific idioms of every locality, they cause both differences and similarities of African communities as we know them. But also, and due precisely to their grounding in time and specific social realities, they get to be transformed by future generations whose different times and circumstances impose such changes. It would appear, then, that what is crucial is that however and whenever change becomes imperative, both goals and implementable specifics reflect the well-being and aspirations of African populations, the same way the push for democratic practice has been hinting throughout the continent.

In lieu of a conclusion, it is appropriate that something is said about why we introduced the idea of communitarianism in characterizing Atieno's thought. Recent in its claim of a prominent position in the articulation of the measure for judging propriety of private conduct and public policy in respect to their ends, the communitarian mind-set arose recently in contemporary political and moral thought, notably in the lexicon of such political leaders and thinkers like Mwalimu Nyerere. Nyerere's political slogan was "African socialism", a term that meant so many different things to different users. However, one thing remained constant and clear in Nyerere's thought: namely his opposition to the liberal economic and social worldviews of Modern Europe – and their colonial transfer to the African scene – in which the wellbeing of the individual was the centerpiece of human worth, endeavors, where all resources were to be directed at the protection and promotion of the rights and wellbeing of the individual. Western history as it was taught to us, in the growth of both institutions and thought traditions, have placed the individual at the center of ends. The resurgence of liberal thought in the West since the early 1970s has engendered a response from thinkers who, despite the absence of a unifying common theoretical principle, have been referred to as communitarians. While accepting some aspects of the liberals' views regarding the rights of the individual, they have countered with the view that the protection of the individual cannot be done without regard to the conditions that have produced inequality to people by virtue of their belonging to groups, or that people live in communities, and therefore their wellbeing cannot be considered in isolation from the communal wellbeing in general.

Communitarians argue that liberalism overemphasizes the rights and liberties of individuals at the expense of the general welfare of the community which cannot be achieved when individuals possess unhindered rights to attain whatever they want and can. John Rawls, the American philosopher who is also the most famous and best read recent defender of liberalism (Rawls, 1972; Rawls and Kelly, 2001), argues that individuals must enjoy their rights so long as their doing so does not cause others to become poorer than would be the case in their use of their capacities. In other words, everyone has the right to attain those means by which to compete fairly in an open society, and that so long as there is no deliberate hindrance of anyone to attain such means, individuals should be free to what they want and can do under the law. Because Rawls was an American, his theory of justice, put simply as I have stated, has been the focal point of great critical debate. His position defends the individual as the unencumbered self, which, in the eyes of critics (Alasdair, 1984; Michael, 1987; Alasdair, 1988; Charles, 1989; Masolo, 2010), suggests an atomically conceptualized and therefore anarchistic society, while, in fact, individuals are themselves made by their societies and are dependent on the communities that "make" them. Hence, an idea of fairness that ignores this indebtedness cannot be correct.

Nevertheless, the above is probably not exactly the idea of community that Atieno stood for. Not that he rejected it, we just don't know he addressed it in the terms in which it appeared in Western social and moral theory. Yet, because we are dealing with conceptualizing how individuals relate to their communities, and about what they owe each other in the mutually limiting relationship, his thought generally, and about the making of history in particular, resonates with a stance that can be attributed to him. As we have traced above, his idea of community resonates with a definition that casts it as a cultural unit whose members claim shared

belonging exhibited by conformity to the values with which they live their lives and understand their history. This is the basis of Atieno's claim that there had been African nations, such as the Mande, or Luo, or Ganda, or Fulani, and so on, long before the incursions of European imperialism that led to the construction of the colonial state in the model of the eighteenth-century European definition of the nation state carved out of the human "state of nature". It is Atieno's position, to the extent that we are able to extract it out of the argument in the essay on African historiography that a truly African history can be written only in such a manner that considers the history of the inherited colonial state as an imposition over local nations with their histories.

This seemingly structuralist view – what Partha Chaterjee has described as "the nation and its fragments in colonial and postcolonial histories" in reference to India (Chetterjee, 1993) – defines Africa's political orders and histories, just like in most other colonial spaces, as made of communities that co-exist side-by-side with one another, and with no one or more of them having claims to exclusive relations with, or rights over, the colonial state in its administration or resource allocation. On what basis does one judge which, among the many local histories and accounts of resistance against colonialism, best fit the nationalist narrative? Ultimately, the relegation of nationalism to the domain of the particular histories of the colonial empires, has left their different constituting communities in pursuit of dominance over the new institutional practices of economy and polity, therefore creating a conflictual relationship with one another that is not helped by countless revelations of secret deals, manipulations, and the cynical pursuit of sectorial – that is, ethnic – as well as private interests (Atieno-Odhiambo and Lonsdale, 2003). To be sure, Atieno has argued, largely on the basis of both oral and archival testimonials, ethnic resistance was never homogeneous or fully united in its formations. There were the African colonial army, the police and, above all, the homeguards, people who were double-dealers by appearing to side with their folks by day, but revealed the identities of the leaders of the resistance to colonial authorities by night – forming what Atieno, in the memory of his students, referred to as "the paradox of collaboration in the Mau Mau resistance." By the 1970s, the evident failures of nationalism had given way to ethnic politics. As a result, Chaterjee writes, "[t]he leaders of the African struggles against colonialism and racism had spoiled their records by becoming heads of corrupt, fractious, and often brutal regimes... Nothing, it would seem, was left in the legacy of nationalism to make people in the Western world feel good about it"(Chatterjee, 1993; Atieno-Odhiambo, 1998).

The failure of the pre-independence nationalist drive to sustain itself in the postcolonial era by creating a unified nationalist narrative, and its replacement with ethnic rivalries, suspicions, plots, and shallow alliances have continued to tear Africa apart, thus preventing or undermining the sprouting of democratic institutions and practices. In sum, it is the communities that last. For historians, it would seem, the sensible writing of history can take either one of two directions: either in the form of accounts of communal interests vis-a-vis the state, or accounting for the life of the communities as autonomous entities whose engagements with the state in both its colonial and postcolonial forms of knowledge can be described and analyzed by applying an anthropological perspective to the study of communities in the two historical contexts in a manner that identifies how the knowledge by one side regarding the other helped shape and now help historians understand how recent histories of local communities were made. Atieno has written, for example, the history of British colonial knowledge regarding the Luo, on the one hand, and Luo perceptions of the colonial space as they encountered and reacted to it. This is the subject matter of the immensely popular *Siaya*, which is appropriately described in the subtitle as "the historical anthropology of an African landscape"(Cohen and Atieno-Odhiambo, 1989). The same approach forms the basis of the explanations and analyses of the so-called "S.M. Otieno Case"(Cohen and Atieno-Odhiambo, 1992). Here is the question: With what legitimacy does or should colonial

knowledge be ruled as superior to an indigenous epistemic canon in the jurisdiction of their affairs? In the idioms I have known from elsewhere – yet in the same manner, highlighting the same issue of the legitimacy of applying canons of judgement developed in one homogeneous context to situations and experiences foreign to it – whose justice, which rationality? To that extent, one of the interests of the historian in the post-colony should be a search for the specific careers of terms like "primitive", "tribe", "village", "customary", "backward", and so on, as various antonyms of the ambiguous and now contested term "modern". The essays contained in this collection speak to the many ways the late Atieno-Odhiambo's passion for knowledge, and his sophistication in understanding and use of current theoretical frameworks to shed light on opaque social and political events ignited flames of desire for knowledge in his own students and colleagues. As we said at the top of this introduction, each contributor was given the freedom to address topics of their choice as both evidence and tribute to Atieno's influence on their growth as persons, but more importantly as scholars. Two of these contributions stand out. One, by Professor Bethwell Allan Ogot, is a testimony to the close attention a teacher has paid to the making of his own student and disciple into a globally recognized academic giant in his field and beyond. Professor Ogot's testimony allows us to see how vastly read the late Atieno was how nothing important in his time escaped his comment. Together, they have demonstrated how human experience should never be taken for granted, and how all aspects of human experience can be accounted for as historically and socially produced, and therefore, when given the appropriate analysis, itself becomes a window for understanding history and the culturally constructed strategies of engagement and coping.

The other stand-out contribution is that of Professor David William Cohen, Atieno's long-time friend, research collaborator and co-author of the noted texts that have brought them such attention among scholars as well as among people who merely want to enjoy the magical ability of scholars to turn the everyday into the subject matter of an astonishingly interesting and sophisticated analysis and explanation. Because he knew, loved, and immensely enjoyed his culture, Atieno, in collaboration with Professor Cohen, an astutely sophisticated anthropologist and historian, and much like Professor Ogot, read the everyday practice of knowledge manifested in oral idioms and narratives and in the practice of custom much as anthropological material for practicing historicized analyses that reveal the extent to which their production is part of negotiating through colonial knowledge and practice as laid out in the epistemic orders of the new institutional arenas. In other words, they were codes for listening to and observing how the Luo nation experienced British colonial rule and sometimes also the authority of neighboring enclaves of power, like *Loch Kawango*. Sometimes even the seemingly isolated terms like *Ka-Nanga*, or its derivative, *Ja-Nanga*, acquire important significance when analyzed in the context in which clothes and dressing became part of the history of colonialism and how it was domesticated. Finally, those who knew Atieno will certainly remember that his analyses often provoked critical questions regarding the rough edges of these local-foreign encounters which only spurred further considerations of points of separation and accommodation. How, for example, to reconcile or to read together the encounter between a system of power that worked itself through a single order of authority, on the one hand, and a self-controlling system based on a unifying moral authority of clan and lineage?

This collection provides a few examples of the multi-disciplinarity of Atieno's work and interests. For those of us who knew and engaged in colloquia over some of these matters with him from time to time only when his intellectual direction was already set can only urge others, especially those colleagues and friends who knew him in his earlier and formative years, to contribute ideas toward finding a way to make the inspiration of our leading intellectuals not die with their bodies, but to live in the intellectual growth of future generations. A few years prior to the onset of the infliction that finally took him, Atieno and I held regular conversations by

electronic correspondence dedicated to a theme that he baptized as "Thinking your People." That practice should never come to a halt. Rather, like a relay baton, it should pass over to some representatives of the next generation.

References

Alasdair, M. (1984) After Virtue: A Study in Moral Theory. Notre Dame, IN, Notre Dame University Press.

Alasdair, M. (1988) Whose Justice, Which Rationality? Notre Dame, IN, Notre Dame University Press.

Appiah, A.K. (1992) In my father's house : Africa in the philosophy of culture. Oxford University Press, New York.

Atieno-Odhiambo, E.S. (1974) The Paradox of collaboration and other Essays. Nairobi: East African Literature Bureau.

Atieno-Odhiambo, E.S. (1998) Ethnicity and Democracy in Kenya. Text of Public Lecture, as presented at the Nebrasks Union, University of Nebrasks- Lincoln, Lincoln, Nebraska, USA, September 25, 1998.

Atieno-Odhiambo, E.S. (2002) From African Historiographies to an African Philosophy of History. Falola, Toyin and C. Jennings, eds., Africanizing Knowledge: African Studies Across the Disciplines, New Brunswick (USA) and London (UK), Transaction Publishers 13-63.

Atieno-Odhiambo, E.S. (2001) African Historians and African Voices. Essays Presented to Professor Bethwell Allan Ogot, Basel, Switzerland P. Schlettwein Publishing

Atieno-Odhiambo, E.S. and Lonsdale, J. (2003) Mau Mau & Nationhood: arms, authority & narration. Nairobi, EAEP; London, James Currey; and Athens, OH, Ohio University Press.

Benedict, A. (1983) Imagined Communities: Reflections on the Origin and Spread of Nationalism. London, Verso Books.

Charles, T. (1989) The Sources of the Self: The Making of Modern Identity. Cambridge, UK, Cambridge University Press, 1989.

Chatterjee, P. (1993) The nation and its fragments : colonial and postcolonial histories. Princeton University Press, Princeton, N.J.

Chetterjee, P. (1993) The Nation and Its Fragments: Colonial and Postcolonial Histories. Princeton, NJ, Princeton University Press.

Cohen, D.W. and Atieno-Odhiambo, E.S. (1989) Siaya: The Historical Anthropology of an African Landscape. London: James Currey, 1989.

Cohen, D.W. and Atieno-Odhiambo, E.S. (1992) Burrying S. M.: The Politics of Knowledge and the Sociology of Power in Africa. Portsmouth, NH, Heinemann Educational Books, and London, James Currey Ltd.

Cohen, D.W. and Atieno-Odhiambo, E.S. (2004) The Risks of Knowledge: Investigations into the Death of the Hon. Minister John Robert Ouko in Kenya, 1990. Athens, OH, Ohio University Press, and Nairobi, East African Educational Publishers Ltd.

Fanon, F. (1965) The wretched of the earth. Grove Press, New York,.

Fanon, F. (1967a) A dying colonialism. Grove Press, New York.

Fanon, F. (1967b) Toward the African revolution; political essays. Monthly Review Press, New York,.

Fanon, F. (2008) Black skin, white masks. Grove Press ;

Distributed by Publishers Group West, New York [Berkeley, Calif.].

Fanon, F. and Philcox, R. (2004) The wretched of the earth/Frantz Fanon; translated from the French by Richard Philcox; introductions by Jean-Paul Sartre and Homi K. Bhabha. Grove Press, New York.

Feierman, S. (1990) Peasant Intellectuals: Anthropology and History in Tanzania. Madison, WI, The University of Wisconsin Press.

Fortes, M. and Evans-Pritchard, E.E. (1970) African Political Systems. Published for

the International African Institute by Oxford U.P., London, New York,.

Gutkind, P.C.W. and Waterman, P. (ed 1977) African Social Studies: A Radical Reader. London and Nairobi, Heinemann Educational Books.

Gyekye, K. (1987) An Essay on African Philosophical Thought: The Akan Conceptual Scheme. Second edition, Philadelphia, Temple University Press (first edition Cambridge University Press).

Gyekye, K. (1997) Tradition and Modernity: Philosophical Reflections on the African Experience. Oxford, UK, Oxford University Press.

Hallen, B. and Sodipo, J.O. (1997) Knowledge, belief, and witchcraft : analytic experiments in African philosophy. Stanford University Press, Stanford, Calif.

Hountondji, P.J. (1983) African philosophy : myth and reality. Indiana University Press, Bloomington.

Karp, I. and Masolo, D.A. (2000) African Philosophy as Cultural Inquiry. Bloomington, IN, Indiana University Press.

Masolo, D.A. (2010) Self and Community in a changing World. Indiana University Press, Bloomington.

Michael, W. (1987) Interpretations and Social Sciences. Cambridge, Cambridge University Press.

Mills, C.W. (1997) The Racial Contract Ithaca, Cornell University Press.

Mills, C.W. (1998) Blackness Visible: Essays on Philosophy and Race. Ithaca, Cornell University Press.

Odera Oruka, H., ed. (1991) Sage Philosophy: Indigenous Thinkers and Modern Debate on African Philosophy. Leiden, The Nehterlands, J. Brill Publishers, 1990, and Nairobi, ACTS, 1991.

Rawls, J. (1972) A theory of justice. Clarendon Press, Oxford,.

Rawls, J. and Kelly, E. (2001) Justice as fairness : a restatement. Harvard University Press, Cambridge, Mass.

Tempels, P. (1969) Bantu Philosophy. Présence africaine, Paris,.

Vansina, J. (1961) Oral Tradition: A Study in Historical Method. Chicago, Aldin Publishing Co.

Vansina, J. (1985) Oral Tradition as History Madison, WI, University of Wisconsin Press.

Vansina, J. (1990) Paths in the Rainforest: Toward a History of Political Tradition in Equatorial Africa Madison, WI, University of Wisconsin Press.

Vansina, J. (1994a) Living With Africa. Madison: The University of Wisconsin Press, 242.

Vansina, J. (1994b) Living With Africa. Madison: The University of Wisconsin Press, 240.

Vansina, J. (2004) How Societies Are Born: Governance in West Central Africa Before 1600 Charlottesville, VA, University of Virginia Press.

Wallerstein, I. (1962) The Political Ideology of the P.D.G. Présence Africaine 40, 30-41.

Wiredu, K. (1980) Philosophy and an African culture. Cambridge University Press, Cambridge [Eng.] ; New York.

Wiredu, K. (1996) Cultural universals and particulars : an African perspective. Indiana University Press, Bloomington.

Youth, Destitution and Conflict: Nairobi's Street Children, 1949- 1962

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Abstract
This paper attempts to examine destitution and some of its consequences among young people in Nairobi, between 1949 and 162. The problem is set against African poverty, segregation by race and the reluctance of colonial authorities to address the problem of African urban destitution. Colonial authorities tended to equate African unemployment and poverty in urban areas with crime and insubordination. Most Africans were supposed to be rural and tribal not urban detribalized. Nairobi in particular was categorized as a European town. Only Africans with proof of employment were supposed to reside in the town. The result was the enactment of a series of laws to control their immigration into Nairobi. These laws, however, did not attain their objective. African children and young people came to be associated with crime of increasing magnitude. The extra operations at the height of the Emergency in the mid 1950's were aimed at tightening colonial authority and surveillance. But they provided minimal respite. The nationalist movement of the late 1950s and early 1960s challenges. By the eve of independence in 1962, not only was the problem of immigration of young people unsolved: its expansion had attained unprecedented levels.

Key words: Youth, destitution, conflict, Nairobi, Street children

Introduction

The problem of street children in urban areas is global, growing and apparently uncontrollable. Some of these children and young people are discipline or addiction cases believed to have run away from homes and family. The majority, however, ends up homeless, without parental or adult care. A third category may be made up of children and young people living with their families on the streets entirely. Family life may also be partial, that is to say children living on the streets by day and going home to sleep at night (Wikipedia).

This paper is part of a larger research, encouraged by the late Prof. Atieno-Adhiambo who suggested that it was time to re-direct African scholarly research more and more at the voiceless and marginalized in society. The question of street children in urban Kenya sometimes also called parking boys and girls or chokora in the Nairobi dialect of Kiswahili is one which has been debated since colonial times and which continues to defy solution (Amolo-Achola, 2001). Street children are almost universally considered by policy makers a great nuisance. To Nairobi's wealthy, they are associated with overly insistent or even rude begging, dealing in and consumption of narcotic drugs, child sex trade, pick pocketing, various kinds of conning tricks, theft of car parts, very bold snatching of bags, jewellery and other valuables and so on. Over time the criminal behavior gained in gravity and parking boys have come to be associated with house breaking and even more violent crime. During the years of Emergency homeless boys were associated with gangs which practically took control of African locations and with violent crime and murder (Protectorate, 1950c). Only charitable and religious based organizations regard them with any kindness. After it's swearing into the office in January 2002 the Narc Government, in fulfillment of one of its election campaign promises, attempted to clear Nairobi of its teeming populations of street children. The objective was to settle them in new homes provided with basic needs such as food, clothing and to offer them education and re-habilitation. The attempts can safely be said to have failed.

It is too often imagined that the chokora problem is one of the post independence era (SOS) . This paper will attempt to examine the historical antecedents of today's problem of homeless and destitute children and young people in Nairobi from the end of World War II, to the eve of independence. For the purposes of this paper the definition of children and young people will follow those laid down by the various relevant colonial ordinances. Definitions of child were based on age. For example, Ordinance No. XXII of 1934, titled "An Ordinance Relating to Juveniles" defined "child" as anyone under the age of fourteen. A "young person" was anyone between fourteen and eighteen. Ordinance No. XII of 1955 titled "An Ordinance to provide for the Prevention of Cruelty to and Neglect of Children" defined a child as any person under the age of sixteen". Paul Ocoboc has given a detailed account of the transfer of English law relating to destitute or homeless juveniles to the colonies (Nier and Ocobock, 2009). In English law generally, capitalism as a social economic culture tended to criminalize homelessness and destitution. In the colonies, this tradition was combined with racism and the stereotyping of Africans, as lazy, ignorant, essentially rural and tribal and unsuited for urban life especially in a "Europeans only" town such as Nairobi was supposed to be. Having failed to achieve this distinction the town became segregated on the basis of colour. This continued to be the case even after 1923 when official policy claimed that segregation was no longer upheld by the colonial ideology.

Through the empowerment of various regulations and practices, Africans could only reside in what came to be known as the African Locations. An exception was made when Africans worked in areas set aside for the other races and were provided with residential quarters there. In addition to the official locations, unauthorized slums developed where large numbers of Africans lived in temporary structures (Olumwulla, 1986; Throup, 1957; Zwanenberg, 1972). Thus the study of street children fits in with the story of growing poverty in African reserves in Kenya, and the efforts of some of the youth to find alternative sources of livelihood in towns like Nairobi.

The story of urban poverty as it applied to colonial Nairobi has been handled by many researchers (Olumwulla, 1986; Throup, 1957; Zwanenberg, 1972). Suffice it to say here that during the colonial period the lives of the majority of Africans were characterized by low wages for those who worked, high levels of unemployment, very overcrowded accommodation, poor, sometimes nonexistent sanitation and other social services, poor health and other such indices of poverty(Amolo-Achola, 2001). Colonial authorities saw the problem of African rural-urban migration as one of unreason because Africans seemingly left the rural areas where they could make a living on the land and went to towns to engage in crime and other undesirable side effects of "moral degradation", such as prostitution, juvenile delinquency, alcohol and drug abuse and begging (Amolo-Achola, 2001; Amolo Achola, 2001; Nier and Ocobock, 2009; Olumwulla, 1986; Zwanenberg, 1972).

One of the earliest laws to control African life in Nairobi was the aforementioned Juveniles Ordinance of 1934. Briefly it dealt with persons under 18 years of age found begging or receiving alms, wandering about not having a home, having no parent or guardian, having drunken, irresponsible or imprisoned parents or guardians and such like. Other social ills frowned upon were being destitute not being an orphan, frequenting the company of reputed thieves or prostitutes, residing in premises associated with prostitution, being persistently ill treated or neglected and the like. All these things were reasons for the seizing a child, or young person.

The ordinance empowered persons authorized by the government to bring such children before a magistrate's court. If not acquitted, they could be placed under the supervision of a probation officer, committed to the care of a relative or other fit person, sent to an approved school, ordered to be whipped or committed to custody in a remand home. Young person between ages 14 and 18 could be committed to prison or detention camp. Juveniles under 10 years of age could not even be sent to an approved school. The burning question, in the end was how and where to obtain and maintain accommodation for persons so arrested.

An effort to remedy this problem was the enactment of Ordinance No. XXII of 1946 otherwise known as "An Ordinance (Temporarily) to Provide for the Removal of Undesirable Natives form Certain Areas". It aimed at the clearing of undesirable African immigrants from the streets from municipalities, townships and other urban centers. It empowered authorized persons to make a Removal Order in respect of any "native" who could show no evidence of a settled home, regular employment or other means of livelihood or support within a municipality. Furthermore, there was section 178 of the Penal Code which was directed against, "idle and disorderly persons," prostitutes and anyone "wandering or placing themselves in any public place to beg or gather alms", or "endeavouring by exposure of wounds or deformity to obtain or gather alms".

The burning issue of discussion came to be how to finance the accommodation and subsistence of persons rounded up under such laws and regulations until the removal and how such removal was to be paid for. Ocoboc shows how in the original English law young people so arrested could be made to work to earn enough to pay for transport to their supposed home. But this was not always a practical solution especially in the case of children under ten years of age, who had not been claimed by any relative or who had been removed from objectionable ones.

It is interesting to note that up to the early 1950s nominated African leaders seemed to accept the view that children and young people who were homeless and without adult care deserved to be removed from town. In 1949, for example, a commission of enquiry was established in consequence to a complaint voiced in the Legislative Council by Eliud Mathu. He had demanded the repeal of Municipal Bye Laws 208 and 212 which empowered the police to challenge any African found outside the locations between 10.00 pm and 6.00 am and to demand their business. Mathu argued that the regulations merely humiliated Africans without achieving their objective, namely reducing crime. As they were questioned during the sitting of the commission Mathu, Tom Mbotela and Ambrose Ofafa all accepted that it was important to control Africans in Nairobi. The final report of the enquiry recommended that the regulations be retained. The African leaders agreed that all burglaries occurred between 10.00 and 6.00 am and were committed by African youth. Furthermore, the African leaders offered no constructive alternatives, actually suggesting that their main objection was the racial over tones of the regulations. They would not mind the bye laws if all the other races were subjected to the same treatment (Republic of Kenya, 1949).

As the European only town it was meant to be Nairobi developed into a very hierarchical town dominated by race and from the first the machinery created to run the town was controlled by Europeans. As late as 1959, the city was administratively categorized as a non-African zone. Yet it had never really been so since Africans and Asians were always in the majority, even without the figures from unofficial settlements (Table I). It was necessary to admit some Africans as labour and caught between the need for this labour and the desire to keep it as cheap as possible municipal and central governments were unable, often unwilling to limit the proportions of African immigration in Nairobi to only such as had "business" to be in town. From 1903, when a visitor commented that one could wander about the streets of Nairobi for hours and only see an occasional native face, the African and Asian population of the town grew rapidly. By 1956, the City Council could actually express concern over the "uneven development", of the town because the locations had grown way beyond the proportions envisaged as right for a non African area (Protectorate, 1957a). The following table indicates the estimated growth of population in Nairobi by race, over a period of four years.

Table I: Nairobi Growth of Population by Race 1942-46

Race	1942	1943	1944	1945	1946
European	8,591	9,421	10,431	10,257	10,379
Asian	28,530	30,829	36,517	36,517	37,191
African	54,493	59,022	66,040	66,040	65,183
Total	**91,574**	**99,272**	**112,814**	**112,814**	**110,751**

Source: Report of Medical Officer of health, Nairobi, 1947.Note: these figures did not include those of people living in illegal settlements.

In an "ideal" situation Africans employed in the towns would have been youthful and hopefully single. Accommodation provided for Africans was originally, based on this principle. Only from 1947 was it recognized that it might be necessary to provide family accommodation for Nairobi's African workers. Workers, furthermore, were expected to be largely male. Young girls and women were equated with prostitution, actual or potential. They were seen as a threat to the natural order of life in the African reserves. They were believed, to be responsible for the spread of venereal diseases as well as the many so called "illegitimate abandoned children". (Amolo-Achola, 2001; Amolo Achola, 2001; Republic of Kenya, 1948,1954) Women were, therefore, habitually rounded up, examined for sexually transmitted diseases and repatriated to the reserves (Kanogo, 2001). The 1936 Masters and Servants Ordinance, allowed unmarried girls and young women to be employed as servants and child minders but only on condition that the employer provided accommodation, or on the production of evidence that they lived with husbands legally employed in Nairobi. Throughout the 1940's and early 1950s the male female ration was believed to be extremely lopsided - one female to seven or eight males (Amolo-Achola, 2001; Amolo Achola, 2001; White, 1990) Such young workers as already had wives and children were expected to keep them in the reserves. Indeed many African parents were suspicious of the corrupting influence of towns on young children especially daughters and preferred to have their children raised in the reserves (Amolo-Achola, 2001; Amolo Achola, 2001; White, 1990). In an "ideal" situation, therefore,

there would have been very few African children in town. A 1949 estimate put the number in Nairobi at 300 (Protectorate, 1950b). Yet colonial authorities constantly complained about the presence and growing numbers of unsupervised children and young people in town, crime, use of drugs, begging and disorderly behaviour. One explanation, frequently lamented was the position of Nairobi, almost completely surrounded by the Kikuyu Reserve and the impossibility of keeping Kikuyu women and children out of the town's boundaries (Protectorate, 1950b). By the early 1950s a strong prejudice had developed against the Kikuyu, Embu and Meru (KEM) groups, the Kikuyu in particular being seen as having "a natural pre-direction to crime"(Protectorate, 1950b; Throup, 1957), and master minding the Mau Mau rebellion.

The administration of Africans in the Colony and Protectorate was dealt with by central government, under the Department of Native (later African) Affairs led by the Chief Native (later African) Commissioner. For Nairobi there was, from 1949, a Municipal Native (later African) Affairs Officer. Both the officials were Europeans throughout the colonial period. The Municipal (from 1950 City) Council also had an African Affairs Committee. This committee was made up of Europeans and Asians until the nominations of Councilors Tom Mbotela and Ambrose Ofafa to the Council after World War

II. Only in 1957 was an African, Councilor Musa Amalemba allowed to chair the committee.

The direct administration in the locations was under a Superintendent, aided by an Assistant Superintendent of African Locations. Both were Europeans up to the end of 1956. In addition there was a Welfare Officer and an Assistant Welfare Officer also European and always women. As the control of African Locations veered towards anarchy from 1950 the tasks assigned to these officials became impossible for Europeans to perform. In 1950 for example, the Welfare Officer and her assistant tendered their resignation. This was followed by the resignations of the Superintendent of African locations and the City African Affairs Officer. When the women appointed to take over as Welfare and Assistant Welfare officers declined, on second thought, to take office the decision was made not to advertise or fill these positions for a while. As David Throup has pointed out the African locations had become a no-go-zone for Europeans as these locations were taken over by gangs of practically uncontrollable youth. For instance, the African Maternity Hospital in Pumwani, whose administration had always been entirely European had to be abandoned to very low level African staff.

Municipal services targeting children were always limited. For example, the Municipal Council, in partnership with certain employers of African labour, like the East African Railways and Habours and the East African Posts had operated maternal and child welfare clinics, from the 1930s. The municipality's role largely involved the inspection of premises for the maintenance of minimum standards of hygiene and sanitation.

In addition the Nairobi Municipal Council, from 1943, slowly built up a system whereby day nurseries were provided for children of all races on the basis of racial segregation. Ultimately the policy came to be for the local government authority to handle pre-school children up to age six while central government took responsibility for elementary and middle schools, also segregated on the basis of race. In addition, Christian missions, also worked among Africans to provide schools. Sometimes they ran special schools. For example the Salvation Army provided a school for blind children. There was in addition, a Quran school.

In African locations like Pumwani, Shauri Moyo, Ziwani, Kaloleni, Bahati and others, day nurseries, as well as elementary and middle schools were problematic for several reasons. Social services provided by the municipality for Africans, such as social halls, beer halls, children's playgrounds and football stadiums, as well as the nurseries and schools could only be catered for from the limited funds of the Native Trust Fund. Usually this was with the help of a contribution by the government on a £ for £ basis. The European and Asian dominated City Council was unwilling to spend municipal revenue on anything to do with Africans. It was argued that Africans in Nairobi did not pay rates, so any service for Africans was regarded as charity and funds issued on a niggardly basis. Thus the schools were few in number and always built on extreme austerity lines. Often the Council had to waive its own building regulations so that schools in the locations could be built of temporary materials on a banda basis. They were not inviting and were, like other services provided for Africans, inadequate in terms of staff and materials. Moreover, high levels of poverty, even among the employed created a problem of destitution in the locations, and though European councilors frequently suggested that Africans should be made to pay for their own services, such a solution was not practical (Protectorate, 1954). In 1954, the colonial government was actually moved to set up a commission of enquiry on the incidence of indigence among Africans in Nairobi. Although the findings of the commission confirmed the worst expectations regarding the lives of the majority of urban Africans the question of Africans in Nairobi continued to be basically one of how to control people rather than to provide service or alleviate hardship.

The implementation of the various laws to control Africans in town was done largely through municipal bye laws. 1949 for example saw the promulgation of Bye Law No. 718, described as "very efficacious….. for dealing

with loafers about town". It led to the arrest, according to official reports, of some 200 young persons every month (Protectorate, 1954). But the council continuously lamented the shortage of its staff, the slow process of the law and its consequent inability to expel all undesirable "natives". From its inception it had fought a long battle to obtain its own municipal police force but failed. Consequently, year by year the Commissioner of Police complained about increasing levels of offences committed by juveniles and young people in Nairobi. In 1947 C.H Ward, then Commissioner of Police gave the following breakdown of juvenile crimes in his annual report.

Table II: Juvenile Crime 1944 to 1947

Type of crime	1944	1945	1946	1947
Vagrancy ordinance	525	248	727	500
Theft under sh.100/-	262	223	226	268
Township Regulations	150	44	20	15
Home breaking and Burglary	55	35	41	83
Theft over sh. 100/-	48	21	33	39
Assault on persons	9	17	7	20
Theft of stock	-	-	24	7
Escape from custody	5	8	-	-

Source: Annual Report of Commissioner of Police, 1945 and 1947.

As the decade of the 1940s ended, however the colonial government realized that the traditional methods of controlling insubordinate African youth who would not stay in the reserves as they were supposed to was becoming more and more of a challenge. Scholars have described the breakdown of order in the African reserves, particularly in central province (Throup, 1957). This has been attributed to many causes including increasing impoverisation of Africans, unsympathetic colonial attitudes to African grievances and the various coercive and frustrating regulations and policies adopted towards African economic problems. In retrospect, it can be seen that a rebellion was brewing.

In the later half of 1950 special "spiv" squads under Bye Law No.718 were let loose in the African Locations. This resulted in the convictions of 480 "undesirables" under the special regulations and 596 under municipal by law. The Commissioner of Police lamented that all this was not adequately addressing crime prevention (Protectorate, 1951; Protectorate, 1952). By 1951 there was concern over the "unfortunate prominence" of crime in the City of Nairobi and its environs, which accounted for 40% of all crime in the Colony (Protectorate, 1952). In 1952, the year that the Emergency was declared crime was reported to have taken "an abominable and murderous nature". It was attributed to gangs of "extremely well organized youth, obviously under central direction" (Protectorate, 1952). The entusiasm of special "spiv" squads led to 1,588 convictions. In addition there were 10,845 proceedings under ordinary municipal and townships regulations (Protectorate, 1953). The following year the Police Commissioner had to admit that even the "spiv" regulations were inadequate to control Nairobi's "gangs of marauding youth" and that the police had failed to recognize the importance of municipal and township bye laws (Protectorate, 1954).

In February 1953 a plan was conceived and implemented of putting the City of Nairobi, and in particular the African areas under closer policing. Initially, the city was divided into four divisions and then grouped into pairs, each under a police superintendent. By the end of the year the city was re-organized into three sub-districts, comprised of the African Locations, the non-African residential areas and the business district. Each was further subdivided into locations, which were placed under chiefs and headmen assisted by the so-called "tribal" police.

Chief's camps were established in Karen, Spring Valley, Kilimani, Kileleshwa, Parklands, Muthaiga, Ruaraka, Eastleigh and the commercial and industrial areas. All together, 23 administrative posts were created and placed under a total of 20 chiefs, 55 headmen and 210 tribal police. For African locations, a District Commissioner (D.C.) was appointed and temporarily stationed at the Pumwani Memorial Hall. In 1955 new offices were completed at a cost of £17,000 for the use of the D.C.

Despite all this, from the beginning of 1954, the levels of crime and lawlessness were considered to have increased so much as to necessitate the promulgation of Operation Anvil in April. In part it involved a concerted effort to clear Nairobi and Nakuru towns of the youth of the KEM groups. The First Battalion, Royal Innskilling Fusiliers were assigned this task. Meanwhile, "Tribal" police were appointed from all ethnic groups with the Akamba predominating. Most of them were ex-servicemen but they had to demonstrate impeccable loyalty and integrity. Initially they were armed with shot guns. By the end of 1955, however, the shot guns were withdrawn and the tribal police re-armed with truncheons. The so called emergency force was ultimately 231 strong by the end of 1955. An additional 12 were kept for the sole purpose of escorting repatriated Kikuyu, Embu and Meru youth out of the town. At this point the government decided that the age-old demand of the City Council for its own police had become a non-issue.

In 1955 the first Battalion, Royal Innskilling Fusiliers was awarded Freedom of the City in recognition of their extraordinary effort in the execution of the Anvil. A camp was furthermore, established at Langata to deal with Anvil detainees and to act as a transit camp for repatriated of women and children. However, it was closed down in April 1955 for new intakes. A Mau Mau Investigation Centre was put up in Embakasi. In October 1955 its work was transferred to the Police, Special Branch. Passbook Regulations were extended to include KEM women. By 1956 the Chief African Affairs Officers could boast that any African wanted in Nairobi could be located in a matter of hours. However, although the Anvil operations resulted in the removal of over 20,000 members of KEM, the incidence of crime continued to cause great concern. R.C. Catling, Commissioner of Police, made special mention of juvenile crime, in his annual report of 1955, as follows:

Juvenile crime was a major problem. Gangs comprising of children who had been separated from their parents as a result of the Emergency roamed the city up to the end of May 1955. They were responsible for theft of property from vehicles to the value of approximately £12,000 (Protectorate, 1955).

It was recognized that the removal of KEM youth merely made way for the immigration of non-KEM youth. By the end of 1956 the police reported that the homeless in Nairobi were no longer speaking kikuyu. It was increasingly also recognized that there were a number of really "detribalized" or landless Africans who could not be repatriated anywhere. Camps opened to accommodate child criminals together with other homeless and unclaimed children seemed to offer only a temporary solution to the problem. Juvenile crime levels dropped from June only to rise again in November and December 1955. This was because gangs of children escorted to the city boundaries melted into the illegal settlements on the outskirts of the town. As soon as was possible they sneaked back into the city and the African Affairs Department continued attributed "much of the crime in the city" to these children (Protectorate, 1956).

1955 saw the enactment of the Prevention of Cruelty to and Neglect of Children Ordinance. On the face of it, it seems as if kindness and care had led to the enactment. The title, however was misleading, influenced by a UNO comention. The City Council had complained about the 1934 Ordinance on the grounds that it did not make proper provision for the appointment of "authorized persons" empowered to execute the ordinance. Nor did it adequately provide for the creation of institutions to accommodate children arrested or convicted under the ordinance. The council was merely expressing its age old reluctance to having responsibility for African hoisted on them. The 1955 Ordinance was partially a response to these concerns and partly an enhancement of the anvil operations. Under

the new law, 2,662 Kikuyu juveniles were handled, 1,188 through a specially established Juvenile Court and 1,474 through repatriation orders meant to return them to relatives residing in the KEM reserves. In addition some 832 juveniles of non-KEM origin were repatriated to relatives in the respective reserves. The initial operation carried out in April 1955, involved some 2000 children all together. By end of 1955 an average of twenty children a day without parents or guardians and with no means of subsistence were being picked up daily. Realization dawned, finally, that some of these children were genuinely without older relatives in town or in the reserves (Protectorate, 1956).

Under the so called Protection of Children Ordinance, a facility, named Ujana Park was established at the Lang'ata Camp by a specially created Save the Children Fund Committee. The ordinance referred to destitute children variously as "child in need of care" and child in need of protection" Two Hundred juveniles were committed to Ujana Park under the Emergency (Welfare of Children) Regulations (Protectorate, 1956). The ostensible objective of the Committee was to ensure a more humane approach to the treatment of confined children, away from hardened criminals. But the atmosphere at the Ujana Park remained punitive, making it merely a children's jail.

By the early months of 1956 it was possible to begin relaxing some of the features of closer administration of African Locations though it was recognized that a permanent form was necessary. However, large numbers of juvenile immigrants continued to enter Nairobi illegally and destitute children continued to be blamed for a large proportion of crime in the city. In addition to the traditional catalogue of crimes like house breaking, begging, pick pocketing, theft (especially of car parts), assaults and use of drugs, indecent attacks on young girls of all races made its appearance. Some 3,547 Kikuyu children were repatriated to their home districts, in 1956 alone. The Report on the Incidence of Indigence among Africans in Nairobi clearly shows the great hardships of African life in the town. The authorities, nevertheless, still regarded destitution in all ages as a nuisance and the origin of crime in the city. Clearing the streets of destitute and sending them to live supposedly productive crime free lives in the reserves was still the main approach to solving the problem. This was despite the fact that the Report on the Incidence of Indigence among Africans in Nairobi recommended that special homes and institutions be established in the city for destitutes of all ages and that these centres be maintained at public expense. But this recommendation was never implemented. The City Council and central government engaged in another round of their age old struggle to shift financial responsibility on each other. The council refused even to accept responsibility for appointing or nominating an "authorized person" responsible for making arrests and bringing "offenders" before the magistrate's court established in Pumwani for the purpose. For its part of the African Affairs Departments'comment was as follows:

The Prevention of Cruelty to Children Ordinance passed early in the year is unsuited to the special and almost unmanageable proportions this problem has reached (Protectorate, 1957b).

Consequently, voluntary associations like the Child Welfare Society formed in 1955 and Christian missions and other religious organizations were encouraged to take up a large part of the burden, with the grudging help of grants in aid from both the City Council and central government. The 1957 Annual Report of the Commissioner of Police reported a decline in the levels of crime in the city, but he had to admit that the situation was far from satisfactory (Protectorate, 1957a).

By late 1957 partly because of the influence of new international humanitarianism, colonial authorities were being forced to recognize that the most effective solution to the problem of homeless, unsupervised children without means of support and therefore prone to criminal activity was free education for all children in the African locations. This was not a new idea. Jimmy Jeremiah had made the suggestion in 1949 and had been disregarded (Protectorate, 1950a). At the beginning of 1957 it was reported that the City Council ran 7 nursery schools for Africans. There was furthermore, a total of 16

grants aided schools run by various christen missions. Schools, especially new ones and extensions of old ones tended to be housed in temporary accommodation. The total enrolment was given as 3,694 boys and 1,452 girls. There were 113 teachers, 11 of them untrained. The quality even of the trained teaching staff was admitted to be below standard. Too often poorly qualified married women were posted to teach in city schools for the convenience of husbands, especially when qualified quality professionals could not be found (Protectorate, 1957b). So the idea of free education was quietly dropped.

Suggestions were then made that compulsory education for African children in Nairobi might be planned for 1959. But the administrative problems envisaged were legion. It was pointed out, for example, that a proper census was necessary to determine the real numbers that would need to be catered for. The old vexed question of who was responsible for the large number of Africans in illegal settlements just outside city borders raised its head. So also was the question of how to control "the influx and efflux of the African population throughout any year in Nairobi" (Protectorate, 1957b). It had always been argued that it was impossible to distinguish genuine Africans from "loafers" and that if services in the city were instituted for Africans in good faith, migrants from the reserves would abuse the trust and flock in to take advantage. It was also recognized that the perennial problem of seriously inadequate African housing of reasonable standard would first have to be solved. Attempts made in the past to tackle this problem had always served merely to reveal the enormity of the problem and fallen far short of the desired goal (Olumwulla, 1986). Finally and most importantly neither central government nor the City Council were willing to take the responsibility to shoulder the total cost, which was envisaged to be massive. It was thus argued that it would be necessary to impose a special cess on the Africans and to increase the school fees already charged (Protectorate, 1950a). Given the levels of poverty among Africans, in Nairobi, it was reconised that any such move would actually destroy the project before it even started (Protectorate, 1950a).

The lifting of the Emergency regulations in 1960 broke the floodgates of African immigration into Nairobi. At the same time the approaching independence made control of "undesirable Africans" politically incorrect, as a policy. Thus the eve of independence found the issue of homeless children unresolved and alarming (Amolo-Achola, 2006).

In the euphoria of the immediate post colonial period, the first independent Kenya government in 1966 abolished sections 176, 177, 178 and 179 of the Penal Code which criminalized wandering about the streets for the purpose of begging. The government also absorbed the Lady Northey Children's Home, formerly a European only institution for children with special needs, and turned it into an all races home for orphaned and disabled children. The 1969 Vagrancy Act, however, restated all of colonialism's issues with "undesirable persons". And the Lady Northey Children's Home abandoned its grand plans for destitute and handicapped children within the first decade of independence. Lack of sufficient funds, was given as the explanation.

References

Amolo-Achola, M. 2001. The Public Health Ordinance Policy of the Nairobi Municipality 1945 - 62. *Africans Historians and African Voices, Essays presented to Prof. Bethwell Allan Ogot by Prof. E. S. Atieno-Odhiambo(ed) 2001 P. Schlettuein Publishing, Switzerland*

Amolo-Achola, M. 2006. Youth, Poverty and Destitution in Nairobi: 1945-60 *Presented at a Conference on Youth: Past and Past Perspective; Organized by IFRA and British Institute in Eastern Africa in Nyeri, 28th – 30th June 2006*

Amolo Achola, M. 2001. the Public Health Ordinance Policy of the Nairobi Municipality 1945 - 62. *Africans Historians and African Voices, Essays presented to Prof. Bethwell Allan Ogot by Prof. E. S. Atieno-Odhiambo(ed) 2001 P. Schlettuein Publishing, Switzerland*

Kanogo, T. 2001. The Medicalization of Maternity in Colonial Kenya. *African*

Historians Basel, Switzerland : P. Schlettwein, 2001

Nier, A.C., and P. Ocobock. 2009. Cast Out, A history of Vagrancy and Homelessness in Global Perspective 2000. *Athens, Ohio University Press 2009. Also by Ocobock Joyrides for children*

Olumwulla, O. 1986. A History of Housing in Nairobi: 1900 - 1960: A study of Urban conditions and Colonial Policy. *MA Thesis, Unversity of Nairobi. Passim*

Protectorate, K.C.a. 1950a. Annual Report of Municipal African Affairs officer, 1950.

Protectorate, K.C.a. 1950b. Annual Reports of the Commissioner of Police

Protectorate, K.C.a. 1950c. Annual Reports of the Commissioner of Police, 1950, 1951, and others.

Protectorate, K.C.a. 1951. Annual Reports of the Commissioner of Police.

Protectorate, K.C.a. 1952. Annual Reports of the Commissioner of Police

Protectorate, K.C.a. 1953. Annual Reports of the Commissioner of Police.

Protectorate, K.C.a. 1954. Annual Reports of the Commissioner of Police.

Protectorate, K.C.a. 1955. Annual Reports of the Commissioner of Police.

Protectorate, K.C.a. 1956. Annual Reports of the Commissioner of Police.

Protectorate, K.C.a. 1957a. Annual Reports of the Commissioner of Police.

Protectorate, K.C.a. 1957b. Report of African Affairs Department, 1957.

Republic of Kenya, R. 1948,1954. Report of Commissioner of Police

Republic of Kenya, R. 1949. Report of the Commission of Enquiry on Bye Laws 208 and 212. In Government of Kenya Printer

Nairobi.

SOS. Street children in Kenya. *SOS Children's Village*

Throup, D. 1957. Economic and Social Origins of Mau Mau. *James Gurrey, London, 1957, Passim*

White, L. 1990. The Comforts of Home: Prostitution in Colonial Kenya. *University of Chicago Prets, Chicago, London*

Wikipedia. Definition of street child.

Zwanenberg, R.V. 1972. History and Theory of Urban Poverty in Nairobi; the problem of Slum Development. *Journal of Eastern African Research and Development G.S. Were & G. M. Mutiso (eds)* 2:177.

Development Ideals and Reality: Bridging the Kenya Gap Through Devolution

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Abstract Wondering like buffalos is M.A Ogutu's description of the Luo migration'. Discuss. Prof. E.S.A. Atieno Odhiambo set this as a term essay topic for his 1977 first year history class student. While this paper does not focus on the luo migration, it applies both a politico-economy and historical approach to interrogate how Kenya has pursued its development goals since independence and concludes that the term paper topic fits the history of Kenya's development since independence. The Kenya government set out three development ideals at independence: elimination of illiteracy, poverty and disease. However, these ideals are still to be fully realized. For over four decades, three regimes have attempted to translate these ideals with hardly any success. The path followed by the three regimes is not different from the buffalo description. This paper examines the major turning points the country has made to arrive at a new Constitutional dispensation which is expected to provide a foundation for eliminating illiteracy, poverty and disease, and consequently stopping the country from `wondering like a buffalo'. The paper begins by discussing the first turning point of party politics, highlighting the independence political parties, one party state to multi-partyism and effects on development. The second turning point is presidential politics, centralization of power, marginalization of citizens and effects on the management of public affairs. Evidence presented shows how the executive incrementally eroded powers of the legislature and judiciary and marginalized citizens. The third turning point is the struggle for the constitution and rebirth of a nation through the promulgation of Kenya Constitution 2010. The Constitution is pillared on the people of Kenya, with the ideal of participatory governance embedded in the mother statute. The statute is expected to bridge the gap between National government and County government - the latter is the locus of people of Kenya. The paper heavily relies on secondary information and development experience of the author, both in academic discourse and practical life as a Kenyan, who have lived through the four decades.

