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The Developmental and Democratic Challenges of Postcolonial Kenya

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Let me begin by thanking the Director, faculty and staff of the African Studies Center for inviting me to give this year's James S. Coleman Lecture. This is a great honor indeed, mindful as I am of the man after whom the lecture is named and whose name graces your center, which recently celebrated its 50th anniversary. Although I never met him in person, I will always cherish Professor Coleman's immensely influential and insightful work including *Nigeria: Background to Nationalism and Education and Political Development*. It is in honor of this work that I would like to discuss the developmental and democratic challenges of postcolonial Kenya. Kenya also happens to be the country on which I did my doctoral research and where Professor Coleman served as Director of the Institute for Development Studies at the University of Nairobi in the late 1960s.

In 2007 and 2010, two crucial events took place with profound implications for Kenyan history and society. The first was the tragedy that followed the disputed general elections of December 27, 2007. The violence that convulsed the country left 1,300 people dead and 600,000 displaced, and threatened the very survival this proud nation so painstakingly crafted ever since that day of great euphoria, December 12, 1963, when the British imperial flag was hauled down and the independence flag hoisted. As the crisis raged, the political and economic gains the country had made since the 'first' independence of decolonization and the 'second' independence of democratization seemed to wither in the destructive carnage.

The second event marked a rare moment of triumph. Electrified Kenyans, chastened by the ghosts of 2007, and anxious for new beginnings, voted for change, for the enduring dreams of uhuru. The voter turnout was high for a traumatized demos that seemed to understand that the referendum offered a historic opportunity for the country to remake itself from its battered past, for the nation to reimagine its future, to anchor the 'second independence' on a more democratic basis. If 2007 marked the nadir of the deferred dreams of the 'First Republic,' 2010 represented the possible birth of the 'Second Republic' based on inclusive citizenship, good governance, devolution of power, and more equitable development.

The first moment gave rise to profound despair about Kenya's future, while the second has been greeted with exaggerated hopes. In the aftermath of the electoral debacle, bewildered Kenyans were filled with a sense of shock and shame, but during the referendum, they mustered the will and wisdom to salvage their country's fortunes and future. Having stared into the abyss in December 2007 and January 2008, the country pulled back, the political class made tepid compromises to save their nation through the formation of a coalition government, which delivered a new constitution in August 2010. Clearly, the crisis begat the constitution; in short, the possibilities of democracy and development promised by the new constitutional dispensation were incubated in the violent maelstrom two and half years earlier, a development few could have predicted.

From the moment the implosion started, there was an explosion of commentaries and analyses all over the old and new media in Kenya itself, among the Kenyan diaspora, and the country's friends and foes around the world. The Kenyan observers and intelligentsia were bitterly divided as the crisis unleashed intolerant ideological, political, and ethnic chauvenisms. It was dispiriting to see academic friends and colleagues I had known and respected for many years become bigoted jingoists, madly fanning the fires of disorder for their sectarian communities and causes.¹

Elsewhere, pundits plucked from the vast repertoire of derogatory epithets routinely used to discuss and defame Africa to describe what was happening in Kenya. For the western media it was all about 'tribalism'. Academics chose less offensive terms. Some wondered whether Kenya was descending into the ranks of Africa's failed states. Within a year, scholarly articles started to appear. Some were quite apocalyptic about Kenya's future.