Key words: Ideals, Reality, Kenya, Devolution

Introduction

Development Ideals: Concept and Theory

Development across the world is about people, economy and how to improve economic development for the benefit of people. Once this threshold is achieved countries struggle to increase their Gross Domestic Product (GDP) in order to compete in raising the overall living standard of their citizens and by implication the entire economy. Countries, led by practitioners informed by different ideologies drawn from practice and research have used different approaches to understand society and address development challenges. Countries which draw from colonial history such as Kenya for decades viewed development challenges using the dependency theory arguing that colonial development distorted the path of development by siphoning resources outside the country living citizens marginalized. This theory could not be

sustained as decades passed, and development challenges remained resulting in new theories, including socialism and its welfare tents; capitalism and its liberal, and neoliberal tenets, and the current dominant theory of institutionalism, and its governance and capacity building for development tenets. While both socialism and capitalism had many decades of tension, with countries being on preferred side of the divide, the collapse of the Berlin wall and fragmentation of Soviet Union reduced the number of those pursuing the socialist approach. For the developing countries such as Kenya the focus shifted to institutions and governance, with countries concentrating on building institutions, improving leadership and ensuring economic growth. This is the situation Kenya finds itself as it remembers one of its best scholars who did not only write about these theories of development but lived and experienced economies based on these theories both at home and abroad.

Kenya's development has revolved around improving livelihoods and reducing illiteracy, disease and poverty which has marginalized majority of the population. In Kenyan context, marginalization of citizens refers to a deliberate attempt to exclude the physically and mentally challenged, religious minorities, linguistic and cultural minorities, racial minorities, women, children and youth from governance process (Oloo, 2007). Since independence politics of marginalization has revolved around a dual perspective, close to what Mamdani (1996) refers to as insiders and outsiders: African versus Europeans, Asians and others, Christians versus Muslims, Hindus and other minority religions, African customary law versus written law, agriculturalists versus nomadic pastoralist communities, unitary versus decentralized or federal state, the Kenyan government versus the Northern Frontier District, citizens versus special groups like women and persons with disabilities, big tribes versus small tribes (Ibid). The list is endless, but the divide irrespective to type is specific and with appropriate development framework can be the reduced and eventually closed. The closure of such divides is what scholars such as Prof. E.S.A Atieno-Odhiambo contributed to throughout his scholarly life. As we celebrate his life, it is appropriate to reflect on Kenya's development ideals during the period he lived using both a politico-economy and historical approach.

Party Politics and Development Plans

Understanding Kenya's development and livelihoods of citizens requires understanding of party politics, in particular the dynamics of one party state, multi-partyism, and the recent regulation of party politics which is still to be effectively implemented. Kenya attained independence in 1963 with a Constitution which provided for a multi- party state, with two dominant parties, the Kenya African National Union (KANU) and Kenya Africa Democratic Union (KADU) formed government and the opposition respectively (Oyugi, 2005). The Constitution provided for checks and balances between the three arms of government and the protection of fundamental human rights. The constitution further provided for a decentralized structure of government with each of the eight regions having its own government (Odhiambo-Mbai, 1996).

The constitution provided mechanisms to check executive power and safeguards to protect minority groups from majority group domination. However, one year after independence, Kenyatta made the first turning point, by moving quickly to consolidate his personal authority by creating a government of national unity. KANU government intimidated and enticed KADU MPs to cross over and join

the ruling party. The KANU- KADU meager catalyzed internal rivalry between the conservative group led by Jomo Kenyatta and radicals led by Oginga Odinga. Whereas Kenyatta wanted to maintain status quo, Odinga faction advocated for fundamental changes in the social, economic and political fields (Oyugi, 1994).

Development Plans

In an effort to define the policy framework, the government produced its first National Development Plan presented to Parliament on 10th June, 1964. The main objective of the **first National Development Plan** (Republic of Kenya, 1966) was to "achieve high and growing per capital incomes, equitably distributed resources so that all Kenyans are free from want, disease and exploitation, while at the same time ensuring and guaranteeing political equality, social justice, human dignity, and equal opportunities and enhancement of national savings (1964: vii). This objective was to be achieved through Africanization of industry, trade and banking (1964: x- xiii).

As the KANU government rolled out the Development Plan, the radicals accused KANU government of betraying the pledges which they had made to the masses before independence. Land policy, in particular, became a major bone of contention. Apart from advocating for free land distribution to the landless, they also advocated for free education and free medical facilities for the people. The disagreement between the radicals and the Kenyatta government continued and went beyond land, medical and educational issues. They also called for the government to honor the party pledge on the necessity of an East Africa Federation.

In the meantime, the government decided that factional struggle over the ideology of development should be settled. A policy document was authored in the Ministry of Economic Development and later presented to Parliament as *Sessional Paper No. 10 of 1965 on African Socialism and its Application to Planning in Kenya* (RoK, 1965). The paper had a number of objectives, including providing for individual freedom, freedom from want, disease, ignorance, and exploitation, expansion of the economy with equitable sharing in its benefits and integration of the national economy. In response to private ownership under capitalism which was becoming contentious with each party holding a different view, paper pointed out that, traditional African society did not exclude the private ownership of capital, but only required that capital be used in ways "consonant with the general welfare." The prime need for Kenya was rapid economic growth which could only be secured through large inflow of private foreign investment (Ibid). Given that private property must never be expropriated without full compensation, nationalization was seen as undesirable except in special circumstances.

The paper further noted that emergence of an "inequitable of wealth and of future class divisions as a result of growth would be prevented by the vigorous implementation of indigenous political economy". Foreign firms would be controlled so as to make them Africanize their management and make their shares available "to Africans who wish to buy them". Some of the "sensitive controls" which would secure social justice without interfering were specified in the document. They included, limitation on the size of individual holdings, marketing boards to be controlled in the interests of the consumer, highly progressive taxation, including a progressive capital gains tax and inheritance tax (Ibid). This policy paper was purely an ideological rationalization for capitalist

development in Kenya and only committed the government to "consider" those particular controls of which none was actually adopted. In spite of opposition from radicals, parliament approved it (Gertzel, 1970). Given the numerical reduction in number of radicals in parliament, a strategy was hatched to totally remove radicals from the government.

In March 1966, following KANU elections that saw radicals lose their position in the party, Oginga Odinga, Bildad Kaggia and Ochieng Oneko broke away from KANU and formed the Kenya People's Union (KPU). KPU drew its support from urban workers, trade unionists and students and advocated for socialist policies, as opposed to capitalist policies pursued by the ruling party, KANU. The defection from KANU led to the 1966 little general elections, an election where the radicals developed their first manifesto. KPU accused KANU's African Socialism as a "meaningless phrase", and more "cloak for the practice of total capitalism". Small-scale settlements had been brought to a halt by huge debts; while African large farmers were substituted for white ones (Odinga, 1967). The spirit of replacing European farms with large farm cooperatives was long forgotten and credit for land purchase had been withheld from cooperatives in favour of powerful individuals close to President Kenyatta.

KPU accused KANU government for promoting the development of a small privileged class of Africans. The rich were getting richer and the reverse was true for the poor. KPU proposed that land should be taken from the remaining non-Kenyan white settlers and given free to the landless, and that no African-owned land be expropriated. To KPU, what the peasants wanted was "private property with social justice. But in 1969 KPU was proscribed following disturbance at a function held in Kisumu, putting Kenya on an autocratic path which saw a number of constitutional provisions amended. Although party politics shrouded economic development during the first decade of independence, the country experienced a 6.6 per cent annual economic growth.

The year 1970 marked the beginning of the **Second Development Plan** for 1970- 1974 (Republic of Kenya, 1970) which to a large extent was similar to the first one, except for it emphasis on accelerated rate of economic growth and achievement of economic independence. The objectives of the plan were to be realized through Kenyanization of personnel programmes, increased trade with the rest of the world and transformation of rural economy (1970:9). The plan raised the target rate of growth for the economy from an average 6.3 per cent set in the previous plan to 6.7 per cent. In terms of political development, the Constitutional amendments made Kenya a *de facto state,* without opposition political parties. This vacuum created space for a cabal of politicians around the President. These politicians became Kenyatta's confidants, acquired substantial political powers to the extent of influencing policy direction (Barkan, 1994; Throup and Hornsby, 1998). With no political party competition, the parliament became a rubber stamp of the executive decision, with many Members of Parliament (MP) struggling to be close to the President who wielded massive powers.

When the country became *a de jure* one party state, the Presidential caucus built a kitchen cabinet, leaving only civil society organizations as the avenues for political expression. Ironically these organizations were ethno-regional based. The Gikuyu-Embu Meru Association (GEMA) comprised ethnic groups related to the Kikuyu, the Luo Union was formed for the Luo community and the Abaluhya Union was formed for the Luhya (Oyugi, 1992). Each of the

numerically large groups had a similar ethno-political associations formed ostensibly to articulate socio- political and economic concerns of its membership.

Apart from the political challenges based on party politics, the country experienced economic crunch occasioned by worldwide economic downfall during the second decade. As a result of global economic instability, the industrialized countries experienced high inflation rate whose net output was high imports prices to the developing countries. In 1974, the government launched **third National Development Plan** (1974-1978). The plan set to undertake rural development, creation of employment opportunities, more equitable distribution of income, better educational opportunities, and increased participation of the people among others. The *Harambee* spirit was embraced as a vehicle for enhancing participatory development with the government taking a greater role in directing the economy. In this model, the people would participate in such activities as building schools, setting development priorities and initiating business and farming ventures.

The end of the 1974/78 Development Plan coincided with the death of President Kenyatta in 1978. By this time Kenya's political landscape was undemocratic. The presidential power had no checks, the legal system under tight control of the executive, access to resources, both political and economic revolved around proximity to the Presidency (Nying'uro, 1997). This centralization affected the rate of economic growth which dropped from 6.6 per cent to an average of 5.2 per cent per annum. The anticipated target growth rate of 6.7 per cent was not attained, due to a number of factors including Kenya's dependent development ideology and lack of organized opposition parties which prevented expression of alternative development ideas.

Although the country had begun lapsing on its development focus, President Daniel Moi took power and promised to follow Kenyatta's footstep, an adage which required thorough interrogation considering what Kenya went through during the Moi regime. During Moi's first year of presidency, KANU government launched the **fourth National Development Plan** (Republic of Kenya, 1979). The theme of plan was poverty alleviation, which was basically getting back to the independence ideals which had not been achieved. The government planned to address poverty through measures such as improvement in government expenditures; efficient use of scarce resources; improvement in the tax structure; encouragement of foreign private investment in selected sectors; priority in the development of arid and semi- arid areas; promotion of agricultural exports and export-oriented industrialization, dispersion of industrial activity and promotion of the private sector through promotion of competition, reduction of restrictions and bottlenecks and increased efficiency in the government sector (1979:1-21).

In the face of all the above development strategies, Moi was busy consolidating state power at the expense of development. The regime gradually became retrogressive through parliamentary elections held in 1983. Critics and those perceived enemies of the regime were vilified. Moi used carrots to reward loyalty and stick to punish opponents. The same tactic was extended to all independent centers of power. Parliament became merely a rubber- stamp of the development policies crafted by powerful individuals in the executive, who had little interest in public good and the country's development. Thus, the early 1980s was characterized by political and economic decay and suppression of citizens.

Economically, the period saw budget deficits skyrocketing as the state over concentrated its expenditures on social welfare services, which were not equitably accessed across the nation. Accompanying social welfare was corrupt practices which rose sharply as a bloated civil service and senior elected officials became victims of patron- client networks. Barkan notes that "corruption on the part of Kenya's top political leader reached kleptocratic proportions that exacerbated government deficit." The economic decline, blamed on the state's mismanagement of the economy, accelerated the process of political decay as prominent personalities withdrew from KANU or begun to challenge the authority of the regime. The government reacted through a series of redistributive policies which recorded net effect of taxing farmers so as to subsidize social welfare services and infrastructure for population residing in rural areas (Barkan, 1994).

The structural adjustment loan extended by the World Bank in 1980 did not immediately improve economic growth was reflected in the 1982 attempted coup. The SAPs conditionalities targeted the overbearing role of the state in market and were administered in piece meals across various economic sectors. The Moi regime introduced the District-Focus for Rural Development (DFRD) strategy in 1983, in an attempt to rationalize inequalities in resource distribution by channeling funds to areas or districts. The DFRD program was based on development committee system. The government established a hierarchy of development committees at sub- location, location, division and district level. The provincial monitoring and evaluation committee (PMEC) was also established to oversee the operations of the lower committees. This was an attempt to delegate responsibility for planning and implementation to the development committees, particularly the District Development Committee (Alila and Omosa, 1996).

In 1984, the government launched **fifth National Development Plan** (Republic of Kenya, 1984). The theme was mobilization of domestic resources for equitable development, economic management for growth as well as agriculture and rural development. The plan acknowledged that the long term objectives of improving the well- being of the people had remained substantially unchanged since independence. It called for strategies to mobilize and efficiently utilize resources and encouraged public participation through the district focus policy, rationalization of government in parastatals, cost sharing, macroeconomics policies. Two years later, Moi insulated public participation by assuming the chairship of both the Public Service Commission (PSC) and Judicial Service Commission (JSC) which vetted and deployed field officers in various districts. This basically interfered with separation of powers, but since the institution of the Presidency had become so powerful with almost all arms of the government surging towards the institution, the joint chairship was not questioned. Meanwhile, the budget and balance of payments deficits soared.

A perusal shows that the public sector employment and public construction projects grew, however, it should be noted that they were sustained by development partners without the nation making substantive input, except resisting suggestions by the donor community to deregulate internal grain markets and privatize public enterprises (Barkan, 1994): 36. During the same year, the *Sessional Paper No. 1 of 1986 on Economic Management of Renewed Growth (Republic of Kenya, 1986)*was unveiled. It provided a foundation for SAPs with a main theme of improving agriculture and rural development. It acknowledged the need to provide a vision for economic and utilize macroeconomic

management framework in order to achieve renewed economic growth. The policy highlighted the government's firm commitment to implementation of SAPs.

The Sessional Paper set a target for economic growth at a rate of 5.6 per cent for GDP from 1984 to 2000, with an emphasis on accelerated employment creation especially in the private sector to ensure effective participation of Kenyans in economic development. It also provided guidelines for provision of basic needs for all Kenyans in order to cushion citizens from rising unemployment. To achieve its goals the paper proposed development of a mixed economy. The mixed economy was expected to encourage private sector to increase production as opposed to direct intervention and controls. However, decline in the share of Gross National Saving in GDP, investment in lower productivity areas, inflation of capital goods, and high protective barriers on import substitution were identified as the main challenges in the policy. In spite of this policy paper the country's economic performance continued to decline with an economic growth of 4.1 per cent during the period 1980-1985 (RoK, 1999). This showed that progress was not being made in spite of the policy instruments being put in place.

The development strategy outlined in Sessional Paper No. 1 of 1986 provided the basis for the theme of the **sixth National Development Plan** (Republic of Kenya, 1989) focusing on participation for progress. The plan recognized that the past five plans were sectoral and project-based as opposed to macro-based planning (1989: xviii). The principal objective was to achieve structural adjustment which would jumpstart economic growth, create jobs as well as instituting controls to ensure equitable distribution of economic outputs. The plan emphasized the need to address the potential in agriculture, the investment in environment, the efficiency of government's use of resources. Growth was expected to come from agriculture, a revitalized industry and small scale enterprises. Other areas of focus included: export- oriented industrialization, agriculture and tourism; cost-sharing in the provision of basic needs services; use of district focus of rural development to achieve regional balance in growth and in the provision of infrastructure and basic needs services', integrated approach to development programming; facilitation of greater role of private sector in the economy and macroeconomic stability (1989: xx).

Before the end of the sixth National Development Plan there were major political changes in Eastern Europe, the Middle East, Southern Africa and throughout the world. The wave of democratization was rapidly sweeping away authoritarian regimes. This external pressure coupled with domestic pressure compelled the government to introduce multi-partyism. The introduction of multi-party democracy in December 1991 by deletion of Section 2A of the Constitution was perhaps the most significant historical turning point since independence. However, the opposition in Kenya was not able to remove the incumbent President who won the 1992 elections, albeit the incumbent had began embracing changes in the context of prevailing democratic wave. The dramatic political changes, in conjunction with the reduction in the balance of payments support, resulted in considerable economic uncertainty and had a dampening effect on the economy. Real GDP growth declined from 4.3 per cent in 1990-1991 to 2.3 per cent in 1991-1992, deteriorating further to 0.5 per cent in 1992- 1993 and 0.2 per cent in 1993 - 1994 (RoK, 1999) as Kenya launched its Seventh National Development Plan.

The theme of the **seventh National Development Plan** (Republic of Kenya, 1994)

was Resource Mobilization for Sustainable Development. Its objective was restoration of economic growth and maintenance of sustainable development (1994: xxxiii). This was to be achieved through: continuation of structural adjustment; introduction of shorter planning period to enable government policy to be reviewed more frequently and facilitate more flexible response to changing events; promotion of private sector free from unnecessary constraints; stimulation of savings and investments, limiting direct government participation in many sectors; maintenance of macroeconomic stability; reduction of dependence on donor aid; industrialization and promotion of export sector and rationalization of regulatory framework (1994: xxxv).

The introduction of multi-partyism opened up political space resulting in many opposition political parties being formed. Forum for Restoration of Democracy (FORD) was the first major opposition party, followed by Democratic Party of Kenya (DP). Other smaller parties were: the Kenya Democratic Alliance (KENDA), Kenya National Congress (KNC), the Kenya Social Congress (KSC) and the Party for Independent Candidates of Kenya (PICK). FORD would later split into FORD- Asili and FORD- Kenya, initiating a behavior which has become the face of party politics in Kenya.

The split of FORD was not based on ideological and policy difference but more on personality differences and desire of various individuals to lead the party. Most of the political parties had no well outlined policies and ideology to sell to the general public as a blue print for development. More or less all parties shared similar policy objectives, and only differing in approach and emphasis. For instance, a number of parties addressed the excessive size of local administration and personalization of state institutions. While FORD-Kenya favoured disbanding of the Provincial Administration, DP emphasized the need to reform and improve the institution rather than abolition of the institution (Kanyinga, 2003).

Divisions along ethnic and class interests, personal idiosyncrasies and the composition of party leadership drifted opposition parties apart. The politics of independent Kenya was rooted in ethnicity, which was not new. There seems to be consensus among scholars that ethnic identities existed long before colonialism and subsequently independence. In his paper titled "Democracy and the ideology of order in Kenya, 1988- 1986" (Atieno Odhiambo, 1988) Prof. Atieno Odhiambo argues that both the state and the political class generally exploited ethnic identities to exacerbate ethnic divisions for political end. This had impact on economic development.

Ethnic politics and personality differences partly affected the synergy in opposition parties, and partly contributed to splitting the political parties. What initially appeared to be a united opposition to the ruling party ended up facing the general election of 1992 as separate entities. Consequently, the opposition lost to KANU, largely due to their fragmentation and KANU's advantage of incumbency. KANU used public resources to buy opposition MPs to support government agenda in parliament. In a span of less than three years, several MPs from FORD Asili defected to KANU. The defectors argued that they needed to be close to the government so as to gain access to development resources for their constituencies (Ibid).

The defeat of opposition parties in the 1992 elections led to the opposition designing different strategies for winning political power. The parties formed United National Democratic Party (UNDP). Between 1994 and 1995 the alliance faced internal differences over the

clamour for electoral and constitutional reforms. Many new parties were formed a head of the 1997 elections. Some of these were off shots of the mainstream opposition parties. Others were formed by individuals who disagreed with the leadership of their parties. Once again opposition political parties failed to unite ahead of 1997 general elections and subsequently lost to KANU. Moi and KANU won again with 41 per cent share of the votes while the opposition combined lost with 57 per cent.

In both 1992 and 1997 general elections Chweya (Chweya, 2003) observed that although opposition failed to remove KANU from power, important democratic changes were registered "a multi-party system was introduced, an independent electoral commission was established, the Provincial Administration was deprived of responsibility to manage elections, many authoritarian laws were amended or repealed, and the state began to respect many human rights and freedoms. These changes had began changing Kenya and improving development as reflected in the economic growth of 4.6 per cent in 1995 and 4.8 per cent in 1996 (Republic of Kenya, 1999).

In the middle of the changes, the government launched its **eight National Development Plan** (Republic of Kenya, 1997) in 1997. The theme of the plan was rapid industrialization for sustained development. Its objective was stabilization of economic reforms to spur economic growth and reduce unemployment and poverty (1997: iii). This would be achieved through private sector participation, mobilization of savings, nurturing of a responsive and efficient public sector. The plan was preceded by the Policy Framework Paper (1996- 1998), *Sessional Paper No. 2 of 1996 on Industrial Transformation to the year 2020*, and *Sessional Paper No. 1 of 1994 on Recovery and Sustainable Development to the year 2010*. Both Sessional Papers sought to address how sustainable economic growth and increased job creation would be achieved through a number of strategies including industrialization.

The Sessional Papers equally sought to establish a market-based incentive regime in which the overbearing hand of state in market logic would be curtailed. Unfortunately, this plan was constrained by KANU's defense tactics over political reforms from opposition parties. KANU government was determined to narrow democratic space. KANU directly unleashed terror to its opponents using militia groups such as *Mungiki*, *Jeshi la Mama*, *Jeshi la Mzee*, *Taliban* and *Baghdad Boys*. This retrogressive approach constricted the political and economic spaces, especially in urban areas. The militia groups terrorized and extracted resources from the public with impunity, and began nurturing a culture of militia for hire, especially within urban areas. In rural areas political violence displaced thousands of families (Asingo, 2003; Katumanga and Omosa, 2007). In some cases violence was a product of differences among political leaders using militia groups with an aim of destabilising communities and the entire country, largely for personal interest.

The **ninth National Development Plan** (2002-2008)(Republic of Kenya, 2002) with focus on Effective Management for Sustained Economic Growth and Poverty Reduction had an objective of enhancing growth and reducing poverty. This was to be achieved through participatory and consultative approach to development and district focus for rural development (RoK 2002:1). The plan incorporated the objectives specified in two other government documents, namely, the National Poverty Eradication Plan (1995- 2015) and the Poverty Reduction Strategy Paper (2001- 2004) which stipulated policies and operational priorities meant to achieve pro- poor economic growth and service delivery.

The 2002/08 plan was developed at the height of succession debate and politics. Contrary to KANU party members' imagination, Moi settled on Uhuru Kenyatta as his preferred successor. This was least expected since Uhuru was not a front runner. This resulted in a faction viewed as KANU rebel MPs led by Raila Odinga walking out of the party and joining opposition to form a united opposition under the umbrella party, National Rainbow Coalition (NARC) with Mwai Kibaki as the presidential candidate. Campaigning on the promise to give Kenyans constitution within 100 days in the office among other key campaign issues, NARC overwhelmingly trounced KANU at 2002 polls ending its four decade at the helm of power. Kibaki was sworn in the office on 30th December 2002 commencing his first term, the third President of Kenya.

The NARC government took over power with a lot of motivation for change. The government immediately implemented a universal free primary education system at the beginning of its reign in 2003. They also reviewed, and re-casted the eighth Development Plan by formulating the Economic Recovery for Wealth and Employment Creation Strategy (ERS) (2003-2007). The strategy was based on improved economic governance and economic empowerment of the people. The strategy focused on policy actions including, enhancement of economic growth, strengthening of institutions of governance, rehabilitation and expansion of physical infrastructure as well as investment in the human capital of the poor. The strategy further stated that "government strongly believes that recovery is primarily the result of improvement in the productive sectors of the economy including agriculture, tourism, trade and industry". Under the ERS, economic recovery began to be realized with poverty levels reducing from 56 per cent in 2002 to 46 per cent in 2006.

The new regime and availability of economic strategy triggered the government of Kenya in 2005 to welcome a proposal by the National Economic and Social Council (NESC) to prepare a long- term vision to guide development up to the year 2030. The vision aims at making Kenya `a globally competitive and prosperous country with a high quality of life by 2030.' It aims at transforming Kenya into "a newly industrializing, middle income country providing a high quality of life to all its citizens in a clean and secure environment." The vision also aims at creating a cohesive, equitable and just society based on democratic principles and issue-based politic grounded on Kenya's rich and diverse cultures and traditions. This long-term national planning strategy is anchored on economic, social and political pillars under which flagship projects and other priority programmes will be implemented. The foundations of these pillars are macroeconomic stability, continuity in governance reforms, enhanced equity and wealth creation opportunities for the poor. The vision also provides for infrastructure, energy, science, technology and innovation, land reform, human resources development and public sector reforms.

This review shows the various turning points Kenya embedded regular development of Development Plans, albeit muddled in party politics. Over the last five decades, Kenya has jumped from one development theme to the other, without concretely concluding any theme. The elimination of illiteracy, disease and poverty which were framed under the philosophy of African Socialism are still to be fully achieved. Other themes have included: rural development, economic management, participatory development, resource mobilization, stabilization programmes, industrialization and poverty reduction. Indeed, development agenda has oscillated around the demand for mixed

economy, participation of the people and focus on the significance of private sector in economic growth. This notwithstanding, economic growth has stagnated, unemployment has increased, and poverty status has almost remained stable or increased with the general infrastructure development also taking the status of poverty.

Political Parties

Political parties play a central role in liberal democracy, although they continue to face serious challenges in most African states. It is this challenge that has influenced the Economic Commission for Africa (ECA) to dedicate its Africa Governance Report 111 to a comprehensive anaylsis of political parties in Africa. In Kenya, Following multi-partyism, there was no legal provision to guide the formation of political parties (IED, 1997:179)(Democracy, 1997). Many parties were thus formed with a single motive of dislodging KANU from power. Majority of the parties had ethnic affiliations, loosely organized and lacked ideologies. Over time, leadership wrangles resulted into split of the main opposition political parties in the run up to 1992, 1997 general elections. The alliance building logic has not survived mistrust and lack of consultations leading to disintegration. The winning party or alliances have rewarded the party loyalists, ethnic kingpins and party financiers kickbacks from the constituted government.

Between 1992 and July, 2008 majority of the political parties drew their support from their ethnic base. Most of these parties were dominated by influential personalities who double up as founders and financiers. Most parties lacked registered membership, had weak organizational structures and were further weakened by rival parties. During election time parties often did not adhere to their constitution as manifested in the nomination certificates awarded to preferred candidates. The disintegration of NARC was blamed on the unwillingness by Kibaki to honour a Memorandum of Understanding (MoU) signed between Liberal Democratic Party (LDP) and National Alliance Party of Kenya (NAK).

The Political Parties Act, 2007 which became operational in July, 2008, provides guidelines on party processes, including formation and funding. The Act established the Political Parties Fund and enjoins the Minister for Finance to make provision for it annually. The funds are administered by the Office of Registrar of Political Parties. Section 28 - 30 of the Act limits the use of money for purposes compatible with democracy such as promoting active participation by individual citizen in political life, covering the election expenses of the political party and the broadcasting of the policies of political party, maintaining links between party and state organs, organizing civic education and electoral processes, and articulation of interest and shaping public opinion (Republic of Kenya, 2007). In addition, the Act provides for funding of elections to be sourced from membership fees, voluntary contribution, donations, but not from foreign governments, governmental, nongovernmental organizations or proceeds from investments where the party has interests. Furthermore, the Act prohibits aliens from contributing to political parties. The Act requires full disclosures as to the sources of funds and explicitly puts a ceiling of Ksh 5,000,000 for individual contributions except for founder members.

The Political Parties Act is further strengthened by the provisions in the new Constitution that require political parties to have democratically elected governing body. The Act prohibits formation of political party on religious, linguistic, racial, ethnic, gender or regional basis.

The current regulation of party politics is expected to instill discipline among political parties in order to effectively perform their role. In relation to development, political parties in developed democracies perform policy formulation. The ruling party and parties outside government provide a framework for development as enshrined in party manifestos, and struggle to pursue their activities within a philosophical stance.

Presidential Politics and Development

Presidential politics and centralization of power was a major characteristic of Kenya development until the 1990s when the wave of multi-party democracy, and related Structural Adjustment Programmes (SAPs) began sweeping the African continent when minimal gains were realized.

Upon the attainment of independence in 1963, Kenya adopted a parliamentary system of government. Under the independence constitution the executive powers were vested in the Queen and exercised by the Governor General. The head of government was the Prime Minister who was answerable to parliament. The same constitution also devolved state power to the regional units; Kenya was a quasi- federal state. In addition, it created a bi- cameral parliament comprising the Senate and the House of Representatives (Ojwang, 1990). The Senate was mandated to cater for regional interests in national legislation while the House of Representatives dealt with national policies. Between 1964 and 1970 the executive's power consolidation destroyed separation of power through several constitutional amendments. The federal structure of governance and bicameral legislature were abolished effectively undermining the power, authority, economic development and curtailing popular participation in governance by the people. The consolidation was completed by amending the constitution and making Kenya one-party state, resulting in centralization and personalization of political power in the presidency (Wanyande, 2003).

During Kenyatta's first three years in office, seven significant constitutional amendments were made, making Kenyatta enjoy tremendous authority. Most notable was the 1966, preventive detention Act, which allowed the president to detain individuals without recourse to courts in the interest of public security. Between 1964 and 1969, the constitution was amended 11 times distorting and radically changing the original independence constitution. The various centers of power were systematically eroded and vested in the presidency negating the concept of separation of powers, accountability and openness in the management of the affairs of the state (Odhiambo- Mbai, 2003). Under the one party framework, political competition was limited creating a vacuum that enabled the rulers and the ruled to establish mutually dependent links through patron -client relationships.

Change of regime at the death of the President did not change the trend. Moi declared that he will follow the foot steps – `*fuatanyayo*' of the late President, in spite of the fact that systems were collapsing as the late President consolidate power. As Moi assumed the Presidency in 1978, after the death of Mzee Kenyatta, he used two strategies to consolidated power during his first few years in the office. He gradually reduced the influence of the Kikuyus in the state and created room for his own loyal constituency consisting predominantly of the Kalenjin, Maasai, Turkana, Samburu (KAMATUSA) communities. These Communities became the bedrock of the regime, over time and later support was extended to include Abaluhya of the western province and the Mijikenda of the Coast province (Anyang'-Nyong'o, 1989). In 1982, shortly before an aborted coup, Moi intensified his efforts to

consolidate power by passing a constitutional amendment that outlawed political opposition.

Moi's second strategy came in the 1980s when he was able to enact a number of institutional and constitutional amendments that eroded the independence of the judiciary. Changes in the electoral code respectively undermined the semi-competitive nature of elections. The creation of a Kalenjin based state increased the level of discontent among the Kikuyu population. Their responses came in the form of political protests, resulting in threat and uncertainty of political instability (Ibid). In 1988 through an amendment to section 62 of the constitution, the security of tenure for judges and the Attorney General was removed. These changes reflected the continued trend of constitutional decay and a substantial corruption of the principles of legality and constitutionalism (Ojwang, 1990).

The over concentration of power in the presidency continued to shape Kenya politics even after introduction of multi-partyism as ethnic based political parties competed with one another in a bide to capture the presidency. One of the consequences of the centralization of power in the presidency has been a widespread perception of alienation of citizens, many of whom feel marginalized, neglected and discriminated against. Such groups included smaller communities such as the Nubian, Sengwer, the Ogiek, the Elmolo, the Sakweri and the Illchamus; women, children, the youth, the aged, the disabled and religious minorities. These groups have been largely underrepresented in public institutions due to lack of institutional framework for safeguarding their rights. Women in particular have faced gender-role stereotypes, male resistance to women's participation and political structures that prevent them from political participation. The marginalization of citizens took place despite entrenchment of provisions to safeguard these groups in the old Constitution. The constitutional review process was characterized by individual minority groups pushing for certain provisions in the constitution that would assure them of their interest.

In 2001, the Kenya government adopted the Charter for Social Integration. The Charter recognizes the need for equality and non discrimination on the basis of gender, disability, children, youth, squatters, and prisoners. The Charter enjoins the state to take affirmative action in respect of the past marginalization. In the same year the government enacted Children's Act 2001 and later on enacted the Disability Act, 2002, National Youth Policy Act, and Sexual Offence Act. These reforms have been further consolidated in the Kenya Constitution 2010 which is a land mark to the marginalized groups (Republic of Kenya, 2010).

The Struggle for Constitutional Change

The clamour for constitutional change was ushered by the late 1980/1990 wave of democratic reforms which resulted in the introduction of multi-partyism. In Kenya this led to the repeal of Section 2A of the Constitution to introduce multi-party politics. Section 9 subsections (1) and (2) were introduced into the Constitution limiting the presidential tenure to two five- year terms in office (Maupeu et al., 2005). Although multi-partyism was restored, little reforms were made to grant free and fair competitive politics. The constitutional amendment number 6 of 1992 not only enjoined the winning presidential candidate to obtain the highest number of votes but also to garner at least 25 per cent of the vote in five of the eight provinces (Democracy, 1997). Other minimal reforms in the nomination and election procedures were considered, security of tenure for serving judges, Attorney General and Controller and Auditor General was restored. In

spite of these changes, the opposition faced the general election of 1992 as a divided house along ethnic affiliations and personal interests. KANU emerged victorious and Moi was sworn in to begin his first term in the office as required by the Constitution.

Dismal performance by opposition parties in the general election of 1992 influenced the agitation for electoral and constitutional reforms. The period between 1993 and 1996 was marked by a love-hate relationship between civil society organizations and political parties. Underlying this ambivalent relationship was disagreement over modalities of initiating constitutional reforms given that president Moi was serving his first term in the office, under the reforms. While one group called for comprehensive constitutional reforms another group opposed to the idea saw it necessary to initiate reform process once Moi was out of power (Mutua, 2009).

By May 1997, concerted effort had been made to unite the opposition political parties and CSOs under the banner of National Convention Executive Council (NCEC). This was a major milestone as all the actors agreed on the need to engage in civil disobedience aimed at compelling KANU government to kick start the much awaited constitutional reforms. But opposition political parties abandon the CSOs effort and extended a hand to KANU government, resulting in the conceptualization of the Inter-Parties Parliamentary Group (IPPG).

The IPPG agreed to implement minimum constitutional reforms before general elections of 1997. These included "the independence of the electoral commission, repeal of a number of restrictive civil and political rights, including freedoms of association and expression, the annulment of the offence of sedition, which had been used extensively for a number of years to arrest and imprison citizens who agitated for reforms" (Cottreli and Ghai, 2007).

The IPPG agreed to amend the constitution to declare Kenya a multiparty democratic state, to allow a coalition government, to expand membership at the electoral commission with appointment done in consultation with the opposition political parties, to have the nominated members of parliament appointed in accordance with numerical strength in the parliament (Oyugi, 2003). As part of the IPPG, the Attorney General published a bill seeking to establish a commission to review the constitution. Parliament enacted the Constitution of Kenya Review Commission Act, 1997 establishing a commission which collected views from Kenyans on the proposals to amend the constitution and submitted the same to the parliament. With no further doubts as to whether KANU would implement the minimum reforms and provide ground for comprehensive constitutional review process, opposition political parties exuded confidence in participating in the general elections of 1997. As provided in the Constitution, Moi was sworn in to serve his final and last term in the office and was instrumental in the pending constitutional review process.

In June 1998 IPPC was formed. The forum was mandated to come up with modalities on constitutional reforms. This culminated into a stakeholders' conference at Safari Park to brainstorm on the norms, institutions and processes for the constitutional reforms (Mutua, 2009). Consensus was arrived to amend the Constitution of Kenya Review Act, key among them making the composition of the Constitution of Kenya Review Commission (CKRC) more inclusive and allowing for public participation. However this was short lived, opposition political parties and KANU failed to balance the equation of arriving at 13 seats from

parliamentary parties out of the proposed 25 commissioners (Cottreli and Ghai, 2007).

Convinced that Moi lacked political will to lead the constitutional reform process, the CSOs and religious organizations later on in December 1999 formed the Ufungamano Initiative. The Ufungamano Initiative established a People's Commission of Kenya (PCK) to conduct a people driven constitutional review process and submit a draft constitution. Similarly, KANU and NDP established the Parliamentary Select Committee (PSC) on Constitutional Review to gather views from Kenyans and suggest changes to the Constitution of Kenya Review Act. The PSC's recommendations were adopted by KANU- NDP dominated parliament and Professor Yash Pal Ghai was appointed chairman of the CKRC. The Ufungamano Initiative on the other hand, appointed the late Dr. Ooki Ombaka as the chairman. Prof. Ghai was disturbed by the rift that was inevitable in the review process.

In a bid to attain legitimacy, Ghai sought to reconcile both initiates, an achievement he accomplished in March 2001. Further amendments were made to the Review Act which saw 10 members from People's Commission and 2 from government- sponsored parties added to the original 15. It is important to note that the review was conducted under the 2000 Review Act as amended in 2001. Parliament ratified the Constitution of Kenya Review Act that facilitated the process of collecting views from Kenyans before drafting the constitution. This constitutional review process was started by CKRC appointed by the president on the nomination of parliament. It was intended to be "independent and expert body while reflecting the diversities of the country". It was mandated to conduct civil education to the citizenry and prepare a draft constitution for deliberation at a National Constitutional Conference (NCC). The NCC had a total of 629 representatives as follow: All MPs, 3 delegates elected from each district, 42 representatives of political parties and 125 representatives of religious, women's and youth groups, the disabled, trade unions and NGOs.

NCC was supposed to debate, amend where necessary and endorse the draft presented by CKRC. Additionally, there was the National Assembly (NA) to enact changes made in the draft constitution with assistance from the PSC on the Constitution. All the rules for adoption and amendments were agreed upon by the CKRC and PSC. The CKRC published its report and the draft constitution in September 2002. President Moi dissolved Parliament ahead of the scheduled inaugural meeting of the NCC on 27 October 2002. This move derailed the constitutional review process. By this time opposition had united into a formidable force under the umbrella party, National Rainbow Coalition (NARC) with Kibaki as the presidential candidate. campaigned on the promise of giving Kenyans a new constitution within 100 days in the office. NARC overwhelmingly trounced KANU in the general elections of 2002.

Kibaki was sworn in the office on 30th December 2002 commencing his first term in office. To many Kenyans 100 days meant that the new government was expected to deliver the new constitution before the end of April, 2003. Yet it was on 28th April, 2003 that the government actually convened the NCC at Bomas. At this point it is important to recall that NARC government approached the conference as a divided house over the alleged failure to honour MoU between LDP and NAK. LDP felt that it had been short changed over 50-50 power sharing basis and creation of the posts of Prime Minister and, two deputies and deputy vice president. At the conference the LDP and NAK

took sides and turned Bomas into a battle ground for supremacy. Driven by the political succession, Mutua notes that `both factions assumed that whichever group managed to get the conference to adopt its positions would control the post- Moi state.'

The new and old struggles became evident, centered on the membership of the CKRC, PSC and NCC. In yet another struggle on how to control the three institutions, political entrepreneurs sought to protect their backyards and vested interests. The constitutional review process was weakened by class, gender, sectarian, ethnic and ideological differences. In the end the national conference adopted a final draft constitution which provided for a powerful prime minister and relatively weak president. A day before Bomas endorsed the draft constitution; through an application filed earlier, the court granted an injunction barring the Attorney General from publishing the draft constitution. And in a yet another suit, the court declared Bomas process an improper body for constitution making and prevented parliament from enacting the draft constitution. The court did not nullify the draft constitution but ordered that the draft be subjected to a national referendum. Each side of political divide reacted differently to the judicial ruling and its implication on the political calculations. For Kibaki and his henchmen, it was a reprieve to the leadership and an opportunity to reconsider next move. To regain position in the parliamentary debate, Kibaki reached out to friendly MPs in KANU, Ford People and Safina and formed a grand coalition government with a bloated cabinet (Mutua, 2009).

The hopes for new constitution did not fade away, in a bid to implement the court rulings the parliament resuscitated the constitutional review process through the enactment of Consensus Review Law. At this time parliament played a critical role in deciding what would be changed in the Bomas draft. Eventually, when the PSC was constituted the government side prevailed when it backed Paul Muite for chairman's position. Changes were made in the Bomas draft and subsequently the Attorney General published the Bill. The Wako draft was subjected to the referendum in 2005 with the contentious issues revolving around Kadhi courts, devolution, transitional arrangements and the structure of the executive which remained unsolved. Those who supported the document argued that it was the best document that checked the executive power, entrenched clauses on devolution, independent judiciary and safeguarding the rights of all Kenyans.

The draft Bill was rejected by a vote of 57 per cent to 42 per cent. Makau observes that President Kibaki's defeat can be interpreted on a number of factors, ''including his hands-off style, corruption scandals, power struggles within NARC, a protest against perceived Kikuyu hegemony and the government's failure to formulate an inclusive and consultative constitutional review process. On their part, Cottrell and Ghai contend that the failure to deliver the constitution between 200- 2005 can be attributed to the relationship between the state and civil society. To these scholars "although civil society with much popular support, was prominent in pushing for change, when the official constitutional review process began, the vested interests of the government and even of those trusted with the review frustrated a quick outcome, and especially any outcome that meant curtailing the powers of government" (Cottreli and Ghai, 2007).

As the Constitutional process unfolded with several challenges, a team of scholars had devoted their attention to the study of ethnicity in Kenya and its influence on the country's socio-economic and political organization. One

of these scholars was Prof. Atieno Odhiambo who discussed the hegemonic strategies of the Kenyan leadership by juxtaposing Kenyatta (representing the Kikuyu) and Oginga Odinga (representing the Luo and by the extension progressive political forces in Kenya). Atieno Odhiambo highlights how political elites instrumentalized ethnic ideology in any political struggle whose net output has been frustration of reforms agenda and underdevelopment in general.

The defeat of the Wako draft did not end the struggle for constitution change. In a renewed effort Kibaki appointed the Committee of Eminent Persons headed by a retired diplomat to advise the government on how to jump start the constitutional review process. Preparations for the next general elections were gaining momentum and hopes for a new constitution were becoming dimmer. The opposition leaders resorted to calls for minimum reforms to level the playing field before 2007 elections. The Muite led parliamentary committee sought to entrench the review in the constitution by providing for a referendum, enhance the independence of the Electoral Commission of Kenya (ECK), provide for judicial independence, entrench affirmative action in the constitution, require that the winning presidential candidate garner 50 per cent plus one of the votes cast in addition to at least 25 per cent of the vote in at least in five of the eight provinces, increase parliamentary independence and authority, prohibit opposition MPs from joining the government without authority of their party, holders of constitutional offices be vetted by Parliament, provide for dual citizenship and set up a committee to oversee the distribution of national resources. Although the last three reform items were not adopted in May, 2007 Kibaki dissolved the 9th parliament before they were enacted.

The 2007 general elections whose outcome was disputed were hotly contested between the incumbent president Kibaki of Party of National Unity (PNU) and Raila of Orange Democratic Party (ODM). Kibaki was sworn on 30th December at State House effectively beginning his second and final controversial term in the office as required by the constitution. The disputed presidential results led to political violence of unprecedented magnitude. The violence took an ethnic dimension and almost pushed Kenya to the Rwanda's 1984 situation, an experience that continues to affect the country as key politicians await trial by the International Criminal Court (ICC).

2007 Post Election Violence

No sooner had the defunct Electoral Commission of Kenya (ECK) announced election results than violence erupted in Nairobi, the Rift Valley, the Coast, Western and Nyanza provinces- regions where the opposition had huge support. In the Rift Valley, Western and Nyanza provinces, about half a million members of the Kikuyu ethnic community were displaced from their homes. Members of Kisii ethnic community perceived to have voted in favour of Kibaki were also targeted. Kikuyu families were evicted mostly by Kalenjin who assumed control and some instance baptized theme with local Kalenjin names to conceal their Kikuyu identity (Kanyinga, 2009).

According to the Commission of Inquiry into Post Election Violence (CIPEV) herein called Waki Report, post- election violence had several patterns. First it was spontaneous and it took the form of protest in respond to the alleged rigged presidential results. The first form of violence was public concern on truth about election. Second pattern of violence involved state's security agents to calm protestors in ODM

strongholds. The third form of violence politicians and business people allegedly to have planned and enlisted criminal gangs to execute violence. This form of violence took ethnic dimension such that in Rift Valley, Kikuyu and Kisii were targeted for expulsion from the region (RoK, 2008). Kikuyu and Kisii voted for Kibaki yet they were settled in the Kalenjin's territorial sphere. Fourth pattern of violence took the form of revenge attacks organized by the Kikuyu to expel the Kalenjin, the Luo and the Luhya from their rented premises in Nairobi, Naivasha and Nakuru. Finally, there was violence that took a class connotation. Key actors were groups of youth financially supported by their ethnic barons and businessmen.

By the end of the crisis, no less than 350,000 Kenyans had been internally displaced. Over 1,100 had died, many women raped, and about 3,560 suffered serious injuries. The political violence halted after the signing of the National Peace Accord and specifically the signing of the "Agreement on the Principles of Partnership of the Coalition Government" on 28 February 2008 under the mediation of the African Union Panel of Eminent African Personalities chaired by former UN secretary-general Kofi Annan. The political settlement was later enacted by parliament as an amendment to the Kenyan Constitution as the Constitution of Kenya (Amendment) Act 2008, and as the National Accord and Reconciliation Act, 2008 (Kanyinga and Okello, 2010). The National Accord established a framework for power sharing so as to resolve the post election violence. The framework was based on the overall goal of the National Accord: *Achievement of sustainable peace, stability, and justice in Kenya through the rule of law and respect for human rights.* To actualize this goal the mediation framework identified four central agenda points.

On the agenda item of the agreements was the immediate action to stop violence and restore fundamental rights and liberties. The second agenda was the need to install measures to address the humanitarian crisis, promote reconciliation, healing and restoration. The third agenda was on how to overcome the political crisis at the moment and finally agenda four provided for a framework on the solution of long-term issues including constitutional and institutional reforms, land reforms, poverty and inequalities, youth unemployment, national cohesion and transparency and accountability.

The KNDR process prioritized constitutional review and institutional reforms. The framework also established several institutional arrangements to address various aspects of the political crisis. These included: An Independent Review Commission on the General Elections held in Kenya on December 27, 2007 (IREC), a Commission of Inquiry into the Post- Election Violence (CIPEV) and establishment of a Truth, Justice and Reconciliation Commission (TJRC) to address matters incidental to the settlement. TJRC was mandated to inquire into human rights violations, including those committed by the state, groups or individuals. Another institution created was National Cohesion and Integration Commission (NCIC) to respond to the post election and forestall lasting peace, sustainable development and harmonious co-existence among Kenyans.

In tandem with Agenda item four and recommendations from IREC, the Electoral Commission of Kenya was disbanded and Interim Independent Electoral Commission (IIEC) and Interim Independent Boundaries Review Commission (IIBRC). The IIEC was set up with the aim of reforming the electoral process and to restore people's confidence in the country's electoral system while IIBRC was mandated to recommend to parliament on the delimitation of constituencies and local authority electoral units and the optimal number of

constituencies on the basis of equality of votes. In terms of performance, TJRC lost its credibility over the leadership row, NCIC has tried to curb hate speech mongers and conducted advocacy on national cohesion. IIEC has conducted several by elections, instituted a new voters registers and carried out a successful referendum while IIBRC on its part has recommended creation of addition 80 constituencies. The mediation process provided a window of opportunity for jumpstarting constitutional review process that gave birth to Kenya Constitution 2010 on the 4th August 2010.

Rebirth of a Nation

With the return of multipartyism in 1992, the long journey to new constitution began when the opposition political parties and civil society organizations (CSOs) advocated for constitutional reforms. Essentially this aimed at trimming the power of executive in relations to judiciary and legislature. A window of opportunity for comprehensive constitutional review was presented following the signing of National Accord in February, 2008. On August 4, 2010, Kenyans went to a referendum and voted to adopt a new Constitution to replace one that had been negotiated at independence from the British in 1963, and over the years was mutilated through amendments to suit the executive and those surrounding the office. The Kenya Constitution 2010 establishes the framework for the restoration of constitutional democracy in Kenya. It provides for inclusive citizenship through the new devolved system of government, reduced presidential powers and separations of powers between the three arms of the government. Articles 6 and Chapter eleven of the Constitution provides provisions for devolved government.

The devolution of power debate preceded the existence of independence Kenya, dating back to the constitutional talks at the Lancaster Conference. At independence, Kenya was a constitutionally devolved state. Significant power was devolved to regions and entrenched in the Constitution. Regions enjoyed certain tax and financial power and had both legislative and executive authorities. Regional government dealing with the National government were deeply entrenched in the Constitution and Kenyans had a right to live and settle anywhere in the country; discrimation was expressly prohibited. This local brand of devolution was popularly referred to as *majimbo*, a form of semi-federalism (Odhiambo-Mbai, 1996). Devolution was subsequently abolished through persistent constitutional amendment, between 1964 and 1969, to create a unitary state.

During the course of the constitutional review debate in Kenya, opinion was unanimous that there was need for decentralization of the powers of government. However, the socio- economic and political history, and the current events at various constitutional moments made the consensus on the mode of decentralization of power difficult. In a culmination of more than 20 years of constitutional debate, and a delicate negotiation of the Draft Constitution, the Constitution 2010 was promulgated on 27th August 2010.

The new Constitution, under Article 6 and 176, establish a system of devolved government consisting of county government. Article 174 of the constitution of Kenya 2010 provides objects of the devolved government: Promotion of democratic and accountable exercise of power. This would ensure accountability of the government and its officials. Previously appointment of leaders at district and provincial level was done by the central government. The county government will be given the opporunity

to appoint its own leaders and manage its own affairs with minmal monitoring.

Devolved government seeks to foster national unity by recognising diversity. The purpose of this is to bring Kenya together in national cohesion and appreciation of a common national culture. Kenyan hospitality may just be an example of this kind of common national culture. This is expected to make residents of counties feel belonging with opportunities to contribute to local development. The provision gives powers of self-governance to the people and enhances the participation of the people in the exercise of the powers of the state and in making decisions affecting them. Provisions such as the requirement that Assemblies whether at County or National level have to conduct their businesses in an open manner are intended to facilitate participation by the public in the legislature and other public affairs (Article 196 (1)). This is portrayed in several articles throughout the Constitution including the Preamble, Chapter Four; Bill of Rights, Chapter Ten among others.

It equally provides for protection and promotion of the interests and rights of minorities and marginalised communities. Voices and articulation of the interests of relatively small communitites such as the Elmollo,Ogiek, Nubian, Sengwer, Sakweri and Illchamus are provided for at county government level. Article 177(c) provides for the number of members of marginalized groups, including persons with disabilities and the youth as prescribed by an Act of Parliament. It takes into account marginalised communities which previuosly had not been recognised.

Devolved system of governemnt further provides for promotion of social and economic development and the provision of easily accessible services throughout Kenya. Every county will have some resource base in line with the functions provided by the Constitution, and is expected to ensure equitable sharing of national and local resources. For every fiancial year, the equitable share of the revenue raised nationally that is allocated to county governemnt shall be not less than fifteen per cent of all revenue collected by the national governement. In addition, an equalization fund geared towards bringing up counties that are underdeveloped compared to others is provided. This will empower and boost deelopment in counties which had previously performed poorly due to several factors including marginalisation.

Overall the deolved system is expected to facilitate the decentralisation of state organs, their functions and services, from the capital to the counties and ensure the principle of further decentralization. This implies that the functions by the county governments will be cascaded downwards to enhance efficiency and effective service delivery. The sub-counties and wards offices will improve service delivery by engaging local people through participatory governance embedded in county law through coordination, planning and management. The system will further enhance checks and balances and the separation of powers; improve accountability at the local level since each country shall have its own executive, legislature, and civil services. The local legislature will ensure check and balance at the county level, with officials being accountable to the local people, their own county executive and legislature. However, the county governments will not have judicial powers, although the county assembly will make laws related to counties in line with the Constitution.

Pertaining to the relationship between national and county government it is germane to underscore the fact that the devolution provides for shared governance in which the emphasis on a unitary state does not quite bring out the

unique governance system that Kenya has adopted. The relationship between the national government and county government is informed by the notion of "cooperative government" according to which each level of government is supposed to respect the other level in a consultative and supportive manner. Article 189 (a) provides for the establishment of joint committees to give effect to relationship. So far laws informed by the work of a Task Force on Devolved Government have been enacted while others are awaiting enactment to operationalize this unique governance model. One of the laws provides for intergovernmental relations, including establishment of forums which ensure cooperative and consultative governance.

In considering Constitutional Commisions and Independent Offices, the primary conecrn is how to manage the establishment of these commissions and offices and ensure that their functions are fulfilled. Most of these commisions and commitees have been formed including, the Commision on the Implemenation of the Constitution (CIC), Commision on Revenue Allocation (CRA) Judicial Service Commision (JSC) Constitutional Implementation Oversight Committee (CIOC), Kenya National Human Rights and Equality Commision, Independnet Electoral and Boundaries Commision. The National Land Commission, Salaries and Remuneration Commission and National Police Service Commision are yet to be constituted. The appointment of commissions and constitutional offices has attarcated public interest and debate. This is a clear indication of Kenyans begining to engage with public issues as provided in the Constitution. The manner in which public turned down president's nominees for the Chief Justice, Director of Public Presecution annd Attorney General arguing that that was unconstitutional are a clear demonstration of this engagement.

Conclusion

Kenya has gone through various phases of development and governenace and the new Constitution is a paradigm shift from centralized to devolved governmnet. A critical examination of the provisions of devolution reveal that the provision could remain ideals unless there is democratic culture in the body politics. The objectives of devolution provide a basis for evaluating the performance and behaviour of those who will be charged with implementation of the new constitution. The operationalization of the new design is already grappling with issues relating to inter-governmental relations at the local level, in particular how to handle the Provincial Administration during the transition period; management of finances; design of public services at the county level in a manner that will attract and retain skilled staff, how to harmonize the working relationship between the county government and central government depratments/services. Although some of these issues already have legal provisions to govern their management; the fact that there is no transition authority as recommended by the Task Force on Development Government to act on behalf of the counties, is a major gap. Putting the authority in place will provide a mechanism for managing the challenges challenges which during initial period of implementation. This stage does not only require policy makers and practitioners, but great thinkers and researchers to support the process. The process should be laced with the current realities of Kenya and Africa as argued by Prof. Atieno Odhiambo, a scholar and a nationalist who will be greatly missed as Kenya implement devolution, with an ultimate goal of bridging the gap between ideals and realities.

References

Alila, P. and Omosa, M. (1996) Rural Development Policies in Kenya. in Ng'ethe, N and Owino, W From Sessional Paper No.10 to Structural adjustment Towards Indigenizing the Policy Debate .Nairobi: Institute of Policy Analysis and Research (IPAR)Sessional Paper

Anyang'-Nyong'o, P. (1989) State and Society in Kenya: The Disintegration of the Nationalist Colaition and Rise of Presidential Authority in Kenya, 1963-78. African Affairs 88, 229-251.

Asingo, P. (2003) The Political Economy of Transition in Kenya. Oyugi, W. Wanyande, P., Mbai, C. The Politics of Transition in Kenya From KANU To NARC, Heinrich Boll Foundation: Nairobi

Atieno Odhiambo, E.S. (1988) Democacry and the ideology of order in Kenya, 1986-1988. Walter O. Oyugi, E.S Atieno-Odhiambo, Michael Chege & Afrifa Gitonga (1988) Democartic Theory and Practice in Africa, Heinemann Educational Publishers, Portmouth

Barkan, J. (1994) Beyond Capitalism Vis Socialism in Kenya & Tanzania. East African Educational Publisher: Nairobi.

Chweya, L. (2003) Resources and Political Transition. Wanyande, P., Omosa, M., Chweya, L. Governance and Transition Politics in Kenya. University of Nairobi Press: Nairobi.

Cottreli, J. and Ghai, Y. (2007) Constitution Making and Democratization in Kenya (2000-2005). Democratization 14, 1-25.

Democracy, I.f.E.i. (1997) National Elections Data Book, Kenya: 1963- 1997. IED: Nairobi.

Gertzel, C. (1970) Government and Politics of Independent Kenya 1963-1968. Heinemann Education Books.

Kanyinga, K. (2009) The Legacy of the White Highlands: Land rights, ethnicity and the Post- 2007 election violence in Kenya. Journal of Contemporary African Studies 27, 325-344.

Kanyinga, K. and Okello, D. (2010) Tensions and Reversals in Democratic: The Kenya 2007 General Elections. Society for International Development and Institutes for Development Studies, University of Nairobi.

Katumanga, M. and Omosa, M. (2007) Leadership and Governance in Kenya. Wanyande, P Omosa, M & Chweya, L. Governance and Transition Politics in Kenya .University of Nairobi Press.

Maupeu, H., Katumanga, M. and Mitullah, W.V. (2005) The Moi Succession Elections. Transafrica Press: Nairobi

Mutua, M. (2009) Kenya's Quest for Democracy: Taming Leviathan. Fountain Publisher: Kampala.

Nying'uro, P. (1997) The External Sources of Kenya's Democratization Process Journal of Political Science 25.

Odhiambo- Mbai, C. (2003) The Rise and Fall of the Autocratic State in Kenya. Oyugi, W., Wanyande, P., OdhiamboMbai (eds) The Politics of Transition in Kenya: From KANU to NARC. Heinrich Boll Foundation: Nairobi.

Odhiambo-Mbai, C. (1996) The Nature of Public-Making in Kenya: 1993-1996. Ng'ethe, N., Owino, W. From Sessional Paper No.10 to Structural adjustment Towards Indigenizing the Policy Debate .Nairobi: Institute of Policy Analysis and Research (IPAR) 10.

Odinga, O. (1967) Not Yet Uhuru. Heinemann Educational Books, London.

Ojwang, J.B. (1990) Constitutional Development in Kenya: Institutional Adaptation and Social Change Acts Press: Nairobi.

Oloo, A. (2007) Minority Rights and Transition Politics. Wanyande, P. Omosa, M. Ludeki, C. (eds) Governance and Transition Politics in Kenya. University of Nairobi: Nairobi.

Oyugi, W.O. (1994) The Uneasy Alliance: Party State Relations in Kenya. Walter Oyugi (ed) Politics and Administration in East Africa. East African Educational Publisher Ltd: Nairobi.

Oyugi, W.O. (2003) The Politics of Transition in Kenya, 1992- 2003: Democratic Consolidation or Deconsolidation.

Oyugi, W., Wanyande, P., Odhiambo Mbai (eds). The Politics of Transition in Kenya: From KANU to NARC. Heinrich Boll Foundation: Nairobi.

Oyugi, W.O. (2005) Ethnicity and Democratization in Africa. Journal of Contemporary African Studies 10, 125-166.

Republic of Kenya. (2010) The Constitution of Kenya, 2010. Nairobi: Government Printer.

Republic of Kenya, R. (1966) Development Plan 1966-70. Government Printers: Nairobi.

Republic of Kenya, R. (1970) Development Plan 1970-74. Government Printers: Nairobi.

Republic of Kenya, R. (1979) Development Plan 1979-83. Government Printers: Nairobi

Republic of Kenya, R. (1984) Development Plan 1984-88. Government Printers: Nairobi.

Republic of Kenya, R. (1986) Economic Management for Renewed Growth. Sessional Paper No. 1 of 1986. Government Printers: Nairobi

Republic of Kenya, R. (1989) Development Plan 1989-93. Government Printers: Nairobi.

Republic of Kenya, R. (1994) Development Plan 1994-96. Government Printers: Nairobi.

Republic of Kenya, R. (1997) Development Plan 1997-2001. Government Printers: Nairobi.

Republic of Kenya, R. (1999) National Poverty Eradication Plan: 2000-2015. Office of the President: Nairobi.

Republic of Kenya, R. (2002) Development Plan 2002-2008. Government Printers: Nairobi.

Republic of Kenya, R. (2007) The Political Parties Act, 2007. Government Printer: Nairobi.

Throup, D. and Hornsby, C. (1998) Multi Party Politics in Kenya: The Kenyatta and Moi States and the Triumph of the System in the 1992 Election. Oxford: James Currey.

Wanyande, P. (2003) Political Context of Governance in Kenya's Democratic Transition: Challenges and Opportunities. African Centre for Economic Growth (ACEG): Nairobi.

The Al Qaida, the Al Shabaab and the Future of the Somalis in East Africa

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Abstract
International terrorism has been a major issue that has pre-occupied governments and the entire humanity for the last over one decade. Osama bin Laden became a household name after the September 11 bombing of the Twin Towers and Pentagon in the US. Some key questions therefore arise; who was Osama bin Laden? What did he stand for? Does his death constitute the end of terrorism? With him having made in-roads in East Africa and established Al-Qaeda cells along the East African coast therefore, it is of interest to ask what the future of Somalia, a country ravaged by an endless internal war is. This paper attempts to bring to light some of the issues that informed Osama bin Laden's struggle against the American and Western European hegemony and proposes for the full engagement of the Somali state by the East African states as they seek to integrate so as to attain socio-economic and political stability in the region. A weaker fragile Somali state is a threat to the entire region. The paper gives a perfunctory rendition of the truth behind Al Qaeda and their Intrusion in East Africa and a brief history of the failed Somali State and the future of the Somalis in East Africa.

Key words: Al qaida, Al Shabaab, Somalis, East Africa

Osama bin Laden and the Struggle for the Arab Freedom

Introduction

At the exact moment when the Al Qaeda hit the Twin Towers in New York with their hijacked passenger planes, on the eleventh of September the year 2001, I was attending a conference in London. A few minutes later a rather panic-stricken Englishman dashed into the conference hall to relay to us the news that Osama bin Laden's boys had destroyed some huge buildings in New York, and that they were headed for Washington.

Each one of us at the conference was perplexed. What were the boys up to? What point were they making? "And who is this Osama you are talking about?" I asked the Englishman. "Well, he is some blood-thirsty terrorist from some place in the Middle East. His plan is to conquer the world for Islam," he said. As he spoke my mind kept clicking back to the 1950s in Kenya, when the British used to refer to Jomo Kenyatta as: "the red-eyed terrorist" and also as: "the leader unto darkness and death." And wasn't Nelson Mandela also called a terrorist by the Apartheid racists of South Africa? Might this Osama be a similar prominent nationalist, but this time in the Middle East?

Osama bin Laden: His Ideas, Struggle and Death

But those same ideas returned to me in force on the 1st May, 2011, when Barack Obama's boys tracked Osama bin Laden to his hideout in Pakistan, and shot him dead. When his death was announced there was joy all over the Western world. To the Anglo Saxons all over Europe and the New World, Osama was the quixotic serpent. His carnagial policy of murder and destruction, to liberate the Arab world from the Western exploitation and arrogance, shocked the so-called "civilized world." And for strange reasons even China joined in exuberance.

Osama had not been scared by the new hi-tech Western weaponry. His "gangsters" used primitive grenades to cause fear and despondency. Indeed, over the last one decade the rather frugal and haughty Americans have spent billions of dollars in their wars against the Osama-led pan Arab nationalists.

According to President Barack Obama, Osama was a terrorist who was responsible for the murder of thousands of innocent men, women and children. Thus America had exacted justice by murdering him. To some extent what Obama was saying was true, if you believe that Osama was responsible for the infamous bombing in 1998 of the American Embassies in Nairobi and Dar es Salaam, the 9/11 bombing of the twin World Trade Towers in New York, the 2002 bombing of the Kikambala Paradise Hotel in Mombasa and several such other acts of brutality in Europe and Asia.

Nevertheless, very few writers, as they talked about Osama, ever paid attention to what he stood for, or about the ideology of the Al Qaeda. Indeed, the mission of terror might not end soon following Osama's death, because the West, and in particular the United States, are outrightly perfunctory and racist about what the Arabs are crusading against.

The term "terrorist" which is used again and again against Osama and his team by itself does not make complete sense. One can only be a terrorist for a cause; and the so-called Al Qaeda terrorists are those who terrorize the Western imperialists for their freedom. The Mau Mau of Kenya were not just terrorists, as the British called them. They were Kenyan nationalists who terrorized the British for the freedom of Kenyans. So, when the Americans call the Al Qaeda terrorists they should make a point of completing the sentence, by telling us that they are being terrorized by the Al Qaeda for the freedom of the Arab world.

To Osama bin Laden and his team, America had, over the years emasculated the Arab world. The Americans had brought under their control all the ruling Arab dynasties and emirs. The Americans, and Europeans, had two fundamental interests in the Arab world. Foremost was the exploitation of the oil wealth and second, was the use of the Arab and other Asiatic territories as buffer against the spread of Soviet and Chinese communist influences and interests. Indeed, the Americans controlled and exploited the Arab oil wealth, and determined Arab investments in trillions of dollars, most of which went to the United States. When the Arabs sell oil to the Americans the oil money does not go back to Arabia, it is kept in American banks and investments in New York, Los Angeles, Chicago and San Fransisco – so the Al Qaeda claim. While the Arabs should be the wealthiest community on earth, because of their oil, the general Arab population is poor and unemployed. The noises from the 2011 Spring Revolution in North Africa and the Arab world are a test to this.

The western world, besides, despises the Arab culture and religion. By ingeniously emasculating the Arab world the Americans have stopped indigenous growth and development in the Arab world. For many years the Arabs have accused Europe, as much as the U.S., for protecting Middle Eastern despots. Recently, following some anti-European sentiments during the Spring Revolution, some European statesmen have begun to understand the folly of their former Arabian delusions. According to Stefan Fule, a European Commissioner for Enlargement and European Neighbourhood Policy; "We must begin to show humility about the past. Too many of us fell prey to assumption that authoritarian regime were a guarantee for stability in the region" (Time Magazine, 2011).

Thus, years of cozy relations with the Arab despots undermined the West's claims to be championing democracy, as the West's reputation amongst the Arabs got tainted due to their ties with the old regime. For the Arabs to change and develop "the Yankees must go first," according to the Al Qaeda and to unite the Arabs in their gargantuan struggle for freedom Islam must play the role of the unifier. Professor Edward W. Said, the late Palestinian scholar, through his writings including his masterpiece *Orientalism* (1978) properly captures the reservations of the Arab world towards the West.

There are also other violent extremists in the Middle East, specifically in Afghanistan and Pakistan, apart from the Al Qaeda, who are running their own sectorial and religious wars – groups like the Teleban, Salafi, Shia and Moslem

Brotherhood, who in fact are much stronger, smarter, bigger and more elusive than the Al Qaida, and who are equally opposed to the West. People who come from outside find it difficult to differentiate these "holy warriors who hate non-Muslims." Listen to the creed of the Moslem Brotherhood:-

Allah is our object
The Prophet is our leader
Quran is our law
Jihad is our way
Dying in the name of Allah
Is our highest goal.

Note, however, that it is not our aim in this discourse to stray into the activities of all these sects. Be that as it may, unlike the former American presidents who translated the pan-Arab uneasiness as the work of religious fundamentalists, President Obama understood the Arab psyche pretty well; and that is why he was at first hesitant to join the NATO gang-ho against Gadaffi in Libya. Those who translate the Al Qaeda mission purely in religious terms are terribly misguided. The pan-Arab nationalists simply want the West out of the Arab territories.

Why, then, are the Al Qaeda causing a lot of trouble in East Africa? True, in their struggle with the United States other people, including Tanzanians, Kenyans and Ugandans, have suffered. But that is the nature of nationalist struggles. When the British were fighting the Germans during the so-called First and Second World Wars thousands of innocent Africans and Arabs were killed. We should, thus, not look at the Al Qaeda operations as unusual. East Africans are targets because of their linkage with the United States.

In our case, the Al Qaeda have got one of their strongest bases in Somalia, next door; a base which they have used effectively to harass the Americans and Israelis all over Eastern Africa, a base which has led to much bloodshed in East Africa. In the next section of this paper I want to talk a little about the history of the failed state of Somalia and how the Al Qaeda have infiltrated it for their own purpose, and how Somalia might be redeemed in the future.

The Somali State

Amongst those who saluted Osama's death, as soon as President Obama announced it, were Kenya's top leadership: President Mwai Kibaki and the Prime Minister Raila Odinga. According to both of them the killing of Osama was a form of justice for the victims of terror attacks, planned and financed by bin Laden. They had on their minds the bombing of the U.S. embassy in Nairobi in 1998, the Kikambala killings in 2002 and the problems Kenya was facing at the Somalia border from the Al Shabaab. The Al Shabaab is the Al Qaeda influenced and funded political group in Somalia who preach extreme Islam and have vowed to topple the American funded Somalia government. "We shall never divert from the path of Sheikh Osama bin Laden and we shall continue the jihad till we taste the death our brother Osama faced, or achieve victory, and rule the whole world," said the Al Shabaab from Mogadishu, following Osama's murder (The Star, 2011).

Whenever discussion on the history and tragedy of the Somali people is conducted, there are those who take the view that the Somalis are Arabs who came to the Horn of Africa long time ago, and are not Africans. This is a fallacy, propagated by the dedicated preachers of racism.

There is no convincing evidence that the Somalis came from Arabia. Their antiquity goes deep into the cultures of Africa's earliest Stone Age folk. It was from this ancient African social stratum that the scattered Barbers of North Africa and the Somalis emerged; as well as the Beja, Agaaw, Sidama, the Oromo and the Way to of Ethiopia. Based originally at the Horn of Africa, most of this population was pastoralist. Over the ages migrants of neighbouring Arabia trickled in, across the Red Sea, and settled amongst them, bringing along their Arabic traditions. The Somali section of this population later turned their attention southwards, along the Indian Ocean, until they reached the Juba River. During the classical period Somalia was known as Punt, but the Phoenicians called it "The Land of Incense."

Throughout the early periods, until the British, Italians and French began to scramble for the Somali territory the inhabitants of Somalia roamed freely along the ocean and into the interior of their country, with their herds of camels and goats, secure in their own territory,

until 1854 when the celebrated British explorer Sir Richard Burton, crossed Somalia, drawing maps for trade and general geographical information. In the years following Burton's exploration Somalia was rapidly drawn into the theatre of colonial competition involving the British, French and Italians, but at partition Ethiopia also chipped in, cutting for itself a large chunk of Somali territory, as did the British, French and Italians.

For the British and the French, Somalia was important as a base for safeguarding their interests in the Indian Ocean. But they did virtually nothing for the Somali people. Apart from exporting meat from the Somali livestock and fish from the Somali fishermen, both the British and the French left very little behind – in terms of education, agriculture or infrastructure. The Italians, on their part, hoped to build a true colony which would serve the mother-country both as a source of primary goods and as a convenient receptacle for some of Italy's surplus population, but these dreams gradually pestered away. To Somalis, colonialism was a fraudulent hurricane, which was soon forgotten.

Unlike most African territories which arrived at independence loaded with competing tribes, Somalia was different. The Somalis possessed a common language and a common culture based on Islam and pastoralism. But beneath their passionate nationalism lay a labyrinth of clan-families and sub-clans extending down to closely knit lineage segments and family groups. This fragmentation soon became a hindrance to national cohesion; more so when after independence it was realized that the personnel left in charge of the state had very low education and no previous experience in administration to properly manage the cohesion and development of the far-flung Republic. Their early wars for Greater Somalia against Kenya and Ethiopia quickly impoverished their exchequer, in a country which lacked adequate resources for regional or international trade.

To manage their wars the Somalis needed strong external support, which they eventually fluked from the Soviet Union, which agreed to establish for them an army of 10,000 men, together with a small air force, but the Soviets did not support the Somali Government's plan and dream for a Greater Somalia. In 1969 General Mohammed Saied Barre carried out a military coup and proclaimed Somalia a Marxist state, embarked on a nationalization campaign and accepted a large number of Soviet advisers in government ministries and in the military.

But the Soviets soon realized how poor the country was and that they were being misused in localized wars by a government which really had no resources or good reasons for wars. In 1978 when Barre asked for more Russian arms and support he was turned down. Barre's response was to tear up the Somali's Treaty of Friendship and Cooperation with the Soviet Union. He expelled all the Russians from Somalia and turned to the West for help. Italy, a former colonial power in Somalia, came forward and contributed one billion dollars, while the United States reluctantly contributed $800 million, but it did not take long before Western support dried up.

Without any foreign support Somalia began to disintegrate, fragmenting into what Martin Meredith calls a "patchwork of rival fiefdoms controlled by clan chiefs, all armed to the hilt" (The Star, 2011). By 1990 Saied Barre's control in Somalia hardly reached outside Mogadishu. In January 1991 Barre and his remnant army were driven out of Mogadishu by General Muhammed Farah Aideed's militia, Barre fleeing southwards into Kenya, loaded down with gold bars, foreign currency and loot plundered from Western embassies (Meredith, 2006). Since 1991, Somalia has been a battle-field of contending clans and warlords. Into this ferment later emerged the radical political class that influenced and financed by the Al Qaeda – the Al Shabaab. Indeed, over the last few years many Al Qaeda fighters who have been fleeing from the "scotched earth" in Afghanistan, Pakistan, Yemen and Iraq have found a home in Somalia. Amongst these are Fazul Abdullah Mohammed (from the Comoros) who was killed in June in Mogadishu, Sheikh Mohamed Abu Faid (from Saudi Arabia), Abu Suleiman al-Banadiri (a Somali of Yemeni descent), and Abu Musa Mombasa (from Pakistan). All these, and others, have been grafted on to the Al Shabaab movement, administration and training. They have kept Kenya and Ethiopia at tenter-hooks, as they recruit gullible East African youths into their militia (The East African, 2011).

Discussion

Unlike the clan-based warlord militias that came into being after 1991, the Al Shabaab is a terribly feared nationalist group, wired by Islam, pursuing the earlier Greater Somalia policy, but fundamentally imbued with the anti-Western Al Qaeda philosophy. East African intelligence forces say they foiled many of its attacks, but in July 2012 the Al Shabaab managed to explode two deadly bombs in Kampala, Uganda's capital, when football fans were watching the World Cup on a television. Nearly 70 people were killed, and hundreds injured. Though claimed by the Al Shabaab in Somalia, the Kampala attacks were carried out by its cell that is based in Tanzania.

In Kenya, there is constant recruitment of youths at the Coast through Lamu, to join the Al Shabaab forces in Somalia. The Al Qaeda cells in East Africa are based in Eritrea and Sudan. Outside East Africa the Al Qaeda are scattered in Egypt, Algeria, Tunisia and Morocco, but the Somalia branch, the Al Shabaab, are regarded as the most dangerous, "because of its lack of discipline (Time Magazine, 2011). In this regard Kenya has served as the centerpiece of the American Counter-terrorism strategy in Eastern Africa, evidenced by the fact that since 2006 it has received 78 per cent of the money the American Government has spent in Djibouti, Somalia, Kenya, Uganda and Tanzania to boost East Africa's capacity to fight the Al Qaida.

With Osama bin Laden's death no one can tell how long Al Qaida phenomenon will last, but given that its branches were active in the last five years when Osama had lost central control, the movement might roll on for several decades. Besides, there is the revenge factor. As Rudy Giuliani, the former New York City mayor has put it: "People are human. When you take away their loved one in a brutal way … you want to see vengeance, you want to see retaliation. Those are the raw human emotions (Sunday Nation, 2011). But even if the future of the Al Qaeda is sealed by Osama's death, the historic Greater Somalia dream must be dealt with. Despite the fact that the Somalia is already split into four mini-states, a truce can still be arranged by the African Union to federate them and, through negotiation, possibly to admit them into the East African Community. Thus contained their ponderous world view, their vision and their future will be linked to the world view of their East African neighbours and, hopefully, their domestic wars will end.

Conclusion

The Somalis seem to be a nationality suffering from abandonment and loneliness along the Indian Ocean, with Kenya and Ethiopia blocking her rear. In our minds, we see the Somalis as a great African people. For centuries they were very successful pastoralists, fishermen and maritime traders. They appear frequently in pre-colonial Indian Ocean and classical almanacs. Those Somalis who live in Kenya have greatly impressed us by their soberness, their devotion to commerce and their scant involvement in crimes. Unless East Africans positively help the Somalis to integrate into the wider African milieu, for decades to come, the Somalis will remain an intolerable hump on our backs.

References

Time Magazine, Vol. 177, No. 20/2011, p.11

The Star, a daily Kenya Newspaper, Monday, May 9, 2011, p. 19.

Meredith, M., The State of Africa: A History of Fifty Years of Independence, Free Press, London 2006, p. 465 – 468.

The East African, May 9 – 15, 2011, p. 6-7.

Sunday Nation, Nairobi, June 12, 2011, p.8.

The Body as a Figurative Code in Luo Popular Culture, Vernacular Literature, and Systems of Thought

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Abstract Popular culture is commonly viewed as a process of producing meanings from social experience as well as the way such meanings are expressed by respective groups of people in their daily lives. Popular culture (as opposed to "high culture") may be viewed as folk culture favoured by many people. This notion of popular culture encompasses a people's systems of thought and also embraces the cultural meanings that are woven into their language. The premise of my argument is that according to Luo popular culture, oral literature, and systems of thought, and the human body is deployed as a figurative code for modes of thought, feelings, and characteristics that do not coincide with English idiom. The Luo people's conception of "self" and "person-hood" is therefore, quite different from Western systems of thought.

Key words: Luo culture, Vernacular Literature, Systems of Thought

Introduction

Popular culture is commonly viewed as a process of producing meanings from social experience as well as the way such meanings are expressed by respective groups of people in their daily lives. Popular culture (as opposed to "high culture") may be viewed as folk culture that is favored by many people. This notion of popular culture encompasses a people's systems of thought and also embraces the cultural meanings that are woven into their language.

Popular culture may also be conceptualized, in terms of Antonio Gramsci's concept of "hegemony," as a site of struggle over the meanings of social experience. This position views popular culture as a site of struggle between the forces of resistance of subordinate groups and the forces of incorporation of hegemonic groups in society. In this regard, popular culture emerges as a culture of conflict that constructs oppositional meanings under conditions of social subordination.

Whatever definition is employed, popular culture is always contrasted to something else. The notion of "otherness" is always present. But what happens when this "otherness" consists of oppositional cultural meanings of a group of people framed and "marginalized" as subordinate by the ideology of a hegemonic foreign political power? What kinds of meanings are produced when popular notions and texts (sources out of which they produce meanings) of such a subordinate group are encoded into the "master narrative" of the dominant group? What kinds of conceptual problems and negotiations come into play when creative artists of such a subordinate group are caught between the need to capture the codes of their popular culture and the need to be understood by an audience outside their cultural and lingual contexts? These are some of the issues I wish to explore by examining and analyzing popular notions and representations of the body of the Luo people of Kenya.

I should hasten to observe that the Luo people, like all other Kenyan ethnic groups, endured the subordinating norms of British colonial domination. It is therefore, in the wider sense of political domination and ideological subordination that I consider Luo systems of

thought and representations as forms of popular culture, at least, from the hegemonic western cultural/political point of view. Such an approach broadens our appreciation of popular culture as a culture of conflict not only within conditions of social subordination but also within the conditions of political/ideological domination as well. There is a close relationship between popular culture and ideology. However, while popular culture often aims at producing meanings of social experience that are relevant to everyday life, ideological forms are often associated with and implicated in some form of political domination.

The premise of my argument is that according to Luo popular culture and systems of thought, the human body is deployed as a figurative code for modes of thought, feelings, and characteristics that do not coincide with English idiom. Dho-Luo (Luo language) "compels its speakers to integrate the moral and physical attributes of persons together within the matrix of the human body" (Lienhardt, 1985). The Luo people, like the Tallensi of Ghana (La Fontaine, 1985), the Dinka of Sudan (Lienhardt, 1985) and the Oromo of Ethiopia (Jackson and Ivan, 1990), seem to link human physiology and psychology. The body as a unit emerges as a narrative text and "enjoys a very special place as a literary object in Luo oral art" (Amuka, 1991). Luo conception of "self" and "person-hood" is therefore, quite different from the western systems of thought. For example, according to mainstream western epistemology, "there has never existed a human being who has not been aware, not only of his body, but also at the same time of his individuality, both spiritual and physical" (Mauss, 1985). However, as I will argue and elaborate later, among the Luo people, when an individual is under the influence of "*juogi*" spirit possession, self-consciousness is temporarily suspended and the individual possessed has no subjective experience of the possession.

Cultural-linguistic codes

Since it is often on the basis of the languages they speak that people define themselves and the world in which they live, language is quite central to the process of transmitting cultural meanings of popular culture. It is in the realm of language that the struggle between the forces of incorporation and resistance over meanings is most profoundly contested. Learning a people's world-view and how they represent their thoughts in rhetorical and symbolic codes involve more than learning the grammatical rules of their language. It involves learning the people's shared institutionalized uses of language and language-like sign systems including the cultural-linguistic codes or generic forms derived from the practice of living communication. While the grammatical forms remain stable and compulsory for interlocutors, the generic forms tend to belong to the domain of popular culture and "are much more flexible, plastic and free" (Bakhtin, 1986). It is precisely due to their flexibility and plasticity that these generic forms of rhetoric and representation often resist translation into other languages. Speech genres belong to the domain of popular culture. They tend to vary in terms of the language used, the moral judgments made and the subject positions of respective interlocutors.

During the British colonial rule, some Luo literary writers deployed popular vernacular speech codes as rhetorical modes to satirize the subordinating aspects of the colonial ideology. Others engaged the English language in a kind of "guerrilla warfare." They appropriated it but invested it with "untranslatable" generic concepts and codes derived from the domain of popular culture. In both cases, the writers often succeeded in articulating subtle opposition to and resistance against the dominant "master narrative." Let me illustrate this point by recounting the full text of a popular short story, "Dhaw e kind Karan gi Jawir range" (Strife between a clerk and a painter) written by Shadrack Malo. Here is my literal translation:

"At a certain school, there were two employees, a painter and a store-manager who managed the school's storeroom. Although the two lived together under one roof, they detested each other that they even had separate hearths. Both were bachelors. One day, the two had a quarrel and exchanged bitter words on their way until they arrived at their place of work. The source of their difference was that the store-manager suspected

the painter of stealing some paint since the paint was depleting fast incommensurate with the amount of painting done. When the painter heard about the store-manager's suspicions from other people, he approached him in order to verify the validity of the allegations. The store-manager inquired whether he also admitted that he was indeed a thief. When the painter heard that question, he began to shout vehemently. He was accusing the store-manager of slander, "Ok inyal ketho nyinga kamano, ng'at matin tinni" (You should not destroy my name like that, you small person). Presently, their employer, a white man, overheard the commotion and summoned them to his office. He inquired about their differences. The painter belched out his complaint: "Bwana, ng'at matin tinni, keth iye rach" ("Bwana, this small person, the bile of his stomach is bad"). However, the white man, who also spoke the Luo language, could not comprehend such expression. Hence, he suggested that he provide the store-manager with a sick-sheet so that he (store-manager) could go and consult with a doctor about his bad bile. However, the store-manager declined, insisting that he was not ill. The painter also confirmed that the store-manager indeed was not ill but only "the bile of his stomach was bad" (*Keth iye ema rach*). Now, the white man could not understand their complaint and so he dismissed them to resume their respective duty warning them to cease quarreling forthwith since none was ill and that their quarrels were baseless" (Malo).

The breakdown in communication is quite evident. Why should the two Luo workers on the one hand and their employer on the other fail to understand each other when they speak the same language? How do we interpret or understand the apparent referential aberration, "the bile of his stomach is bad?" The narrative demonstrates the extent to which Malo deploys codes of the human body both as a mode of thought and as a rhetorical strategy for satirizing the excesses and insensitivity of British colonial rule.

Speech Genres

The narrative demonstrates the extent to which speech genres are dependent upon both the practices of living communication and grammatical systems of language. The white man comprehends "keth iye rach" (the bile of his stomach is bad) in the literal referential sense. Whereas he correctly comprehends the stock epithet at the level of mimesis, both the store-keeper (clerk) and the painter comprehend it in figurative terms. Riffatere explains that such stock epithets are "regulated by tradition, by a historically definable esthetic system; that same system dictates the words' interrelationships (especially their perception as signs of values)". Not only does Malo demonstrate the displacement and distortion of the stock epithet at the mimesis level, he also shows its appropriate deployment within Dho-Luo semiotic grid as well. In this way, he subtly satirizes the white man's limited comprehension of the local people's narrative environment. Narrative environment basically refers to the way people of a linguistic community talk to each other. The writer has also demonstrated the consequent disillusionment of the subordinated people under colonial domination.

When the painter and the store-manager insist that the latter is not sick but only "the bile of his stomach is bad," they are quite comprehensible to each other. Clearly their "semantic field" is derived from Luo popular culture and dependent upon the culture-bearer's point of view. The white man's comprehension of the stock phrase is based on his competent fluency in Dho-Luo and knowledge of its grammar. The two employees on the one hand and the white man on the other regard their respective semantic fields as accurate, sensible and appropriate. Any other meanings beyond the structural plane are senseless or "mere noise making" as the white man soon observes. The failure in communication is therefore caused by the interpretation of a popular Dho-Luo generic mode of speech.

Bakhtin draws a distinction between forms of language and utterances or speech genres. He argues that these genres are quite diverse since they differ depending on the situation, social position and personal interrelationships of the interlocutors. Bakhtin further observes that, "a speaker is given not only mandatory forms of the

national language (lexical composition and grammatical structure) but also forms of utterances that are mandatory". Unlike the utterance, he argues, the sentence as a unit of language "lacks the capability of determining the directly active responsive position of the speaker. Only after becoming a complete utterance does the individual sentence acquire this capability". Consequently, any sentence, being a signifying unit of language is comprehensible, that is, "we understand its language meaning, its possible role in an utterance. But in no way can we assume a responsive position with respect to this individual sentence unless we know that with this sentence the speaker has said everything he wishes to say "(Bakhtin, 1986). In other words, the sentence must reflect extra-verbal reality (situation or code) hence, becoming an utterance. The utterance is dependent upon both the preceding and subsequent links in the chain of speech communion.

Utterances, ultimately, reflect specific spheres of communication. Hence, according to the painter and the store-manager in Malo's story, "*keth iye rach*" (the bile of his stomach is bad) has normative significance as comprehended within the context of Luo popular culture. As individual speakers of the language, they have not created such normative values. The generic codes are given as typical popular utterances. Significantly, people neither speak in individual words nor individual sentences but in utterances. The forms of language and the typical forms of utterances "enter our experience and our consciousness together, and in close connection with one another" (Bakhtin, 1986). Hence, to learn to speak also implies to learn to construct utterances. According to Luo popular thought, the expression, "keth iye rach" (the bile of his stomach is bad), does not refer to a person's physical ailment. It implies that a person is malicious. Before exploring such figurative codes of the body in detail, I would like to briefly examine some popular Luo notions and understanding of self-identity.

Self and person

The Luo notion of "self" and "other" appears as a social structure whereby the structure is fairly consistent with normative pattern of personal responsibilities and social loyalties. Significantly, the individual's corporeal body emerges as a metaphor for selfhood in terms of "chuny" (heart), "wich" (head) and "ich" (stomach). However, since each individual is born into a descent group or clan, the Luo people also conceptualize self-identity in terms of collective identity. "Juogi" (ancestral or spiritual) names symbolize this "collectivity" since the people regards ancestors as reincarnated in newborn individuals. Towards this end, the individual's self-awareness could come under the influence of ancestral spirits particularly in spirit possessions whereby the self temporarily loses his/her agency. Since ancestral spirit names reflect the collectivity of the clan, each individual has a "collective alter ego." The Luo notions of identity and representation can shed light on African people's systems of thought.

It is instructive to point out that many scholars have written about African ideas of the self that rightly emphasize the importance of a person's group and status (the public self). However, this emphasis "can deflect interest" from the African concern that also regards individuals' selves in terms of their awareness of their unique identities (Lienhardt, 1985). The "self" in the African world-view and particularly within the Luo cognition, is labile. It is both private (marked by respective individual's self-awareness of his/her unique identity), and public (marked by society's confirmation of that identity as of social significance) (La Fontaine, 1985). On the one hand, the metaphysical and epistemological analysis of the "self" as the "conscious possession of experience" is a crucial criterion of identity (Rorty, 1977). On the other hand, analysis of the "self" also closely links it to the notion of "person"- a "unified center of choice and action, the unit of legal and theological responsibility" (Rorty, 1977). In this respect, the "ego-centric" (experiential) and "socio-centric" (cultural and

ethical) notions of selfhood and personhood are not in opposition but subsist on one another.

Ontological symbols of selfhood

As I have observed, the Luo people deploy the physical human body as a metaphor for modes of thought. There are three significant sets of "ontological" symbols that, invariably, constitute selfhood: "chuny" (heart or liver), "wich" (head) and "ich" (stomach).

Heart

Dho-Luo unlike English makes a lexical distinction between the physical and moral content of "chuny" (heart). "Chuny" refers to the physical organ, the liver, but it is also "the site of the intellect and ethical emotions and wisdom of a person" (Ocholla-Ayayo, 1976). For example, when a person says, "Ahero chamo chuny" (I like to eat the liver), he or she refers to the physical organ and deploys "chuny" without any suggestions of moral or mental condition. On the other hand, when one says, "Chunye ler" (practically, "his or her heart or liver is clean") one refers to the moral idea of kindness. The expression, "Dhano jakwadh chunye" (A person is the shepherd of his or her heart) refers to an individual as a private entity. The Luo therefore, deploy the "heart," as do the Yaka of Zaire, as "the seat of intuition, comprehension and growing innerness" (Devisch, 1990). Other related popular expressions include, "Chunye ariyo" (he or she has two hearts). This means the person is undecided. "Chunye chuok" (he or she has a short heart) refers to a quarrelsome person. "Chunye gondalo" (his or her heart is calculating) means he or she is in deep thought. "Chunye gwa-gwa" (his or her heart is hoarse) means he or she is apprehensive.

Luo literary writers, such as Malo, often deploy these metaphors of the body in their works for various effects. Apparently, when one casts the metaphors into a "foreign language" such as English, by way of translation, they lose their contextual and aesthetic values. Such generic codes could best be understood as "ideologems" that express hidden judgments. They simultaneously indicate the subject (denotation) and evaluate it (connotation). Their "contextual potential is included in their meaning, which is stable and pre-supposes a definite attitude of the speaker to the signified object"(Epstein, 1995). For example, in his novel, *Otieno Achach* (Otieno, the Misguided), Alloo Konjra refers to the mental attributes of "chuny" when he writes that "E kor yo, chunye ne pod thagore kod mirima . . . . To ahinya, chunye nosingore mana wang'o od ja-sike cha mana ei odhiambono" ("On the way, his heart was struggling with anger. . . . But even more, his heart was bent on setting the house of that enemy of his on fire"). The literal translation does not even come close to capturing the full impact of the expression. When describing Otieno's regret, Alloo explains, "Chuny Otieno koro nene ong'awore mokalo" (The heart of Otieno was extremely suspended).

In her novel, *Miaha* (Ogot, 1983), Grace Ogot also refers to "chuny" in figurative senses when she explains, "To kara wach ma nene Were Ochak owacho kaka ngerano nene ochwanyo chuny Lwak" (However, that remark that Were Ochak meant as a joke struck the heart of Lwak). This implies that Lwak became angry. However, the heart is deployed differently by Leo Odera Omolo in his short story, "Ng'at Mane Kia Somo" (Omolo, 1967) (The Man who Could not Read). He states that "Kata kamano nene ok en kod chuny mar nywomo nyako mokia somo" (However, he did not have the heart for wedding a bride who could not read) (*Kia Somo* 21). The heart is deployed in this instance to mean reluctance. In other words, the man was reluctant to marry the girl. The spiritual heart of a human being, as Ocholla-Ayayo observes, is "situated somewhere beneath the end of the central cartilage, a spot believed to be occupied by the physical heart, adundo". "Chuny" is also deployed as the pivotal center in such expressions as "chuny nam" (the heart of the lake) and "oboke mayom mag chuny yien" (tender leaves at the heart of trees) (Lansdown, 1969).

Head

Self-hood is not only defined in terms of "chuny" but also in terms of "wich" (head). The world of "chuny" and "wich" are closely related. However, as Ocholla-Ayayo points out,

"sometimes it would appear as if the heart does a lot of work for the brain, since decision and great thoughts are the works of heart and not the brain".

"Wich" (head) is associated with knowledge, memory, perception and skill. The popular Luo saying, "Wich e dhano" (The head is the person), means that presence of mind defines a person. The head endows the individual person with self-perception. Hence, the Luo cautionary remark, "Nene okuny dhano to owe biero" (Was the human being buried instead of the after-birth), draws a
parallel between a living, conscious person and a "dead" organ discarded at birth. The saying is often deployed in circumstances when somebody has made serious errors of judgment. Ogot delves deeper into her character's consciousness when she writes, "To gimoro nene osige ni kik onyis Nyawir paro ma nene thageno. Nyawir nene wiye ringo matek" (But something cautioned him not to tell Nyawir whatever was troubling him. Nyawir had a head that raced very fast) (*Miaha* 111). To have a "head that races fast" in Luo popular discourse implies to be imprudent. However, the English lexicon, being relatively abstract, cannot fully capture the concrete expressive metaphor of Dho-Luo.

The head is responsible when a person has been misled. In his novel, *Otieno Achach*, Alloo comments that "Kinde mathoth Otieno noyudo wach ni min dware, to dhakono nowilo wiye chuth" (On many occasions, Otieno was informed that his mother summoned him, but that woman completely twisted his head). In other words, he procrastinated having fallen to the enchantments of the woman. Whereas the expression, "wiye obiro marach" (his or her head has become bad) refers to a mental state of insanity, "wiye otimo pi" (his or her head contains water) refers to a stupid person. In his short story, Omolo comments about the stubbornness of a character in his story, "Ng'at menene oromo gi makolwer" (The person who encountered the un-primed). He writes, "Wuon Agulu kaka pile nene en jago-no ma wiye tek en to nene ok owinj weche jotelogi" (The son of Agulu, as usual, was a person with a hard head, he never heeded the words of these overseers). To have a "hard head" in Luo popular thought means to be obstinate. In fact, even the lexeme, "makolwer," is a motivated sign that is both descriptive and evaluative. It's English equivalent "the un-primed" only captures its descriptive but not evaluative values. Significantly, "Wuon Agulu," at the referential level, translates as "father of Agulu" but when trans-coded into the process of meta-lingual semiosis, it shifts the borders of semantic field to mean "son of Agulu." In another short story, Omolo narrates, "Luoro kende gi wich kuot notamo Ojwang' dhi waro dhoge dala gi Akech" ("Fear alone and a swollen head prevented Ojwang' from going to reclaim his head of cattle from the homestead of Akech) (*Kia Somo* 23). In other words, Ojwang' was embarrassed.