Introducing a special issue of the *Journal of Contemporary African Studies*, Peter Kagwanja and Roger Southall, wrote: “The post-election crisis of January 2008 brought Kenya close to collapse and the status of a failed state.” They located “the origin of the crisis in, variously, a background of population growth and extensive poverty; and ethnic disputes relating to land going back to colonial times (notably between Kalenjin and Kikuyu in the Rift Valley). More immediately, what stoked the conflict is the construction of political coalitions around Kenya’s 42 ethnic groups.” And they were not too hopeful about the future by suggesting “that a reluctance by the Grand Coalition partners to undertake fundamental reform of the constitution means that Kenya remains a ‘democracy at risk’, and faces a real possibility of slipping into state failure.”² Several articles in this issue and another special issue of the *Journal of Eastern African Studies* variously attributed the crisis to elite fragmentation and the existence of non-programmatic clientelist parties, political liberalization and institutional fragility, informalization and criminalization of the state, and the decentralization and privatization of violence.³

Often thick with political details, many of the existing analyses tend to be thin on the economic dynamics of the crisis even those that purport to advance a political economy perspective. Also, their historical gestures, that this crisis is rooted in Kenya’s complex past, tend to be perfunctory in so far as their primary focus centers on the contemporary dynamics of the crisis. In this paper, I seek to provide a much longer mapping of the historical trajectory of Kenya’s political economy that culminated both in the tragic and triumphant events of 2007 and 2010, respectively. My argument is that both events are rooted in, and reflect, Kenya’s complex and contradictory colonial and postcolonial histories; they reflect the intertwined challenges of development and democracy; and they represent simultaneously the failures of, the struggles for, and the possibilities of constructing a developmental democratic state from the debilitating burdens of colonial underdevelopment and despotism and postcolonial developmentalism and dictatorship. The contrasting, yet connected, developments between 2007 and 2009 underscore the challenges of historical analysis and prediction. As the new constitutional dispensation of 2010 unfolds, the events of 2007, and before, are likely to be recast in historical writings of Kenya’s protracted transitions to democracy and development.

I begin with a brief outline of the legacies of British colonialism in Kenya, whose structural underpinnings and ideological parameters were inherited by the postcolonial state. Then, I examine, again sketchily, the modes of governance and development during what I would call the period of authoritarian developmentalism between independence and 1980, which was followed by the era of neoliberal authoritarianism that lasted until 2002. Finally, I focus on the changes and contradictions ushered by democratization out of which erupted both the failed elections of 2007 and the successful referendum of 2010. Throughout, I try to put Kenya in the context of wider trends in African and global histories for the obvious reason that the country is an integral part of both, notwithstanding of course the specificities of its historical course.

The Political Economy of Colonialism and Its Legacies

Colonialism was, fundamentally, an economic enterprise that required political execution and ideological justification. Thus, any meaningful analysis of colonialism and its legacies in Kenya or elsewhere has to examine the nature and dynamics of colonial capitalism, the colonial state, and colonial ideology. Their construction simultaneously entailed the coercive impositions, countervailing resistances, and subsequent articulations of European and African systems and structures, institutions and ideas, positionalities and practices, demands and dreams, out of which emerged the particularities of colonialism in each territory.

The colonization of Africa, incubated out of the new imperialism of the late 19th century, was broadly driven by the needs of the industrial capitalist countries to find markets for manufactured goods, outlets for investment, and sources of raw materials; and conditioned in different African regions by more specific dynamics, what Paul Tiyambe Zeleza calls the imperatives of finance capital in North Africa, merchant capital in West Africa, mining capital in Southern Africa, and speculative capital in Central and Eastern Africa.⁴ Typically, colonial economies were extraverted (export-oriented), monocultural (reliant on a narrow range of commodities), disarticulated (their sectors were disconnected and suffered from uneven productivity), and dependent (dominated from outside in terms of markets, technology and capital). They were not designed for the sustainable development of colonial societies. This does not of course mean that they did not transform the economic systems of these societies: new modes of production and social relations were established that were to have a profound effect on subsequent African history.