Stomach

According to Luo systems of thought, "ich" (stomach) is a metaphor for transgressive and anti-social feelings. "Ich" (stomach) is "like the black box of perturbed and anti-social feelings" (Devisch, 1990). Anger, selfishness, and greed are all located within the stomach. Ocholla-Ayayo aptly explains that the "function of the stomach, according to the Luo, goes beyond that of digesting food alone". A telling example of this deployment in a literary text is when Alloo describes a character's anger. He explains, "Iye nene owang' ahinya ka noneno ka chotneni dhialo wuoth ei pacho ka" (His stomach was extremely aflame on seeing his lover treading about within this compound). In other words, he became very angry. Related examples include the expression, "Iye kwar" (He or she has a red stomach) that refers to selfishness. "Iye lit" (He or she has a sore stomach) refers to a stingy person. "Iye bor" (he or she has a long stomach) refers to a greedy person.

It is along similar lines that we should interpret "keth iye rach" (the bile of his stomach is bad) in Malo's short story. When the painter accuses the store-manager, "Bwana, ng'at matin tinni, keth iye rach" (Bwana, this small person, the bile of his stomach is bad), he evokes an organ of the stomach that is associated with bitterness. The lexical choices in the story convey the tensions about social status and re-enforce the narrative's aesthetic flavor. "Bwana" is a loan word from

Kiswahili that, in the context of the story, is deployed as a title of honor. It is a title of respect that conveys the respect the painter has for their white employer. However, to refer to somebody as "ng'at matin tinni" in Dho-Luo vernacular discourse communicates an attitude of disrespect and detestation. In Luo popular thought, the expression is loaded with stereotypical connotations meant to belittle the social and moral standing of the addressee. The painter presumably knows the proper name of his housemate but chooses to refer to him stereotypically as a foreigner thereby seeking to erase his mate's social status. "Ng'ato" (somebody), as in the expression, "ng'at matin tinni," erases one's identity. It also denies and erases a person's network of affective relations and casts him or her among strangers. Indeed, it is "synonymous with the stranger, an alien, possibly even an enemy" (Cohen and Atieno-Odhiambo, 1989). An individual is not only perceived in terms of personal identity but also in terms of social identity.

The concept of "juogi" and social identity

Naming systems within the context of personal and socio-cultural identity identifies and describes a person directly but also in terms of culturally defined aspects. As I have argued, the Luo popular culture tends to regard selfhood in terms of "chuny" (heart), "wich" (head) and "ich" (stomach). When a person has died, the Luo people refer to the state as "chunye ochot" (figuratively, his or her heart has snapped). "Chuny" is regarded as the vital force that "snaps" from the physical body at the time of death. According to Luo systems of thought, when "chuny" has snapped or left the physical body, it becomes "tipo" (shadow). The un-animated physical body, which is soon buried, is referred to as "ringre" (body without consciousness). Ongong'a notes that in observing how the Luo people "treat a dead man's body and how they speak about him afterwards, one would have no occasion for doubt that they believe there is a part of man that survives death and one that goes to the grave". "Tipo" (the spiritual entity of a person) survives the dead body and joins the constellation of ancestral spirits collectively referred to as "juogi." Juogi or Jok is "the force behind every being, the essence that makes a being what it is" (Ongong'a, 1983).

In Luo popular thought, growth to adulthood that starts with the physical birth and naming ceremony through puberty and marriage ends in the death of the physical body but not extinction. Death is merely a process that removes a person gradually from the present to a future identified with the ancestral period. Ongong'a aptly explains how the Luo people view death:

It is a gateway, a bridge, a line of demarcation which divides the world of human beings and the world of spirits. . . . Each time it occurs, it breaks the normal course of life and shakes the moral foundations of society to such an extent that religious rites must be performed to neutralize its effects and bring the society back to normal.

Such popular beliefs in personal immortality are evident in many Luo funeral rites. For instance, the Luo traditional patriarchal culture requires that when a young un-married woman dies, her body must be buried outside the fenced hedge of her parents' homestead. This must be observed lest her spirit "returns" to haunt her female age-mates within the compound. Dho-Luo saying, "Ng'a motho neno" (A dead person sees everything), is a tautological statement that emphasizes personal immortality.

I mentioned at the beginning of this discussion that some Luo literary writers, writing in English, sometimes engage the language in a kind of "guerrilla warfare." This refers to instances when they figuratively appropriate and deploy untranslatable codes of body in their works. For example, Ogot makes references to popular Luo beliefs about the dead when she describes a scene in her short story, The Green Leaves. She explains, "Omoro raised his voice, 'Let not the enemy die in your hands. His spirit would rest upon our village. Let him give up the ghost when we have returned to our huts'. To "give up the ghost" refers to the process when separation occurs between the "tipo" and "ringre." Such representations convey the deep-seated popular Luo cosmological belief that death does not end life but is merely a change of a person's level of existence. Non-Luo readers of

Ogot's narrative would, most probably, fail to comprehend such generic codes although the writer writes in English.

Anyumba acknowledges that "juogi" spirits played a very important part in the life of Luo people and that once a person died he or she entered another abode of mysterious existence. The spirit of the dead was not expected to be visible to the naked eye hence, if such a spirit appeared to a living person as "naked or with wildly grown hair or as a corpse, it was invariably a 'jachien'" (Anyumba, 1954) or as Ocholla-Ayayo observes, a malevolent "evil juogi". Anyumba identifies two types of "juogi" spirits: "yamo" (the unknown spirits) that manifest themselves in body rashes, swellings and chest discomfort and "the known spirits" or spirits of dead relatives. The "known spirits" manifest themselves in spirit-possessions and whoever is under such possession becomes wild, trembles and wildly jabbers (dhum) or speak in tongues. In this respect, an individual temporarily loses his or her self-agency and awareness and submits to vital forces beyond the realm of self-consciousness. In Luo popular thought, spirit possession (juogi) is conceptualized not in terms of a supreme god but as Ocholla-Ayayo explains, traceable to the departed ancestors in the "underworld".

Personal identity and "juogi" names

One significant representation of the individual person is personal name. Ocholla-Ayayo points out that according to Luo popular culture, "an individual did not hold his personal identity with the physical body alone. Personal identity was traced through characters, personal spirits and social identity of parents. The clan identity was traced through the clan founder". Personal identity is therefore, not conceptualized as a private center of narrative gravity as in most Western modes of thought but in terms of "a network of affective relations with brother, uncle, grand-father, in-law. . . . The individual's identity is crucial in terms of the structuring of communication, civility and co-operation" (Cohen and Atieno-Odhiambo, 1989)

I have mentioned that personal identity is also traced in terms of personal spirits (juogi). Personal immortality is enhanced by friends and relatives of the deceased through certain symbolic communions and rites including naming newly born babies after dead people. Such names are collectively referred to as "nyinge juogi" (spirit names). "Juogi" names are not arbitrarily assigned. In Luo popular thought, when an ancestor wants a child to be named after him or her, the child will cry incessantly, refusing food and sleep, until the name of the dead ancestor is invoked (Kawango, 1995). The name could be revealed in a dream or through divination by seers (jolek) or fortune-tellers (jobilo). According to Adhiambo-Oduol, the value attached to the exact naming "was the need to give the particular child protection by invoking the real name of the deceased person: such a child would be protected by the spirit of the person it is named after. The name was referred to as 'nying juogi' - spiritual name". However, children named after departed relatives had other names based on events or times of birth. Such names were preferred in day-to-day interactions unlike "juogi" names that were held in high esteem (Adhiambo-Oduol and Jacqueline, 1997).

According to Luo popular beliefs, there is no fixed maximum number of names given to a particular child. It is instructive therefore, to stress Ocholla-Ayayo's observation that to a "great extent, Luo names are based on the principle of the sun's position during the day and its corresponding positions by night". Such names are not "juogi" names although some of them could become "juogi" names. Juogi names of departed relatives are given to newly born children only if the deceased bore children of his or her own. Juogi names are sometimes given domestic and pet animals in order to invoke particular spirits and endow the animal so named with characteristics of the respective departed person. "Juogi" is also called upon during the launching of a fishing vessel or boat. As Cohen and Atieno-Odhiambo explain, "there is the rebirth of the 'jok,' the controlling spirit force, after whom the boat has been named; there is an appeal to the jok and to the spirits of the lake to accept the boat as worthy".

Juogi names are particularly treasured among the Luo. They locate respective individuals' identity in a given genealogy and symbolically identify them within family and clan networks. Ocholla-Ayayo observes that among the Luo people, not only was the name a part of a person's being as the soul and the body but also "a man's name as an essential part of him, so that the blotting out of the name of an individual was synonymous with his destruction". "Rito nying" (name preservation) is a crucial obligation for the individual. Conversely, "ketho nying" (name destruction) or talking ill of someone is an unforgivable offense. In Malo's short story, it is therefore, no wonder that the painter complains bitterly, "Ok inyal ketho nyinga kamano, ng'at matin tinni" (You should not destroy my name like that, you small man). Ocholla-Ayayo also states:

Being as a value is related to many other concepts such as individual growth, protection of personal being, and includes those related to self-individualization, and self-actualization. This is clear when a person's name is questioned, when his honor and prestige or dignity, which represent his being, are polluted or contaminated by non-valued actions or language symbolizing them. It is in this respect that the painter in Malo's story feels that his actual being, his character, his name, has been "polluted."

Due to the normative significance of utterances, translation of Luo figurative body's coding into Western languages often leads to a loss of their referential niceties and aesthetic. I have argued that some Luo writers writing in English at times take for granted that their readers would be able to comprehend the motivated and evaluative generic concepts they use. For instance, Grace Ogot narrates a story about Achieng,' one of chief Mboga's spouses, who has delivered twins (Ogot, 1988). Since the Chief desires a son, the spouse decides to abandon the female twin by the well, where she went to draw water, and takes home only the male twin. The mother names her abandoned girl-child, "Apiyo." Ogot does not explain the choice for this particular generic name. One can assume that in any case, the mother abandons her baby hence nobody would address her by that name anyway! An elderly woman later retrieves the abandoned baby and takes her to her home and brings her up to maturity as a foster child. Within her adopted family space, the girl-child is named "Awiti." Once again Ogot offers no explanation for preferring this name.

I would like to argue that either Ogot took it for granted that her non-Luo readers would comprehend the normative significance of such Luo names or she was out to play the "guerrilla war" with the English language. The non-Luo reader would certainly, miss the meta-lingual significance of such generic codes as "Apiyo" and "Awiti" since they are incomprehensible beyond Luo popular culture and systems of thought. According to Luo cosmic principles, "Apiyo" is the name given to the first-born twin if the baby is female. The second born is named "Adongo" if female. If male, the respective names given are "Opiyo" and "Odongo." Awiti (female) or Owiti (male) are names given to abandoned babies by those who have retrieved them. However, without sufficient elucidation of this meta-lingual code, non-Luo readers would certainly not grasp the sub-textual codes. Perhaps a more complicated system of Luo social identity is the way virtue boasting names are deployed.

Virtue boasting names

David Parkin (Parkin, 1978) explains that "the recognition among the Luo that socio-economic status is most easily observed and measured through the achievements of an individual rather than a group is expressed in the concept 'sunga' (a proud person)". However, let me point out that "sunga" does not accurately translate as a "proud person" but simply "pride." "Pakruok" (virtue boasting) or "Chamo nyadhi" (self-laudation), as the genre is popularly known, is characterized by "sunga." Virtue boasting is a popular symbolic name preservation performance that glorifies certain normative traits of one's own family, lineage, or clan. For instance, a man may boast: "An Opiyo Ochwinjo okew g'Opondo Malwiny, oyieyo ma dak kodi gi thuon kata idagi" (I am Opiyo Ochwinjo nephew of Opondo Malwiny, the rat that shares your living space by force whether you like it or not). In this instance, the man identifies himself with

his maternal uncle. He regards himself as the rat which forces its way to reside in a hut against the owner's wishes. In other words, not only does he boast about his incredible qualities but also locates his individual identity within a network of family relationships as well. In Ogot's novel, *Miaha*, Lwak refers to her son as "Owiny, bade dongo" (Owiny, he who has big arms). This is a form of virtue boasting that expresses Lwak's fondness for her son's kindness and generosity. Owiny may physically have quite small arms.

The significance of virtue boasting names, as social identity markers, are perhaps best realized during traditional Luo nyatiti (lyre) popular performances. During such live performances, members of the audience do often profusely recite their many praise-names and chant their self-laudations with abandon. This is normally regarded as "moso jathum" (saluting the musician). During such live "nyatiti" performances, the harpist or musician usually composes and embellishes his songs by the praise-names of the members of his immediate audience. The popular Luo saying, "Thum wero mana ng'ama nitie" (A song is composed only for whoever is in attendance), indeed attests to this practice. Apart from certain formulaic renditions, subtle innuendoes, and pervasive comments, "nyatiti" musical performances are characterized by nothing more than excessive laudations and strings of virtue boasting names spiced with scurrilous asides.

Indexical representations of the body

There are also some popular indexical representations of the body that often defy translation. These include body attire such as clothing and sandals. For instance, a person's agency can be arrested and manipulated by another person through certain ritualistic practices. Let me illustrate this by referring to a scene in Alloo's novel, *Otieno Achach,*(Alloo, 1966). In the novel, Otieno decides to kill a malicious medicine man (jandagla). Alloo writes, "Koro paro nobirone kowacho ni 'Jaduong'ni losruokne ema adwaro gajego' nimar Otieno nong'eyo ni losruok mar ng'ato nyalo nege ka losruokno okingi kata oling' e bur ogwe" (He soon resolved that 'I want to betray this old man using his own excrement.' This is because Otieno had known that a person could be killed if his own excrement was bewitched or cast inside the hole of a lizard). However, securing the excrement of the old man was not an easy task. The old man was also well versed in the popular generic discourse of witchcraft and so he used to help himself very early in the morning at a riverbank so that the offal was washed away. Otieno eventually succeeds in tricking Olambo, the old man, into casting lethal magical spells on his own bodily excuviae thereby condemning himself to death. By unknowingly casting his spells on his own excrement, Olambo succeeds in destroying his own potency, vitality and agency. This is an apt example of popular Luo beliefs in the potency of a person as extending to his or her bodily excretions.

The vital essence of a person also resides in his or her shadow. An individual can lose his or her vitality if his or her shadow falls on another person. The intruder is usually reprimanded, "We madho remba!" (Do not suck my blood!). In such instances, the vital essence of the subject is believed to be trickling and bolstering the intruder's own self-potency. Certain religio-magico spells can also be concocted with the malicious intention of robbing a person of his or her self-agency. An apt illustration from Cohen and Atieno-Odhiambo may shed light on this:

One day in 1957, in Ugenya, Miruka Jalam was beating a girl who was wailing loudly for help. . . . When the owner of the 'dala' intervened, Miruka shouted back that she had 'tied' (bewitched) him and that she had refused to co-operate in removing the spell. Peace was not restored until Miruka had found the cause under his pillow: three ears of still-green star grass.

In other words, the girl had used the star grass to render her lover temporarily sexually inactive. This is therefore, one instance where an individual has lost his potency due to some ritualistic machinations on his body. Such secret codes belong to the domain of Luo popular culture and systems of thought.

Significantly, among the Luo people, when a person has drowned in the river or lake so that his or her body cannot be retrieved for burial, an aspect of the dead person's clothing is

symbolically, taken as his or her representation and accorded full burial rites. In case nothing of the bodily margins is found, then a special fruit, "yago" (sausage-fruit), is appropriated symbolically as his or her body and consequently accorded full funeral rites as befitting his or her status within the community. All these types of symbolization of the body are deemed appropriate purification and pacification of a departed person's spirit. They are meant to avert possible "chien" (ghostly vengeance).

Iconic representations of the body

There are instances when representations of the human body's actual representations are visibly altered in a manner quite inconsistent with verisimilitude. The body's coding in the popular Luo board game of "ajua" is an example of this form of representation. Such representations can only have meaning when understood within the popular Luo notions of person-hood. The human body is distorted in such a way that ridicules or subverts any approximation towards reality. In such instances, the body is "appropriated as a semiotically charged magnet of social and aesthetic forces" (Ogembo, 2005). The "ajua" board-game resembles the game of chess. The "ajua" wooden board (wer) has eight adjacent depressions (udi) in which small pebbles (also called "ajua") are dropped and removed in the process of the game. Examined closely, "ajua reveals sophisticated artistry in which imitation of what is real and what is unreal becomes apparent. It imitates human physiology. But a closer look reveals detailed deformities destroying the realism in it" (Ogembo, 2005). Each of the depressions is named according to organs or parts of the human body. There are sixteen depressions in total, eight on either side of the board. Symbolically, the eight depressions represent two human beings lying flat down adjacent to each other but facing opposite directions. It is as if one's head faces the direction of the other's toes. However, the body parts appear deformed in a way that conveys a sense of de-familiarization. For example, from the foot (tielo), the next depression is the buttocks (pier). This is followed by the thigh (bam), the eye (wang'), the waist (nungo), the chest (kor), the neck (ng'ut), and finally the head (wich) in that order.

"Ajua" is a complex game that represents what Ogembo refers to as "the syntactical co-ordination of symbols or syntagm". The signs and symbols are not stagnant but their meanings accrue from their dynamic movement. Ogembo explains:

And when the symbols move, they change their aesthetic significance. For this reason, a player or spectator cannot appreciate the game unless he learns to see the signs and symbols as a network. The movement of one sign will transform the next and in turn the third or more and a player who is unable to keep track of the changes in syntax will be paralysed as he would most likely be caught contravening the rules. The game of "ajua" is also loaded with lewd images and symbolism that defy adequate translation. Curiously, the depressions have different "fertility" values that must be contested in order for one player to emerge the winner. For instance, the eye (wang') is the most infertile depression while the buttocks (pier) the most highly productive. As Ogembo infers, "since 'pier' may also mean the female reproductive organs in Dho-Luo, it is not a wonder that it is the most prolific as far as reproduction in ajua goes". During "ajua" game, players are at liberty to deploy lewd and sarcastic remarks. For instance, one often hears such sexually suggestive expressions as "chuowo thuon" (spearing with the cock) and "turo tielo" ("breaking the leg"). The latter expression figuratively, means also "to impregnate." Other lewd expressions include "soko wang'" (poking the eyes) and "nindo e bam" (lying on the thighs). The sexually explicit verbal discourse is popularly viewed and accepted as part and parcel of any "ajua" performance. This type of distortion or rupture of the body communicates the Luo people's attempts to come to terms with the human body both as a contingent and sacred text. It is an example of the rhetoric of representation whereby the Luo people attempt to influence or re-create the corporeal body by temporarily challenging its physical form. The body is deployed as a hypogrammatic derivation. Such figurative and symbolic representations of

the body are instances of generic coding that belong to the realm of Luo popular culture.

Conclusion

In this paper, I have attempted to shed some light on popular Luo notions and symbolic representations of the human body. I have argued that according to Luo systems of thought, the human body is appropriated as a hypogram. The body's coding is deployed in representing personal and social identities. The physical body as an entity is both private and public. It is the locus of individual self-awareness and identity but this personal identity is also conceptualized in terms of socio-cultural identity. I have pointed out that within the Luo cognition and popular literary expression the moral and physical attributes of an individual person are integrated together within the matrix of the human body and by extension, also within spiritual names, items of clothing, and other symbolic representations of the body. By making references to the popular Luo board game of "ajua," I have illustrated how the Luo people, sometimes, not only conceptualize the body as a symbolic code but also represent it in the terms of semantic indirection. According to Luo popular thought, the physical human body is not only deployed as a metaphor for modes of thought. The body's figurative coding are also deployed in popular virtue boasting and by Luo literary writers. The body's coding and its symbolic representation belong to the domain of Luo popular culture. They invariably, lose their significance and aesthetic values when cast in "foreign" referential realms.

References

Adhiambo-Oduol and Jacqueline, H. (1997) Culture Dimension of Interpretive Strategies: A Linguistic Study of Dholuo Proverbs and Sayings Contesting Social Death: Essays on Gender and Culture. Eds. Wanjiku M. Kabira et al. Nairobi: KOLA, 1997 19-28.

Alloo, C.K. (1966) Otieno Achach. Nairobi: EAPH, 1966.

Amuka, P. (1991) An Oral Reading of the Written: The Example of Masira Ki Ndaki. British Council Seminar. Eldoret-Kenya Sep. 1991.

Anyumba, H.O. (1954) Spirit Possession among the Luo of Central Nyanza. Kampala: Arts Research Prize. Makerere U.

Bakhtin, M.M. (1986) Speech Genres and Other Late Essays. Trans. Vern W. McGee. Eds. Caryl Emerson and Michael Holquist. Austin: U of Texas P, 1986.

Cohen, D.W. and Atieno-Odhiambo, E.S. (1989) Siaya: The Historical Anthropology of an African Landscape. London: James Currey, 1989.

Devisch, R. (1990) The Human Body as a Vehicle for Emotions among the Yaka of Zaire. Personhood and Agency: The Experience of Self and the Other in African Cultures. Eds. Michael Jackson and Ivan Karp. Uppsala Studies in Cultural Anthropology 14, 115-133.

Epstein, M.N. (1995) After the Future: The Paradoxes of Postmodernism and Contemporary Russian Culture. Trans. Anesa Miller-Pogacar. Amherst: Massachusetts UP.

Jackson, M. and Ivan, K. (1990) Introduction. Personhood and Agency: The Experience of Self and Other in African Cultures. Eds. Michael Jackson and Ivan Karp. Uppsala Studies in Cultural Anthropology 14, 15-30.

Kawango, E.A. (1995) Ethnomedical Remedies and Therapies in Maternal and Child Health among the Rural Luo. Traditional Medicine in Africa. Eds. Isaac Sindiga, et al. Nairobi: EAEP, 80-93.

La Fontaine, J.S. (1985) Person and Individual: Some Anthropological Reflections. Category of the Person: Anthropology, Philosophy, History. Eds. Michael Carrithers, et al. Cambridge: Cambridge UP, 123-140.

Lansdown, G.N. (1969) Gi Momiyo Sibuor Ruto Gi Sigende Le moko mag Afrika. London: Macmillan Press Ltd.

Lienhardt, G. (1985) Self: public, private: Some African Representations. The Category of the Person. Eds. Michael Carrithers, et al. Cambridge: Cambridge UP, 141-155.

Malo, S.S.L.M.C.K.L.P., n.d.. Dhaw e kind Karan gi Jawir Range. Sigend Luo

Maduogo Chuny. Kisumu: Lake Publishers, n.d., 1-2.

Mauss, M. (1985) A Category of the Human Mind: The Notion of Person; the Notion of Self. Category of the Person: Anthropology, Philosophy, History. Eds. Michael Carrithers et al. Cambridge: Cambridge UP, 1985

Mboya, Paul. Luo Kitgi Gi Timbegi. Kendu Bay: African Herald Publishing House, 1965, 1- 25.

Ocholla-Ayayo, A.B.C. (1976) Traditional Ideology and Ethics among the Southern Luo. Uppsala: The Scandinavian Institute of African Studies.

Ogembo, J.O. (2005) Art in Ethno-medicine: A Case Study of Juogi. Mysticism Among the Luo People in South Nyanza District of Western Kenya. PhD Thesis of University of Cape Town, Published in American Science Commons.

Ogot, G. (1983) Miaha. Nairobi: Heinemann.

Ogot, G. (1988) The Bamboo Hut. In: Land Without Thunder. 1968. Nairobi: Heinemann, 1988, p. 27-37.

Omolo, L.O. (1967) Ng'at Mane Kia Somo. In: Wasomuru Sigana Mamit: Luo reader Book One.1967. Kisumu: Lake Publishers, n.d, p. 21-23.

Ongong'a, J.J. (1983) Life and Death: A Christian/Luo Dialogue. Eldoret: GABA Publications, 1983.

Parkin, D. (1978) The Cultural Definition of Political Response: Lineal Destiny Among the Luo. London: Academic Press.

Rorty, A.O. (1977) Identities of Persons. in Personal Identity Ed. John Perry (University of California Press).

The Home as a Text: A critical examination of spatio-temporal symbolism in Luo context

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Abstract This article examines the Luo world view, in so far as it manifests meaning from the spaces in the home and its environs. The analysis is within the context of time and order that dictate human activities chronologically. Time is construed to be a product of seasons, and upon which the solar system impacts heavily on characters as they perform on the platform known as the home. The time also superimposes itself on the people both in its cyclical and linear perspectives. Meanings attached to certain symbols and rituals are highlighted and their attendant associations with ceremonies such planting, harvesting, wedding and burial rites discussed. We argue that though time and space are invisible, they interact with the Luo home in a metaphorical manner that needs interpretation. Upon the interpretation lie etiquette, social order and transition. The article also exposes how the Luo use their time and space in a manner that reveals their identity. As repositories of events, time and space impose social order and together, they affect production and reproduction thereby determining the economic levels of the community. To be healthy, successful or ill is to strike a balance or imbalance between the individual and the environment. It is argued that the Luo ethno-medicine is dependent on manipulation of these factors in so far as their attendant indigenous principles manage, harness and exploit the resources in the environment. The article concludes by showing how these issues underline Luo narratives in a subtle manner that must be understood if the significance of stories is to be grasped.

Key words: Home, Luo, Spatio-temporal symbolism

Introduction

The Luo are an ethnic group that lives on the shores of Lake Victoria in East Africa. They are part of a larger ethnolinguistically connected people that dwell in an area including southern Sudan, northern and eastern Uganda, western Kenya, and northern Tanzania. Their ancestors migrated from the Southern Sudan and arrived in what is now called Kenya in the 15th Century or thereabouts. They are basically fishermen by inclination, but for the declining catches, they have lately taken to farming and keeping of cattle. The history of the people indicates that they followed River Nile because of their interest in fishing. Since they have interacted with water as the source of their mainstay, their cultural practices revolve greatly around the water in its many forms. It forms the basis for their rituals and ethno-medicine. Water is a traditional medicine, however, if not handled well in line with traditional taboos that guard its usage, it can cause illnesses that Western medicine cannot manage to deal with. Like other ethnic groups, the Luo culture has learnt a lot from their

neighbours, like the Luhya, the Abagusi and Kalenjin around them. For this matter, some shared customs have evolved in the area. That notwithstanding, the Luo remain a distinct community because of the way they cherish some of their 'outdated' traditions that strangers abhor. This has earned them severe condemnation from sections of the populace who do not understands nor appreciate these traditions. This article offers a tiny window through which some of the complex issues around meanings of home and the attendant symbolisms can be interpreted or monitored.

The world as we know it today faces serious challenges because of environmental mismanagement. According to Agnatava (Agnatava, 2010), pollution has been afflicting mankind from the time people started using fire. However, with the advent of the industrial revolution in the 19th Century, pollution became worse. Though technological improvement has made it possible to strike oil offshore and onshore and extract it with maximum efficiency, they have been unable to devise methods of cleaning its undesirable side effects like discharges emitted into the atmosphere, frequent spillage of oil into the seas and residues on land. Mining for instance, has its adversities. Agnatava goes on to say that industrialization created a capitalist culture that entailed division of labour and efficient consumption of resources. The population has grown in leaps and bounds, thereby outstripping food supply. The attempt to cope with it through industrialization has created faster urbanization, which in turn, has stressed the earth by demanding excessive resources from it. She concludes that the carrying capacity of the earth has been surpassed and further demands put upon it can only yield automatic disaster.

In the light of the cited challenges, some scholars have recommended reactivation of indigenous knowledge, skills and practices that have stabilized the society over the years. They suggest that this can be done by examining the belief systems of a people. It is imperative to examine myths, legends, rituals and world views because they are the people's instruments of survival, and construed as the source of a community's protection over the years (Gorjestani, 2000). On the other hand, there are scholars such as Shah (Shah, 2002), who hold a contrary opinion. Shah argues that studying indigenous knowledge would lead to globalizing them which amounts to theft. He says this would be stealing creativity and innovation from the people by denying them their rights. Having considered the multiple and controversial voices on the subject, this article postulates that that there is merit in seeking to understand folk knowledge. Hence the following sections delve into the world view of the Luo regarding their use of space, time and sex in the management of the community's resources.

The structure of a Luo homestead

The home is a flippant imagery that generates multiple meanings. There are mobile homes or homes away from home as opposed to fixed homes. Such homes symbolize a cultural concept. Some belief systems view the world we inhabit, not as a destination per se, but as a transitory space where human beings are mere passengers heading for other homes, other worlds, other destinations. Hence, Moltz (Moltz, 2008), finds the concept of home intriguing in its multiple definitions. Tackling it from its synonym "abode", Molz finds the concept of home entailing two broad meanings. It could mean a sojourn for a temporary stay or home where one resides for a long time, even a life time. For that matter, dualism is the terminology that makes it possible for one to think of home as fixed and stationery, while simultaneously, perceiving it as a flux and temporary. This way, the home becomes fluid, mobile, plural, and static, with all sorts of cultural attachments and grounding.

The structure of a Luo homestead is a fixed pattern whose blueprint has been passed down from generation to generation. It is like the constitution upon which all other legal issues are resolved. Indeed the home is regarded as the platform or space upon which pirits intermingle with the living, Iteyo (Iteyo, 2009). The unborn, the young and the old must interact in this space with the departed ancestors who are known as the living dead Mbiti (Mbiti, 1975). However, for the interactions to work well there must be rules

of engagement. While some people may view discourse about the dead as taboo, for others it is merely part of cultural heritage. Whatever the case may be, according to Iteyo, the dead occupy an exalted position among the Luo. This is the reason why the dead must be buried at a particular space in a particular position. In this scenario, the right side reflects symbolic maleness, authority and power, he observes. It is imperative that all the males must be buried on the right side of the door of the homestead, if you look towards the gate. Here the male body must lie on its left side while the female one lies on its right, thereby re-enacting the traditional sexual positions that they played in life. For adults, a fire known as *magenga* must be lit for seven days for a dead male, and three days in the case of a female. This is the background against which the burial of S.M. Otieno, Cohen & Atieno–Odhiambo (Cohen and Atieno-Odhiambo, 1992) became a national debate. There were legal, cultural, social and historical questions that revolved around what constituted a Luo homestead and how that affected the inheritance of the estate.

The time factor

We have seen above how time and space interact with age and sex of the dead. To grasp the importance of all this, one needs to know the argument of Dejung (Dejung, 2003), who states that time and space are key to life because they are the containers of happenings or events. For this reason, he believes that time imposes social order and space carries symbolic meanings. According to this opinion, all social facts or events are located in particular physical places, thereby being in particular social processes. The Luo home space and performance on it should be seen against this philosophy. This is how their past, present, and future conception of space and its structure should be understood. It takes a keen observer to interpret the spatial positions of houses by the manner in which they have been built. In the Luo homestead prototype, the parents must pitch their house at the top of the space, and then the boys put up their huts, left and right, according to their order of birth cascading down towards the gate.

The *oula* water factor

In almost flat terrains, in which it would be hard for anyone to tell which side of the landscape is higher, the Luo would only need to watch the storm water. Its flow will dictate who builds a house where and this rule becomes enforced by taboo *kwer* practice. The bigger picture is determined by the location of water body like a lake, river or pan that collects water. The rule of the thumb is that a Luo homestead must be set facing the direction of such water bodies. The oldest couple settles at the highest altitude of the landscape, and then younger generations spread themselves in phases downhill in order of their ages, so that the youngest couples occupy the lowest part of the landscape. This is why it is arguable that the planning of how to use land resources is taken care of to a great extent for the Luo by the water, which in turn is controlled by the hills or mountains and skies. It is not left to chance to decide who will settle where as the usage of the land surface is culturally predetermined. Supposing the left side of the farm is rocky or marshy, the son born in the order to inherit it cannot make a claim for a change of settlement. It would be a taboo for him to move above his senior brothers.

Atieno Odhiambo, (Atieno-Odhiambo, 1973) participates in questions of what constitutes good development plans for Africans. Some recommend capitalism, others talk about Marxism and later on African Socialism. To Atieno Odhiambo it is the responsibility of the state to plan for development because it controls the resources and levies taxes and rents by imposing rules and regulations with the objective of making the society happy. In a Luo state, planning the development in the environment would have been left to oula water principle to sort out. Together with the left-right pattern principle, there would have not been controversy on what should be done where by who and in which order.

Left-right pattern, and of doors and gates

The point of reference here is the home of the oldest couple. Back to individual home space, it ought to be noted that the sons are supposed to put up their huts in an alternating right-left

pattern starting with the oldest son at the top and the youngest at the bottom of the home space. A person familiar with culture will figure out by himself which house belongs to who. The home structural design is legible to those who are culturally literate. The same rules apply to polygamist families. Different wives take positions in an alternating right-left pattern in order of seniority where junior ones comes lowest and nearer the gates. This can be 'read' too. All these things may seem unimportant, but they help the Luo find their bearings and navigate their movements in life and on earth.

Having studied the Luo settlements in detail, Abonyo (Abonyo, 2005) reaches a similar conclusion. She notes that there is often an underlying cultural value attached to creation of cultural spaces. It is these spaces that define communities and give them idiosyncratic identities. From the cradle to the grave, the Luo use the spaces in the home in a manner that identifies them as Luos. We have seen the skeleton outlay of the homestead. Beneath the conspicuous basic spatial layouts of the home, according to Abonyo, there are signs that define their ethnicity.

For illustration, she gives the example of the gates and doors. They have both hidden symbolic meanings which the community cherishes. The sons in laws cannot use the back gate known as *rot*. This is a small entrance at the back of the home used by those who may be insiders or intimate to the family. Probably, this restriction was meant to keep privacy from those who do not belong, like the in laws, were not to use this gate. For the main gate, however, it is used by all in life, but in death, the practice changes. When a man or his wives die outside the home, their bodies would be brought in through the main gate. In Abonyo's opinion, this is because they are considered permanent residents of the home. Anyone else like the children, sons or daughters in law are to be brought in through a temporary opening called *rot* made in the fence. It is again arguable that this is symbolically indicating that the diseased did not thrive to move out to his or her own homestead.

Both the gate and the door are symbols of transition and privacy. The door is a sign of entry as it is everywhere. However, like the gate, it is also a sign beyond which certain individuals within or without the family cannot go at given moments. For example, it is a taboo for adolescent sons and daughters to go past the door to their mothers' hut. It is the sacredness of the sleeping space that keeps them off. Abonyo observes that in the event that the sons and daughters came to their mothers hut for a meal, they would be served at the door. If the mother would be away, she would ensure the food is left for the youth at some special space above the door, where it can be accessed without stepping into the hut.

The gates and doors have been noted to be points and symbols of transition. They are markers of insiders versus outsiders. For the Luo, Ogembo (Ogembo, 2005), they are delicate spaces that can be manipulated ethno-medically to cause illness or heal a sick patient. Indeed they are guarded strictly because they are the points of exposure at which ones enemy can deposit harmful charms to ones detriment.

The right is inherently associated with strength and good luck while the left is regarded weak and a sign of bad omen. The Luo figuratively refer to the left side as *'bat kor ka jachien'* meaning the side of the devil. It is this weak side associated with evil that typifies the women folk. In case children, against all discouragement, persist on being left-handed, the Luo would organize certain rituals to cleanse them. On becoming adults, when due to establish their own homes, certain rituals must be done in advance for the left handed men according to Abonyo. When all sons have moved to their homes and the parents have aged and died, a Luo home is considered dead and the settlement cycle begins all over again. Birth, Death and Space are all intertwined amongst the Luo to maleness or femaleness of the subject. At birth, the placenta (*biero*) of a baby girl is buried on the left hand side of the door of the mother's hut. Later, when she dies, she is buried to the left of the door too, although not on the same spot. For the boy child, they do the exact opposite. It is possible for an observer to know the gender of

the dead by simply looking at the grave site. When a young marriageable girl dies before finding a husband, she would be buried outside the fence of the home. The same applies to people who have committed suicide. The space outside would be making a statement to the rest that what the dead person has done is unacceptable. This is supposed to have some deterrent effect on society especially on the peers facing similar pressures.

Osuri

On the roof of every hut in a Luo homestead is a one metre stick pitched at the appex of the circular conical roof. It is a very important symbol in the home. It pierces through broken pots and sits directly above the centre of the hut. That space below it is sacred. It is where beer pot is mounted with chairs around it for old men to have their drink. It is also the point at which the medicine-man would administer his herbs to those who are ill, if there is a sick person in the family. In case the man of this house dies, the osuri stick, which some people think is a phallic symbol, is removed to reflect his demise. Anyone passing by, if literate in the culture of the people, would know for sure that the man is dead. As soon as the woman or widow is remarried or inherited, as it is known here, a new Osuri stick is fixed on top of the roof. This symbolizes the presence of the new man. That osuri is like a flag. It signifies authority, which is bestowed on the man because this is a patriarchal community. The Luo tie a lot of significance also to the concept of left or right spaces. These are deictic terms that must be determined by the position of the speaker. For the Luo point of departure at which people perceive 'leftness' or 'rightness' is the door of the first wife's hut. It matches well with the gate too. The two points complement one another and they decide how the spaces in the home or farm or village will be distributed, used or occupied. Abonyo says the system of placing activities and artifacts left and right stems from the cultural beliefs in the differences in function and strength between two opposing wings. This concept is applied in the life of a Luo from the cradle to grave.

Gates and doors as markers of transition

The gate and door are markers of territoriality keeping those inside from the outsiders. They are points of strategic defenses. In terms of taboos and procreation, these are key points to be guarded jealously for the Luo. Lots of rites of passage are conducted in these places because they symbolize transition and becoming. On the doors and gates, one might find symbols of competition, rivalry and interfamily feuds. At harvest time, leaves of the new crops are hanged on the gate to ward off witchcraft and to announce the good news about the harvest. Traditional medicine men also put markers on their gates for the public to discern.

Space as instrument of self-definition

In de Silva's opinion (De Silva, 2007), the concept of space and place are well recognized and accepted in recent architectural theories and practices though definitions vary according to different interpretations. He thinks that the concept of space basically relates to man and his environment in terms of man's experiences. This position however is confronted by modern concepts of the infinite and boundless space in the Cartesian sense. Technology has made exploration of our environment beyond any limits. The Luo, of course, did not go that far although they had the concept of *polo* heaven. Their oral narratives go only that far and that is the limit of their traditional spatial imagination. We understand that even in the Western world view, space remains an ambivalent medium constructed between human beings and environment in the sense of physical and psychological manner. In a way, the spaces around one, helps to define him. As he explores this space he also reflects an undertaking of self-discovery. For that reason, we understand ourselves in terms of our stories. The stories are set in and on an environment. In the mind of Morris (Morris, 2007), stories help people reconstruct or reconstitute physical settings and make them permanent when actually they are fluid and evolve from minute to minute. If we do not use narrative space concept to create stability, the environment would simply melt away. The presence of the audience to the narrator makes it possible to hold still the

environment which has passed. To the Luo, the home symbolism is the chief device of holding the environment still and therefore managing interactions between man and the space around him.

Beyond the fiction world, real issues like the ones raised by human rights activist find it hard to undo the Luo traditions on land allocation by surface principle of left-right. Nash (Nash, 2009) argues that human rights disrupt the norms usually taken for granted. They revolve around universal justice. Globalization that the world is going through raises hard questions about how resources can be allocated across the board in a just manner. However, the shared understanding of justice would vary from community to community. To the Luo, the spatial distribution of land will follow the water flow and order of left-right pattern. If there were any land dispute between brothers, the elders would strictly look at the *oula* concept together with left right-left patterns to resolve it. Justice is determined by the order and gender in which you were born. The women are not considered here because they are *ogwange* wild cats that marry away from the homestead. This is what Nash calls cultural politics. The space symbols are deeply rooted in the Luo heritage, but these could be contested in a struggle to change things.

Sex as a method of enforcing social order

The Luo have been derided as people whose life rotates around sex. This has made some people born in the community become too shy to identify with this cultural practice. Before the bride is taken to bed, the bridegrooms' parents must have sex themselves and send a signal to the young couple in a symbolic language, but which must be culturally very clear. For planting new crops, the order of sex starts with the oldest couple in the hierarchy to the youngest ones. No couple could plant new seeds, without undertaking a sexual ceremonial ritual the night before. When putting up a new homestead or moving into a new house, the Luo must have sex to complete the process. All these are made mandatory obligations that must be observed. Defying such taboos would invite the chronic and stubborn *chira* disease into the family. This is a dreaded illness, whose symptoms are like those of HIV and AIDS infections. For a long time, the Luo used to confuse the former for the latter sickness. What is common between the two is that they are diseases revolving around social ethics. The ethics decide what is regarded as normal and therefore considered acceptable sexual practices. Leighpigg and Rivkifish (Leighpigg and Rivkinfish, 2005) argue that sex is very important in development. Population control and management, disease prevention, maternal health promotion and child health care practices, which internationally depend on sex culture. This influences planning and reproduction, which in turn, affect physical development of the land.

Gosine (Gosine, 2009) agrees and observes further that when sex and sexuality are left out of international development agenda, it cannot reach optimum levels. He says that sexual proclivities of those on development sites have caused anxieties of the people and driven and shaped projects of international development. The Luo seem to have taken care of this need by integrating their sex and sexuality to development. This is also injected into their health management. To them staying healthy is a function of good sex practices in an orderly manner as we have discussed above. When life is infected by illnesses, it might just mean that someone has not played his part correctly in the sex chain and order. The remedy is to re-enact the whole play, having adjusted the part that went wrong.

This world view is getting support from the most unlikely quarters. Dossey (Dossey, 1982) argues that the world cannot be understood entirely on the basis of modern physics in which the body is perceived as a clock-work of mechanism, in which illness is caused by breakdown of parts. Having been an internal medical physician for a long time, Dr. Dossey recommends that medicine needs regular updating probably by infusing indigenous knowledge. On this basis we can question the theories that have governed our application of medicine. He wonders whether the brain is nothing more than a hologram in which every part contains a whole. That could explain why ordinary people have been able to raise or lower their blood pressure at will, or

control heart-rate and body temperature. The major question arising out of this phenomenon is what part consciousness plays in the management of health and illness. He disputes our obsession with the idea that time is a flowing entity. Like the Luo, he introduces the new time pattern which is not linear but circular or cyclical. Upon this understanding, he brings in the idea of time sickness which he talks about as a new medical concept. It is seen as a possible cause and the greatest killer of all heart diseases. He presents remarkable medical data showing that by changing their view of time, people have been able to positively affect the cause of diseases.

The fence of the home

The Luo home is normally fenced using a euphorbia. This is a boundary marker indicating transitory point that separates the insiders from outsiders. The fence indicates territoriality beyond which intrusion would not be tolerated. If need be, force will be used to evict the uninvited. Normally, the fence would take a circular shape and pattern. The fence also symbolically binds the family together. Those inside must adhere to certain cultural norms, if they want to stay healthy. The outsiders do not have to go by these rules. If anyone falls ill within the home compound, a medicine man would be engaged to examine the space to see if someone contravened the space and time taboos. The healing remedy is normally a re-manipulation of the space in the understanding that the reconfiguration would bring life. The fence is a point at which witchcraft and is carried out. It is also the point in which anti-witchcraft charms are planted. The space outside the fence is regarded 'unclean'. That is why those who die in an acceptable manner are buried outside the fence. Indeed it is a marker of where the home begins and ends. When a story is told of a character going into or out of a home, it is the fence that determines at what point the character is in or out.

To Atieno Odhiambo (Cohen and Atieno-Odhiambo, 1989), the boundary of the home is further indicated by the 'biero' or placenta principle. This is a theory where people whose placentas were buried outside the home are considered weak and of less value. Such people are considered 'jooko' meaning outsiders. He argues that those whose placentas are buried within their respective homesteads are seen to belong and understood to be upright and dependable. He concludes that 'biero' in the home then becomes part of the constitution of boundaries between those born and raised on familiar grounds and those unrecognized or coming from outside the lands of familiar people. Like the fence, one can see that biero, placenta, and its burial site, is a marker of the Luo identity. The birth place and death place are indicators of Luo identity in terms of the burial sites of the bodies concerned.

The cycles of sex and time

The Luo say '*piny agonda'* meaning the world is round. This underscores the idea that time moves in a cyclical pattern. The Luo symbols and rituals and sex patterns reflects time as a cycle. Even in this complex cycle, there is linearity and order. This is the basis upon which the planting of new crops, harvesting and ploughing are all preceded by chronologically organized sex starting from the oldest couples to the youngest. If the population complies with the pattern, there is health, but if deviation is brought into play, the community would be afflicted by illness. The spatiotemporal sex pattern of the Luo emanates from the fact that man can abstract. This is why van Huyssteen (Van Huysteen, 2006) states that only man can brood about what did not happen and ponder about what it would be like if we did not exist. If the Luo fall sick, they try to figure out what might have not happened in the right way. That way, they invent stories about what might not have happened well and then use the stories to organize their lives.

The Luo stories like *Lwanda Magere*, *Simbi Nyaima*, *Gor Mahia,* Ogutu & Roscoe (Ogutu and Roscoe, 1974) and so on are set in homesteads. All of these stories are crafted around something that went wrong in the homestead and how the characters went about fixing it or how they made errors in the quest to correct them. It is understood that the houses in these stories where the characters live were built to fit the blueprint

given above. The stories are told to listeners who are assumed to have the home design, pattern or orientation in mind. The home of *mikayi, nyachira*, *simba* and *abila* are all fixed. The narratives revolve around these houses and their positions are already fixed in the mind of both the teller and the listener. Spaces of the homestead 'speak' to the narratives in symbolism, infusing or injecting meaning into the stories in a silent manner. In the Luo thinking, spaces are planned by *oula* meaning storm water and *chira* disease. As water flows and finds its own level, it distributes Luo population across the surface of the earth. Chira is the illness that afflicts people who defy settling their homes according to the oula dictates. The temporal order is observed in sex, which takes a fixed pattern in the community. In turn the pattern is controlled by major seasonal phenomena like the planting seasons that are determined by the rainy periods. In effect, it is the solar systems that affect weather, which in turn would influence sex patterns. The celestial rhythms affect Luo life in this way by invoking order or meta-order into society.

The story of *Othin-Othin* and space metaphor

The Luo tell the story of Othin-Othin rabbit or hare that wanted to go to seek a wife in heaven. He dared the space around him and natural limitations to dream of a bride from above. Not knowing how to reach the heavens, he approached different animals for help to no avail. After a lot of search, he came to a spider, who agreed to help. On the appointed day, the spider wove a line web from the earth to heaven. They used it to climb up to the place. They were three together with a frog. On approaching the home, Othin-Othin warned them that when they would be served, they should listen very carefully. If the hosts said, "Send these things, food, chairs or anything else to *oche* meaning sons in law, whatever would be brought would all be left for Othin-Othin alone. However, if they said send the same to *welo* visitors, then they would all share whatever it was." It turned out that the chairs were brought for *oche* and Othin-Othin claimed all the chairs and tried to sit on all of them: two for his legs, two for his hands and two for his buttocks. The spider and the frog sat on the floor. When the hosts brought food, Othin-Othin was quick to enquire, "Is the food for *oche* or *welo*?" They replied for *oche*. Othin-Othin ate all the food and left his friends hungry. At night, the two conspired and returned to earth using the web, then cut it. On waking up the following day, Othin-Othin discovered that he had no means of coming back to earth. He jumped from heaven only to have a hard and dry landing that turned him into *obambla* dry fish.

The story goes on but the bit given above will do for our discussion. The Luo etiquette demands that those going on a marriage errand must be three, and not more or less. The pattern was supposed to identify the actual suitor by the space position he occupied. He was to be in the middle. The ''mothers'' in law would know him without asking his name directly. Othin Othin defied this cultural requirement and occupied all the seats, thereby throwing heredity and traditions out of balance. It ended in a fiasco. He also became very greedy and individualistic by seeking to occupy all the chairs when he only needed one. It is the greed that drove him to seek a wife outside the known territories of the earth. He is punished for over-reaching the environment by going overboard and disturbing the balance of nature with very adverse consequences. He abused the environment by going too far to reward his ego. The home where they went in heaven was understood to have taken a Luo format, with mother in laws' house elevated above. Its door must have faced the gate next to which there were several huts called *simba* for the boys. This would be the venue where the suitors would be welcomed as they await the formal negotiation later in the mother in laws house. All the chairs and food would be brought down from the mother in laws' house to the *simba* huts. The Luo listener will understand the cultural beliefs regarding the spaces, fences, gates and doors. Though this message is loaded with what Leland & Viotti (Leland and Viotti, 2009) call inter-subjectivity, meaning levels at which the narrator interacts with the narratee and that in which the subjects within the story interact among themselves, the essence of the Luo ethics remain clear. In this story, the

narrator has used a figurative structure to map the World and show ones' place in it. The mans' place in it is the home. Realizing the role of narratives in giving meaning to the environment, Tally, (Tally, 2008) draws a parallel to mapping. The stories organize data into recognizable patterns which, even if we know them to be fiction merely representing space and place, help the listener make sense of the world. The World of Othin Othin is mapped or cartographed local territory, the earth, which he can exploit freely and outer space, heaven, which is a space forbidden by traditions. The result of defying tradition is that he became homeless fitting neither in heaven nor on earth.

Lowe (Lowe, 2004) sums up such a scenario arguing that the internal structure of a story is captured in what he calls narrative space that may code information about structure of relationships between players. When the Othin Othins are united, they can conquer the environment because the relationship is good. Later on we see a spatial structure whose matrix reflect differentials and spheres of power. The sitting arrangements are configured to reflect that. The animals in the story ventured beyond their spatial limits, the earth, to the place where they would be vulnerable. They have to contend with the consequences.

Planning the Environment

The Luo environment and landscape is planned by cultural traditions that cannot be changed. Even the exploitation of the resources is not done in a haphazard way or random manner. It is done in an orderly way organized by water flow and sex patterns that are remotely controlled by the weather and seasons. This way, the Luo would not overexploit his environmental resources because cultural demands would invoke regular punctuations in between to make him pause as he waits for his turn. Today, the people have become so individualized because of westernization and urbanization. This has unleashed the people from traditions and it has pushed the people to become perfect consumers who think of nobody else but themselves. This is why the resources are abused instead of being used.

The stories, folktales, proverbs and songs were all used to uphold the ethics of using landscape and other resources according to traditions. There would be characters crippled because they built their houses above their parents or because they ate green maize ahead of their senior brothers. When one brought a new wife known as *miaha* home, he would have to wait for his mother to come back, if she had travelled far away, so that the parents would have their sex before the young man sleeps with his wife. To ensure this, the elders would keep the young lady out of his reach by ensuring that she sleeps in a grandmothers' house away from the bridegroom.

The world space is continuously changing. For people to organize their lives well on it, they need a theoretical framework to grasp and fix it. This is a principle that Smith, Harre and Langenbov (Smith *et al.,* 1995) call 'partitioning'. It is a process by which the environment is held still by the observer in order to make the objects of interest perceivable. It is a construct that holds the environment stable for human action. They say that the purpose of partitioning is to create figural relations which are constant under constant transformation of the figure. This makes space a predictable phenomenon on which narratives can be based because it spells out how space is organized to contain experience. For the Luo, that figure, is the home together with its structure and History.

Conclusion

We have seen how the Luo mindset responds to time, space and sex in manipulating his environment and exploiting it. There is merit in these traditional provisions because they limited individualistic and competitive exploitation of the resources that would be more ruthless and abusive than otherwise. The whole objective of extracting materials from the environment was to make use of it and not to hoard it or accumulate it as is the capitalistic practice that ensues today. Whereas the taboos that were passed on from generation to generation through folk narratives may not have been sensible, they were efficient in enforcing and sustaining public order, which is a prerequisite for development. The World view of the Luo was governed by predestined positions in life to some extent. Indeed, it is

debatable whether this was good or bad. It seems the Luo did not benefit from the privilege of having free choice in a random manner. He was born to fit in a strait jacket of labyrinthine pattern of a homestead. He gained the resultant order, but lost his freedom of choice in matters of sex, space and time. This has culminated in perpetual debates about determinism versus randomness and freedom of choice in matters of development of a Luo. To date, that argument has not been resolved.

References

Abonyo, D.A. (2005) Cultural Aspects of Housing: A Case Study of the Luo in Kisumu Town in Kenya. Nairobi University, Kenya.

Agnatava, I. (2010) Tropical Rain Forest Animals. Environmental Pollution: Its Sources and Effects.

Atieno-Odhiambo, E.S. (1973) Stand Points. Ed. C. Wanjala, E. A. L. B, Nairobi.

Cohen, D.W. and Atieno-Odhiambo, E.S. (1989) Siaya: The Historical Anthropology of an African Landscape. London: James Currey, 1989.

Cohen, D.W. and Atieno-Odhiambo, E.S. (1992) Burying S. M.: The Politics of Knowledge and the Sociology of Power in Africa. Portsmouth, NH, Heinemann Educational Books, and London, James Currey Ltd.

De Silva, W. (2007) Built-Environment. Srilanka Journal 07.

Dejung, K. (2003) International Organizational Network Culture. Washington University Press.

Dossey, L. (1982) Space, Time and Medicine. Shambhala Publications. Boston, Massachusetts.

Gorjestani, N. (2000) Indigenous Knowledge for Development: Opportunities and Challenges. UNCTAD, Geneva.

Gosine, A. (2009) Development. Palgrave Macmillan Journal.

Iteyo, C. (2009) Thought and Practice. A Journal of the Philosophical Association of Kenya. Nairobi, Kenya 1, 147-159.

Leighpigg, S. and Rivkinfish, M. (2005) Sex in Development. Ed. Adams Vincanne. Duke University Press, USA.

Leland, M. and Viotti, E. (2009) The Embodiment of Intersubjectivity, Otherness and Absence in Signed Language Narratives. University of Sao Paulo, Brazil.

Lowe, N.J. (2004) The Classical Plot and the Invention of Western Narrative. CUP, UK.

Mbiti, J.S. (1975) African Traditional Religion. Oxford, UK, Oxford University Press.

Moltz, J.G. (2008) Space and Culture. Sage Press, USA.

Morris, C. (2007) The Creation of Narrative Worlds in Physical Space. Internet [morristhesis].

Nash, K. (2009) The Cultural Politics of Human Rights. CUP, UK.

Ogembo, J.O. (2005) Art in Ethno-medicine: A Case Study of Juogi. Mysticism Among the Luo People in South Nyanza District of Western Kenya. PhD Thesis of University of Cape Town, Published in American Science Commons.

Ogutu, O. and Roscoe, A. (1974) Keep My Words. E.A.E.P, Nairobi.

Shah, A. (2002) Food Patents-Stealing Indigenous Knowledge.

Smith, J.A., Harre, R. and Langebov, L. (1995) Rethinking Methods in Psychology. Sage Publications, University of Michigan.

Tally, R.T. (2008) Literary Cartography: Space, Representation, and Narrative. Texas State University, USA.

Van H. (2006) Human Uniqueness and Symbolization. Ferdmans Publishing Co. UK.

The Production of Knowledge in, of, and about Africa: The works of Elisha Stephen Atieno-Odhiambo – Keynote Address

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Abstract

This article is a critical historiography of Elisha Stephen Atieno-Odhiambo's historical thoughts overtime. It explores the historical themes of his discourses. It begins with an appraisal of Atienos immense contribution among the second generation of historians whose core task was to engage in extending the temporal and special scales of African history as well as the production and consumption of the new historical knowledge. Some of his works addressed in the article include: The place of African peasants in nationalism and intellectual progress; The historical making of the Luo nation within the Kenyan nation; Challenges of African historiography; The question of interaction between Africans and Europeans; The role of Africans in the decolonization process; The Mau Mau debate in Kenya; Class formation and its relations to ethnicity in Kenya; Africa religion and The question of the spirit and destiny of Luo nationalism.

Key words: Knowledge, Africa, Keynote Address

Introduction

Elisha Stephen Atieno-Odhiambo (1946-2009) was my Ph.D student between 1970 and 1973 in the Department of History, University of Nairobi, having obtained a First Class degree in History from Makerere University. He then became a colleague in the Department, and subsequently, a fellow intellectual until his death in 2009. He belongs to the second generation of African professional historians who emerged in the late 1970s and 1980s. The first generation who included, among others, Cheikh Anta Diop, Joseph Ki-Zerbo, Adu Boahen, Jacob Ajayi and B.A. Ogot, had in the 1950s and 1960s laid the foundations of African history. Their intellectual and ideological mission was to rehabilitate the Africans past and to reclaim the dignity of African peoples. Under their intellectual leadership, the development of African history was in the hands of African historians and African history departments. Their determination to establish the authenticity and autonomy of African history culminated in the publication of UNESCO *General History of Africa* which has been translated into fifteen languages. By the time the second generation came into being, no one any longer seriously questioned that Africans had their own history or histories. The challenge now facing the younger generation of African historians was to extend the temporal and special scales of these histories, their methodological and global histories, as well as to expand the production and consumption of the new historical knowledge, to disseminate it to policy-makers and the public masses hungry for liberating ideologies and identities. In this endeavour, they were variously influenced by Marxist, feminist, ecological, and postcolonial and postmodernist perspectives. In most cases, their research focus gradually shifted from the longer perspective of African history to contemporary history (the colonial and postcolonial eras). Some of the problems crying out for urgent investigations included a study of colonialism in the context of state/society relations: social relations and class formation; the Western education and elite formation; political economy and exploitation; formation of ethnicities; gender relations; the values of the old that are recoverable in pursuit of national building and identity. Secondly, there was the

problem of decolonization and nationalism: the emergence of the neocolonial state; the presence or lack of nationalism to sustain the new nation; who had the legitimacy and credibility to govern? Can Africa create a "civic identity" in place of an ethnic? Thirdly, there was the crisis of economic production – income inequality; the gap between the rich and the poor. Finally, there was the issue of the African state and the international system. African historians had to be vigilant against Eurocentric conceptions of history and categories of analysis and also vigorously produce reconstructions of history that recentre African history by deepening and globalizing it in its temporal and spatial scope. Atieno-Odhiambo rose to these challenges, and soon emerged as an original, brilliant, versatile and productive thinker, who vigorously interrogated the historical assumptions and intellectual pretentions of African and non-African historians. His works were quoted in many international journals and academic books, and his presence was sought and valued in international fora where scholars, professionals and policy-makers met to deliberate on the historicity and humanism of Africa.

Atieno-Odhiambo's involvement with the production of knowledge in, of and about Africa was anchored in two primary sources: the academy and his peasant roots. In a paper he read at the Second International Conference of the Association of Third World Studies (Kenya Chapter) held at Egerton University between 17th and 19th September, 2001, he wrote:

> "Over the past three decades or so I have been engaged in deciphering the two templates around which the production of knowledge about Africa has been taking place: first within the academy, which is my main habitus, and secondly, among the peasants, the people among whom I was born and raised. I have increasingly become engaged with peasant intellectuals, these movers and shakers of meaning in the countryside, and brokers of both academic cultures and the republic of popular discourse to the rural populace. It is the peasant intellectuals who likewise normatively process how authoritative and authorial knowledge ought to be handled at grassroots level"(Atieno-Odhiambo, 2003).

Even the long period of exile in North America from August 1988 to 2009 failed to extricate him from his peasant roots. This in itself was a remarkable achievement.

The disappointment with the results of political independence from the mid-1960s led to radical pessimism captured by the title of Oginga Odinga's book *Not Yet Uhuru* (Odinga, 1967). This radical pessimism was marked by a shift in focus from the African elites to the study of peasants and workers as the real wagers of the anti-colonialist struggles. Beginning with an interest in the historical origins of the Kenya peasantry in the Kenyan social formation at the beginning of the twentieth century which resulted in the publication of "The Rise and Fall of the Kenya Peasant, 1888-1922,"(Atieno-Odhiambo, 1972; Atieno-Odhiambo, 1972). Atieno moved on to study the movement of ideas among the Liganua peasants where he was born (Atieno-Odhiambo, 1976). In his Makerere undergraduate dissertation on the Luo Thrift and Trading Corporation, which he later revised for publication, he demonstrated how cultural idioms had been harnessed by Oginga Odinga in order to achieve sustainable development from below among the Luo in the years after the Second World War. The study of independence movements in Africa had concentrated on the elites and it was high time the historians re-examined the exact nature of the relationships between these elites and the people they claim to have led, the "masses". The study of nationalism in Africa, therefore, must not end with the elites, Atieno stated. The work must be extended to the people they led. When the elites claim they were 'popular", what was the exact nature of this popularity? Who were they popular with? And what was the nature of "populism" in Africa? (Atieno-Odhiambo, 1975).

Atieno-Odhiambo, with his co-author David William Cohen, produced their famous triology which started with *Siaya* in 1989 which contains their original formulation of "the problem of knowledge", as they explored the multiple and unfinished contours, then elaborated in *Burying SM* (Cohen and Atieno-Odhiambo, 1992) in which they discussed the politics of knowledge and the sociology of power and was concluded in their discussion in the *Risks of Knowledge* (1990). In all the three works, the authors applied the postmodern method of providing "deconstructive" accounts which play off against one another a number of contesting voices, interests and perspective so as to expose the complexity of social issues involved, but that themselves refuse to choose "correct" interpretation.

In *Siaya* (Cohen and Atieno-Odhiambo, 1989c) (which has several landscapes: Boro in Siaya district, Kaloleni in Nairobi, southern Uganda, and the sugar belt in western Kenya) the authors explore two major themes: (i) the making of the Luo nation within the Kenya nation, and (ii) the definition of the core values of this new nation. They conclude that while the British were busy creating 'tribes' the leading Luo proto-elites, at several levels and in multiple contexts, were creating the Luo nation. "The outcome, a sense of a Luo nation within a nation, was not simply, or directly, the product of the rehearsals of previous stages of identity formation……. This broad identity was sculpted by real people, in real time, articulating particular and secular interests as well as global ones"(Cohen and Atieno-Odhiambo, 1989b). The Luo nation has been built over time by actual actors in a process of dispute and contest, they conclude.

The recurrent reaffirmation of the 'Luo way of life' and the Luo homeland in the Luo proto-elites' discussions eventually defined the core values of this new society, which by 1940, were widely shared in Luo-speaking communities broadly across Kenya. These core values resonated through the football clubs (Luo Union, Gor Mahia, Kisumu Hotstars) the clan associations, and the Luo Union branches. A typical Luo man – *Jaluo Asili* – was identifies by his adherence to these core values. A typical Luo man, for example, had to maintain a good home (*dala*) in the countryside, as a place to be at home and to be buried, and as a concrete acknowledgment of links to the past. The powers of Luo women are discussed. Many manage rural households and estates as a consequence of the fathers migrating to Uganda; and they have an important role in medical therapy and psychotherapy as well as in education of the girl-child. There is also discussion of women and marriage: what is the norm and what is the practice.

The two sources – the oral and the colonial archive – were thus being used complementarily in writing the new social histories of Africa. This new strategy propelled the historiography on "The African Voice" – as exemplified by the historical anthropology of peasant discourse in *Siaya*. Historical explanation was pushed in new and refreshing directions, situating twentieth century Africans as participants in the terrain of creation, contestation and occupation as they sought to exercise some choice and control over their location, identity and security.

In their second book in the triology, *Burying SM* (Cohen and Atieno-Odhiambo, 1992), the authors drew attention to the power that was associated with the ideas and theories of the ordinary as against ethnological, legal and philosophical expertise. It is the story of a burial dispute following the death of a prominent Luo lawyer, S.M. Otieno who died at Nairobi Hospital on Saturday, December 20, 1986. A Luo spokesman, a philosopher, a medicine man, assorted kinsmen and kinswomen witnesses, and a seventy-six – year old grave digger, were called to explain, under oath, what it meant to be a Luo. Otieno's death had ignited a family and legal feud which lasted 154 days. The burial case had to decide whether a modern African can be compelled, in death, to comply with customary law, which he rejected while alive?

Silvanus Melea Otieno, born into the Umira Kager clan in Nyalgunga in Alego, had married Virginia Edith Wambui, a Kikuyu aged 26, in 1963. They lived in the luxurious Langata

Suburb of Nairobi and owned a six acre farm on Upper Matasia on Ngong Hills where he kept goats. A year before his death, Wambui, her children, and a dozen friends, claimed that Otieno had intimated to them that he wished to be buried on his Ngong farm since to be buried in Luoland "is to throw me away."

But after his death, his brother, Joash Ochieng' Ougo, and Omolo Siranga, the spokesman for the Umira Kager clan, demanded his body, insisting that once a prominent Luo died, his body had to be buried in his village. After all the clan owned the body.

The Umira Kager clan hired a lawyer, Richard Otieno Kwach, later Justice Kwach. Wambui had a grave dug at their home in Upper Matasia. The clan dug one at Nyalgunga, Otieno's rural home. Both parties arranged funeral on the same day; but court injunctions saw both burials cancelled. The courtroom battle then followed, which dragged on for five months.

Lawyer John Khaminwa, an expert in family and criminal law represented Wambui. Judge Frank Shields on 5 January 1987, ruled in Wambui's favour, rejecting Kwach's argument that Otieno was a Luo and therefore subject to the customs and laws of his Luo community. Shield argued that Otieno was a metropolitan and a cosmopolitant, and such a person cannot be subject to African customer law.

Kwach appealed to the Court of Appeal, and on 12 January, the Court of Appeal panel set aside Shield's ruling, and ordered a full trial of the dispute in the High Court, where a three judge panel headed by Justice Samuel E.O. Bosire overturned Mr. Justice Shield's ruling.

Cohen and Odhiambo argue that the High Court itself was a Court on Trial.

> "From the end of December through May, the question of who would bury the body of S.M. Otieno, and where the burial would be, produced an immense public debate in Kenya – within the courts in the streets, in clubs and bars, and in scholarly seminars – concerning the risks and liabilities of 'intermarriage between tribes; the nature of the body as material property; the appropriate authority of 'custom' and 'tradition'; the relative standing of statutory, customary, and common law; the meaning and bonds of intimacy between husband and wife; the worth and legitimacy of 'modern' social practice; the rights of women within marriage, as widows and before the law; the meaning of death and the purposes of internment; the idea of 'home' as the only appropriate site of burial for a Luo individual; the tenacy of Luo identity; notions of the 'backwardness of the Luo in a 'modern Kenya'; and the form of Luo participation in national life…… And - whatever SM's intentions – the case elaborated itself as a laboratory for the study of the production of history and the sociology of power in contemporary Africa" (Cohen and Atieno-Odhiambo, 1992).

Mr. Justice Bosire delivered his 32 – page verdict on Friday, February 13, 1987. He ruled that justification for judicial interference in ethnic burial disputes was "only if they are repugnant to justice and morality." He found nothing repugnant with Luo burial customs.

Angered by the High Court ruling, Wambui called a press conference at her Langata residence and thundered:

> "We have parted bitterly and he (Ochieng) should forget that his brother ever had a wife known as Wambui Otieno. I have gone back to Kikuyuland"(Review, 1987b).

Omolo Siranga, the clan's spokesman, was horrified, though not surprised. The Luo believed that whatever you do, a Kikuyu wife will always leave the husband, taking the children with her. He said that we have even married white women, but we have never seen anything like this before (Review, 1987a).

Wambui appealed to the Court of Appeal, Kenya's highest court at the time, but after another two-and-a- half months, the judges ruled that S.M. Otieno's "urban lifestyle" did not exempt him from Luo customs. S.M. Otieno was finally buried by Court Order at Nyalgunga in Siaya, on 23 May 1987.

In July 2003, Wambui Otieno rose to national prominence after her controversial civil marriage to stonemason Peter Mbugua, 42 years her junior. Eight years later, they solemnized their union at St. Andrew's Church in Nairobi.

The book raises problem of objectivity and silences in the production of knowledge. There is a distinction between what the courts see as appropriate, relevant and correct facts and arguments, and what the litigants see as appropriate, relevant and correct. Court records already have silences in them. Secondly, in constructing a narrative, the authors select certain facts and silence others. In the book, the conscious and unconscious silences of facts are more evident from the witnesses who used oral history to argue their cases in court. Richard Kwach and all those who defended Luo traditions selected those facts that supported their position. The defense did the same. Certain facts were privileged and others silenced in order to meet certain goals.

For example, nobody referred to the fact that Wambui Otieno was the grand-daughter of Waiyaki wa Hinga, who was buried alive by the British in an unknown grave at Kibwezi. The Kikuyu believed that until Waiyaki's grave is discovered and a proper burial conducted, there will be no peace and stability in Kikuyuland. Wambui should therefore not have found it difficult to understand the meaning of death and the purposes of internment.

Secondly, Wambui as a bride arrived with four children, three of them by another man from Nyanza who had rejected his children. In *Siaya*, Cohen and Odhiambo had discussed the launching of a boat as a bride into the Lake in Uyoma. The qualities of a bride portrayed in that ceremony were lacking in Wambui. To the Luo, Otieno was merely practicing informal wife-inheritance. That is why Alego people did not attend the wedding.

Thirdly, in accordance with the Luo core values discussed in *Siaya*, the children of a Luo father are culturally Luos, irrespective of where the mother comes from. Otieno's children are therefore Luo.

So when Otieno and Wambui advice their children not to have any contact with the Luo because they are barbaric, they are committing an abomination. Moreover, Otieno himself disowned the Luo, stating to his wife that his clan is going to start with her. He had no house in Nyalgunga, and hence could not connect with the past. In Luo parlance, Otieno *ne Olal* – he was living outside the Luo universe.

The fourth important silence was that both Judge Shields and lawyer Khanminwa are married to Kikuyu ladies, and at a time when the whole case was being interpreted in terms of ethnic rivalry between the Luo and the Kikuyu, such a silence was surely significant.

The two themes that keep coming up in *Burying SM* are power and the production of knowledge. Professor Odera Oruka is introduced by Kwach as a renowned scholar who had a B.Sc. degree from Sweden and had authored many articles and books on African customs and traditions and Chairman of the Department of Philosophy for many years. How could Wambui and her lawyer challenge evidence from such a learned scholar, Kwach was telling the court.

But Khaminwa argued that Oruka's evidence was subject to scrutiny like any other evidence presented before his. So who had the right to relate Luo history? What is a scholar who had obtained much of his information from the

elders, or the elders who preserved Luo traditions in their different narratives? Did rural and urban Kenyans have the same authority over the production of knowledge about Kenya's past? All these questions force us to think critically about the ways in which historians produce historical knowledge and how that knowledge is perceived by different institutions such as courts of law and universities. *Burying SM* is, indeed, a very rich source for the historian.

The last book in the Cohen/Odhiambo triology is *The Risks of Knowledge* (Cohen and Atieno-Odhiambo, 2001b), which is an investigation into the death of John Robert Ouko in Kenya in 1990. He was the fourth prominent name on the political assassination ledger in Kenya, starting with the murder of Pinto in 1965, followed by the assassination of Mboya on July 5, 1969, and later Josiah Mwangi Kariuki on March 2, 1975. The authors claim that in the case of Karuiki and later that of Ouko, knowledge itself was moved to centre stage. It was now evident that there were dangers not only for those who could push the President and his circle too far but also for those who would seek to produce explanation and establish truth.

Robert Ouko's body was found on February 16, 1990 on Got Alila a few kilometers from his Koru home in Nyando District. The body was in a mutilated and smouldering state. But the authors argue that we should use Ouko's mutilated body as a text. The inquiries over and into it, animated and enabled and also shaped and constrained a new social and political reckoning; new forms of consciousness; and new forms of critique and self-critique.

The elaborated readings of dead bodies as texts, on which diverse and elaborate meanings could be inscribed, had produced major works in Eastern Europe, South America, the United States and South Africa, in which dead bodies were being used in political and cultural debates. In such debates, the capacity of the dead body to carry surplus and contested meanings has been noted. Such contests, they observed, have been contests over the control of knowledge, the management of information and intelligence, and the constitution of memory"(Cohen and Atieno-Odhiambo, 2001a). Cohen and Odhiambo were thus pioneering such studies in Kenya.

But in this work, they are not answering the question "who killed Ouko?" That question should be left to the courts. Here there are concerned with the social history of knowledge production: how people came to know; how they used what they knew or claimed to know in interested or strategic ways, and how these uses of knowledge and claims to knowledge marked investigations, inquiries, proceedings, and the nation. Their interest in this work is in the processes involved in the constitution of knowledge, how individuals and bodies come to "know" and how certain knowledge has gained authority.

Towards this end, the authors engage in elaborate, sophisticated and controversial discussion on African historiography. They contend that knowledge production within and about Africa has long been subject to extreme economies which have pressed for direct, simple, and whole answers and accounts. They then bemoan the fact that there are only a limited set of recurrent interpretative frameworks within the academic and non-academic literatures applied in the economy of knowledge production within and about Africa. They then ask questions which have engaged the attention of African scholars for some time now: How has a limited set of interpretative frameworks continued to maintain a presence discursively and theoretically in the interpretation and representation of complex processes and events on the continent, a presence that traces back to the era of the slave trade? And how have these recurrent interpretative frameworks shaped knowledge and knowledge processes within Africa and on the African past? And finally, how might observers and scholars of Africa be able to free their (our) writing from these powerful frameworks.

The authors' struggle to sustain attention to a wider array of processes surrounding the death of Ouko, they assert, is also a struggle for a more

complex rendering of Africa's past/s and presents/s. There is a purposeful tension here between the quest for murderer/s and the quest for knowledge of Africa. And Africa must be understood in its specificity, and not only in its generality, they conclude.

In this process, the authors inform us that the ordinary, with its worth and power, is a resilient motif in their triology. In *Burying SM*, for example, they drew attention to the power that was associated with the ideas and theories of the ordinary as against ethnological, legal, and philosophical expertise. In the case of the Ouko saga, it was the observations of his cook and housemaid, Selina Ndalo Were, about a white car, that were to be at the centre of the Ouko drama, as authoties and publics sought to interpret her evidence. Again it was a cook, William Wako Nangabo, in the house of Permanent Secretary for Internal Security, Hezekia Oyugi, who revealed to the Sunguh Parliamentary Committee on March 25, 2004, that from the service hatch between a kitchen and a dining room, he overheard a conversation among some of Kenya's most powerful figures (Oyugi, President Moi, Nicholas Biwott and Nakuru District Commissioner Jonah Onguka), unfolding a plot to remove Ouko from his farm and then eliminate him.

The authors tell us that that the shift they are recommending is a shift from social history of oppression to a social history of knowledge, interpretation, and representation. It marks a shift from redistribution to recognition, the two essential elements of justice, one resting in economic equity and the other in cultural recognition.

In the case of the Ouko murder, we see the ways in which sections of his attentions in life to questions of economic change, economic opportunity, and development, were turned away in death from the politics of redistribution toward a politics of recognition, around questions of rights and multiparty democracy. In Ouko's last hours of life, the papers that he was seen to be digesting and assembling on his bed were about the corrosion of Kenya's economy, its development programmes, its relations with international financial institutions, the openings still available to salvage the development programme he was shepherding through the cabinet, and the unseemly wealth of Kenya's most powerful leaders. But in death, those papers were seized from Ouko's bedroom, and the work of recovery was not so much about the details about those papers but rather about discovering the names and interests of those who evidently took Ouko away from his farm to his death. The state was now viewed through the mutilated corpse rather than through the reconstruction of those papers.

Turning now to individual works of Atieno-Odhiambo, he wrote extensively on the interrelated themes of colonialism, decolonization and nationalism. The debate on colonial conquest and its meaning for the different African countries had turned into a "growth industry" in the post- 1960s. But most authors who had written on this theme ignored African agency in their attempts to establish reasons for change in colonial administration.

Atieno-Odhiambo addressed the question of the interaction between Africans and Europeans in great detail. Using Kenya as his case study, he demonstrated in *Siasa* (Atieno-Odhiambo, 1981b) that Africans were not passive objects of colonial rule who were unable to influence their fate or respond rationally to new situations. Hence, the idea of European initiative and African response did not hold.

Decolonization has also been the subject of many scholars. The withdrawal of the imperialists from their former colonies was viewed in terms of the triumph of nationalism over imperialism. Two schools of thought exist on the causality of decolonization in Africa. There are those who see it as a voluntary decision by Europeans to give African communities what was rightfully theirs (land and natural resources). Others conceive decolonization as an obvious solution, saying that Europeans deprived the African continent of its resources and only pulled out when they realized that their profit was dwindling. Atieno, however, provide a nuanced and sophistical

analysis and arrived at a more critical solution. He, for example, held the view that decolonization entailed the push and pull of events, episodes, and idea, with the forces and logic of African nationalism dictating the initiative (Atieno-Odhiambo, 1995).

In the 1950s and 1960s, nationalism engulfed other identities within territorial states – we were all nationalists. It even eclipsed the transnational sentiments of Pan-Africanism. But by the 1990s, nationalism was fighting for its dear life as internecine wars triggered by ethnic sensibilities made devastating depredations against it. Pan-Africanism, once hallowed for its capacity to unite Africans across the continent has been unable to neutralize the force of ethnicity.

The ethical and practical foundations of the nationalist project were questioned by Atieno-Odhiambo, in view of the centrifugal forces confronting it. According to Odhiambo, African nation states were conceived in the fertile minds of a tiny section of the western educated African elite and given impetus by anti-colonial and anti-racist sentiments.Colonialism gave rise to the "territorial state"; but the cultural and political foundations of the new nations in African are not only ephemeral but also precarious and vulnerable to the seemingly more enduring ethnic nationalism. The latter thrives on inter-ethnic exploitation and competition for resources and contestation for state power. The post-colonial political elite, according to Odhiambo, have not only served the course of ethnic nationalism but also used it to subvert the nationalist project (Atieno-Odhiambo, 1996b).

In Kenya, Odhiambo held Kikuyu nationalism responsible for the liquidation of Kenyan nationalism, which was couched in terms of nationhood by Tom Mboya or of communal equity by Odinga in the 1960s (Atieno-Odhiambo, 1996c). In discussing Kikuyu nationalism and Kenyatta vis-à-vis the nationalist project in Kenya, Odhiambo says that Kenyatta was not a man of Pan-Kenyan vision in the mould of either Odinga or Mboya but was all along dedicated to his people, the Kikuyu. While he was prepared to use "Kenya as a stage on which to play his essentially Gikuyu concerns, his awareness and knowledge of rural Kenya was limited to those areas where the Agikuyu lived, and which he stormed in the 1946-52 period. He portrays Kenyatta as a hitch-hiker in the nationalist band wagon of Mboya and Odinga:

> "On his release from prison in 1961 Kenyatta found the nationalist project full-blown. Oginga Odinga had set him up as the African leader in the Legislative Council on June 24, 1958, and subsequently Tom Mboya carved him his public political space in the succeeding two years. Kenyatta did not have to spell the content of his Kenyan nationalism. But he was very specific about its purpose: nationalism was meant to enable Kenya seize (*nyakua*) independence. Having captured the state Kenyatta fell back to his lifelong and primary agenda: tending to the needs of his basic community the Agikuyu. This he succeeded in doing very effectively in the fifteen years of his presidency. At the end of 1978, it could legitimately be stated that his was a story of spectacular success for his primary constituency, the Agikuyu. He had secured the state for them. He had given them a government to run. He had secured for them a vast homeland in the Rift Valley and along the Kenyan Coast. He had put commerce in their hands, in appropriate alliance with the Asian and European bourgeoisie. And had underwritten their security by manning the police, military, intelligence and brutalizing apparatuses like the General Service Unit (GSU) with 'no-nonsense' Gikuyu toughs like Ben Gethi"(Atieno Odhimabo, 1992).

Furthermore, many historians who have studied African nationalism, and African resistance against colonialism in Kenya, have generally linked their studies with the historiography of the Mau Mau rebellion, seen as a specifically Central Kenyan phenomenon. Some have claimed that only Mau Mau fighters were freedom fighters, and therefore their people are entitled to *matunda ya uhuru*. This kind argument negates what should have been the objective of Kenyan nationalism: national integration. The tendency has been to condemn any scholar who expresses a more complex and contrary viewpoint as a Kikuyu – hater who wants to minimize the centrality of Mau Mau to Kenya's decolonization (Maina-wa-Kinyatti, 1977).

The historiography of Mau Mau has gone through at least five consequences: (i) the nationalist phase; (ii) the Revolution Betrayed phase; (iii) the Post World War II crisis of the rural households; (iv) the Mau Mau as Discourse (which is identified with the contributions of Odhiambo); and (v) and most recently a return to Mau Mau as history in the book edited by Atieno-Odhiambo and Lonsdale, *Mau Mau and Nationhood* (Atieno-Odhiambo and Lonsdale, 2003) Atieno-Odhiambo participated vigorously in this Mau Mau debate starting with his paper on "Who were Mau Mau" (Atieno-Odhiambo, 1978), followed by "Who were the Mau Mau (Atieno-Odhiambo, 1981c), "The international Press and Mau Mau" (Atieno-Odhiambo, 1981a), "Kenyatta and Mau Mau" (1991), "The Production of History in Kenya: The Mau Mau Debate" (Atieno-Odhiambo, 1991) and culminating in the book, *Mau Mau and Nationhood*, (Atieno-Odhiambo and Lonsdale, 2003) he co-edited with Lonsdale. In all his contributions, Odhiambo pleaded for a more inclusive historiography on Mau Mau and nationalism. But as Lonsdale's work on the moral economy of Mau Mau has shown, the power of Mau Mau as a historical event went with deep cultural and symbolic meanings for the Kikuyu themselves. The work gives it ethnic and historical specificity; and totally overthrows the possibility of re-inventing a Kenya nationalist narrative.(Lonsdale, 1992) The Mau Mau narrative has other powers manifested through the many public debates in the public arenas. As Atieno Odhimabo has argued, it has been a trope for critiques of the postcolonial state from below (Atieno-Odhiambo, 1992). These concerns with internal *problematiques* do not consider nationalism to be a pre-requisite ideology for the construction of a future nation – state (Atieno-Odhiambo, 1999). Instead, the Mau Mau struggle has become a key plank of Kenya historiography, providing both the rationale for the justness of the African cause in the struggle and the yardstick by which to judge the postcolonial dispensation.

Another topic which attracted the sharp pen and piercing mind of Atieno-Odhiambo was class formation especially as it related to ethnicity. In his paper titled "Hegemonic Enterprises and Instrumentalities of Survival: Ethnicity and Democracy in Kenya", (Atieno-Odhiambo, 2002a), for example, he compares the development of class-formation in Kikuyu and Luo societies during the post-colonial period.

The independence bargain had included a land resettlement deal, not only for the squatters and former landless Gikuyu in rural reserves, but to Kenya's 'big men' in Kenyatta's Cabinet, in the civil service and in the armed forces. The differential access to land saw the small people settled on the Yeoman, Smallholder, New Smallholder, Million-acre, *Haraka, Harambe, Shirika* and other land- buying Schemes in the former highland in such places as Ol Kalou and Wanjohi Valley. They were followed by the *Ngwataniro Mutukanio* land – buying companies in the Rift Valley in the 1970s. The 'big' people acquired intact the estates of former settlers (Wasserman, 1984). Class formation, as part of British decolonization policy for Kenya, gained accelerated momentum after independence.

The new inheritors and successors to the British settlers assumed their squirearchy of the vast estates stretching from Laikipia to Endebes, and from Mau Summit to Konza. They included President Kenyatta and his Gicheha farm in Nakuru; his brother James Muigai with three farms including the 2,000 acre Muirui farm in

Kiambu, a second "Survey" farm in Kiambu, and a third 1,000 acre farm at Rongai near Nakuru, and Njonjo acquired a carnation flower farm in Limuru.

The educated rural graduates of Priamry Teachers' Colleges in Kikuyuland sung the Texan Jimmy Reeves song over and over, instead of the National Anthems.

> "This world is not my own,
> I am just a passing though.
> If heaven is not my home,
> Then Lord, what shall I do?"

At the bottom of the class pyramid were the Gikuyu propertyless, the have-nots. Their numbers swelled steadily. The Kenyatta Government condemned them as lazy people who wanted free things, and were regarded as dangerous to the good government of Kenya. They referred to themselves as *Matigari*, the remnants of Mau Mau bullets. In Ngungi wa Thiongo's novel (1989) *Matigari* is a resurrection of their spirit (Ngungi wa Thiongo, 1989). Their favourite potent brew was *Karara*, and their favourite cigarette was 'King Stork' – *kanyoni.*

In contrast, and living in Western Kenya, were the as yet undifferentiated Luo peasantry, renowned by their African and European detractors alike for their Epicurean hedoism and no thought for tomorrow.

At independence the Luo were reputed to have no emergent proletariat and "no mystical attachment to the land – merely a desire to be sure of a place to live and some food to eat after one's working days are over, or when one is sacked." Likewise, it was argued of the Luo, "For the labour migrant, the land is primarily a place where he leaves his family, and which is the anchor of his security when he returns, frequently after many years. During his absence he is anxious primarily to maintain his rights to land and is often slow to accept changes such as land consolidation and registration which, in his view, may jeopardize these rights." These "reluctant and benighted Luo of 1965 were dancing to the tune of "Celestina Juma" by the guitarist Ajwang' Ogara of K' Auma in Karachuonyo.

> "Ayee, jaherana Celestina -
> Ayee, my sweetheart Celestina
> Lando nyar Ugenya -
> The tawny one from Ugenya
> Herana Celestina -
> Sweetheart Celestina
> Lando nyar Ugenya -
> The brown one from Ugenya
> Herana Celestina -
> Sweetheart Celestina
> Brua mor yande indikona -
> You wrote me a letter
> Kanyisoa ni pod isomo Uganda -
> Informing me you were still studying in Uganda
> Kanyisao ni pod isomo Uganda -
> Informing me you were still studying in Uganda
> Lando nyar Ugenya -
> The brown one from Ugenya
> Herana Celestina -
> The sweetheart Celestina
> Land nyar Ugenya -
> The brown one from Ugenya
> Adundo morm ne wamor yor Jinja -
> Shortly for happiness we were happy near Jinja,
> Adundo morm ne wamor yor Jinja -
> Shortly for happiness we were happy near Jinja,
> Lando nyar Ugenya -
> Brown one from Ugenya
> Herana Celestina -
> Sweetheart Celestina.

Their educated Primary school teachers, graduates of Siriba and Ngiya Teacher's College, tuned in further afield to Siera Leon where one Roger boomed out the loss of his sweetheart in "My Lovely Elizabeth".

> "I am deeply worried at heart
> Cause the girl I love so well
> My fried has snatched from me
> Now I scarcely know what to do
> So I bend my head and cry
> For my sweet Elizabeth!
> Some people say there are many girls

That are running crazy after me
But I don't care for what they say
For my sweet Elizabeth!
Say, Elizabeth where did you go?
Come back to your boy Rogie
Your lucky boy rogie
Don't you ever listen to what they say
Come back to your Rogie boy!

Atieno-Odhiambo point is that the nation under Kenyatta was drifting in different class directions, with the Kikuyu national elite becoming English country gentlemen, while the 'reluctant' Luo were yet to join the mainstream of history as beneficiaries of what Cohen and Atieno in *Siaya* calls the Kenyatta bequest to them as landowners in the western Kenya sugar belt (Cohen and Atieno-Odhiambo, 1989a). But even here, Peter Anyang Nyong'o has drawn our attention to the ossification of small and poor peasants, and the failure in the development of a middle peasantry in the sugar belt (Anyang Nyong'o, 1981).

Religion was another topic on which Atieno-Odhiambo wrote extensively. Starting with his undergraduate essay on the launching of fishing boats in Uyoma in 1967, which alerted him to the possibility of the imbrication of many universes of may histories of many cultures, in the neighbourhood of Nam Lolwe (Lake Victoria) (Atieno-Odhiambo, 1970b) he followed it with another undergraduate paper on Legion Maria – A study in the Dynamics of separation" (Atieno-Odhiambo, 1970a). The works of Christ Ehret since the early 1970s, he says, concretized and consolidated his earlier feelings about regional rather than ethnic universes; and the historical researches of David Cohen opened the interlacustrine neighbourhood to much wider access in terms of time and space. From the mid- 1970s, he says, it became possible to think of a process of continuous habitation, changing linguistic and ethnic identities, continually reconstituting political boundaries, and a condensing of *ideas*: about existence, about presence, about entity. And this is what he attempted to do in "Towards a History of African Traditions Religion: A West Kenya Case"(Atieno-Odhiambo, 1977). Then came his essay on the deconstruction and reconstruction of the Luo universe, which was a critique of my article on the *Concept of Jok*, which I published in 1961. He concluded that the organizing principle about the order of things in the Luo universe is not *jok* or *juogi* but *piny* (Atieno-Odhiambo, 2001).

But perhaps the most significant contribution by Atieno-Odhiambo to the subject of religion was a paper he wrote for an international conference on African Traditional Religion in Switzerland to which both he and I were invited. The question the organizers of the conference asked paper writers to consider was "whether African Indigenous Religion can provide a basis for the process of societal Reconstruction taking place (however incremental) in different African societies today." Atieno wrote on "The African Crisis and the Politics of African Traditional Religion." He asked whether the religion which sustained our forebears for centuries has any relevance today. In other words, we must inquire into the future viability of African Traditional Religion. In answering this fundamental question, he asked Africans not to be mesmerized by the last two millennia of African Christianity, nor with the past fourteen centuries of African Islam, but to interrogate the indigenous cultural heritage of the past five millennia, so as to get rid of the cultural anamnesis that has become typical of our times.

He laments the fact that the spiritual legacy of the High Culture of ancient Egypt has scarcely become a part of our cultural recollection. It is an object of fascination, but we do not really comprehend it. And yet, sources of great antiquity and variety are at our disposal. In the case of the modern African this written heritage remains a mere beckoning distant mirror, in spite of the urgings from Cheikh Anta Diop to appropriate this Egyptian legacy as our own heritage. This hesitancy in turn informs our incompleteness when it comes to the fundamental questions of African origins, African cultures, African religions African ontologies, African cosmologies, and African eschatology. He contends in this paper that we must not just describe, but explain why Africans

may indeed be notoriously religious. But we must surely start from somewhere. That somewhere, he concludes, is Egypt.

Five millennia of history in Africa has been often glossed over in the process of privileging our African Christian and Islamic heritages. But African Christianity and African Islam did not find *tabula rasa* in Africa; rather the people had their own philosophies that were reflected in their religions. Unfortunately, scholars have tended to study aspects of African religion rather than religions as a whole.

It is now generally accepted that the ancient Egyptians were African. Hence the question to ask is: why privilege this ancient Egyptian heritage?

First, because the antiquity of this heritage, stretching back five millennia and preceding the Aristotelian African Christian and Islamic heritages by such a wide chronological distance that we may not confuse what came prior to what else. Secondly, this archive from antiquity leads us to the conclusion that what we have been studying since Mbitis's invention of this discipline over thirty years ago at Makerere: namely, African Religions and Philosophy embracing the study of African ideas of God, African Worldviews, African cosmologies, African belief systems, African folklore, myths and legends, African Ways of thought, African Religions and Resistance to Colonialism – are but fragments of this ancient archive.

He ends the paper by giving of examples of how, despite the African crisis, people are successfully coming to terms with their African Religious heritage, and putting it to good use. For over a century of simultaneous contact with missionary Christianity and modern Islam, Africans have insisted on cultivating their own spiritual space, giving due recognition to the indigenous religious heritage. Modern life does not exclude this particular part of African spirituality. The ancestors are not outdated, nor out of touch with current developments and the challenges and demands of modern living. They are a living part of life – they know about laptops and BMW's.

Atieno-Odhiambo published many wide-ranging articles on ethnicity: "The Agrarian question, ethnicity and politics in Kenya, 1955-1993" (Atieno-Odhiambo, 1994), "Reconditioning the terms of fact: Ethnicity, Nationalism and Democracy in Kenya" (Atieno-Odhiambo, 1996b), and "Historicing the Deep Past in Western Kenya" (Atieno-Odhiambo, 2002b), among others. In all these articles he advocated a two –prong approach to the phenomenon of ethnicity. First, study when and how ethnic groups and ethnicity emerged in Africa. Secondly, Analysise your own roots to discover who you are. In his chapter in *Historical Studies and Social Change in Western Kenya*, a book of essays in Memory of Professor Gideon Were, edited by William Ochieng', titled "Historicing the Deep Past in Western Kenya", he applied this approach. The specific claims of our common linguistic habitat have been elaborated upon by Christopher Ehret in his *magnum opus, An African Classical Age* (Ehret, 1998). Ehret urges us to think back to deep time: the period between 1000 BC and 1500 A.D: when we wee initially one (1000 BC to 800 A.D.), then became differentiated into environmental and social units (800 A.D. to 1500 A.D.), before becoming people familiarly known in our region as ethnic groups and clans (1500 A.D to the present). Ehret is thus challenging scholars to move beyond the received categories of clan, caste, tribe, back to deep time. Likewise, the sinews of ancient social history in the region in the period between 100 B.C and 1500, and the continuing value of ancient histories for today's Great Lakes peoples of eastern Africa, have been laid bare by David Schoenbrun, who argues in his excellent book, *A Green Place, A Good Place, thus:*

> "A history of how these social systems emerged, of how people negotiated their continuity and influenced the course of their development, offer valuable stores of cultural capital for contemporary struggles over moral order and the ways in which material circumstance

> should be made to reflect that order"(Scheonbrum, 1998).

Other scholars, have suggested that the inhabitants of the interlacutrine of East Africa have commingled for a millennium within the region, creating systems of production, exchange and redistribution that were predicated on local identities rather than specific "Bantu" or "Nilotic" language, culture and ethnic communities, let alone pristine "tribes" with their discreet and mutually exclusive primogenital histories (Ogot, 1983; Ogot, 1984).

With this historical background, Atieno-Odhiambo then turns to his genealogy and shows that he is the proud heir to this regional deep past. He traces his geneology to 1416 A.D.

He was born in 1946 of a Luo father and a Mwirecheya woman from Marama in Buluyia, who was sister to Professor Gideon Saulo Were. His father (Were's) Ogwamor had a Luo father and a Luyia mother, Drusila nyar Ochieng' from the Abafofoyo clan among the Abamarachi. The name Ogwamor itself is clearly of Itesot derivation, a variation of Obwangor. The Iteso incursion into northwestern Buluyia and northern Luoland constitutes one of the major migration and settlement themes in the nineteenth century of Western Kenya. In Alego they ended up constituting the Kalkada clan, where their most illustrious representatives in the twentieth century have been Senior Chief Peter Osowo, his brother the nationalist Ambroso Ofafa, after whom the estates of Ofafa Kunguni, Ofafa Maringo, Ofafa Jerusalem and Ofafa Jericho in Nairobi are named, and Ofafa Memorial Hall in Kisumu.