The colonial state was the midwife of colonial capitalism. It was a conquest state, established through physical violence and maintained through political violence. Created as an appendage of the imperial state, the colonial state was peculiar in that it enjoyed only some of the crucial attributes of the modern state and could not exercise many of its imperatives. As a conquest state, its hegemony was excessively coercive so that it enjoyed little legitimacy. Also, its territoriality was ambiguous, its sovereignty disputed, its institutions of rule, legal order, and ideological representation were all extraverted and embedded in metropolitan practices and traditions, and its revenue base was weak. Charged with the onerous tasks of creating or promoting colonial capitalism, linking the colony to the metropole, and consolidating colonial rule, it is not surprising that the colonial state was both very interventionist and fragile, authoritarian and weak, and it exercised domination without hegemony, all of which ensured its eventual downfall much sooner than the colonizers had anticipated.⁵ It is well to remember that Kenya's first President, Jomo Kenyatta, was born before Kenya was colonized in 1895 and outlived colonial rule by 15 years.

Unsurprisingly, to its architects colonialism was not depicted as the violent seizure of other people's lands and societies. Rather, it was justified in the more noble names of civilization and pacification, and later when such patently racist discourses were discarded in the barbarities of the Nazi holocaust and the Second World War in the seductive terms of development and modernization. Colonial rule gave rise to the racialization and ethnicization of colonial society, divisions between the colonizers and colonized and among the colonized. The colonized were denied the rights of citizenship because of race, and subjected to traditions of so-called 'tribal' custom often invented by colonialism itself. Thus, colonial despotism sought to create ethnic identities or to give fluid social and spatial identities ethnographic purity that did not exist previously as instruments of divide and rule. As Mahmood Mamdani has noted in his book, *Citizen and Subject*, the colonial state ordained and enforced so-called customary traditions, which had the least historical depth and were monarchical, authoritarian and patriarchal.⁶

Colonial economies, states, and ideologies were of course diverse because of the differences among the European imperial powers and the African societies they colonized. The dynamics and nature of political, economic, and sociocultural change were determined by each region's precolonial economic, political, social, cultural, religious, and gender systems, as well as the length and extent of its contact with Europe, dynamics of resistance against colonization, and the presence or absence of European settlers. This has led several scholars to place African colonies into different categories. First, there is the tripartite division of Africa developed by Samir Amin: the Africa of the labor reserves where Africans were primarily expected to provide labor for European colonial enterprises; the Africa of trade where African produced the bulk of commodities traded by colonial companies; and the

Africa of concession companies where chartered companies enjoyed economic and administrative control over African labor and produce.⁷ Second, there is Thandika Mkandawire's typology distinguishing between rentier and merchant economies, in which surpluses were extracted from rents from mining and taxes from agriculture, respectively.⁸ Third, there is the distinction often drawn between settler and peasant economies, in which production was dominated by either peasants or European settlers. Under these typologies, colonial Kenya could be considered as a labor reserve economy, a merchant economy, or a settler economy.⁹

Using the latter categorization explains much about colonialism in Kenya and its legacies. Settler colonialism was characterized by several features: the exclusion of competition (settler control of key economic resources including land, allocation of infrastructure, banking, and marketing at the expense of the indigenous people); the predominance of the migrant labor system (which allows the costs of reproducing labor power to be borne in the rural reserves); generalized repression whereby direct and brutal force is used regularly; and the close intersection of race and class, in which as Frantz Fanon stated, 'you're rich because you're white, you're white because you're rich'.

In most settler societies, the violence of the conquest state and the bifurcations of colonial society were particularly acute. In such societies the colonized people faced onerous exclusions from economic and social opportunities including cash crop agriculture, stabilized wage labor, access to education, and political representation. Consequently, they were forced to wage protracted liberation wars, and after independence, they faced the challenges of how to democratize the state and particularly customary power, deracialize civil society, promote African accumulation, and restructure unequal external relations of dependency.

Kenya's history as a settler colony is too long and complex for this essay.¹⁰ Suffice it to say the colonial political economy can be divided into three phases. First, from the 1890s to World War I when colonial infrastructures, institutions and ideologies were laid in the face of what historians call primary resistance (i.e., resistance against colonization). The period was characterized by the development of settler agrarian capital built on the backs of massive land alienation, coercive proletarianization, varied patterns of peasantization despite efforts at marginalizing peasant production, the growth of Asian and European merchant capital, the construction of new spaces and structures of colonial socialization—the segregated colonial towns and schools, the creation of racialized social hierarchies, and the reconstruction of class, gender, ethnic, and national identities.