As we go back into Atieno-Odhiambo's descent line, we discover Maasai elements (today represented by the Kanying'we clan in Alego), we identify the Kintu cluster of the Bantu speakers, the Owiny cluster of Luo speakers, *Jokaruoth* who was to produce Barrack Obama and President Barrack Obama Junior of North American Diaspora, and many other Bantu and Southern Nilotic elements. The genealogical excursion is simply a confirmation of what scholars have discovered about our ethnicity – that we are all mongrels. This should lead to a move sober discussion on ethnicity and to fruitful results.

The interrelated topics of philosophy of history and historiography were major concerns of Atieno-Odhiambo, especially as they related to African history. The two key issues to be addressed were the authenticity and autonomy of African history. The first issue had largely been established by the first generation of African historians, as discussed above. The second still waited to be theorized.

The quest for an African philosophy of History had continued to concern three generation of African historians. In 1965, T.O. Ranger wrote that there was the need "to examine whether African history was sufficiently *African*; whether it had developed the methods and models appropriate to its own needs or had depended upon making use of method and models developed elsewhere; whether its main themes of discourse had arisen out of the dynamics of African development or had been imposed because of their over-riding significance in the historiography of other continents (Ranger, 1968).

These questions were raised but not answered; and by the beginning of the 1990s, they were becoming an embarrassment to African historians. Jan Vansina, a Belgian historian, and a colleague of mine on the International Scientific Committee that wrote UNESCO *General History of Africa* and who was a member of a strong team of scholars working under the dynamic leadership of Prof. Philip Curtin that had established an influential department of History at Wisconsin University U.S.A. The Department produced many African scholars with Ph.D. in History. He decided to be provocative. He stated that African history was largely written for an academic audience outside Africa rather than for the Africans living in the continent. Moreover, African historiography was still dominated by outsiders some four decades after independence. He lamented:

> "This is a continuing anomaly. In all other major parts of the world, and that includes the major parts of the so-called Third world areas, the writing of history, academic books included, has primarily been conducted in the area itself, in the language of the area. But in tropical Africa the writing of the academic history was organized by outsiders', and ever since, the epicenters of this activity have remained outside Africa, despite all efforts to alter the situation. It is a crucial anomaly……
> Outsiders initiated African history here. They created the university departments within which African historians later worked, and they 'trained' them how to write academic history. The Pioneers wrote for an outside audience which shared their world views and social practice, not for an audience in Africa itself, except for African historians of Africa and a few others who had absorbed Euro-American academic culture. When African scholars began to take their destinies in their own hands, they unwittingly continued to write their major works to a large extent for the same academic audience rather than for their own natural populations…… While these authors attacked imperial history and promoted national history, they continued to write in English or French, thus limiting access of their local audiences. Implicitly they still looked for approval of their works in Europe or North America as a guarantee of its high technical standard"(Vansina, 1994a).

Vansina then concluded:

> "However difficult to achieve, authors, insiders and outsiders alike, must strive to reach 'natural' audiences and thus end this anomaly in African historiography"(Vansina, 1994b).

What a time-bomb! Who, among the African scholars, was going to hold the lion's tail? Who was going to spearhead future direction in the shaping of the discipline?

A decade earlier John Fage, a doyen of African history had raised the same question in very arrogant terms:

> "In the last analysis, it does need to be asked whether European concepts of history are suitable for the understanding of African history. It is possible, indeed, to believe that the idea of history as we have come to know it in modern Europe was not one applicable to precolonial African history …….. For the moment we have very little African history written by Africans who are untainted by European conceptions and significances of their own past"(Fage John, 1993).

It was surprising that such a statement was coming from the person who founded the history department at Legon University in Ghana, who later joined Roland Oliver at the School of Oriental and African Studies, University of London to develop the Department of History where I did my Ph.D. The two later founded the *Journal of African History* and edited the *Cambridge History of Africa*. Why was he now so disillusioned?

It is worth noting that the foreign scholars who had pioneered the teaching of, and research in, African history in Africa, Europe and America, and who had made names and fortunes for themselves in the "growth industry" that was

African history at the time, were now, in retirement, claiming that they had all along participated in some kind of intellectual fraud. Their African products, with Ph.D in African history, were now being seen as intellectual collaborators in the gargantuan act of betrayal of the peoples of Tropical Africa. A new generation of African historians was badly needed to reclaim the intellectual ground that was being lost.

At a meeting of the Association of African Historians, sponsored by CODESRIA, in Bamako in 1994, Atieno responded to the above comment by Professor Fage:

> "Has time come to question the unitary acceptance of the hegemonic episteme which posits that the discipline of history uniquely belongs to Western civilization? Alternatively can Africans articulate an African gnosis that stands independently of these western traditions in our study of African history? Need African episteme be intelligible to the West? Need the study and practice of history be tied to the guild of historical study at the university academies? Is there still the lingering possibility that any one of us working within the western mode can have the arterial bypass surgery that may still be the viaduct upstream to the African reservoir of history?"(Atieno-Odhiambo, 1996a).

In short, is autonomy of African history possible? Atieno answered this question in a long paper called "The Usages of the African Past: African Historiographies since Independence" (Atieno-Odhiambo, 2005) He stated that in order to answer the question we need to consider the ingredients of context, change, and African agency. First, we should do more research on the philosophy of history of different African communities. Secondly, we need to emphasize that it is the relative dependence on oral sources of historical reconstruction which differentiates Africans historical writing most clearly from parallel writing in South Asia and Europe. Thirdly, we need to take cognizance of the manner and context in which this question has been raised at all. He concludes his examination of the different answers provided by African scholars with a quotation from the novelist Ayi Kwei Armah, which provides a prescriptive agenda.

> "To liberate the teaching of History in Africa from colonial and neo-colonial confinement, it is necessary to break out of the conception prisons of European and Western historiography. This means opening our minds as students and teachers to history as a universal discipline, a study necessarily involving all humanity……..
>
> "We shall have to examine critically all available philosophies of history, instead of blindly accepting and propagating the usual linear Western evolutionary hypotheses, from Christianity to Marxism.
> "Finally we need to conduct permanent in-depth studies of world history, placing special emphasis on transformatory movements, particularly those movements and processes that in our time have worked to turn such societies as China, Japan, and South Korea into modern, self-developing societies"(Armah, 1995).

Atieno's excursion into African historiographies convinced him that African historical autonomy is certainly attainable, and doable. The challenge for the present generation of African historians is to undertake works of synthesis aimed at making explicit an African Philosophy of History.

One dominant thread is discernible in most of the works of Atieno-Odhiambo, namely, the history and culture of the Luo-speaking peoples. But in treating this theme, which he regards as regional as contrasted with state histories, Atieno emphasizes that the Luo chronology has its epicenter in the cradleland of the Central Sudan sometime around 1000 A.D. Successive milestones in Luo historiography, from J.P. Crazzolara in the 1950s, Ogot in the 1960s, Cohen and Odhiambo in the 1980s, and Ron Atkinson in the 1990s, all assume the constancy of the Luo world. The Luo histories are transnational, traversing several ethnicities, states and polities over the centuries without being confined to any single one of them. Hence, there was a Luo nation and cultural sphere well before the incursion of the colonial state in the twentieth century. Their sense of multiple belongings to the various postcolonial states in the region suggests an alternative paradigm for writing regional rather than state histories, an alternative that is closer to people's experiences with history in the long perspective than the Western historical practice and which throws up challenges for the student of Comparative History. This is what Jan Vansina did in his *Paths in the Rainforest* (Vansina, 1990), a clear integration of anthropological insights into historical narrative that moves beyond the state into an understanding of local ways regarding explanations why what we do, we do politically.

During the Historical Association of Kenya Conference on post-colonial Kenya: the first fourty years, held at Lake Baringo Club, Kenya in June 2004, Atieno-Odhiambo intimated to me that he was planning to write a book on the political history of the Luo, which would be a parallel volume to what I had done on the Economic history over the past 4,000 years (Ogot, 1996). He wanted to focus on the husbandry of power: how it has been harnessed, retained, and maintained in the Luo past; and how it might be acquired and retained in the hurly-burly of the politics of the post-colonial African state. He was taking it as axiomatic that there are some useful lessons to be learnt from history. He requested me to organize an international workshop at Maseno University where major aspects of the subject could be ventilated.

For the workshop, he sent to me a paper which had two parts: a very long bibliography on political history of the Luo, and a short essay on the bibliography. He argued that as a scholar, he had a responsibility to study society and try to call people's attention to things they might welcome looking at. His qualifications for undertaking this task were four: (i) His *habitus* as an academic over the past 34 years, which led him inexorably to reflection; (ii) his attainment of the Socratic age of wisdom (51 years), which entitled him, in terms of his "biological age", to the status of *jaduong' morwako ngaga* (a sage who is qualified to wear an ear stud); (iii) his absence and distance from local Kenyan politics over the past sixteen years, which should ideally facilitate a certain detachment regarding a point of view whenever he was called upon to *ng'ado rieko* (give advice); and (iv) he had been around for long enough to acquire sufficient experience to write such a book.

The title of the paper itself was intriguing, and could only come out of Atieno's fertile imagination. The full title was:

> "Thinking Your People, or 'Living a Kind Akuru gi Asumbi' : The Problem of Knowledge in Luo Pasts and Futures"(Atieno-Odhiambo, 2004).

Atieno-Odhiambo's thesis is that the Jo-Luo of Kenya, like ancient Britons, saw colonialism as providential. Variously in the twentieth century they have described themselves as: "born administors"; as "government –*sirkal,*" especially during the short stint between 1946 and 1966 when both Tom Mboya and Oginga Odinga were in the Kenyatta government; as a people with a homeland city, Kisumu, variously referred to by themselves as well as by their detractors as "second London"; as persona with a placement, "*Odiero Ja Kisumo*". Throughout this long century they have entertained an ambiguity as regards the relationship between ethnic patriotism and the territorial nationalism of

Kenya; to which they have also felt marginalized and excluded from for most of the post-independence period.

At issue is the question whether a study of the Luo, and of the Nilotes generally, ought to focus on mentalities (with a concentration on self-regarding attributes as 'the men of men', *mony jaang* in *Dinka, thuondi, oteka, witong, ka kara, wiluth*); or whether they should concentrate on the shifting sands of identity (with an emphasis on being Jo-Luo who speak *lep* Luo, but which is also cognizant of the fact of inter-Luo tensions such as occurred between Acholi and Lango at Barlonyo in 2004; or whether they should concentrate on politics within the various states of Sudan, Congo, Uganda, Ethiopia, Kenya, Tanzania, with a focus on capturing *state* power. Their historiography suggests that any one of these loci has got its pitfalls.

Like all peasant societies, all Luo societies in Eastern Africa are in turmoil. They are subject to a deep conflict between survival and citizenship. Our experience during the twentieth century suggest they should, at the beginning of the twenty-first century, avoid tumult – *mahu*, between ourselves and within the wider territorial societies we now inhabit. The historical experiences of the twentieth century suggest that we may, in the short or long run, have to make difficult choices. This calls for a re-interrogation of several things:

(i) The all –consuming pursuit of earthly wealth, which has led to individual primitive accumulation and to the perennial refrain of "after all, who are you?", that has become the battle – cry of the haves against the have-nots. It is the kind of arrogance that lead to the consumption of Bitter Money – *pesa makech*.

(ii) The relentless pursuit of the Presidency: in Sudan, Kenya and Uganda especially. The experiences of Milton Obote, John Garang, Tito Okello Lutwa, Alice Lakwena, Joseph Kony, Tom Mboya, Oginga Odinga, Argwings-Kodhek, John Robert Ouko and Hezekiah Ochuka Rabala call for sober reflection on the lessons, if any, to be learnt from these happen stances. Some of them are:
(a) Jatelo ogongo ogwari
(b) Thim lich kodwa
(c) Pod wan Kuja

We should also ask ourselves whether our totemic animal imaginaries – *liech* (elephant), *kwach* (leopard), *jowi* (buffalo), *omuga* (rhino) – which are found in all Luo societies, are adequate for the task at hand. Is it enough to sing with Okot p' Bitek:

"The buffalo goes swinging his head this way and that way
The buffalo goes towards the hill with his head raised high"(P'Bitek, 1972).

How far does our farourite praise poem, "Jowi jamuomo" enable us attain political power under the shifting dispensations? When do we deliberately depart from the imperially – imposed taxonomy of the "Fighting Nuer"(Johnson, 1981). In whose interest should we sustain, for a whole century, the politics of opposition and dissent?(Mueller, 1972).

(iii) *Dhano ipuonjo nyaka ti* (Education is lifelong). We must learn the limits of the moral certainty of Luo populism, and the pitfalls attendant to the pursuit of self – validating truths at the expense of the nuances and hidden meanings that make intelligent speech comprehensible to the discerning, and *wach awacha* to the populace. Atieno is aware that this moral certainty often passes as Luo Public Opinion, which has a tendency to metastasize into mob rule, and against which the individual may raise her or his dissenting voice only at one's own paril. But should wise women and men not be wary

of unanimity among some twenty million human beings?

In short, Atieno is saying that our present predicament demands serious reflection. (*Jo-Luo nyaka yua wigi e sani*). There is a need for the Luo peoples to involve themselves with a study of the meaning of our four thousand years of history, rather than concentrating on the history of the present, with the attendant truculent dispositions towards: *ok achiem nga dalu, or ihanya ango*? This exercise should lead to an embrace of the knowledge of the great themes and processes of our evolution. What are the alternatives to the politics of permanent struggle? At what conjunctures do we accommodate both presumed traitors – *andhoga and thuondi* in our practice of politics? We know when to agree to disagree; but when do we agree to agree over contentious issues? We must create space for toleration as well as for daring forthrightness. If we want to survive, as citizens, and not merely as subjects, of the capricious states in which we are destined to belong in the foreseeable future, we must go back to the value systems which emphasize accumulation of wisdom, wisdom with a trajectory "for the survival of the many, for the profit of the few." We must re-invent the means by which a moral community is defined, in spite of our often – announced differences. We must understand that these means are "essentially political in nature." That to Elisha Stephen Atieno-Odhiambo, is the problem of knowledge at present.

He never lived to write this book, but the outline contained in this paper together with the comprehensive bibliography he compiled should constitute part of the rich intellectual legacy of Atieno-Odhiambo. Now that the Luo have two Presidents: Barak Hussein Obama – President of the most powerful country in the world, and President Salva Kiir – President of the youngest nation, the need for the political book planned by Atieno-Odhiambo is urgent.

In conclusion let me say this: In the year 2002, Atieno-Odhiambo and Professor Toyin Falola of the University of Texas at Austin originated the idea of publishing, in one volume, a collection of 46 of my essays. The volume span four decades of my active scholarship, both in the academy and as a public intellectual. The volume also included critical essays on my works from eminent scholars such as Jacob Ajayi, Ali Mazrui, John Lonsdale, Tiyambe Zeleza and the editors. The essays were published under the title: - *The Challenges of History and Leadership in Africa* (Falola and Atieno-Odhiambo, 2002) in the Classic Authors and Texts on Africa Series, which re-represents classic African texts in order to recover their contributions, give recognition to past accomplishments, challenge dominant paradigms, invigorate the discussion of Africa, and position the continent in the forefront of intellectual debates and trends.

But prior to this, in the year 2001 Atieno-Odhiambo edited a collection of extremely well researched and well – written essays by Chapurukha M. Kusimba, Chris Ehret, David William Cohen, Luise White, Tabitha Kanogo, Milca Amolo Achola and Atieno himself which were presented to me on my seventieth birthday. Called *African Historians and African Voices* (Atieno-Odhiambo, 2001), the book was published in Switzerland but launched at Ugunja, in Ugenya among Atieno-Odhiambo's "intellectual peasants". These books helped to disseminate my works worldwide, and the Keynote Address I have just given is but a feeble attempt aimed at reciprocating the generous appreciation of my publications by a former student, a colleague, a fellow intellectual, but above all, an honest critic of my works. May his works continue to inspire young African scholars in their struggle for a seat at the Intellectual Tribunal of Intellectuals. *Oriti, wuod Alego nyaka warom* (Goodbye, the son of Alego till we meet.)

References

Anyang Nyong'o, P. (1981) The Development of a Middle Peasantry in Nyanza. in Review of African Political Economy 20, 108-124.

Armah, A.K. (1995) Osiris Rising: A novel of Africa's past, present and future. Popenguine, West Africa: Pev Ankh, 217-218.

Atieno-Odhiambo, E.S. (1972) The Rise and Fall of the Kenya Peasant, 1888-1922. East Africa Journal 5, 5-11.

Atieno-Odhiambo, E.S. (1975) Seek Ye First the Economic Kingdom: A History of the Luo Thrift and Trading Corporation (LUTATCO) 1945 - 1956. in B.A. Ogot (ed) Hadith 5: Economic and Social History of East Africa. Nairobi: East African Literature Bureau, 218-256.

Atieno-Odhiambo, E.S. (1976) The Movement of Ideas: A Case study of Intellectual Responses to Colonialism among the Liganua Peasants. B. A. Ogot, ed. History and Social change in East Africa. Proceedings of the 1974 Conference of the Historical Association of Kenya, Nairobi: East African Literature Bureau., 165-185.

Atieno-Odhiambo, E.S. (1991) The Production of History in Kenya: The Mau Mau Debate. Canadian Journal of African Studies 25, 300-07.

Atieno-Odhiambo. (1992) The Production of History in Kenya: The Mau Mau Debate. Canadian Journal of African Studies 25, 300-307.

Atieno-Odhiambo. (1995) On Decolonization. in B.A. Ogot and W.R. Ochieng', Decolonization and Independence in Kenya 1940-93. London: James Currey.

Atieno-Odhiambo. (1999) Ethnicity and Democracy in Kenya. Lincoln. NE: University of Nebraska - Lincoln.

Atieno-Odhiambo E.S. (ed). (2001) African Historians and African Voices. Basel, Switzerland: P. Schlettwein Publsing.

Atieno-Odhiambo, E.S. (1970a) Legion Maria: A Study in the Dynamics of Separatism. Department of Religious Studies and Philosophy, Makerere University Occasional Paper 17.

Atieno-Odhiambo, E.S. (1970b) Some Aspects of Religious Activity among the Uyoma Fishermen: The Rites Connected with the Launching of a Fishing Vessel. MILA 2, 14-21.

Atieno-Odhiambo, E.S. (1972) The Rise and Fall of the Kenya Peasant, 1888-1922. East Africa Journal 5, 5-11.

Atieno-Odhiambo, E.S. (1977) Towards a History of African traditional Religion: A West Kenya Case. The Journal of Eastern African Research and Development 6, 5-17.

Atieno-Odhiambo, E.S. (1978) Who were the Mau Mau? No. 2, February – march, 1978. African Perspectives 2, 6-7.

Atieno-Odhiambo, E.S. (1981a) The International Press and Mau Mau Historical Association of Kenya Annual Conference Paper.

Atieno-Odhiambo, E.S. (1981b) Siasa: politics and nationalism in E.A., 1905-1939. Kenya Literature Bureau.

Atieno-Odhiambo, E.S. (1981c) Who were the Mau Mau? . Historical Association of Kenya Annual Conference Paper.

Atieno-Odhiambo, E.S. (1994) The agrarian question, ethnicity and politics in Kenya, 1955-1993. Historical dimensions of development, change and conflict in the South (ed). R. Van den Berg and Ube Bosma. Amsterdam: Brukkerij Randstad BV.

Atieno-Odhiambo, E.S. (1996a) Democracy and the Emergent Present in Africa: Interrogating the Assumptions. Afrika Zamani, new Series 2, 27-42.

Atieno-Odhiambo, E.S. (1996b) Reconditioning the Terms of the Fact: Ethnicity, Nationalism and Democracy as Political Vectors. in B.A. Ogot (ed),. Ethnicity, Nationalism and Democracy in Africa. Kisumu Maseno University Desktop Publishing Unit.

Atieno-Odhiambo, E.S. (1996c) Reconditioning the Terms of the Fact: Ethnicity, Nationalism and Democracy as Political Vectors. in B.A. Ogot (ed),. Ethnicity, Nationalism and Democracy in Africa. Kisumu Maseno University Desktop Publishing Unit, 76.

Atieno-Odhiambo, E.S. (2001) A World -View for the Nilotes? The Luo Concept of Piny. African Historians and African Voices (ed) E.S. Atieno-Odhiambo, Basel Switzerland: P. Schletwein Publishing, 57-67.

Atieno-Odhiambo, E.S. (2002a) Hegemonic Enterprises and Instrumentalities of

Survival: Ethnicity and Democracy in Kenya. African Studies Review 61, 223-249.

Atieno-Odhiambo, E.S. (2002b) Historicising the Deep Past in Western Kenya. Historical Studies and Social Change in Western Kenya. William R. Ochieng' (ed) Nairobi; East African Educational Publishers.

Atieno-Odhiambo, E.S. (2003) The Cultural Dimensions of Development in Africa. Egerton Journal, July 2003 IV, 22.

Atieno-Odhiambo, E.S. (2004) Think Your People, Or Living e kind Akuru gi Asumbi: The Problem of Knowledge in Luo Pasts and Future A paper for the Conference on the Political History of the Luo, Maseno University.

Atieno-Odhiambo, E.S. (2005) Usages of the African Past: African Historiographies Since Independence. African Research and Documentation 96.

Atieno-Odhiambo, E.S. and Lonsdale, J. (2003) Mau Mau & nationhood : arms, authority & narration. James Currey; EAEP, Nairobi.

Atieno-Odhimabo, E.S. (1992) Tom Mboya. in Harvey Glickman (ed), Political Leaders of Contemporary Africa. Boulder Co.: Greenwood Press, 76.

Cohen, D.W. and Atieno-Odhiambo, E.S. (1989a) Siaya: Historical anthropology of an African Landscape, 53-56, 119-128.

Cohen, D.W. and Atieno-Odhiambo, E.S. (1989b) Siaya: The Historical Anthropology of an African Landscape. Nairobi Heinemann Kenay, 35.

Cohen, D.W. and Atieno-Odhiambo, E.S. (1989c) Siaya: The Historical Anthropology of an African Landscape. Nairobi Heinemann Kenay.

Cohen, D.W. and Atieno-Odhiambo, E.S. (1992) Burying SM - The Politics of Knowledge and the Sociology of Power in Africa. London: James Currey Ltd.

Cohen, D.W. and Atieno-Odhiambo, E.S. (2001a) The Risks of Knowledge: Investigation into the Death of The Hon. Minister John Robert Ouko in Kenya, 1990, Nairobi. East African Educational Publishers Ltd 2001, 14.

Cohen, D.W. and Atieno-Odhiambo, E.S. (2001b) The Risks of Knowledge: Investigation into the Death of The Hon. Minister John Robert Ouko in Kenya, 1990, Nairobi. East African Educational Publishers Ltd.

Ehret, C. (1998) An African Classical Age. Charlottesville: The University of Virginia Press.

Fage, J. (1993) Reflections on the Genesis of Anglophone African History after World War II. History in Africa 20, 15-26.

Falola, T. and Atieno-Odhiambo E. S. (2002) The Challenges of History and Leadership in Africa. Trenton, N.J. 08607: Africa World Press, Inc.

Johnson, D. (1981) The Fighting Nuer: Primary Sources and Origins of a stereotype. Africa 51, 508-527.

Lonsdale, J. (1992) The Moral Economy of the Mau Mau: The Problem. Oxford: James Currey in J. Lonsdale and B. Berman, Unhappy Valley: Conflict in Kenya and Africa, 270.

Maina-wa-Kinyatti. (1977) Mau Mau: The Peak of African Nationalism in Kenya. Kenya Historical Review 5, 287.

Mueller, S.D. (1972) Political Parties in Kenya: The Politics of Opposition and Dissent, 1919-1969. Ph.D. Thesis, Princeton University.

Ngungi wa Thiongo. (1989) Matigari. Oxford: Heinemann.

Odinga, A.O. (1967) Not yet uhuru: the autobiography of Oginga Odinga. Hill and Wang, New York.

Ogot, B.A. (1983) Keynote Address: Language, Culture and Ethnicity in the Precolonial History of Africa. Nilotic Studies, R. Vossen and M. Bechhaus - Gerst (eds). Berlin: Dietrich Reimer Vevlag, 23-32.

Ogot, B.A. (1984) The Great Lakes Region. D.T. Niane (ed). Africa from the Twelfth to the Seventeenth Century London: Heinemann, 498-524.

Ogot, B.A. (1996) An Economic History of the Jii-Speaking Peoples. Kisumu: Anyange Press.

P'Bitek, O. (1972) What the Buffalo Desires. Ghala 9, 24.

Ranger, T.O. (1968) Introduction. T.O. Ranger (ed) Emerging Themes in African History. Nairobi : East African Publishing House I - xii.

Review, W. (1987a). Weekly Review, 20 February, 1987.

Review, W. (1987b). Weekly Review, 20 February, 1987, 7-8.

Scheonbrum, D.L. (1998) A Green Place, A Good Place: Agrarian Change, Gender and Social Identity in the Great Lakes Region to the 15th Century. Kampala: Fountain Publishers.

Vansina, J. (1994a) Living With Africa. Madison: The University of Wisconsin Press, 240.

Vansina, J. (1994b) Living With Africa. Madison: The University of Wisconsin Press, 242.

Vansina, J. (1990) Paths in the Rainforest: Toward a History of Political Tradition in Equatorial Africa Madison, WI, University of Wisconsin Press.

Wasserman, G. (1984) Politics of Decolonization: Kenya Europeans and the Land Issue 1960-1965. New York: Cambridge University Press, 1976; Christopher Leo, Land and Class in Kenya. Buffalo: University of University Press.

An analysis of the Late Professor Atieno-Odhiambo's Historical Discourses as a Corpus for Lexicography of the African Linguistics

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Abstract

The article focuses on the late Professor Atieno-Odhiambo's historical discourses as an invaluable corpus for the enrichment of African language studies. The article has analysed some of his historical contributions to the understanding of African language families, synchronic analysis of the nature and semantics of lexicons of various languages (Kiswahili, Kalenjin and Dholuo) during colonial times and after, and his contributions to the field of lexicography with special reference to Dholuo. The late Professor Atieno-Odhiambo was one of the great gurus in the historical discourses in the world, Africa and Kenya in particular. Though the scholar had a great passion in historical discourses as a discipline, to some extent, he also had a strong love for the collection of lexicons of African languages that form a good corpus for the enrichment of African linguistics especially the field of lexicography both monolingual and bilingual.

Key words: historical discourses, corpus for lexicography, the African linguistic

Introduction

Though all academic disciplines appear to be different structurally, in nomenclature, in their goals and objectives, it is a clear fact that they normally interrelate in one way or the other. For example, as we study activities of an ethnic group, the geographical experiences become very handy so as to locate the habitat of the group in the globe.

Likewise, as we endeavour to study the language of any given ethnic group then the historical discourses are normally looked for so as to know the origin of the speakers of the language, other related languages and the etymology of various lexicons used by the concerned group. On the other hand, great historians also need both the linguistic competence and performance in order to tailor their findings in an orderly way by embracing the standard grammar of the language they intend to use for communication.

It is therefore imperative to note that any given discipline cannot survive in isolation but must always rely in one way or the other on other disciplines for the accomplishment of its various studies. Since most academic studies now tend to be interdisciplinary, this article intends to analyse the contributions of the historical works of the late Professor Atieno-Odhiambo in the study of African language families, synchronic analysis of the nature and semantics of the collected lexemes of some African languages in his historical discourses during the colonial and post colonial times in Kenya, and lastly the contributions of his historical works towards the enrichment of African languages in the field of lexicography with special attention to Dholuo.

Contributions towards the study of African language families

The African continent is regarded as the birthplace of human race in that by the 4th Millennium BC, the world's oldest civilization

seemingly had flourished in Egypt (Judge, 1993). New York Times News Service also gives a latest report that it is postulated by Quentin D. Atkinson, a biologist at the University of Auckland in New Zealand that languages grew from seed in Africa and especially southern Africa (Daily Nation, 2011, April 23). Though the African continent is regarded as both the birthplace of human race and the human language, this same human language grew, developed and probably gave birth to the many world languages that are currently spread all over various continents.

The UNESCO report of 2006 gives an estimate that the world has about 7000 languages (Fromkin et al., 2007). Africa is reported to have almost half of these languages between 700-3000 both standard and non standard languages (Frawley, 2003). However, there are so many African languages existing together with other world languages witnessed and used in communication in the African continent. These languages in the African soil can be categorized into various families like: the Afro-Asiatic, the Nilo-Saharan, the Khoisan, the Niger-Congo, the European languages, the Dravidian languages and also various pidgins, creoles, slangs and anagrams (Webb and Kembo-Sure, 2000).

It is a common trend in linguistic studies that from the major families of languages we can be able to move down to the studies of specific members with ease and accuracy. For example, in the African language studies, we can be able to move down to specific languages in question of various ethnic groups. But while doing this, we must remember that any study of a language in a given environment needs historical discourses.

The historical discourses are very instrumental in the language studies because any language belongs to an ethnic group in a specific cultural enclave and it is only through historians and their historical discourses that the linguists can rely so much on in order to comprehend the etymology of lexicons of the language of the ethnic group. In this regard, linguists therefore normally find the historical findings a comfortable abode for their linguistic studies so as to make informed and supportive conclusions on languages.

Many historical works of the late scholar Professor Atieno-Odhiambo together with other discourses from other great African historical intelligentsia are invaluable contributions to the linguistic study of the African languages in terms of the origin, nature, semantics and their grammatical relationships. For example, Dholuo language as one of the members of the Nilo-Saharan language family is heavily enriched by the late scholar's works and his collaborators.

Atieno-Odhiambo, Ouso and Williams (Atieno-Odhiambo *et al.,* 1977) in their historical work titled *'A History of East Africa'*, show very clearly the origin, spread, language and classification of Luo ethnic group into four minor groups as *Joka Jok, Joka Owiny, Joka Omollo* and *Joka Suba/Abasuba*.

The *Joka Jok* group settled around South of Agoro Hills, moved again via Gulu, Soroti and Mbale into Nyanza. The most famous settlement for this group was Ramogi hills in Kadimo, Siaya district in the 16th Century. The *Joka Owiny* group moved to Kenya and had major settlement at Sigoma in Alego with the famous leader Owiny Sigoma who was a ruthless man and a hard fighter. This group was also referred to as *Jokaruoth* and believed to have arrived in Kenya by the 17th Century. The *Joka Omolo* group that migrated from Pawir in North Bunyoro, travelled through North Busoga and settled at Ibanda and Bukoli. The group later moved eastwards into Kenya about the start of the 17th Century and includes Gem and Ugenya people. The *Abasuba/Joka Suba* group is considered to be a mixed one. Many of them were refugees from Buganda and Busoga. Although on a rival the group was considered as a non-Luo, the members of this group later became Luo speaking through assimilation as they mingled with the Luos of Nyanza and settled in the Southern part of the province and also on the offshore islands.

The historical classification of the Luo ethnic group is a scholarly finding that is very instrumental not only to the historians but also to the linguists who are interested in dialectology (study of dialects of a language), semantics (study of the meanings of lexicons), lexicography (theory and practice of compiling dictionaries) and even the study of general historical

linguistics both synchronic and diachronic analyses. This kind of explanation of the history of the Luo ethnic group, classification and their ethnic language (Dholuo) is an avenue for any linguist dealing with ethno-linguistics and even dialectological studies. The linguist will be highly motivated to carry on with his or her study because of the availability of the essential data.

Dialectology simply means the study of various dialects of any given language and dialect is a variety of a language whose grammar differs in systemic ways from other varieties especially in lexical structures, phonological rules, syntactic nature and semantic considerations (Fromkin et al., 2007). There are dialects in any given language that can be categorised as regional dialect spoken in a given region by the people using the same language, social dialect and the prestige dialect spoken by people in positions of power.

The study of Luo groups is important since we can therefore be able to know as linguists where these groups inhabit in Nyanza province and if there are variations in lexical, phonological, semantic and syntactic aspects when speaking Dholuo. The classification of the Luo groups and their different geographical placements in Nyanza indicate the probable existence of Dholuo dialects. It has been realized that Dholuo as a language that is spoken in Kenya has few linguistic differences and almost negligible dialectical variations (Odaga, 1997). For example, Dholuo spoken in parts of Siaya (Alego, Ugenya and Gem) have slight variations from what is spoken in Bondo and Kisumu. There are also slight variations in Southern Nyanza. For instance, in Alego the word *cow dung* is sometimes called *wuoyo* while in other areas it is referred to as *owuoyo*. Furthermore, there are also slight differences in speech whereby it is faster in Kisumu and Bondo than in Southern Nyanza, Ugenya, Alego and Gem.

Besides Dholuo language being studied in this work '*A history of East Africa*', the work is also a clear indicator of the subdivisions of the Nilotic languages which are important for any African linguist with a passion for their in depth study. For example, there are Plains Nilotic languages that include Bari and the Teso-Maasai (Lotuko, Karamajong-Teso and Maasai). In addition, there are the modern Highlands Nilotic languages that comprise Kalenjin (Elgon, Pokot, South Kalenjin and the Nandian group like Elgeyo, Marakwet, Tugen, Nandi and Kipsigis). The same piece also clearly illuminates the other members of the Nilo-Saharan language family that are found in Kenya. Therefore, it is a very instrumental piece for the study of these aforesaid languages hence contributing to the studies of African historical linguistics.

In recognizing this piece of work as a great contribution in the understanding of aspects of historical linguistics dealing with the origin, spread and even the relationships of languages in a family, we have to remember therefore that languages are normally grouped into families by virtue of their common descent from an earlier parent or proto language. Thus languages can be traced back to a common ancestral language so as to understand how genetically they are related (Lyons, 1981). When tracing these languages then the historical works become very handy.

Synchronic analysis of lexicons of some African languages

Synchronic study of a language simply refers to an analysis of an aspect of a language as it is at a particular point in time (Hornby, 2010). This analysis can be of any aspect of language like sentences, lexicons, phones and even word structures. This section of the article gives a glimpse of the aspect of lexicons by referring to some terminologies of Kiswahili, Kalenjin and Dholuo languages collected by the late scholar in some of his historical works and that were commonly used during the colonial and also post colonial time respectively. The following section has therefore relied heavily on some selected historical works of the late scholar with the lexicons of African languages.

It was not a bed of roses for the Africans during colonial times, the struggle, immediately after attaining independence and thereafter. Africans were referred to as uncivilized citizens and many words were used to belittle or insubordinate them. The following section draws your attention to the synchronic exposure of the collected terminologies and their semantics in the following languages: Kiswahili, Dholuo,

Kalenjin and even the Hindu that were commonplace during the aforesaid periods.

Atieno-Odhiambo (Atieno-Odhiambo, 1974) discussed in his historical piece titled '*The paradox of collaboration and other essays'* such Kiswahili words as *askaris* that was used to refer to the guides who were turned to be chiefs in Kikuyuland**,** *barazas* meaning meetings with the whites during collaboration and *mzungu* a white man.

During the struggle for decolonization and independence in Kenya, the late scholar collected many terminologies that were commonly used. These words were in fact a sign that the Africans were very unhappy with what was happening during this period. When referring to the what happened during decolonization period, Atieno-Odhiambo (Atieno-Odhiambo, 1995) was very keen in collecting terminologies in his captivating historical piece titled '*Decolonization of Kenya: The formative years 1945-55*'. In this work the scholar cited some Kiswahili words that were somehow standard and are also technically used in literary studies to show disgust, perennial conflicts and agitation for independence.

The following Kiswahili words were commonplace: *matatizo* that means problems, *mgogoro* referring to tumult/conflict, *tulipigana kama simba* we fought like lions and *tulinyakua uhuru yetu kamili* we grabbed our true independence and economy. These words were battle cries officiated by Kenyatta. From these Kiswahili words, the figurative language that is referred to as simile is shown in the use of the statement like *tulipigana kama simba* whereby the word 'kama' meaning 'like' is used to show comparison. These words were very common as a sign of the harsh situations that existed then.

When talking about political economy in the same piece of work, the late scholar collected the following terms: *African asomi* that meant a learned African, *ahoi* means landless and is also basically known as *hoi* meaning helpless or in a bad state according to the standard Kiswahili, *kala-ba* derived from colour bar used to segregate the Africans from the whites, *karani* refers to clerical officer, *kipande* was used to refer to pass that was a requirement for the Africans wherever they were for identification and *mugunda* a Kiswahili word denoting land as household and property that is sometimes referred to as *mgunda/shamba/konde* in the standard Kiswahili.

Other words are *nyokonyoko* everyday life was a constant annoyance that is derived from a standard Kiswahili word *nyoko* meaning your mother. If the word is repeated to form *nyokonyoko* then it means constant disagreement or annoyance among the whites and the Africans during this period. The word *pasi* meaning unskilled labourer was also commonplace. The following insulting Kiswahili words were also commonplace: *afriti* meaning a genie who is malignant to people/evilly/immoral, *chura* a frog, *kafiri* a pagan and *mshenzi* denoting uncouth/uncivilized person, *pumbavu* stupid and *shenzi* referring to house boys by the English people was also very common. These were some of the descriptions of the African being as said by the Busaidi Arab aristocracy in Mombasa.

Some Kiswahili words collected by the scholar in the same piece of work seemingly depicted the judicial contexts and included such words as: *askarikanga utamaliza hapo mbele* that meant it will be settled at the police depo, *jela rumenda/jela ndogo* meaning the numerous court fines paid really to court officials or its alternative and *kanyaga* denoting trespass laws in towns and on settler farms that also means injustice or oppression. In some other instances such words were also commonplace: *kiboko* that means corporal punishment, '*peksen'* that refers to frequent raid in the household anytime, *'seksen'* that means arrest by police and *sokwe mutu* that means ape like man.

Sometimes the Africans were forced to have *tikiti ya kodi* meaning a tax receipt that was to be permanently on your body, *toa kofia* referring to take your hat off to show respect to the whites whenever they interacted with the Africans, *toa risiti* was used to denote giving an account for your personal acquisition because you are all potential thieves and *ubaguzi wa rangi/kala-ba* derived from colour bar and means racial segregation.

Insults were also directed to the Africans like: *bladi swaini* that is derived from bloody swine,

kafiri meaning a pagan and *kuma nina* referring to an insult that means the mother's vagina. In some instances the following words were used in the day to day discourses as: *habari* news, *mbari* referring to a lineage, *mzungu* the white man, *nyapara* was used to mean a person who took charge in farms and especially the white farms, *nyimbo* means songs, *nyumba* is a household, *panga* a weapon used to signify liberation, *rika* refers to age group and *utetezi* which of course is a term for agitation for African independence.

During this period of decolonization, there were also some Dholuo words like *chakra or oyiwe* meaning lorries for transport and passenger buses, *jodak* the guest residents and *kinda e teko, riwruok e teko* referring to struggle lies strength, unity is strength. Besides the collection of Dholuo language lexicons, the scholar also collected other words like *lemek,* a Kalenjin word meaning non-Kalenjin settler. In addition, in the Hindu language the following words were common: *ayahs* means female workers at the homes of the Indians, *dukawallahs* petty shopkeepers and also *suthru* meaning house boys.

Even far much later after independence, Atieno-Odhiambo (Atieno-Odhiambo, 2000) interestingly captures some words when he wrote a historical work titled '*Africa's place in world dialogues at the beginning of the twenty first century'*. In this piece of work, the late scholar managed to record the following Kiswahili commonplace terminologies: *matatu* meaning minibus, *mitumba* denotes used goods that the scholar also termed as a culture of hand-me-downs. That means giving somebody something that has been used and therefore has no value to him. In the same piece of work, the scholar talked also about '*sumuni'* meaning fifty cents, *rika* age mates and *ubepari* that basically refers to economic power or the husbandry of power and *wamla ovyo* that denotes mere consumers of the used goods. These words show the social, political and economic status of the African people, their environment, and agitation for change in leadership especially on how the Africans were playing a part as a second being to the then prevailing leadership.

Contributions towards African lexicography with special reference to Dholuo

Lexicography is both a terminology and a discipline in linguistics that refers to the theory and practice of compiling dictionaries, thesaurus, encyclopedia and even glossary, and the expert who deals with it is known as a lexicographer (Bright, 1992); (Bussmann, 1996); (Frawley, 2003); (Svens'en, 2009). The art of dictionary making is a complex one because any lexicographer has to understand the grammar of languages concerned, their lexemes, the morphology, the word building techniques and in most cases the main challenge of the lexicographer is where to get the source and words for the proposed dictionary.

It has been considered by many lexicographers both monolingual and bilingual that words for any dictionary making can be collected from the following sources: novels, plays, poems, magazines, journals, speeches, translated texts, religious writings, sermons, interviews, debates, ordinary conversation, oratory and other dictionaries. However, in this study, it is clearly evident that even the historical writings play a big role as a corpus for both the monolingual and bilingual dictionaries. A case in point is the historical works of the late historian Professor Atieno-Odhiambo.

Being a lover of lexicography and especially of the African languages, these historical works of the late scholar are invaluable means of communication and form a great corpus of many lexicons of Dholuo language that can be rearranged and included as headwords for both Dholuo monolingual and even bilingual lexicography. Before showing the lexicons of Dholuo language that were collected by the late scholar in his historical presentations, it is imperative to briefly introduce Dholuo language.

Dholuo is considered by many linguists as relatively an unusual among the African languages in possessing a tonal system where tonal values are very much affected by stress and intonation (Tucker, 1994). These tonal values cause the semantic differences of lexemes in question. For instance, the word 'kendo' in

Dholuo can be pronounced differently by varying the intonation so as to mean fire place, again and also marriage.

Furthermore, Dholuo is a Nilo-Saharan language that belongs to the Luo ethnic group, is widely spoken in Nyanza province around Lake Victoria in Kenya and is found also in Uganda and Tanzania (Odaga, 1997). The language is also linked to many language groups in Uganda, Sudan, Ethiopia, the Central African Republic, Zaire and Chad (McOnyango, 1997).

Just like any other African languages, Dholuo tends to lack adequate lexicographical materials for its faster growth and development, faster learning and teaching especially to the younger generations that tend to show negative attitude towards it. The language like any other is also in dire need for recognition which is a linguistic right of its people in this new millennium. Seemingly, one of the ways to develop the African languages Dholuo being one of them is to strive to produce both monolingual and bilingual lexicography of the concerned languages by relying on other sources for data collection.

The historical works of the late Professor Atieno-Odhiambo can serve and play a great role in this endeavour. A critical look at the various words that were collected from the historical discourses of the late scholar to a larger extent gives life to the studies of Dholuo lexicography. These historical works form a good corpus for both Dholuo monolingual and bilingual lexicography. Therefore, in the following section below underlies some hidden terminologies that were collected by the late scholar that are not commonly used in our day to day conversation but are very essential for the lovers of Dholuo lexicography.

When talking about '*The paradox of collaboration and other essays'* in 1974, Atieno-Odhiambo recorded Dholuo words that were used during the Luo division at the pre-colonial days and are very instrumental for both Dholuo monolingual and bilingual lexicography. The scholar recorded the following words that are analysed in a continuous prose but arranged lexicographically in this article such as: *buch piny* a council, *doho* small councils of sub chiefs, *jodong dhoot* clan elders, *jokaruoth* the chief's people, *ogaye* the peace maker, *ogendini* sub nations of the Luos, *ogulmama* a police force, *ojwando* the conquered subjects, *osumba mrwayi* the war leader and *ruoth* refers to a chief.

In the historical work entitled *'Economic Mobilization and Political leadership: Oginga Odinga and the Luo Thrift and trading Corporation to 1956'*, Atieno-Odhiambo (Atieno-Odhiambo, 1975) enlisted Dholuo words such as: *gweng'* village area, *jodong gweng'* village elders, *joringi* the African bicycle permit holders who bought fish from the lakeshores, smoked then cycle so many distances for sell, *josomo* the enlightened bookmen, *nyamugas/akala* motor tyre sandals and *thuondi* the war leaders.

When referring to the Jopadhola who are genetically Luos, Atieno-Odhiambo (Atieno-Odhiambo, 1976) discusses the issue of intellectuality amongst the Liganua in his captivating piece titled '*The Movement of Ideas: A Case study of intellectual responses to colonialism among the Liganua peasant'*. In addition, the scholar recorded some Dholuo lexicons like: *bunde Kawango* the Wanga gun, *dala* a walled homestead, *gweng'* rural village, *jonanga* the people of clothes, *jopango* people who went out of their homes for long or short periods in order to acquire the material wealth and the ideas of the outside people, *luth* club, *thuondi* war leaders, *Were Nyakalaga* God of Migration and *Were Madiodipo* God of Settlement was also enshrined. When the so called *jopango* and the *josomo* came back home, they encouraged the use of words such as: *chai* tea, *chumbi* salt, *jonanga* people who wear clothes, *kananga* a place of people who wear clothes, *kapango* a place where clothes came from/place far away from home, *kawasungu* a place where one met the white man, *od kibanda* rectangular house and *ogunia* meaning a sack.

In fact sometimes, the whites were really admirable to the Luo community to an extent that the following words were used to describe them: *apala palo wuoth* that means the gray man

with a tawny gait/walk, *odiero wuod lando* the blue eyed son of the light skinned girl and *ombogo jarachar* that refers to the white man. In addition, the scholar interestingly included some words figuratively for example the use of simile. The term simile linguistically refers to a word or phrase that is used to compare something to something else by using in most cases the words such as 'like' or 'as' (Hornby, 2010). Examples are witnessed in the late scholar's work as: *ber ka nyar silisili* that is being as beautiful as a Seychelois girl and *kwar ka nyar Goa* denoting being brown like a Goan girl. Some Dholuo words that were recorded in the same piece of work sounded more sarcastic when the Luo community referred to the other communities as *jamwa* that is a non-Luo and *jamwa man gi yiwe* meaning a non-Luo, a barbarian with a tail.

It is a common phenomenon that when a language tends to lack an equivalent word of a foreign or the original language then most linguists are generally coerced to derive the words in question. Derivation of course calls for clear knowledge and skills of word building techniques. Dholuo language has derived words not only from Kiswahili but also from English as enshrined in the late scholar's historical piece. The following derived words were used in Dholuo to denote authority such as: *Disi* from District Commissioner, *jaj* from judge, *polis* referring to police and *waskar* derived from askari. It is a clear fact that when we derive words from other languages then we must consider very accurately the phonological and the morphological aspects of the receiving language as witnessed in the aforementioned examples.

Some lexicons denoting insults also seeped into the Luo village because of the existence of *jopango* and *josomo* who went far in the towns. These include: *bladi fuul* derived from *bloody fool* meaning a swear word that many people find offensive that is used to emphasize a comment or an angry statement, *jangli* derived from Kiswahili word *jangili* that means a poacher or a rogue, *kafiri* taken from Kiswahili and refers to an infidel, unbeliever, atheist or pagan and *swaini* that is an insult and is derived from the word swine that means pigs, unpleasant person, a difficult or unpleasant thing or task.