This was followed by the interwar period during which these processes intensified. The colonial order became consolidated at the same time as new challenges against it rose from the landless squatters, impoverished workers, and restless indigenous elites that were reinforced by the disasters of the Great Depression and the Second World War, which fatally undermined the promises of colonial capitalism and the supremacy of the colonial powers, respectively. From these disruptions emerged a changed colonial capitalism in which the settlers who had expanded their production and power were pitted against the swelling armies of squatters desperate for land, and peasants clamoring for access to lucrative cash crops and marketing opportunities. The expanded and increasingly militant labor force became more differentiated with the introduction of import substitution industrialization and the growth of trade unionism, and elite protest found political muscle in mass nationalism. Kenya, like much of colonial Africa, had entered the final phase of colonial rule—decolonization.

African nationalism had a dual face: it was a struggle *against* European rule and hegemony and a struggle *for* African autonomy and reconstruction, a drive to recapture Africa's historical and humanistic agency. It was woven out of many strands. Ignited and refueled by the specific grievances of different classes, genders, and generations against colonial oppression and exploitation, it also drew ideological inspiration from diverse

sources, local and transnational, traditional and contemporary. If the nationalist movement constituted the primary institutional vehicle for nationalist expression and struggle, decolonization was the immediate objective. It cannot be overemphasized the nature and dynamics of African nationalism were exceedingly complex. To begin with, the spatial and social locus of the ‘nation’ imagined by the nationalists was fluid. It could entail the expansive visions of Pan-African liberation and integration, territorial nation-building, or the invocation of ethnic identities. Secular and religious visions also competed for ascendancy.¹¹

Articulated and fought on many fronts—the political, economic, social, cultural, and discursive—the development of nationalism of course varied from colony to colony, even in colonies under the same imperial power, depending on such factors as the way the colony had been acquired and was administered, the presence or absence of settlers, the traditions of resistance, the social composition of the nationalist movement and its type of leadership. The nationalist movements encompassed political parties and civic organizations, trade unions, peasant movements, women’s movements, religious and cultural movements, and youth movements each of which waged its struggles using methods, tactics, and spaces that were both separate and interconnected. It is the very plurality of the nationalist movements, which often sowed the seeds of postcolonial discord as independence removed the lid of unity for the disparate elements struggling for *uhuru*.

In Kenya, the nationalist struggle was dominated by the liberation war, popularly known as Mau Mau, waged from 1952 to the end of the decade by the Land and Freedom Army, although the military phase had peaked by 1955. The war was triggered by colonial state intransigence and refusal to address demands for reform. Failing to stem the rising flames of nationalist rage, as manifested in the Mombasa and Nairobi general strikes of 1947 and 1950, respectively, and growing signs of rural revolt the colonial state declared a state of emergency in October 1952. Concentrated in Central Kenya where the oppressive and exploitative effects of settler colonialism were most concentrated, the Mau Mau struggle was dominated by dispossessed squatters and poor peasants, found support among radical urban trade unionists, and attracted the active participation of many women and youths.¹²

The emergency was declared in order to preserve colonialism in Kenya, but, ironically, the settlers, the custodians of that very regime, were the first to be sacrificed. Soon, the Mau Mau fighters also found themselves left in the lurch; denied the right to inherit the political kingdom. In other words, the emergency generated new social and political processes that destroyed the basis of settler power, restructured the class and institutional bases of the colonial state, and altered the balance of class forces, so that both the settlers and the armed freedom fighters, the protagonists in the political crisis of 1952, became marginalized by the time of Kenya’s independence in 1963.