Conclusion

In celebrating and memorising the life of the late Professor Elisha Stephen Atieno-Odhiambo and his immense contribution to knowledge, history, people and the communitarian threads in his thoughts and works, linguists, therefore pay tribute to him for successfully contributing to what may be termed as a much sought corpus for the African linguistic studies. This indeed is a gift to the African lexicographers in general and Dholuo language in particular. Remember, there is a loud cry from African linguists that the African lexicography is still at infancy, developing without a theory and therefore one way of promoting these languages is by applying several methodologies for the users of bilingual dictionaries of African languages (Prinsloo et al., 2000). It is now true that many language aspects can also be easily studied through historicism.

The late scholar was a guru of political science but also provided the gamut of African lexicon invaluable for lexicographical studies. Indeed, his captivating pieces of work full of African lexicons form a great corpus for Dholuo lexicography and African linguistic studies in general. From the few books cited, we can therefore be able to produce a sample of bilingual Dholuo-English dictionary as shown below:

Apala palo wuoth the gray man with tawny gaits.	**Kafiri** infidel, unbeliever, atheist or pagan.
Ber ka nyar silisili being as beautiful as a Seychelois girl.	**Kananga** a place of people who wear clothes.
Bladi fuul bloody fool.	**Kapango** a place far away from home.
Buch piny council.	**Kawasungu** a place where one met the white man.
Bunde Kawango the Wanga gun.	**Kwar ka nyar Goa** being brown like a Goan girl.
Dala walled homestead.	**Luth** club.
Chai tea.	**Nyamugas/akala** motor tyre sandals.
Chumbi salt.	**Odiero wuod lando** the blue eyed son of the light skinned girl.
Disi District Commissioner.	**Od kibanda** rectangular house.
Doho small councils of sub chiefs.	**Ogaye** peace maker.
Gweng' village area/rural village.	**Ogendini** sub nations of the Luos.
Jaj judge.	**Ogulmama** police force.
Jamwa a non-Luo.	**Ogunia** a sack.
Jamwa man gi yiwe a non-Luo, a barbarian with a tail.	**Ojwando** the conquered subjects.
Jangli a poacher or a rogue.	**Ombogo jarachar** the white man.
Jodong dhoot clan elders.	**Osumba mrwayi** the war leader.
Jodong gweng' village elders.	**Polis** police.
Jokaruoth the chief's people.	**Ruoth** chief.
Jonanga the people wearing clothes.	**Swaini** derived from swine that means pigs, unpleasant person, a difficult or unpleasant thing or task.
Jopango people who went out of their homes for long or short periods in order to acquire the material wealth and the ideas of the outside people.	**Thuondi** war leaders.
Joringi African bicycle permit holders who bought fish from the lakeshores, smoked then cycle so many distances to sell.	**Waskar** askari.
Josomo the enlightened bookmen.	**Were Nyakalaga** God of Migration.
	Were Madiodipo God of Settlement.

References

Atieno-Odhiambo, E.S. (1974) The Paradox of collaboration and other Essays.
Nairobi: East African Literature Bureau.

Atieno-Odhiambo, E.S. (1975) Economic Mobilization and Political Leadership: Oginga Odinga and the Luo Thrift and Trading Corporation to 1956. A. Ojuka, & W. R. Ochieng, eds. Politics and Leadership in Africa, Nairobi: East African Literature Bureau, 139-178.

Atieno-Odhiambo, E.S. (1976) The Movement of Ideas: A Case study of Intellectual Responses to Colonialism among the Liganua Peasants. B. A. Ogot, ed. History and Social change in East Africa. Proceedings of the 1974 Conference of the Historical Association of
Kenya, Nairobi: East African Literature Bureau., 165-185.

Atieno-Odhiambo, E.S. (1995) Decolonization of Kenya: The formative years 1945-55. B. A. Ogot, & W. R. Ochieng, eds. Decolonization and independence in Kenya 1940-93, Nairobi: East African Educational Publishers, 25-47.

Atieno-Odhiambo, E.S. (2000) Africa's place in world dialogues at the beginning of the Twenty First Century. G. P. Okoth, ed. Africa at the beginning of the 21st Century, Nairobi: Nairobi University Press, 213-225.

Atieno-Odhiambo, E.S., Ouso, T.I. and Williams, J.F.M. (1977) A history of East Africa. London: Longman.

Bright, W.e. (1992) International Encyclopaedia of Linguistics. New York: Oxford University Press 1.

Bussmann, H. (1996) Rout ledge Dictionary of Language and Linguistics. London: Routlege.

Daily Nation. (2011, April 23) Languages grew from seed in Africa. Nairobi: Nation Media Group, 34.

Frawley, J.W.e. (2003) International Encyclopedia of Linguistics.2nd ed. Oxford: Oxford University Press.

Fromkin, V., Rodman, R. and Hyams, N. (2007) An Introduction to language.8th ed. Boston: Thomson Wadsworth.

Hornby, A.S.e. (2010) Oxford Advanced Learner's Dictionary. 8th ed. Oxford: Oxford University Press.

Judge, H.e. (1993) Oxford Illustrated Encyclopedia. World History to 1800. Oxford: Oxford University Press 3.

Lyons, J. (1981) Language and Linguistics: An Introduction. Cambridge: Cambridge University Press.

McOnyango, O.O. (1997) Preface. A. B. Odaga, English - Dholuo Dictionary. Kisumu: Lake Publishers and Enterprises Ltd, v-vi.

Odaga, A.B. (1997) English - Dholuo Dictionary. Kisumu: Lake Publishers and Enterprises Ltd.

Prinsloo, D., Chuwa, A.R. and Taljard, E. (2000) The Lexicons of Africa. V. Webb, & E. Kembo-Sure, eds. African Voices. An Introduction to the Languages and Linguistics of Africa. Southern Africa Cape Town: Oxford University Press, 220-244.

Svens'en, B. (2009) A Handbook of Theory and Practice of dictionary making. Cambridge: Cambridge University Press.

Tucker, A.N. (1994) A Grammar of Kenya Luo (Dholuo). Koln: Rudiger Koppe Verlag 8.

Webb, V. and Kembo-Sure, E.e. (2000) African Voices. An Introduction to languages and linguistics of Africa. Southern Africa Cape Town. Oxford University Press.

From Round Huts to Square Houses: Spatial Planning in Luo Culture

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Abstract
Planning as a profession has tended to be associated with the modern city in Africa. However, this paper posits that planning as a process of organizing spatial function is a dynamic process. Among the Luos of Western Kenya, we see a process that is determined by culture and societal roles in arrangement of space. Movement from a circular form to a regular "square" format that is based on the need to survey land and ensures individual titles sees a transition in the cultural process of access and use of land. The process runs from pre-colonial, to colonial and post-colonial Kisumu, the capital of the Luo nation.

Key words: Houses, Spatial Planning, Luo, Culture

Introduction

Spatial Planning as a concept has been presumed to be an enclave of 'modern' urban culture. However it must be appreciated that planning is innate in all the activities we do. Man as a rational being puts consideration in his acts to ensure that he achieves a set objective. The process of achieving the objective may be faulty, and we may then say that the planning was faulty. Planning as a rational organisation of space by man shall be the area of concern in this paper. The presumption is that man always wants to make the best use of the land he has. In this endeavour he will segregate non-compatible users and locate compatible ones close to each other. But all this is subject to how he perceives his world. This forms the basis of the analysis in the paper.

Concept of Culture

Culture is a complex concept that permeates all the elements of the society. In a previous article, Tylor gives a description of culture (Sardar and van Loon, 1997). He states that:

> 'A nation s culture includes the points of view everyone has about individual conduct and social relations, his attitude toward government and toward other peoples, his habit of mind about the family, the duty of parents to children and to parents, his standards of taste and of morals, his store of accepted wisdom which he expresses in proverbs and aphorisms, his venerations and loyalties, his prejudices and biases, his canons of conventionality, the whole grouped ideas held in common by most people. This body of culture comes to every individual mainly through well recognized channels, through parents and elders who hand it down by oral tradition, through religion, through schools and through reading both of books and of newspapers and periodicals'

This description refers to non-material aspects of culture. However it must be borne in mind that

the non-material aspects of culture have an important bearing on the material aspects of culture. The two make a complex whole.

Wallis W.D (Wallis, 1917) highlights several aspects of culture , namely;

1. A culture is unique
2. A culture does not travel into other culture areas, though the people who carry it may extend their territory and so enlarge the geographical boundaries of their culture
3. Despite the uniqueness of tribal culture, no tribe is culturally a self complete unit.
4. Though a culture dopes not travel as a unit i.e. intact, many culture traits travel
5. A culture is a functioning dynamic unit and the various traits which compose it are interdependent
6. Since the traits which comprise a culture are interrelated, an innovation affects the entire culture
7. Individuals do not participate in the culture to the same degree or in the same way.

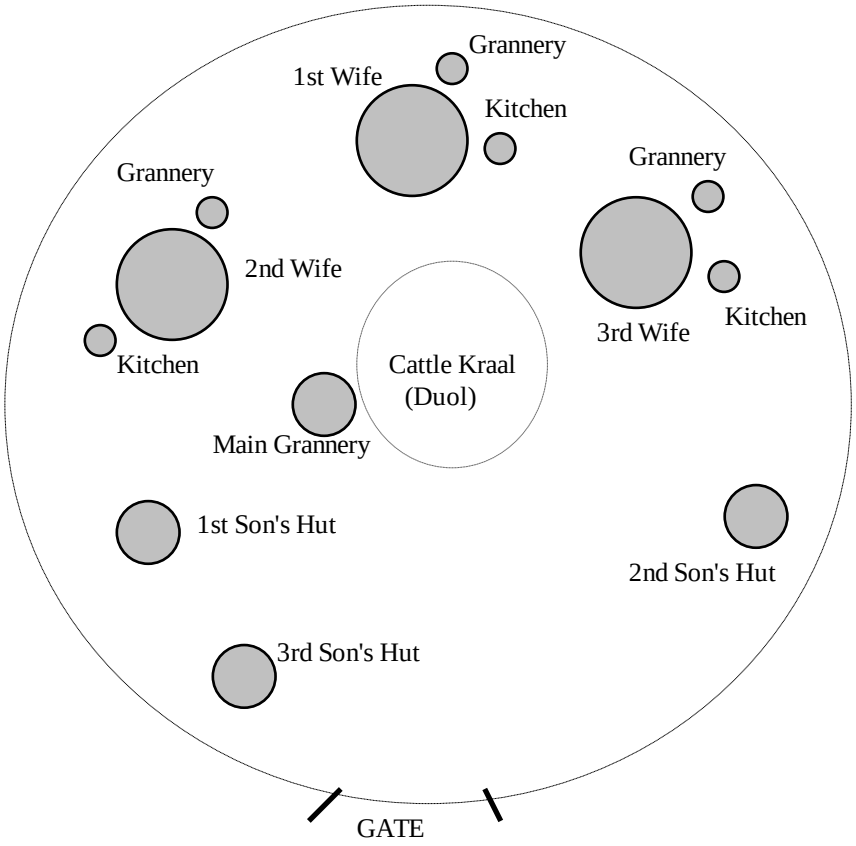
From the characteristics given by Wallis, we see that there are several variables that emanate from a culture of any given society. How the society therefore develops its culture component will depend on how the cultural traits are learnt or handed down under diverse geographic and social conditions. The social elements of culture are apparent in aspects of social organisation and social behaviour as exemplified in customs, mores, institutions, law, language, ideologies and all other societal aspects of culture. These social elements are often shaped by the geographical environment. But the culture must also be able to take advantage of environment for the society to exist within a given environment.

It is noted that adaptation to physical environment depends on the will, the training, and the social inheritance of those who inhabit a given locality. If we wish to predict what a people will do when they move into a new environment, it is more important to know the people than the place or better, one must know both.

Foundation: The Round Huts

Towards the end of the 19th century the area around Lake Victoria was basically a Luo populated area. The Luo, a Nilotic people who had settled in this area a few decades earlier, were an ethnic group that had engaged in mixed agriculture (livestock keeping and farming) and were also fishermen. There were fishing villages around the lake and some villages further inland.

Figure 1: The Traditional Luo Homestead



The Luo homestead can consist of as few as one house to as many as ten or fifteen. The size is determined by the number of wives a man has, living in the homestead, and the number of sons who have built their own houses (Simba). The homestead is the smallest spatial planning unit among the Luo. It is not just a place of abode but a point of reference to an individual's niche within the community and geographic location. For the man it is the pinnacle of one's manhood. For women, it is the place in which one can take care of her family, bring up her children, partake in decision making and bring her family to maturity and in a sense her whole being. The homestead and the family unit that lives in it, is both a society as well as a unity of the visible and invisible worlds.

Under the traditional system of farming, all; even newcomers, were accommodated and allocated land to settle and put up a homestead (Odinga, 1967b). However of great consideration was the fact that this system of land ownership perpetuated the creation of links between the people of Luoland, which was to see its manifestation in the migration to urban area in later years.

The homestead went through a morphological transformation over time that started from the creation of a new home (*golo dala*) through youth and mature age, when most of the sons would have built their houses, to an old age when the sons move out and finally to 'death' of the homestead (*Gunda*), when there was nobody remaining in the homestead. This process was some form of 'invasion-succession' in which the

sons moved out of the father's compound to establish their own homes outside the homestead, *golo dala*. This system created some form of forward movement ensuring that the clan/family could encroach on and secure new parcels of land while still having the protection of the family behind them. This relationship had both an inward looking aspect and outward-encroaching dimensions ensuring that the interests of the family and the community were taken care of. The Luo villages that were established on hillslopes and provided a vantage point from which the community migrated outward into new territory. One notes the concentration of the villages in the central hilly areas, which was naturally the best location for settlement with focus on defence.

By the turn of the century *Pax Britannia* had began to set in and the villages were now constructed with *Euphorbia* fences, reinforced with strong sticks basically to keep out wild animals and not enemies as such. As the villages expanded and spread, the strips of land between fences was determined by the necessity of leaving sufficient land to allow for movement of man and livestock to watering places. These footpaths were rarely wider than 2 meters, a tendency that has persisted to date in the areas outside the municipal boundaries.

It must be noted that the Luos had by now been confined somehow to Nyanza with their movement eastward and southwards restricted by the settlements of the Bantu and the establishment of settler farms. Londsdale (Londsdale, 1989) summarises the socio-political structure of the period thus,

> ''In order to understand the politics of the British conquest one must first grasp some idea of their own (the Luo). They were all colonising people, for whom the control of scarce labour was paramount. Their basic unit of production and consumption was the extended family. But no family could survive in isolation. Each needed the co-operation of others in the seasonal chores of agriculture and herding. The idiom of co-operation was patrilinial descent through the generations and the kinship of contemporaries. But the organisation of work was less egalitarian than its ideology. It was focused on the *big man* with large families who could exploit more than their families alone - impoverished dependant workers, immigrant families grateful for protection, marriage alliances with neighbouring settlements or herding sections and natural defence agreements with other big men. Small settlements could not prosper without wide networks''.

It is in this environment that the British now appear. The end of the Luo villages as a distinct settlement form in the area was near.

'Alego tat yien' is a common remark amongst the Luo when they speak about Alego area in Siaya. This remark refers to the fact that the 'round huts in Alego have roofs made of sticks and are grass thatched (or is it herbs!). These huts were the traditional housing for the Luo community. But who are the Luo?

The Luo constitute the only group of River-Lake or western Nilotes in Kenya. They are found around the Winam Gulf of Lake Victoria, from close to the Uganda border to the northern parts of Tanzania. Up until 1300AD, these people inhabited the region south of the confluence of rivers Nile and Bahr-el-Ghazal. They were surrounded by the Azande in the south and east, the Dinka in the west and the Nuer in the North. These people, especially the Dinka and Azande were basically pastoralists and the expansion of the Luo territories resulted in conflicts of interest since the Luos who were basically pastoralists.

The Luos were forced to move out of this cradle to look for 'virgin' land where they could settle and expand without much conflict. It is argued that other factors could have spurred this movement, including climatic conditions, environmental pressures, overpopulation, war, epidemics or simple restlessness. Most of these movements would consist of small groups culturally and linguistically similar moving along at intervals of perhaps twenty to fifty years apart. This movement gives the impression that probably one generation would move while another 'watched' to see the suitability of the new settlement.

Historians have identified four major groups among these early arrivals in the Lake Victoria region. Joka-Jok, Jok-Owiny, Joka-Omolo and Basuba. Joka-Owiny with the Padhola Joka Omolo with Alur, who are ethnic groups found in Uganda who were laggards as the wave of Luo diffusion spread eastwards to the Lake basin. The spread of Luos into Kenya's lake region from Uganda took place over several centuries. This process involved not only spatial expansion but increase in population creating a momentum for further expansion, especially considering the fact that the majority emphasized pastoralism, leading to a life of seasonal migration, which was brought to a halt by the imposition of colonial boundaries. B. A. Ogot (Ogot, 1968) sums the process thus:

> 'In reality the settlement (of Nyanza north of the Gulf) was curved out in isolated detachment s and was only very gradually completed. Up to about thirteen generations back, the Luo immigrants only occupied the small area around Ramogi Hill. From this focal point they expanded eastwards to establish settlements in Alego, Sakwa, Asembo and Uyoma. Then with the second wave of invasion which was formed chiefly by the Joka-Owiny, Jok-Omolo and other minor groupings, the real conquest of these regions started. Between six and seven generations ago, south Nyanza was invaded, and the process was completed when the Luo finally abandoned their traditional habitat and invaded the higher areas of Gem, N. Ugenya, Kisumu and N. Seme. Thus the process of conquest was a very slow affair which continued upto 1900.'

Luo culture as it emerged in Nyanza, became a composite culture of numerous disparate element, some acquired during the migration, but many other adopted from assimilated outsiders such as the Abasuba, from defeated and absorbed Bantu speakers, and from neighbouring groups of people.

Given this background, we are able to follow how the Luo migrated to establish themselves along the shores of Lake Victoria. This is the region that was proliferated with round huts of grass thatch, 'a symbol of Luo housing' (Plate 1).

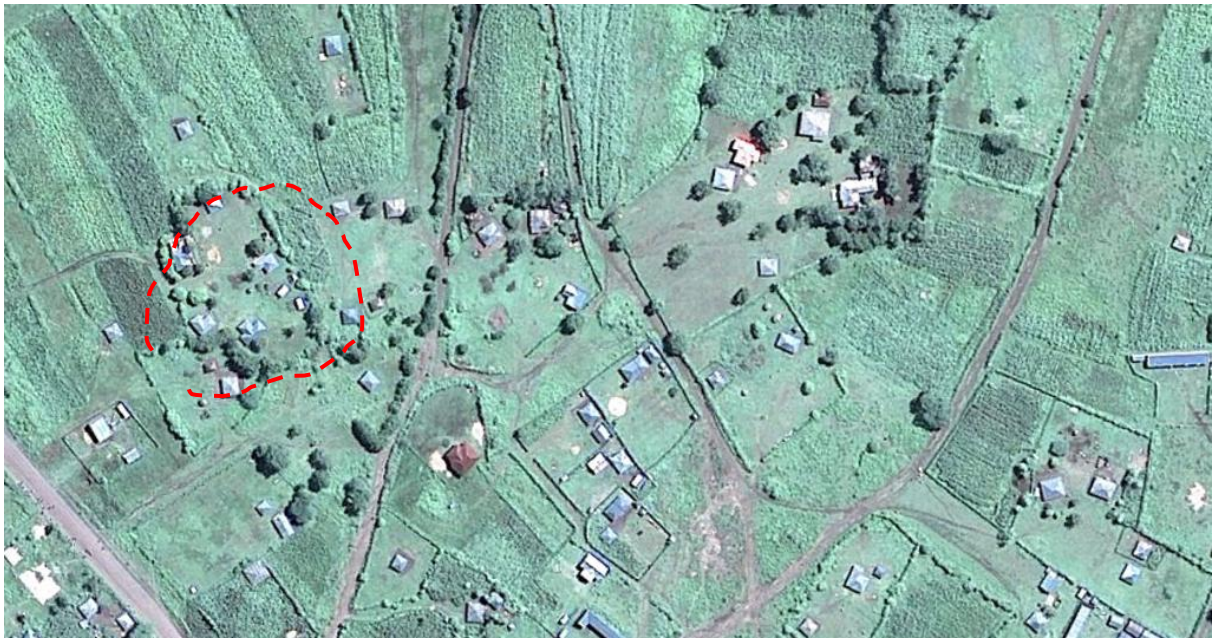


Plate 1. A Luo Homestead

The round hut was the heart of the Luo home. From the round hut, we move on to the round compound. The question one would ask is, what was the essence of this circular approach to planning?

The following statement by Ochieng (Cohen and Atieno-Odhiambo, 1989) should give some guideline:

> 'During the wet season, individuals migrated from the riverside plains and erected their homesteads on the hilltops and in each homestead, each father ruled his family. During the dry season, families crowded with their livestock near watering places and in these places strong families often ruled the weaker ones'.
>
> From this semi-pastorol life, the Luos as they moved into the lake region began to establish permanent settlements. These tended to be on hilltops as opposed to the earlier tradition of seasonal movement. Since the Luo in western Kenya were basically new comers, they had to establish settlement locations in defensible sites. These locations usually on hill tops were circular to ensure a panoramic view of the enemy terrain.

These settlements were made up of villages, each being a large defence fort (Plates 2 and 3). A wall of earth, three to five metres high and about one metre in diameter went round the village leaving only one opening as the gate. The wall was surrounded by a ditch of three metres in depth. Inside the wall there were many huts in which lived large numbers of men, women and children. The land immediately around the homestead was reserved for cultivation by women and their daughters while the elders and male warriors grazed their flock in areas further from the homestead.

Plate 2: Typical collection of Luo homesteads

Plate 3: A Luo Home

This was the basic unit of settlement amongst the early Luo settlers. The need for a panoramic view was replicated in the hut. In the hut not only was the view panoramic but all parts of the hut had equal access to the hearth. Heat from the fire place was diffused equally round the hut. Tools and implements were within easy reach. In fact a circular operation space allows for more efficient organization of space for quick utility. There are no dark corners where snakes and unwanted creatures can hide. The circular form of structure is a problem that is probably based on an environment that is not bounded in a strict formal sense. It gives a functional arrangement without resort to unnecessary calculation.

Therefore all a person needs to know is the approximate area required. Accurate measurement as we know it need not apply. This allowed for quick construction of structures with locally available material. This fortified village, called *gunda* formed the core of the regional settlement. Atieno–Odhiambo (Cohen and Atieno-Odhiambo, 1989) notes that as the population of the *gunda* expanded as modicum of security was established in the area, as wealth was reckoned less exclusively in such easily portable goods as cattle, the children of the *gunda* established *dala* or new homesteads (and ones less fortified) outside the *gunda*.

What resulted was a dense settlement core with an expanding settlement of lower density. This expanding settlement called *gweng* was not necessarily based on agnatic kins. It was made up of strategic alliances organised to seize and enlarge the *gunda*. It was leased to the stranger lineages or clans (*Jodak*) sometimes because the latter had assisted in the conquest of the new territory or on terms laid down by the clan of the *gunda* who claimed possession of all the land in the territorial unit.

The *gunda* though walled and the *gwenge* though bounded, were never isolates. There was some form of interaction between different *gwenge* and *gundni*. But there was a territory between the extreme edges of the famland which was left for communal grazing. This was usually a common ground or 'no man's land' for people of adjacent *gwenge* and formed a crude boundary. This *thim* occasionally was as broad as ten miles. The rituals associated with establishing fixed settlements were more established amongst Joka-Owiny. Atieno-Odhiambo (Cohen and Atieno-Odhiambo, 1989) notes that from early on in their experiences in Bukooli (Busoga) and Alego (Siaya), Owiny (Owiny-Karuoth) group also associated themselves with fixed sites of settlement and maintained a strong attachment to their earliest settlement sites over a long period of time. For Omollo groups, such identification with fixed sites of settlement was long delayed.'

The Omolo group basically led a parochial pastoralist existence. Joka-Owiny on the other hand carried into E. Bukooli and Alego 'an aura of prestige and particular ideas of domination and subordination'. This had great implications for future settlement patterns. By institutionalization of political control, the Joka-Owiny perpetuated their concept of settlement from their *assimiladoes*.

With the development of a more fixed form of settlement pattern the issue of land ownership began to take on a new perspective. There was need to have land for cultivation and land for grazing of livestock. The system of land ownership among the Luo was communal. A clan claimed so much land and every member of the clan had a right to cultivate any part of the clan sphere. Plots for cultivation were divided among the wives and on the death of a woman, her sons would inherit the land. However

because of the communal mode of land ownership, it was possible to ensure that anybody who was willing to till the land had some portion to till for food. He growing of maize on these parcels of land is a recent phenomenon that went hand in hand with the establishment of colonial boundaries that discouraged migration. Millet and other hardy grains, sweet potatoes were the main crops grown. These crops could withstand drought and there was rarely any catastrophe in times of drought because of the kind of crops grown. These crops were grown outside the home. As the family grew larger, and sons went out of the compound to establish their homes, there was maintenance of some order. The first son would establish a *dala* on the upper portion of the ridge, followed by the other sons in a descending order down the ridge. This had the effect of ensuring that the lower down the hill or population would be more youthful and more robust, thus able to defend the *gweng*. In each new home the eldest wife would face the gate and the other wives would have their houses on both sides of the compound in a systematic order followed by the sons. The location of the household had the effect of giving the home a systematic arrangement, maintained a certain pecking order and gave the first wife the position of home leadership. In the centre of all this arrangement was the *duol* for' the owner of the home'.

Cohen and Atieno-Odhiambo sum up this concept of traditional Luo settlement planning thus:

> 'Older Luo men often remark that before 1900 people did not go around building just anywhere on the terrain. The land was rationally organised, and people were settled in concentrated residential units (*gundni bur,* singular *gunda bur*). Defence requirements were important, according to these expositions, while collective settlements and collective planning of the use of the land was critical. In this popular exposition of agrarian change, devastation of the landscape came with the *pax Britannica,* when the defensive uses of the *gunda bur* became less significant.

Foundation and Empire:

a) British Penetration

Then came the white man and his laws. The Luo settlement landscape was drastically changed. *Gunda bur* was being replaced by a new more atomised form of settlement (Plate 4). The special resources and specialised production organized by larger social units were replaced by the monotonous repetition of small farms producing small amounts of basic staples.

Lonsdale (Cohen and Atieno-Odhiambo, 1989; Ogot, 1968) observes that in the ten years between 1895 and 1905, 'Kenya', if such a retrospective concept may be permitted, was transformed from a footpath 600 miles long into a colonial administration. This transformation was the work of force. This conquest of the peoples of Eastern Africa disrupted the trading strategies that had linked the peoples of Nyanza basin who had already reached some working equilibrium.

Plate 4: Later day Luo settlements

It should be noted however that by the beginning of the sixteenth century many of the socio-economic and cultural features of modern Kenya had taken shape (Miller and Yeager, 1994). Be that as it may, the knowledge of the peoples of the Lake Basin was rudimentary to the Europeans. The early European explorers into the interior of Africa, such as David Livingstone, believed that they could help wipe out the slave trade by encouraging commerce, thus providing an alternative to the income generated by the trade in human merchandise. This new wave of explorers tended to move inland unlike the earlier concentration at the coast by their forerunners. Londsdale points out that:

''The British urgently needed to convert the external, costly and destructive force of the conquest into internal, negotiable and productive power....But if Africans had to learn the European lesson of submission, the British had to learn the local African lesson, how to pacify their mastery. 'Pacification' rightly, is no longer used to describe the colonial conquest. What needed subjugation was not so much the disorder of Africa as the eruption of Europe. But Pacification is still a proper term to describe what the British had to do with their conquests rather than *with* it. They had used African power in order to undermine it profitably. They had to capitalize on the politics of conquest''(Londsdale, 1989).

The East African region had to be opened up if there was to be any profit in maintaining the region as a British colony. However, the British Foreign office did not begin serious planning for its future administration of East Africa until April 1894.

In 1895, the Ugandan Protectorate was formed. The rest of the land between the boundary of

Uganda and the coast was to be administered from Zanzibar, as a protectorate. In 1887, with the active endorsement of the Foreign office, that he had sought for so long, Sir William Mackinnon founded the British East Africa Association and it was a going concern the following year with the name having been changed to the Imperial British East Africa Company (IBEA) (Miller, 1971). The IBEA established caravan stations along its trade routes into the interior (See Map 5.2). Mumias was its most important station in Uganda Protectorate. The eventual construction of the Mackinnon road, which traversed the highlands, enhanced trade and reduced the hazard of travel to the eastern parts of Uganda.

Miller (Miller and Yeager, 1994) aptly sums up the great fears that were driving the British at the time.

> ''According to a logic that today seems fanciful, British policy focused on Uganda as a key to its strategic interests in Africa. The reasoning was that unless Britain controlled Uganda, the headwaters of the Nile might be dammed by another European power. This would disrupt the river, bring Egyptian agriculture to its knee, cause peasant uprising in Egypt and the Anglo-Egyptian Sudan, threaten the Suez Canal and prevent British entry to the Red Sea and beyond. India the Pearl of the Empire, and the Far East trade could become virtually inaccessible''.

It was however logistically and technologically impossible to achieve such an engineering feat at this point in history. In spite of this we find that more than any other factor, it was this concern about the Nile waters that drove Salisbury to change his mind about East Africa. He thus demanded that Germany renounce its interest in Uganda as a precondition for his support for Germany against France and Russia in 1890. A treaty was signed between Britain and Germany which put Uganda into the British sphere of influence (Dilley, 1965). In the meantime, the East African protectorate continued to operate as a chartered company. The IBEA had increased the geographical knowledge of East Africa, established 'core' caravan stations which were pivotal to settlement development. It thus secured for Britain the route from the coast to Uganda and continued to act as a buffer to foreign intervention, especially from Germany in the German East Africa, within the British sphere. The 27th August 1894 saw the formal proclamation of the protectorate and in the following year, on the 1st of July the acting British Commissioner Colonel Henry White was declared the first Governor, based in Mombasa (Mungean, 1966).

Until 1901, the chief British interest remained the security and supply of the road to Uganda. By the mid 1890's, there were three main food buying stations, each with a small garrison; Machakos in southern Kamba country, Fort Smith at the southern end of Kikuyu, just above the swamp that became Nairobi, and Mumias, a village named after its Luhya Wanga chief (Londsdale, 1989). However, the only justification for possessing the wasteland of IBEA was that it would serve as a corridor between the coast and Lake Victoria. The IBEA was mainly semi-arid except for parts of central and the coastal belt. Through this region we find a system of mails carried by runners along the Uganda road. The journey from Mombasa to Eldama Ravine in Uganda, some 797 km, took more than 20 days and was basically dependent upon portage which was quite unreliable. By 1895, the system had completely broken down under the strain of traffic (Mungean, 1966).

At this period, we see attempts by the British administration to consolidate its influence in the interior. In 1894, Sir Henry Colville, the British Commissioner of Uganda annexed Mumias as a government station. The next important station to be built in the region was Port Victoria and for some time was the only other government station in the area. From this port, goods from the coastal ports of IBEA were bulked and transported to the ports of the Buganda Kingdom (Obudho and Waller, 1976). In the act of taking over from the IBEA by the Uganda Protectorate administration, the intention was to make Port Victoria the headquarters of the Eastern province of Uganda. The headquarters was therefore transferred from Mumias to Port Victoria in 1899 (Obudho and Waller, 1976).

By 1895, the IBEA had withdrawn from the area with the formation of the East African Protectorate on 1st July 1895 and so paved the way for Kenya to change from a chartered company to a British colony. In 1902 the western boundary of the protectorate was altered to include the Eastern Province of Uganda, effectively incorporating the Luo area into the Protectorate.

It should be pointed out here that the 19th century caravan expeditions were the first stage in the opening up of East Africa to the products of Western industrial revolution and they also were the first step in European penetration of the area. One of the reasons for the integration of East Africa into the system of the capitalist economies was the search for cheap raw materials (Zwanenberg, 1975). As a consequence, the development of the railway line, began in 1896, tended to perpetuate the established spatial structure of the economic landscape.

On Friday, December 20, 1901 the line reached railhead, Port Florence (Miller, 1971).

The Uganda railway played a key role in creating the demographic, political and socio-economic configuration of modern Kenya. The immediate aims were to extend a line deep into the un-mapped heartland of Eastern Africa. This railway line would make the colony pay for itself through exports and by attracting settlers and to safeguard the important source of the Nile. The ultimate consequence of the Uganda railway was much more profound and far reaching than had been foreseen (Miller and Yeager, 1994).

Amongst the initial impacts of the line was that during its construction over 30000 contract workers from India were brought in to work on the line. The argument given for importing the Indian labour was that they had experience in rail construction in India of similar nature. The Uganda railway had also adopted the metre gauge of the Indian railway. The Africans on the other hand had seen no reason why they should engage in the strenuous labour of rail construction and thus, as a source of labour, they were not available. When the railway was completed, a large number of Asian labour chose to remain in Kenya. Many were encouraged by the colonial office to stay, with the view that they would help increase the prosperity of some of the upcountry stations (Mungean, 1966).

The Colonial office now had access to their goal, Uganda. The railway could be used to transport people and soldiers to Uganda to ensure continuation of the British domination of the region Goods could be transported easily to Kilidini for export to the 'Mother Country'. The Eastern province of Uganda, later Nyanza province, may well have been the railway's best customer. Most of the produce from this area was almost entirely of African origin. However colonial officials would later try to obscure this fact to avoid the wrath of the settler population (Berman, 1990).

Eliot echoed the belief of the Colonial office. The new railway had to pay and to find new sources of revenue. He suggested that such revenue should be obtained partly from a hut tax, which was proving successful in German East Africa and Uganda, and partly from what he called the scientific development of the country's natural resources (Mungean, 1966). The fact that the railway passed through the EAP to Uganda had one major shortcoming. The railway administration was divided between two regions with different goals. This administrative problem was resolved in 1902 when the Eastern province of Uganda was transferred to the EAP and effectively placed the whole of the Uganda railway under one administration (compare Maps 5.4 and 5.5). This transfer also changed the perspective with which the Foreign Office viewed the EAP. The boundary changes now created more interest in this region with the belief that if the railway was to pay for itself the western part of the country had to be developed. This area encompassed the western highland of the Rift Valley, the Nyanza area and the Lake Basin. Kisumu was the main urban centre in this region, since by the time the railway reached the lake, Mumias was already declining in importance, the headquarters having been transferred to Kisumu.

Collin Leys (Leys, 1975) aptly points out that the railway was built with loan funds, provided by the British treasury. To repay the loans and terminate the annual grants-in-aid paid by the Treasury to meet the cost of administering the EAP, the land had to be made productive. Eliot's argument of using scientific methods to transform the natural resources into revenue was an argument for colonial settlement development. At the turn of the century, several millions of acres of high altitude land, much of it close to the rail appeared virtually unused. The administration began to devise ways of encouraging white settlement in this region and bring it into production by use of modern methods of agriculture. The settlers would invest capital and produce crops. The railway, on the other hand, would earn revenue by carrying them to the coast, and by carrying imports inland they would have earned abroad, and the government would finance its activities by levying tariffs on these imports (Leys, 1975).

It is within this perspective that the annexation of the Luo villages into the colonial urban ambit should be appreciated. The dual origin of the 'raw material' for the structural development of the town would most definitely affect the pattern of its growth.

b) The Colonial Bomas

Colonial administrative settlements were aimed at two basic goals, first as a source of control of the local population and establishment of British rule and secondly, as a centre for collection of revenue and development of economic enterprises for the mother country.

The colonial town followed the tradition of the colonial style of urban development. Each colonial town contained an administrative *boma* where the offices and residential quarters of the government offices were located. The colonial officials and the resident European population lived in the best areas of the town, which were provided with the available social services and amenities, while Africans lived in villages on the periphery of the town (Zeleza, 1989).

Planning and administration in the initial stages were manifest in the person of the Provincial Commissioner (PC). The first graphic planning for land-use was undertaken by C. W. Hobley, the then PC Nyanza. In 1900, he prepared a part development plan for three firms and British Asians who had chosen to settle here.

This zoning of the towns created a small enclave of exclusive European settlement at the highest part of the town with the buffer zone hopefully protecting them from the spread of the plague from the denser parts of native and Indian residences and the bazaar. The Africans in the town such as Kisumu were mainly located in the (railway) *landhies*. The rest were effectively rural dwellers in the Luo villages outside the boundary of the town. They could continue living in these areas as rural residents but with the advantage of being within reach of the urban facilities.

During this time Africans began to migrate to towns and they settled mainly in the peri-urban areas surrounding the town core to avoid the hut tax levied on urban dwellers. In fact most Africans, except government and railway employees, resided in the peri-urban area of the townships (Obudho and Waller, 1976).

An account by Oginga Odinga of his childhood experience in this process gives a good picture. He writes that:

''The villagers were told that to stop the plague we should trap the rats, cut off the tails and send them to the chief's *baraza* (meeting). From there I learnt later, the rats' tails were bundled in tens and sent to Kisumu headquarters; on the wall of the Commissioner's office hung charts of the monthly rat returns. It was in these years that the government started to collect taxes from our people''(Odinga, 1967a).

This association between rats and taxes is important. The ridiculous pursuit of rat collection and the painful role of tax payment did not endear the provincial administration to the Luo villagers in the periphery of the town. So it is little wonder that the majority would still want to live outside the town boundary. They would thus escape the urban taxes and have little to do with rat collection since rats were more rampant in the dense dwellings in the urban centre.

The PC, Hobley's control was still extremely local and he was unable to stop the ubiquitous Indian traders who were beginning to move to the south of Kisumu, some of who had been settled in Kibos by Eliot in a 1902 experiment (Mungean, 1966). On the other hand, Chief Odera Ulalo who had been helping Hobley in administering the Luos of Kisumu saw a decay in his authority because he did not usually represent the traditional tribal authority. Spontaneity began to take a much greater role in the development of the Luo settlements.

The growth of the Indian population (Tables 1) was rapid. The African population was growing at a much slower rate and during the 1914-18 war years fell to an appreciable low. This is attributed to the fact that most Africans continued to reside in the peri-urban areas (of Kisumu) and during the war those in town were recruited for the war effort.

Table 1. Kisumu Population 1904 - 1920(Kenya National Archives, 1920)

Year	European	Indian	African	Total
1904	50	394	2639	3083
1912	73	659	4357	5089
1916	91	956	5370	6417
1919	99	1428	1378	2905
1920	129	1429	1975	3523

Ainsworth pointed out that up to within recent times European capital and enterprise were almost entirely absent. Fully 80% of the capital and business energy of the country was Indian (Kenya National Archives, 1905; Miller, 1971).

The number of settlers was a drop in the sea in comparison to the amount of land they had to develop. They neither had the financial capacity, technology nor labour to fully bring the land into reasonable productivity. Unwilling and unable to pay wages that would induce the Africans to work, mainly because they did not want to reduce their profit margin, they decided to resort to compulsion. The Africans had to be compelled to work partly by force (Leys, 1975). By mid 1930s more than half the able-bodied men in the two largest agricultural tribes, the Kikuyu and the Luo, were estimated to be working for Europeans (Leys, 1975). This development was compounded by a compulsory registration system installed in 1921 which required adult African males to carry certified labour passes. On this pass would be recorded the types of work, wages, duration of employment and evaluation of the performance of the bearer of each pass. The employer had the power to control the movement of the worker by entering negative comments on the pass.

The process of labour recruitment among the Nyanza Luo, regarded as a vast reservoir of cheap labour, would see a rapid growth of Kisumu as a conduit of labour who had to be transhipped from the lake head to the neighbouring 'White Highlands'. This process had the effect of sensitising the people around the lake to the 'benefits' of urban life and acted as a further stimulus for migration to peri-urban areas and thus diffusion of Western concepts of spatial development.

The establishment of the capitalist economy was to be exemplified in the taxation and pass system. The working pass (*Kipande*) not only enabled the colonial administration to keep a tag on the African labour but they could also work out the taxes to be paid from the wages. What they could not calculate was the transfer of income as a result of the structure of the African social system. It was normal for a son to move from the Native Reserves and seek employment in the highlands or towns but he was expected to take care of his parents. This was a duty expected of every son. Leys(Leys, 1975) notes that Africans working for wages usually paid hut and poll taxes for those who could not, especially in the villages. However the poor regional transport system created a problem in that it would take quite some time to travel to the rural homes to effect payment of taxes. It was therefore not unexpected when quite a number of African workers from the neighbouring Siaya and South Nyanza districts migrated and settled in areas outside Kisumu eventually becoming *Jo Kisumu* (people of Kisumu). They could now pay their taxes in Kisumu, which was now not only the place of residence but also place of work. This was a nucleus of the new spatial systems that were developing in sub-urbanised areas.

The taxation system although crude was quite efficient. Oginga Odinga, then a young boy in his teenage, notes the taxation in his village in Siaya.

> ''We watched them take papyrus reeds from the roof of each hut and cut it neatly in two. When the reeds were tied in neat bundles they represented the registration of that *boma*. One bundle was given to the Elder for him to take to the Chief's *baraza* where he paid in the taxes; the other set of bundles was taken away by the clerks as a tally of the tax payers of the area, a sort of carbon copy of the registration''(Odinga, 1967a).

This was the hut tax. In a typical Luo village there were huts for the wives, the man's hut and the sons' huts. All these huts were taxed. Eventually we find that the Africans ended up paying the bulk of the taxes because of the nature of their spatial systems. The Settlers on the other hand received virtually the entire benefit of government services - railways, roads, schools, hospitals, extension services and so on, in addition to being subsidised through the customs tariff and having privileged access to profitable external and internal markets. It is little wonder that towns, having better services comparatively, continued to act as magnets attracting people from the reserves to these central places (Table 2).

Table 2. African income and taxation 1920-30

Africans in registered employment	£145,000
Cash wages paid to Africans per annum	£1,000,000
Direct or indirect taxes paid annually by Africans	£750,000
Annual African cash income from wages net of taxation	£250,000

When the town boundary was reduced in 1930, the African residential areas on the lee-ward, low-lying areas of the town were excluded from the benefits of planned urban development. The rapid growth of this area was to create a unique problem in Kisumu unlike other towns in western Kenya. Tenant purchase housing schemes were introduced in the town by the Municipal Council (established in 1941) but they could not compete successfully with the cheaper accommodation that existed in the peripheral areas of the town (Obudho and Waller, 1976). The development of these peripheral areas fell within the ambit of the African Development

Council (ADC) of Central Nyanza and only the ADC had the power to pass by-laws controlling the building of houses in this 'rural' area at the edge of the town. The Africans found it possible to put up housing only in this area because the land in town was in the hands of the settlers. They were thus living a rural life with no urban administration control, yet within the proximity of the town's services.

In his annual report the DC, Kisumu-Londiani, was of the opinion that no African housing scheme in Kisumu would be of economic possibility until development of the peri-urban dwelling houses came under control (Kenya National Archives, 1954).

The peri-urban houses were basically a rural settlement, continuing the pattern of the existing Luo villages within the area. They served two main purposes. Firstly they reduced the transport costs and inconveniences incurred by the single males in the urban area who would have to make regular trips to their villages to their families and solve problems commensurate with their status as the employed elite and secondly they allowed men to live together with their wives and children since they were within a short walking distance of the town. But the pattern of life that they led was oriented to a rural pattern rather than an urban one.

5. The Second Foundation: Square Houses

The first stage in urbanising the Luo villages was definitely the influx of immigrants from the areas

outside urban areas such as Kisumu who worked in town but came back in the evening to these traditional settlements. They developed the desire to improve their grass thatched housing and develop relatively permanent structures. Miller and Yeager point out that African soldiers and carriers came back home with new perspectives on whites and on themselves in the colonial milieu, developing a desire to improve their status (Miller and Yeager, 1994). In the meantime there were indications that the need for improvements in housing for Africans within the towns was also causing

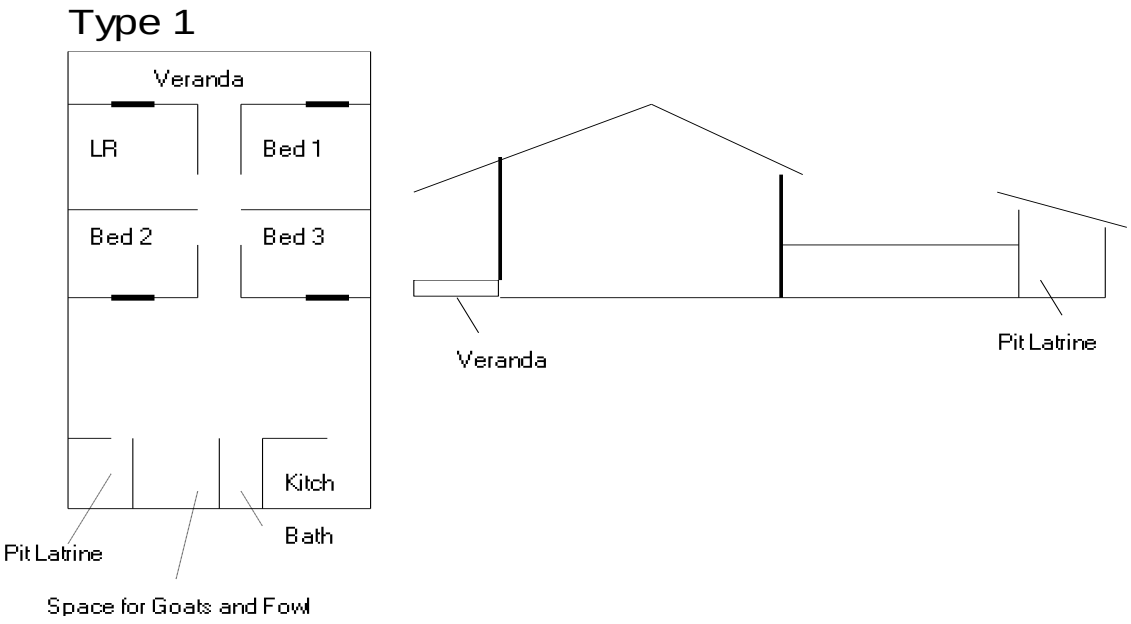
> ''The African housing problem is even more acute than that of European and Asiatic housing because the present housing is not only unsanitary for the occupants but is a positive danger to the whole community. Government whilst insisting that no one shall build or renew thatched huts in the town owing to the ever imminent menace of Plague, continues to build such huts in the midst of the township for its own servants''(Kenya National Archives, 1929a).

In a correspondence from the DC to the Executive Engineer he points out that ''wattle and daub huts with grass roofs in this wet climate are most unsatisfactory and not economical, in fact are a perpetual source of worry''(Kenya National Archives, 1929b). This need to improve the quality of housing for the African population in Kisumu was concretised on paper by the Chief Native Commissioner. He prepared draft house type proposals for Native Housing (reproduced in figures 1 and 2 here below) (Kenya National Archives, 1929b).

These type of plans provided quite good possibilities for improvement from the traditional circular forms of grass thatched housing that had predominated the African housing. These new forms of housing had a strong influence on the type of new housing that began to come up in the peri-urban settlement. Although maintaining the use of local construction material of mud and wattle, these new forms saw a replacement of the grass thatches with corrugated iron sheets. The galvanised corrugated iron (GCI) roofs were a sign that the owner was advancing in social status and many strived to build houses with GCI roofs.

It should be pointed out here that the plan proposed by the Chief Native Commissioner appreciated that the sewer plan prepared at the same time did not cover the African neighbourhood and so he included the soak-away pits in the plan proposals. The sewer plan had excluded the buffer zone and areas outside the large plots of European housing, although sewers were more necessary in the denser Asian and African settlement. It would cover only those areas within the Municipal boundary that had been subdivided and planned for occupation.