The war was brutal and left behind deep scars that were to haunt postcolonial Kenya. Tens of thousands of workers and squatters were deported en masse from Nairobi and European farms to concentration camps and compulsory villages, where a horrific regime of torture and forced labor led to many deaths, maiming, and even castration and insanity. Caroline Elkins claims in her Pulitzer award winning book, *Imperial Reckoning: The Untold Story of Britain's Gulag in Kenya* that tens or even hundreds of thousands died, far more than the 11,000 admitted in official records, and the British sought victory by trying to detain almost the entire Kikuyu population of 1.5 million. At the height of the war, it became clear to the British government, which deployed more than 50,000 troops, that reform was imperative.

A watershed year in Kenya’s tortuous road to independence was 1954. Not only was it the year of the draconian repatriations, it also saw the birth of several programs that in their various ways embodied new state policies, which reflected, and further shaped, the underlying structural changes in Kenya’s political economy that would set its postcolonial

path. The Swynerton Plan, for example, provided the funding and rationale for a program of capitalist land reform and removed the remaining restrictions against African production of lucrative cash crops. The beneficiaries were the 'loyalists' who became targets of the Mau Mau fighters. The long-term effect was to entrench capitalist agriculture, intensify rural differentiation, and increase landlessness among the poor peasants. Under the Lyttleton Constitution, the process began towards greater African political representation, which only whetted the appetites of the nationalist to demand more power.

In 1960, the principle of African independence was finally accepted, although the next three years were marked by intense political struggles and negotiations over Kenya's political future. It was during this period that political factionalism began to rear its ugly head, which would haunt postcolonial Kenya. At the root of this factionalism, which became less ideological and more ethnic and regional, lay the conjuncture of approaching independence in a society suffering from acute uneven development. Uneven development in Kenya, as in other colonies, corresponded to, and was intersected by regional, ethnic, and class factors. In spite of the emergency—in fact, because of it—the Central Province, populated mostly by the Kikuyu, had continued its relatively fast level of development.

This ensured that the Kikuyu petty bourgeoisie, numerically the largest in the country, would be central to any post-colonial dispensation. But during the emergency, political leadership of the nationalist movement had passed on to a leadership that was predominantly Luo, the second largest ethnic group in Kenya, inhabiting a region that was also significantly penetrated by colonial capitalism, albeit in different forms. By the time the emergency was lifted and Kikuyu leaders were allowed to reenter politics, Luo leaders such as Tom Mboya and Oginga Odinga were sufficiently entrenched not to fear for their positions and influence, although the overall scope of leadership conflict was broadened, thus making it more intense and open.

The same could not be said of the Rift Valley and the coastal regions, where colonial capitalism was less developed, and their petty-bourgeois classes were much smaller and more vulnerable at the national level. The Kalenjin peoples of the Rift Valley lived in close geographic proximity to the so-called White Highlands bordering their areas. They feared not only the possibility that the Kikuyu would override these claims but also that they might 'colonize' their areas, especially now that there were tens of thousands of landless Kikuyu agitating for land. The official anti-Kikuyu propaganda of the emergency merely served to inflate these fears. The Kalenjin and other smaller ethnic groups sought to protect their interests by campaigning for regionalism, for federated rather than centralized government.

Underlying the broader regional cleavages, there were local social, economic, and political divisions that provided the basis for local factional and leadership rivalries and future inter-ethnic and inter-regional political realignments. In fact, both KANU and KADU, formed following the Lancaster House Constitutional Conference in 1960, were basically, loose coalitions with weak central party machinery, so that almost from the beginning they were given to internal political splits and realignments. The fact that these parties were formed in the midst of the transition to independence meant that there was not enough time to consolidate the party structures and therefore institutionalize the inter-party competition. Hence, the relative ease with which KADU dissolved itself into KANU in November 1964.¹³

The Era of Authoritarian Developmentalism

Decolonization was undoubtedly a great achievement for colonized peoples, one of the monumental events of the twentieth century. As in much of Africa, at independence euphoric Kenyans were full of great expectations. They had achieved one of the five of the historic and humanistic tasks of African nationalism: decolonization. With the demise of apartheid in

1994, African nationalism across the continent could claim to have achieved its first agenda. What about the other four agendas—nation-building, development, democracy, and regional integration? On these, as the populist saying goes, the struggle has continued indeed.