Figure 2. Type Plan for African Housing 1



All living rooms (LR) and bedrooms (Bed) are 10 feet by 10 feet in size

Figure 3. Type Plan for African Housing 2

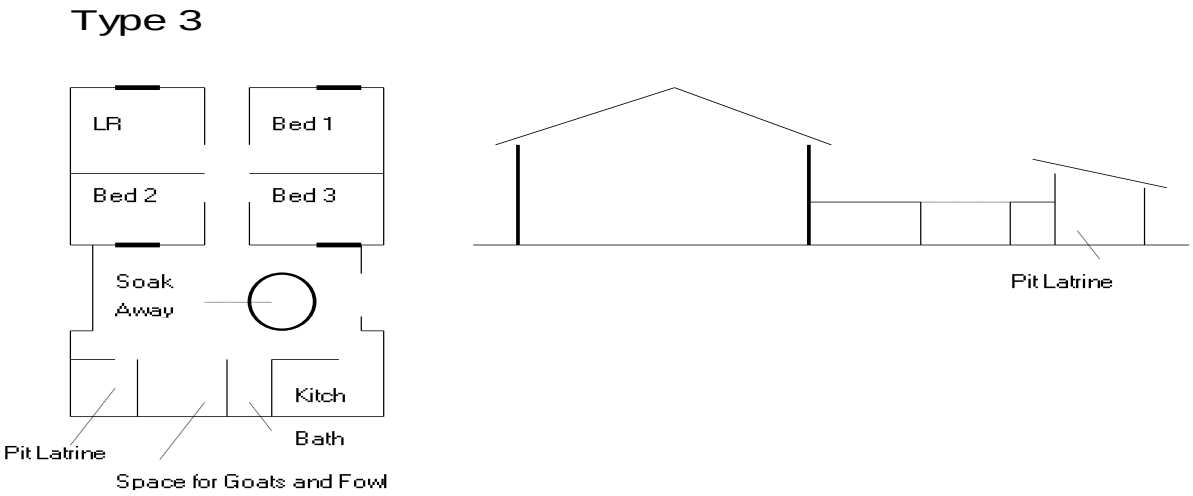
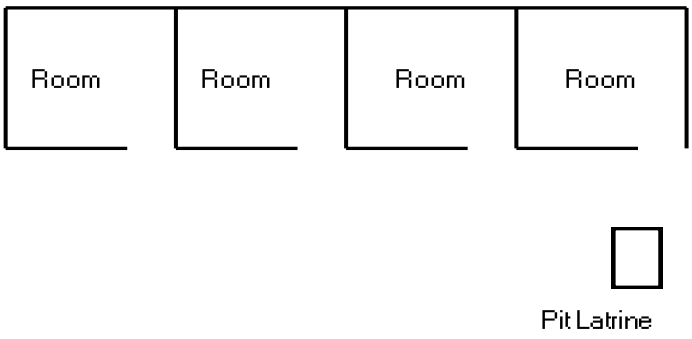


Figure 4. Typical Landhies Layout



The railways had also in the meantime developed their own peculiar *Landhi* housing which were in effect bachelor quarters of single rooms in a row. This was a common feature not only along the railway line but also at the terminus, Kisumu. They were basically 10 ft. by 10 ft. rooms with nothing else to offer and variations of the same were built in European and Asian compounds for the servants (see Fig. 5.5). This form of structure was to have the greatest impact on the design of commercialised housing in the African village on the periphery.

The Devonshire Declaration of 1923 provided the first indication of European flexibility towards land ownership by persons other than Europeans. However, only Asians were authorised to own land. This was further reinforced by the Kenya Land Commission of 1932, usually referred to as the Carter Commission. The result was the establishment of distinct areas of Asian residential quarters. These areas generally formed a buffer between the European residential area and the rapidly growing African villages.

It is necessary at this juncture to point out the report of the East African Royal Commission which states that:

> ''Africans who have been evicted from their holdings in towns and who cannot find somewhere else to live within the township boundary can either go back to a rural life or settle again within easy reach of the town. At the same time those who came to seek employment may prefer to live outside the town boundary where the control is less strict.... In this way the land is covered with huts, usually of a primitive standard, which can be seen surrounding most East African Towns''(Kenya National Archives, 1950).

Although there were attempts to improve the living conditions of Africans they were still not encouraged to invest in towns. Oginga-Odinga (Odinga, 1967a) recalls an attempt he and his colleagues made to invest in Kisumu and how they were discouraged by the town clerk who intimated to them that all Kisumu town was meant to be exclusively for Europeans and Asians.

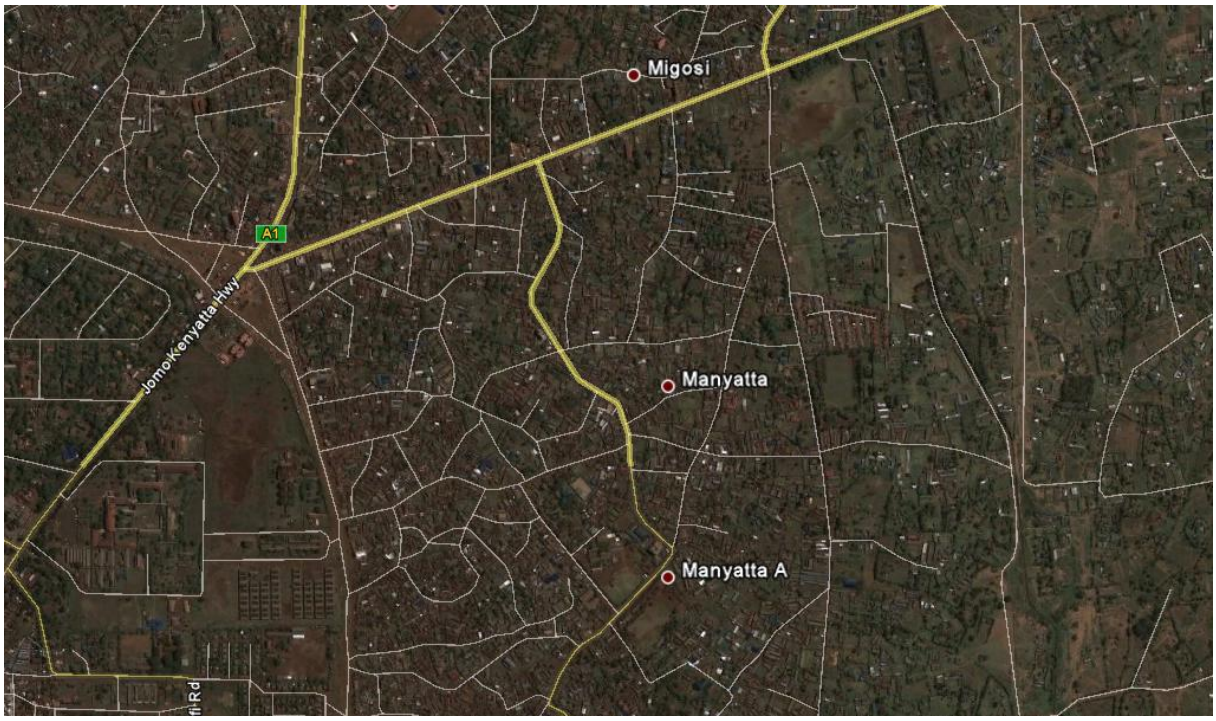


Plate 5. Mix of Rural and Urban landscape in Kisumu: The Luo Capital

But the colonial development had gone a great way in laying down the basic distribution of the land uses with the massive peri-urban settlement still effectively out of the urban jurisdiction. The boundary extensions after independence eventually put the peri-urban villages within the domain of the towns. However this process only created a new perspective to the problem of the Luo settlements. The peri-urban areas were basically high density settlements commensurate with an urban area but remained functionally rural. The village was not yet formally urban. Of outstanding interest is the fact that this 'ruralised' urbanisation ended up creating urban problems in a rural environment without control on this development.

References

Berman, B. 1990. Control and crisis in colonial Kenya. *James Currey, London.*

Cohen, D.W., and E.S. Atieno-Odhiambo. 1989. Siaya, the historical anthropology of an African landscape. J. Currey, Ohio University Press, London, Athens.

Dilley, M.R. 1965. British policy in Kenya colony. *Francass, London.*

Kenya National Archives. 1905. P.C. Annual report 1905. *KNA/P.C. Annual report 1905.*

Kenya National Archives. 1920. KNA/Provincial Commissioner/ Annual reports 1904 - 1920.

Kenya National Archives. 1929a. KNA, PC/Nza/3/41/3/2 8th Aug. 1929. *KNA, PC/Nza/3/41/3/2.*

Kenya National Archives. 1929b. KNA, PC/Nza/3/41/3/2 22nd May 1929. *KNA, PC/Nza/3/41/3/2.*

Kenya National Archives. 1950. KNA, East African Royal Commission Report *KNA, East African Royal Commission Report 1950.*

Kenya National Archives. 1954. Nyanza Province Annual Report *KNA/Nyanza Province Annual Report.*

Leys, C. 1975. Underdevelopment in Kenya. *University of California Press, Berkeley*.

Londsdale, J. 1989. The conquest of state 1895-1904. *Ochieng W. R. (edit) A modern history of Kenya 1895-1980. Evans Brothers, London.*

Miller, C. 1971. The lunatic express: an entertainment in imperialism. *Macmillan London*

Miller, N., and R. Yeager. 1994. The quest for prosperity. *Westview Press, Boulder (Colorado).*

Mungean, G.H. 1966. British rule in Kenya: 1895-1912. *Clarendon Press, Oxford.*

Obudho, R.A., and P. Waller. 1976. Periodic markets, urbanisation and regional planning: a case study of western Kenya. *Greenwood Press , London.*

Odinga, A.O. 1967a. Not yet Uhuru: the autobiography of Oginga Odinga. Hill and Wang, New York,. xiv, 323.

Odinga, O. 1967b. Not Yet Uhuru. *Heinemann Educational Books, London.*

Ogot, B.A. 1968. History of the Southern Luo. *EAPH, Nairobi.*

Sardar, Z., and B.e. van Loon, editors. 1997. Cultural Studies for Beginners.

Wallis, W.D. 1917. Similarities in Culture. . *American Anthropologist* 19:41-54.

Zeleza, T. 1989. The establishment of colonial rule 1905-1920. *In: Ochieng W. R. (edit) A modern history of Kenya 1895-1980, Evans Brothers, London*.

Zwanenberg, R.M.A. 1975. The economic history of Kenya and Uganda 1800-1970. *Macmillan, London.*

Nationalism in Kenya: Weakening the Ties that Bind

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Abstract The first post-independence government in Kenya declared national unity or what the leaders generally referred to as nation building as a priority project. The commitment to nation building was pronounced in official government documents and echoed in public statements by the successive presidents and other political leaders. However, these statements have not been translated into reality as a sense of common belonging or nationalism remains largely a mirage. Kenyans continue to emphasize their ethnicities and to regard those from ethnic groups other than their own with suspicion. Political leaders also rely on ethnic support in their attempt to capture and retain political power. Oftentimes these leaders incite people of their ethnic group against other ethnic groups leading to tension and animosity between and among ethnic groups. This only undermines a sense of nationalism. The ordinary Kenyan has been unable to resist the appeal for ethnic support from their leaders including elected representatives. It is against this backdrop that this paper seeks to interrogate the factors that underpin the weak sense of nationalism in Kenya especially after independence. The paper which adopts an historical approach, proceeds on the premise that the sense of national unity has actually been destroyed by the governance approach used since independence. Understanding the factors responsible for the declining sense of nationalism or common belonging among Kenyans would therefore requires an understanding of the dynamics of Kenya's political economy. The late Professor Atieno –Odhiambo, a historian of political ideas would certainly have considered the decline in nationalism as being serious enough to warrant intellectual engagement with academic colleagues as well as with policy makers and policy implementers. Indeed Atieno-Odhiambo has written on the subject of Kenyan nationalism especially when he engaged his academic colleagues in the debate on the MAU MAU movement. This paper is therefore written in his commemoration.

Key words: Nationalism, Kenya, Ties that Bind

Introduction

There is no doubt that Kenya is characterized by a weak sense of nationalism or sense of common belonging. The violence between ethnic groups that the country experienced following the disputed 2007 presidential election results attests to this assertion. Another evidence of the weak sense of common belonging among the different ethnic groups is the tendency for political patties to be formed along ethno- regional as opposed to national lines. Indeed this tendency provided the drafters of the constitution of Kenya 2010 with a powerful justification to include a requirement in the constitution that for a political party to be registered, it must demonstrate that it has a national character as opposed to the practice currently in which some parties have membership from just a few regions. The constitution also requires that political parties promote and uphold national unity. The other evidence of weak sense of common belonging among Kenyans is that voting patterns during elections tend to take ethno-regional character as was evidenced by most of the elections that the country has held since independence and

particularly the 2007 elections. This is especially the case in presidential elections as happened in the 2007 presidential election. It is also common in cosmopolitan constituencies such as urban constituencies and in settlement areas. The establishment of the National Cohesion and Integration Cohesion by an Act of parliament in 2008 and the establishment of Truth Justice and Reconciliation Commission Act also in 2008 is another indicator that the country is concerned about weak sense of nationalism. NCIC is established to encourage national cohesion and integration by outlawing discrimination on ethnic and other grounds. The TJRC on the other hand is mandated to assess past human rights violations and other historical injustices. These are issues that have a bearing on national unity or nationalism. The government also recently established a committee to look into ways of engaging elders of different ethnic communities in promoting peaceful coexistence following 2007 post election violence. The report of this committee was presented to government.

The objective of the paper

There is a corpus lot of literature on the impact of colonial rule on different aspects of Kenyan society. (See, for example, (Ndege, 2009) and (Jonyo, 2002). It has been said for example that colonial rule was responsible for the economic underdevelopment of the country with others arguing that it has been responsible for the dependency relations between Kenya and its former colonizer, the British. Others have attributed the country's political underdevelopment to colonial rule. Few focus directly on the impact of the colonial rule on nationalism, the subject of this article. The closest attempt to link the two has been the suggestion that colonialism unified the people who then waged war to rid the country of colonial rule. In other words the argument has been that colonialism was a unifying factor. The Mau Mau revolt of the late 1940s and early 1950s is in this regard presented as representing Kenyan nationalism. It was a unified reaction by the people of Kenya to fight the colonial system and therefore demonstrated a sense of nationhood among all the people of Kenya. It is clear, however as indicated in the introduction to this article, that this sense of nationalism did not outlive the attainment of independence.

The main objective of this paper is to interrogate the factors that underpin the weak sense of national unity in Kenya. Stated differently, we seek to interrogate the factors responsible for the diminishing sense of nationalism among the people of Kenya. This is done against the backdrop of claims by political leaders and successive governments' that they are committed to building a strong sense of nationhood or what is leaders generally refer to as nation building.

The Colonial setting

In order to fully appreciate the factors that contribute to the weak sense of nationalism in Kenya, it is useful to situate the discussion in its historical context. The starting point would then be the colonial setting. This is necessary precisely because some of the factors that have and continue to contribute to the weak sense of nationalism have their origins in the colonial period. The policies and the nature of the colonial state are among the factors that need to be interrogated in order to explain the weak sense of nationalism in Kenya. The next few paragraphs will therefore be devoted to a discussion of how the colonial policies and government actions affected nationalism in Kenya.

By the time of establishment of colonial rule, the territory currently called Kenya was made up of about 42 independent and self governing communities or nationalities. Each had its own language, culture, history and aspirations with nothing little binding them together before the advent of colonial rule according to Gitu (Gitu, 2005). They however lived fairly peacefully as neighbours, a few skirmishes here and there between different ethnic communities notwithstanding. These diverse nationalities sometimes called tribes or ethnic groups were brought together under one central government following the establishment of colonial rule in 1887. The colonial government assumed that these hitherto independent communities would automatically direct their loyalty to one centre of power under the stewardship of the colonial governor. Little was put in place to encourage or

even facilitate national integration. The focus was instead on how to effectively control the local people.

For purposes of administration, the governor divided the country into several administrative units, namely Provinces, districts, divisions, locations and sub locations. Each unit was headed by a British colonial officer. It was only the locations and sub locations that were headed by natives of the land. All the officers were the direct appointees and representatives of the governor at their levels of administration, Provincial Commissioner at the Province, the District Commissioner at the district, a District Officer at the Division, a Chief at the location and a Sub-Chief (now assistant Chief) at the sub-location level. This elaborate administrative system was known as the Provincial Administration and exists today. The entire government and the administrative structure in particular were far removed from the people it was meant to serve. The people found it difficult to identify with the system. The draconian approach employed in carrying out their responsibilities in the guise of maintaining law and order did not endear the system and its officers and by extension the entire colonial regime to the indigenous people.

It is not surprising therefore that the provincial administration has been the target of reform mainly and will be restructured as provided for in the constitution of Kenya 2010 (Republic of Kenya, 2010).

National unity in the colonial period

A combination of discriminatory colonial policies and practices as well as the fact that the entire system was imposed on the people and therefore alien, made it very difficult for the local people who in any case were originally independent of each other to identify with the government and to develop a sense of common belonging to the nation. By the 1920s the indigenous people began to resist colonial rule. Among the major issues that fueled the resistance was land alienation about which Atieno-Odhiambo has written and commented about extensively. See for example his book Siasa (Atieno Odhiambo, 1981). The colonial government had alienated large tracts of the most fertile land and allocated these to the European settlers. Title deeds were subsequently issued to the new land owners who lay claim to the alienated land at the exclusion of the local people on grounds that land tiles bestowed individual ownership to the land. The result was the phenomenon of landlessness among the indigenous peoples.

The fact that the colonial system was undemocratic and did not allow the people to exercise and enjoy their human and other rights led to sustained resistance to colonial rule. By the 1950s the indigenous people of Kenya were demanding independence from colonial rule. All the attempts such as the decision to confine African political activity at the district- read ethnic- level were resisted. The indigenous people had been given sufficient grounds by the colonial injustices to transcend their ethnic differences and to unite against the common enemy, the colonial government. There was a feeling and hope that nationalism had emerged.

This sense of common belonging or nationalism encouraged the political leaders such as Jomo Kenyatta and Oginga Odinga, later referred to as nationalists, to mobilize Kenyans to demand total and immediate independence. This sense of nationalism helped dislodge the colonial government in 1963. This spirit of nationalism was quite strong at independence. All indications were that the different nationalities that made up Kenya were determined to live as one people and not as disparate nationalities. They were determined to identify with the nation. Indeed the political leaders at the time gave the impression that they too were committed to strengthening the bonds of nationhood and to create one nation out of the diverse nationalities as Atieno-Odhiambo would call the different ethnic groups. There were indications that this sense of common belonging or common identity would be sustained. By the 1970s, however, a sense of disappointment and disillusionment became evident. The country began to show signs of fragmentation along ethnic lines. People began to identify more with those with whom they shared a similar language, descent, and culture- the tribe. Indeed by the 1990s very few Kenyans would identify with the country.

Nationalism in the post colonial period

At independence in 1963 the government declared that it was committed to building a united country. They referred to this project as national building. Nation building would entail the forging of a feeling of unity among the diverse ethnic and racial communities in the country. This declaration is found in many policy documents including the five year development plans, Sessional paper No 10 of 1965 on African Socialism and its application to planning in Kenya as well as in public statements(Republic of Kenya, 1965). Among the measures taken ostensibly to forge national unity was the adoption of one party rule. These assertions and actions notwithstanding, practice shows that the leaders were not committed to nation building. They simply gave lip service to this otherwise noble ideal. This observation is informed by the fact that the government did not put in place practical measures or policies that would promote a strong sense of common belonging. Where such policies exist there was no demonstrable commitment to their implementation. The case of a national language is a good example in this regard. The government policy in this matter has been that Kiswahili is the national language while English is the official language. The weak commitment to this policy is demonstrated by the fact that public meetings such as chief's barazas are usually conducted in the local language except in cosmopolitan areas such as towns and settlement schemes. Secondly no initiative that I know of has been taken to translate major official documents from English to Kiswahili. The few that have been done have been occasioned by pressure from Kiswahili speaking communities or simply as an afterthought. No government policy on translation of documents from English to Kiswahili exists. The case of the Constitution is an example. To-date there is no official Kiswahili version of the country's independence constitution.

The present author's attempt to get a Kiswahili version from the government Printer revealed that the government printer does not print official documents in Kiswahili. There is clearly no commitment to the promotion of Kiswahili as a national language. This is unfortunate because one of the attributes of nationhood is a shared or common language. This must however, be accompanied and reinforced by other supportive policies and practices. Some of the practices that come to mind in this regard include fairness in the distribution of national or public resources among the different ethnic groups and practices that promote a feeling or perception of fairness among the groups. It is instructive in this regard to observe that there are countries in Africa whose inhabitants share one language yet they are not cohesive to a point where they can be considered patriotic.

The Somali state is a case in point. Somali is inhabited by people who speak the same language but are among the most unstable and fragmented countries in the world. They are just unable to arrive at and maintain a consensus on whether they should be governed as one community, how they should be governed and who should govern them. The point being made is that shared language is a necessary but not by itself a sufficient factor in making diverse groups develops a strong attachment to the country they share. Other things need to be factored in to make language a unifying factor. On the other hand is Tanzania which has more than 60 ethnic groups and more than three religions that different people subscribe to and yet is one of the moist unified countries with very patriotic citizens. Our hypothesis is that the unity has been achieved because the leadership was clear about the kind of society he wanted to establish. This was made clear in the Arusha Declaration of 1967 that espoused a socialist and humane society in which everybody would be valued as a human being irrespective of his or her ethic, social, economic, gender and any other background.

Beyond this the Tanzanian leadership put in place and implemented clear policies to help achieve this vision for the country. Even though the ideology has been abandoned it contributed to a sense of common belonging among Tanzanians. Kenya did not benefit from a similar approach to governance. Although the country produced policy document that was to define the type of society to be built, it was not as clear as the Arusha Declaration. Scholars who critiqued the document arrived at the conclusion that it lacked clarity in and was more confusing than it shed light in the stated objectives. While it

talks about African socialism and its application to planning in Kenya, the document is full of capitalist ideas and aspirations. In deed the country adopted a capitalist approach to development thus rendering the Socialist ideas espoused in the document irrelevant and of no consequence. In circumstances in which the policy documents states one thing and practices another, it is no wonder that the country was not able to chart a clear way forward in terms of the kind of society to build. No wonder issues of nationhood took a backseat post-colonial Kenya.

The ideological confusion in Sessional paper No 10 of 1965 on African Socialism and its application to planning Kenya has in my view to do with the fact that very little, if any, thought was given to the kind of society the leaders wished to build after the colonial era. True the KANU manifesto said that the new government wanted to eradicate poverty, ignorance and disease. The manifesto however was used more as campaign document as can evidenced by the fact that these three enemies have yet to be eradicated even after KANU's 40 year rule. The result was that immediate post colonial leaders ended up focusing on two selfish projects. The immediate project was to replace and emulate or is it imitate the departing colonial elite with and African political and economic elite. This was evidenced by the fact that Kenyatta occupied state house formerly occupied by the departing colonial governor, and the DCs and PCs did the same at their levels. Roads and buildings such a Queen's way and King George hospital were renamed Mama Ngina Street and Kenyatta National Hospital respectively just to give few examples.

The second project equally selfish in the sense that it was meant to serve the interests of those in power was power building. Partly because the nationalist leaders had not engaged sufficiently on the kind of society they wanted to build following independence, they ended up making several governance mistakes. The focus on acquisition of wealth and power lead them to ignore or neglect the aspirations of the ordinary people. This resulted in political despair among the people and some leaders. Kenyatta's response was to purge his government of people who did not agree with his style of governance and therefore who identified with and advocated the aspirations and demand of the people for better governance. This was followed by torture and detentions especially of opponents. All these were being done to ensure that his power and those who supported him was not challenged at all even is these challenges had no chance of succeeding. These reactions by the mainstream establishment had many consequences. One of them is that Kenyatta resorted to ethnic support to stay in power. Ethnic politics began to assume a prominent place in our country. Kenyans began to view every political decision as ethnic driven. Worse still is the fact that people from a particular ethnic group whose leader was persecuted interpreted and perceived such decisions as directed at their tribe or ethnic group. The bonds of nationalism were weakening or better still being weakened.

Absence of a unifying ideology

One of the factors that have had a negative impact on national cohesion and nationalism in Kenya is the absence of a unifying ideology- an ideal to which the people would collectively identify with and seek to realize. While in the run up to independence Kenyans were united by the desire to rid the country of colonial rule and" uhuru" was used as the rallying ideology the ideology became irrelevant after 'uhuru' had been achieved. It was a short term unifying ideology which became irrelevant after the common enemy- the colonial government- had been dismantled.

The adoption of African socialism as an ideology in 1965 did not help matters very much. Two reasons account for this. First is that the ideology was not popularized. As a result of this, the majority of the people did not understand its contents and therefore could not identify with it. The matter was made worse by the fact that rather than lead to equality the application of the ideology led to marked socio-economic inequalities in the country. This did not unify the people at all. Many people perceived the inequalities to be the result of a deliberate policy by those in power to marginalize some communities and regions or at least to perpetuate the regional inequalities that began with colonial policies. Glaring socio-economic inequalities most of which have taken essentially ethno-

regional dimensions has thus had the effect of undermining national unity and a sense of common belonging.

Recent attempts to find a unifying ideology has however taken the form of mere slogans such as" a working nation" that Kibaki pronounced after assuming power in 2002 or slogans such as "am proud to be a Kenyan: propagated by the government spokesman. Apart from just being a slogan, it is also associated with just one individual, the president. As a result of this public ownership and identification with the slogan is understandably non-existent. Under such circumstances it is not easy for the people to embrace it. It is therefore not surprising that people and even the president who came up with the slogan no longer talk about it.

What is needed therefore is to get the people of Kenya to develop a sense of common belonging then is to develop an ideology with which people can collectively identify. That ideology must also be such that its implementation can result in tangible common benefits. It has to be powerful enough and have the capacity to endure beyond a serving president or government.

Political exclusion and marginalization

Another factor that has undermined a sense of common belonging among Kenyans is that of the politics of exclusion. This problem like others has a colonial origin but has been perpetuated by governance policies adopted by successive post independence governments. It has also taken different forms. During the colonial period the government was basically controlled and dominated by non Kenyans, the British. Indigenous Kenyans were excluded from governance. Indeed they were not even allowed to organize politically. For most of the colonial period their interests were represented in the legislative body by the Europeans. This alone had the effect of weakening any sense of identification with the government and the nation even though the colonial government required the people to identify with the entire nation. The policy of divide and rule which was the hallmark of colonial administration combined with the politics of exclusion to ensure that national unity became a mirage. Perhaps because the politics of exclusion worked well to maintain the colonial government in power the post colonial government not only maintained it but even extended it to other spheres of governance. To start with the country adopted "the winner takes it all" electoral system. This is an electoral system in which the party that wins the majority of members of parliament in an election forms the government at the exclusion of all other political parties.

While this is the practice in many other countries it poses special challenges to underdeveloped political systems especially those that are ethnically fragmented like Kenya. To start with when one ethnic group is numerically dominant it can dominate parliament and therefore ensure that other ethnic groups are excluded for long periods of time. It is instructive in this regard to remember that one of the reasons behind the formation of KADU and its advocacy for a federal system of government was the fear by the numerically small tribes that it represented, that KANU with the support from the numerically big tribes would dominate and marginalize them under a unitary structure of government. Marginalization of ethnic groups has been and continues to be a common theme and complaint in Kenyan politics since independence. The importance of this problem has led to a number of initiatives being undertaken by government. One is the establishment of the National Cohesion and Integration and Cohesion Commission (NCIC) and the Truth Justice and Reconciliation Commission (TJRC).

The concern about political and other forms of marginalization has been important enough that the constitution has found it necessary to provide that it be addressed. Article 100 of the constitution, for example, provides that parliament shall enact legislation to promote the representation in parliament of women, persons with disabilities, the youth, ethnic and other minorities and marginalized communities. (Republic of Kenya, 2010)(Article 100 of the constitution of Kenya 2010) .A similar concern is addressed with regard to membership in the County Assembly under the constitution of Kenya 2010. The relevant provision states that a county assembly shall consist of … the number

of marginalized groups including persons with disabilities and the youth …. (Article 177 of the Constitution of Kenya, 2010). The point is that political marginalization whether real or perceived has been a source of ethnic tension in the country and has not promoted national unity or a sense of common belonging.

Whether or not the constitutional provisions will solve the problem of political marginalization especially with regard to representation an empirical matter that only time will tell. However some communities have already expressed fear that they may not be represented in major government bodies especially at the county level. The Kuria community in Nyanza, for example fear that they may be dominated by the majority Luo community with whom they share the Migori County. Their fear is that only Luo may be elected as governor and senator because of their numerical strength in the county. This would have the Kuria marginalized or at least unrepresented in these key county elective governance institutions. Tensions arising from feelings of marginalization have been expressed in other ways as well. The recently launched Mombasa Republican Council basically is about resistance to feelings of marginalization. To these people the solution lay in secession from Kenya and the formation of a new state its viability or otherwise is for the time being not a major consideration as long as its members and supporters feel that it may end their marginalization. The emergence of this and similar groups not only show the dangers of marginalization but also underscores the weak sense o f common belonging in Kenya.

The challenge then is how best to deal with the problem. At the moment the government appears to have adopted the approach to either ignore the group or simply refuse to recognize it. The government has also taken the position that the council can be crushed or will simply die a natural death. I am not sure that any of these positions is tenable or that they provide the solution. African governments have wished away many such movements or attempted to defeat them by use of force including the use of military force but have failed. In some cases the problem has become more complicated as more groups are formed or the membership of the group become bigger and include more demands as they pursue their cause. They may add new demands to the original ones. Perhaps Kenya should in this regard adopt the solution suggested by Anyang Nyong'o to the peopled of South Sudan as the government of that country tries to deal with the rebels .Writing on state building and development in the Republic of South Sudan Nyong'o advices as follows:…

> *"There are a few things that the Government of South Sudan cannot risk to get wrong. One is the stance it adopts towards the so-called rebels; the armed men and women who have receded to the woods in defiance of the new government in Juba. Their misgivings may be ill-placed, and at times even wild; but that is no reason to ignore them.*
>
> *The Juba government is better off opening the doors of dialogue with these malcontents than seeking to bomb them into oblivion. In this regard, walking the risky road of negotiations would pay much better dividends than taking the tough posture of a warrior heading for the jugular. Lessons from FRELIMO faced with the RENAMO insurgents are there to be learnt. Going down the path that Angola went in Savimbi rebels, leads to a victory with much worse consequences to peace and development."*(Nyong'o, 2011).

Socio-economic marginalization

Alongside political marginalization is that of economic marginalization both of which undermine national unity or nationalism. A number of communities in Kenya have expressed concern about what they consider to be economic marginalization or sometimes both economic and political marginalization. This is evident in the report of a government Task Force that was established by government in 2010 to seek ways by which elders from all communities could be involved in promoting peace in the country. This followed the election violence that

the country experienced as a result of the disputed presidential election result of 2007. Virtually every community except the Kikuyu of central Province and to some extent the Kalenjin of Rift Valley complained of economic marginalization. By this they meant that their communities did not benefit from government investment in infrastructure and especially roads, or in social service such as education and health facilities.

The people of North Eastern Province for example were particularly unhappy with the level o f economic development in the region compared to the rest of the country. Successive economic survey reports by the Kenya Bureau of Statistics show that this province and its inhabitants have always been the poorest on any indicators of development including income per capita.

Apart from whole communities, a number of groups including the Mungiki and the Mombasa Republican Council have argued that they engage in acts of violence because they are economically marginalized. The Mungiki for example argue that their parents and great parents who fought in the Mau Mau war lost their land and that they have never been compensated by government. They are therefore landless and have no means of livelihood. Socio economic marginalization has thus eroded any feeling of nationalism by the affected groups and communities. Indeed it has intensified ethnic politics as people who feel marginalized begin to develop hatred for those they perceive rightly or wrongly to be the beneficiaries of the system.

Economic marginalization is however, not just a perception by the people who feel that they are affected. Nor is it accidental. President Moi confirmed that it is actually a government strategy in his infamous warning to the opposition parties that "Siasa Mbaya, Maisha Mbaya". This warning was issued at the height of multiparty politics and was directed at those leaders and communities that supported opposition parties. It meant that those in opposition would not enjoy the economic benefits enjoyed by these leaders and communities that supported the government. In other words those in the opposition would be marginalized as far as development was concerned. This kind of attitude by government certainly does not promote national integration or national unity.

As can be seen from the statistics below on household well being n Kenya, North Eastern province is the poorest of the eight provinces. This is followed by Coast province. When this information is broken down onto districts in each of the provinces in the districts, North Eastern province and those in Eastern province emerge as the poorest in the country. Central province and Nairobi on the other hand are the richest provinces in the country. Two other observations are necessary in order to explain the point about this regional poverty. First is that this has been the trend since Independence. In other words North Eastern province has always been the poorest region in the country. Central province has also always been the richest region in the country. While it is true that this pattern of development or underdevelopment was inherited from the colonial period, the concern by the people of North Eastern province has been that no effort has been made by the successive independent government develop the region. The entire province has only one stretch of tarmac road in Garissa town. The rest of the province has no tarmac road while regions such as central province have tarmac roads in every part of the province. Districts such Turkana and Marsabit in Eastern province also experience neglect in terms of road and other forms of infrastructure by the successive post colonial governments. The perception, whether right or wrong, is that Central Province was rich because the region produced the country's first president who favoured the region as far as development is concerned. The third president also hails from central Province.

This perception seems to suggest that development follows power. What is important is that this perception has caused the poorer regions to feel a sense of betrayal and that has weakened their willingness to identify with the nation, Kenya. It affects relationship among ethnic communities. In fact this author visited North Hor in eastern Province in the 1980s and was asked by the residents of the area how Kenya was. The message they were conveying is that they do not consider themselves as part of Kenya. This is because as far as they are concerned they are a neglected region and has no reason to be identified with the rest of the country. They have no pride in being associated with the country.

It is necessary to observe that the constitution requires that apart from marginalized ethnic counties, any other groups of people such as those with disability are not marginalized.

TABLE 1: Poverty incidence percentage of individuals below poverty line, Ethnicity and nationalism in Kenya

No.	REGION	PERCENTAGE
1.	Nairobi	22%
2.	Central	30.9%
3.	Nyanza	46.5%
4.	R. Valley	48.7%
5.	Eastern Province	50.5%
6.	Western	53.1%
7.	Coast	59%
8.	North Eastern	74%

Source: Kenya National Bureau of Statistics integrated Household Budget Survey 2005/2006. Constituency Report on well-being in Kenya.

A lot has been written about the role of ethnicity in Kenyan politics. Some of the contributors to this literature argue that ethnicity is the most important explanatory variable of Kenyan politics. Ghai & Ghai for example argue that Kenyan politics have become largely the politics of ethnicity (Ghai and Ghai, 2011). Politicians find that stirring ethnic loyalties on one hand, and ethnic animosity on the other, are easy ways to build potential support. They promise their tribe development and other benefits if they have their vote. Sometimes they incite "their:" people against other tribes, with the result we saw in 2007 - 2008…. Negative ethnic feelings then spill over into other spheres of life". This paper argues that one of the major effects of ethic politics has been the erosion of people's identification with the nation. The point was made very succinctly by a Permanent secretary at a recent workshop on the constitution. The Permanent Secretary in the Ministry of Gender and children posed the question in the following way. " Why is that when Kenya the country is insulted even by a foreigner, no one gets angry but when one's tribe is insulted, the one whose tribe is insulted is ready to go to war with those who insult his or her tribe"?. What this suggests is that identification with the ethnic group or tribe is much stronger than identification with the nation or country. Put differently ethnicity has undermined or eroded a sense of common belonging and common identity among the people of Kenya.

The origins of this practice is obviously traceable to the divide and rule policy used by the colonial government. This policy took different forms. One of the methods was to stereotype each ethnic group with the view to causing both suspicion and mistrust between ethnic groups or simply to cause one ethnic group to regard themselves as superior and others as inferior. This was done partly to prevent or preempt the development of strong common bonds among the different ethnic communities. The colonial government feared that a strong bond would threaten the stability of the government because strength lay in unity. The strategy worked well for the colonial government and made it possible for the government to stay in power for well over seventy years. The post colonial governments have used a similar strategy to stay in power.

But ethnicity has also been practiced in other ways too by the post colonial governments. It has exhibited itself in the appointment of people to public or state jobs. The concern has been that some ethnic groups benefited more from appointment to state jobs than others. Again the concern was considered serious enough that the drafters of the constitution of Kenya 2010 found it necessary to include a provision requiring that

ethnic balance be taken into account when appointments are being made to public or state offices. The National Cohesion and Integration Cohesion confirmed fears that some communities benefit more from appointments to public jobs than others In a recent survey on ethnic distribution of jobs in public universities, the Commission reported that the big five ethnic groups in Kenya dominate the work force of public universities. The report goes on to show that ethnic groups living in the areas within which a university is located tend to have the members of that ethnic group given preference in employment over the rest of Kenyans. The report indicates that 68.9% of employees at Masinde Muliro University located in Western province are from the Luhya community. Similarly, 55% of the employees of Moi University located in an area occupied mainly by the Kalenjin are from the Kalenjin community. Egerton University also in the Rift Valley province has 25.8% and 28.9% of its employees from the Kalenjin and Kikuyu communities respectively. Jomo Kenyatta University of Agriculture and Technology which is located in Central Province and home to the Kikuyu cpmmunity has 49.7% of its employees from the Kikuyu community. With Kenyatta University which is also in Central province, has 38% of its employees from the Kikuyu community. Bondo University College at the heart of Luo land in Nyanza province has 84.3% of its employees from the Luo community, with Kisii University College in Kisii county having 79% of its employees from the Kisii community. Pwani University College at the Coast has 71% of its employees from the Mijikenda community, while Meru University College in Meru has 83% of its employees from Meru community. The report also indicates that the Multi-Media University College, located in Rongai near the city of Nairobi has 25%, 21% and 20% of its employees from the Kikuyu, Luhya and Luo communities respectively. Finally the University of Nairobi has 38% of its employees from Kikuyu community.

Another lesson from this report is that some communities have more public resources and facilities than other regions. In the case of public universities for example North Eastern province has neither a public university nor a university college while central and Riftvalley provinces each has two public universities. This unequal resource distribution, which is not confined to the establishment of universities, makes those communities that do not have such public resources and facilities feel discriminated against. Under such circumstances the feeling of identification with the rest of the country becomes weak or nonexistent.

These figures must however be read with caution. While on the face of it the data gives the impression that ethnic considerations dominate appointments in public universities, on closer analysis this may not be the case. To start with the data would give a more accurate picture if it was disaggregated into the various categories of employees of public universities that were audited.

Universities have three major categories of staff. These are the ad academic staff, the administrative staff and support staff. The academic staff is recruited on the bass of merit and it would not matter from which part of the country or world they come from. In fact universities all over the world recruit academic staff from all over the world. It would therefore not mater from which ethnic group the academic staff of a university comes from. This point should have been factored in the data presented to parliament by NCIC. It would for example have helped if the data indicated the regions from which the applicants for the academic staff came from.

Secondly some of the support staff fall under what we may call subordinate staff. These include employees such as groundsmen and women and cleaners etc. These categories of employees earn very low salaries. Because of this it makes more sense to recruit them from the local community within which the university is situated. An employee in this category from outside the locality of the university would find the cost of living too high. This consideration may explain why the bulk if not all the categories of such staff are from the local community and therefore giving the impression that there is discrimination in recruitment in favour of local staff. In view of the fact that the public may believe the report it may cause ethnic tension and hatred to a point where national integration may be wakened. It is instructive that only northern

part of the country does not have a single public university with most of them located in Nairobi and its environs. Using this as an example, the province may be justified in its claim that it is being marginalized. The claim is justifies also when one takes into consideration that the region has the shortest kilometer of roads compared to other regions. The people of the regions suffer yet another form of discrimination. According to Gitu (Gitu, 2005), Kenyan Somalis are treated differently from other Kenyans because in addition to obtaining a national identity card, which is mandatory under the Registration of Persons Act, CAP 107, they are to obtain additional identification. This additional requirement does not apply to other Kenyans. Gitu points out further that Kenyans of Arab descent are required to satisfy additional requirements to be issued with national identity cards. They are required to produce birth certificates of their grandparents. Gitu concludes that when different requirements are imposed on a section of the population, they feel as if they are second class citizens. We may add here that such citizens may find it hard to identify with the rest of the communities in the country with negative consequences for nationalism.

Creation of ethnic districts

As good student of colonial politics of divide and rule, Moi encouraged ethnic fragmentation by curving out purely ethnic districts from those that were made up of people of different ethnic groups and who had lived peacefully together in these districts. He did this when his power was threatened during the clamour for multiparty politics that began in the 1980s. One major political decision made by parliament through the influence of Moi at this point was that a presidential candidate must win at least 25 % of the votes cast in 5 of the eight administrative provinces. About 30 ethnic districts were created by Moi and were basically intended to further the policy of divide and rule. The creation of Suba district for example out of the original Migori district was meant to instill in the minds of the Suba people that they were different and distinct from the Luo with whom they have been associated from time immemorial and with whom they shared Migori district. The idea was to use this to persuade the Suba not to vote as a block with the Luo as they were not Luos. This would give Moi a chance to get the 25% vote in Nyanza region where he was uncertain of getting the required number and percentage of the votes. The Luo were at this time firmly in opposition to Moi's rule. Thus one can see that the president was not interested in encouraging and promoting nationalism. Instead he was prepared to weaken nationalism in order to survive politically.

National heroes and National days

Another factor that contributes to the weakening of nationalism has been the failure by government to keep the nationalist issues in focus. To start with rather than reserve a day to celebrate all the freedom fighters as a way of ensuring that young generation got a sense of the fact that all Kenyan communities contributed to the struggle for independence and therefore to nationalism. We chose to honor only one person and named the day after him, Kenyatta day. The impression thus created was that only Kenyatta contributed to nationalist struggle. I am of course aware that during such days mention is usually made of other leaders especially those who died. It is however also true that the process has usually been quiet selective.

We are also aware that during our national days we focus more on politics rather than on nationalism. The failure to celebrate the struggle and the sacrifices that people made for the sake of independence and for the country has also contributed to the weakening of nationalism in Kenya. This problem has been recognized and is addressed in the Constitution of Kenya 2010.

In lieu of a conclusion

Concluding this debate at this stage would be premature. It is such an important issue for the future of the country that it must be open to further debate. Rather than conclude, therefore, I have chosen to make the following observations arising from the discussion so far. The paper set out to identify the major factors that have undermined national ism or national unity in Kenya. A number of factors were identified and explained. The paper adopted an historical

approach to explain the current situation as far as national unity is concerned. The major argument of the paper is that many of these factors are interrelated and have to do with the nature of governance. This requires an understanding of the political and economic policies and approaches to governance by both the colonial and post colonial governments. Secondly, the paper attempted to make it clear that nationalism does not just emerge. For a people from different nationalities living within one geopolitical unit to develop a common sense of belonging or common identity, they need a common unifying factor, something that can cause them to want to work and live together in order to achieve that objective. This may take the form of an ideology with which people may identify. It may also require actions that make people develop a feeling that everybody and every community is being treated in the same or similar manner by those who govern and a sense of fairness in the way people in the country are being treated. In this regard we pointed out that if this is not done it is quite possible for nationalism to weaken leading to sub-nationalism based on all sorts of identities. Failure to nature nationalism may lead to secessionist wars. Perhaps the best example in this regard is the separation of Southern Sudan from the North on 9th July 2011. The Sudanese government had failed o encourage a sense of common belonging between the Northerners and the Southerners, making the idea of a united Sudan unattainable. We may at this point refer to the Mombasa Republican Council, a movement that seeks to secede from Kenya and form its own state. Fourthly we argued that the successive post colonial governments in Kenya undermined the sense of common belonging among the diverse ethnic communities and identity with the country by using different methods. Both governments found it politically rewarding to play one ethnic group against another as a strategy for political survival.

The paper also observed that failure by the post colonial governments to restructure the colonial state in line with the post independence realities and in particular the aspiration of the people did not help matters either. The colonial government and the settlers that supported its economic activities invested mainly n those regions and areas that had promise of high returns to investment. This practice was responsible for the unequal development in the colony. Unfortunately the post colonial government inherited this and did little to change the pattern of development. This led to a feeling of marginalization among some regions and communities. The result was ethnic suspicion that obviously weakened nationalism. Complaints about ethnic and regional marginalization are addressed in the

In particular the failure by the state to address the inequitable distribution of public resources such as jobs and infrastructure only fueled feelings and perception of unfairness and discrimination. Indeed different forms of discrimination do not augur well for the development of strong sense of nationhood.

One way to promote a strong sense of nationalism is to ensure respect for the rule of law. Both the rich and the poor must be treated equally in terms of enforcement of the law. The principle should also apply to both the politically powerful and those not so powerful. Generally Kenya's record with respect for the rule of law has been poor.

This has left people wondering whether some are more Kenyan than others. Under such circumstances it is unrealistic to expect everybody to identify with the nation.

Finally we argue that the spirit of nationalism has never disappeared among the people of Kenya. The struggle for a new dispensation that would bring about a new governance system is evidence of this determination to rekindle national unity. What is required is political leadership that places the interests of the country before self interest.

References

Atieno Odhiambo, E.S. (1981) Siasa: politics and nationalism in E.A., 1905-1939. Kenya Literature Bureau.

Ghai, Y. and Ghai, J. (2011) Kenya's Constitution: An Instrument for Change. Published by Katiba Institute, K-Rep Centre Nairobi, Kenya.

Gitu, M. (2005) Human rights, Citizenship and nationhood in Kenya: An Over view of

losses, and prospects. In Bujra A, edited. Democratic Transition n Kenya: The struggle from Liberal to social democracy. African Centre for Economic Growth and Development Policy Management Forum, 234.

Jonyo, F. (2002) Ethnicity in Multiparty Politics. In Chweya L. edited Electoral Politics in Kenya. Claripress.

Ndege, P. (2009) Colonialism and its legacies in Kenya. Paper presented at the Fulbright _Hays Group project abroad Program: July 5th to August 6th 2009 at Moi University Main Campus (unpublished).

Nyong'o, P.A.g. (2011) State-building and Development in the South Sudan. in State building and Development in South Sudan, Henrich Boll Stiftung East \& Horn of Africa, 22.

Republic of Kenya. (2010) The Constitution of Kenya, 2010. Nairobi: Government Printer.

Republic of Kenya, R. (1965) Sessional Paper. Government Printers: Nairobi. 1.

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Marasas, W. F. O. (1996). Fumonisins: History, worldwide occurrence and impact. In L. S. Jackson, J. W. DeVries, & L. B. Bullerman, eds. *Fumonisins in food, advances in experimental medicine and biology*, vol. 392 (pp. 1-18). New York: Plenum Press.

Massart, D. L., & Kauffmann, L. (1983). *Interpretation of analytical data by use of cluster analysis*. New York: Wiley.

Noel, S., & Collin, S. (1995). Trans-2-nonenal degradation products during mashing. In *Proceedings of the 25th European brewery convention congress* (pp. 483-490). Oxford: IRL Press.

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