The pursuit of the nationalist agendas of development, democracy, and self-determination were motivated, and simultaneously constrained by, the legacies of colonialism. Reviled as it was, colonial history could not be wished away; its structural and ideological tentacles cast long shadows over the new states. The challenges of independence included the search for political stability and democracy, economic development and self-reliance, and social advancement and equality.

Economically, colonialism left behind underdeveloped economies characterized by high levels of uneven development and external dependency, which fostered regional and ethnic tensions and made them extremely vulnerable to external pressures. Politically, the newly independent countries faced the challenges of nation-building—how to turn the divided multi-ethnic, multi-cultural, multi-religious, and multi-racial cartographic contraptions of colonialism into coherent nation states; the democratization of state power and politics—how to wean the state from its deeply entrenched colonial authoritarian propensities; and national development—how to build national economies without colonial despotism. Independent Africa's record of performance in pursuing the dreams of *uhuru* is extremely complex and uneven across postcolonial periods, countries and regions, social classes, economic sectors, genders and age groups, which fit neither into the unrelenting gloom of the Afro-pessimists or the unyielding hopes of the Afro-optimists. What can be said with certainty is that postcolonial Africa has undergone profound transformations in some areas and not in others. Some of the tentacles of colonialism have been clipped, but many others remain as intractable as ever.

Nation building continues to pose challenges. While the majority of African countries have retained the integrity of their colonial boundaries, many have had difficulties in forging nations out of them. Several have even been wracked by conflicts and wars.¹⁴ The project of turning colonial state-nations into independent nation-states exhibits palpable contradictions: both state and ethnic nationalisms are probably both stronger than at independence. These identities and the struggles over them eclipse the Pan-African nationalisms within the continent and with the diaspora, although the latter are experiencing renewal in the thickening circuits of regional mobility and integration schemes, transnational migrations and globalization including the emergence of new African diasporas. Thus, the dreams of regional integration have been compromised on the stakes of nation-building, but they are currently stirring more vigorously than before.

Development remains elusive amidst the rapid growth of the early post-independence era, the debilitating recessions of the lost structural adjustment decades, and the recoveries of more recent years. The African population is much bigger than at independence; it recently reached a billion despite all the continent's trials and tribulations; it is more educated, more socially differentiated, and more youthful than ever; it is better informed thanks to the recent explosion of the media and the information technologies of the internet and especially mobile phones, a market in which Africa currently boasts the world's fastest growth rates, indeed double that of the rest of the world. And over the past two decades democracy has cautiously emerged on the backs of expanding and energized civil societies and popular struggles for the 'second independence', notwithstanding the blockages, reversals, and the chicaneries of Africa's wily dictators adorning ill-fitting democratic garbs.

It is possible to identify three broad trends in Africa's development paradigms and processes since independence. Let me hasten to add that these paradigms are not unique to Africa. First, the era of authoritarian developmentalism 1960-1980; second, the period of neo-liberal authoritarianism from 1980-2000; and third, the current moment of possible

democratic developmentalism.¹⁵ In the 1960s the new independent countries were characterised by statism—the growth of state power, and driven by developmentalism—the pursuit of development at all costs. The intensification of statism after independence was accentuated by the underdeveloped nature of the indigenous capitalist class and the weak material base of the new rulers. The state became their instrument of accumulation. It is also important to remember that the legitimacy of the postcolonial state lay in meeting the huge developmental backlog of colonialism, in providing more schools, hospitals, jobs and other services and opportunities to the expectant masses. So after independence the postcolonial state was under enormous pressure to mediate between national capital, foreign capital, and the increasingly differentiated populace. It was a juggler’s nightmare, and the leviathan often tripped.

State intervention in the organization of the economic, social, cultural, and political process intensified as the contradictions deepened and became more open. The monopolization of politics by the state was justified in the glorious name of development. In Joseph Ki-Zerbo’s inimitable phrase African populations were admonished: “Silence, Development in Progress!”¹⁶ Economic development became the *raison d’être* of the state as well as its Achilles heel. Developmentalism and development planning attained the sanctity of religious rituals. But like many such rituals, the plans increasingly lost touch with reality. As the crisis of growth and accumulation intensified globally from the 1970s, the postcolonial state assumed a progressively more precarious and openly repressive character.

Kenya escaped the fate of many of its neighbours such as Uganda, Ethiopia, and Somalia that underwent coups, civil wars, and in the case of Somalia the complete implosion of the state. Living in such a dangerous neighbourhood, its star shone brighter than it really was, for Kenya became increasingly authoritarian from the late 1960s until the early 1990s. The processes and patterns of political and economic change in postcolonial Kenya show both similarities and variations from the general African trends. After independence, the seeds of democracy sown by the nationalist struggles wilted before the stubborn legacies of the despotic colonial state which its authoritarian postcolonial heir inherited virtually unchanged.

The KANU government moved quickly to centralize the state apparatus: regionalism was abolished in 1964; a republican constitution was promulgated, followed by the abolition of the senate two years later. The new ruling class gradually consolidated immense power in the hands of the executive. The civil service bureaucracy on whom the post independence administration depended was dominated by personnel drawn from the loyalist elements first recruited into government during the emergency. Besides the civil service, many other colonial institutions such as the army, police, and judiciary were left intact, some with Europeans holding key positions. Such continuities signified the political opportunities and restraints provided by Kenya’s decolonization.

Clearly, the struggle over state power intensified as the centrifugal forces of nationalism jostled for a share of the fruits of *uhuru*. KADU’s dissolution and absorption into KANU marked the beginning of the slide to the one party state, which was accelerated by the bitter disputes between radicals and conservatives over the direction of the country’s political economy. The radicals, organized around Vice-President Odinga, pushed for an aggressive program of distribution of settler lands to the landless, nationalization of the major means of production, especially foreign-owned enterprises, the provision of free social services including education and health, and the adoption of a more progressive non-aligned foreign policy, all measures which the conservatives around President Kenyatta found anathema. Matters came to a head when Odinga resigned as vice-president in April 1966 and formed a new party, the Kenya People’s Union (KPU). In the “Little General Election” of May 1966, the KPU was trounced. Only nine members out of its 29 members of parliament managed to

retain their seats. The government used the state machinery to harass the KPU leaders, who were portrayed as unpatriotic, subversive, and ‘tribalistic’. The fact that seven of the nine were Luo certainly did not help matters, nor did the defection of the Mau Mau hero, Bildad Kaggia, from the KPU in August 1969 together with virtually the whole of the rest of the KPU’s Kikuyu leadership. Two months later Odinga and all the KPU leaders were arrested. Three days later, at the end of October, the KPU was banned.

The banning of the KPU not only turned Kenya into a de facto one-party state, it also silenced the radicals, and ruptured the Kikuyu-Luo alliance forged in the heady years of decolonization in the late fifties and early sixties. Broadly speaking, the struggles between the various factions of the political class between 1964 and 1970 were indicative of the disintegrating alliance that had been formed between the restive petty bourgeoisie and disaffected masses in the struggle for independence. New alliances were now emerging, primarily between the landed capitalists, many of whom had been loyalists, the expanding bureaucratic and managerial classes, and those peasants who benefited from the land resettlement schemes—in short, all those who stood to gain if the state used its powers to confirm rights to property acquired during and after the emergency or wished to break into areas of accumulation formerly reserved for European settlers and Asians.¹⁷

No wonder KANU leadership, representing this class alliance, increasingly became conservative or moderate in its political orientation and economic policies. By 1970, the dominance of this new ruling class was firmly established, although that did not mark the end of intense factionalism within the political class. As the parameters of national political discourse and parliamentary debate narrowed and lost their ideological edge, ethnic mobilization and contestations assumed greater salience. This is to suggest authoritarian developmentalism required the suppression of economic and class solidarities and struggles, which could threaten the material interests of the political class seeking to accumulate their way into a hegemonic national bourgeoisie.

Despite the drift to authoritarianism, in the first two decades of independence Kenya enjoyed the reputation of a stable country with a rapidly growing economy. The truth was far more complicated. I would argue that since independence the Kenyan economy has undergone four phases in terms of development policy. In the first decade of independence official development policy was termed ‘African socialism’, as outlined in Sessional Paper no 10 of 1965, a term used more as a sop to the radicals who were then still influential. The policy called for the development of a mixed economy and its Kenyanization, although the framework was undoubtedly capitalist. The state not only encouraged domestic and foreign private enterprise but also created large public sector corporations and invested heavily in the physical and social infrastructure. The growth rates were high, averaging 6.6% between 1963 and 1973. But by the early 1970s, it had become clear that growth by itself was not a panacea for the intricate problems of economic development as evidence mounted that regional and social inequalities, poverty and unemployment persisted and, in fact, were deepening.¹⁸

Meanwhile, globally an economic crisis erupted bringing to an end the long post-war boom. The struggle between the developed and developing countries for a New International Economic Order intensified. Growth and redistribution on a world scale entered the international political and economic agenda. It was in this context that Kenya adopted the policy of ‘redistribution through growth’ in the 1970s, which entailed pursuing rapid growth through increased investments to meet the basic needs of the poor including those in the informal sector. But the basic needs strategy did not survive for long. It was jettisoned in the face of the recessions that hit the world economy and engulfed Kenya in the late 1970s and early 1980s. It once became fashionable to lay more emphasis on growth than redistribution.

These two policy regimes coincided with Jomo Kenyatta’s presidency. By the time of Kenyatta’s death in 1978, a national bourgeoisie had emerged, even if its hegemony was

limited by the deepening crises of development and democracy. The Kenya of 1978 was vastly different in its social character from the Kenya of 1963. Settler influence on social life had all but disappeared. The Africanization of the former White Highlands was unmistakable. The rates of growth and development continued to vary between and within regions along the hierarchies of class, gender, and generation. The Central Province maintained its economic dominance, even as it failed to settle the old landless from colonialism and the new landless generated by the postcolonial expansion of commodity production some of who found refuge in, or were channeled to, the Rift Valley, thus sowing seeds of later conflicts. The pastoral regions remained peripheral, and the centrality of the coast to the country booming tourism and transportation industries did not mitigate the marginalization of its people.

Thus, the Kenya of 1978 was a capitalist Kenya, more extensively so than the Kenya of 1963. Agriculture, commerce, and industry had all expanded, and indigenous capital had become completely dominant in the first sector, was preponderant in the second, and beginning to raise its stakes in the third. The agrarian bourgeoisie had expanded and consolidated itself, just as the class of poor and landless peasants had grown. Manufacturing production had increased, and so had unemployment. In the meantime, the nationalization of the Kenyan economy was accompanied by its internationalization. Thus, the dynamics of internal uneven development and integration into the world capitalist system had deepened. It was under the reign of President Moi, who succeeded Kenyatta, that the contradictions of authoritarian dependent capitalist development became more evident and explosive.

The Era of Neoliberal Authoritarianism

Under the Moi presidency authoritarianism scaled to new heights. Following the attempted coup of 1982, a constitutional amendment was passed making Kenya formally a one-party state. The centralization of power intensified as associational space shrunk; KANU was revitalized, the security apparatuses were strengthened, and a personality cult created around the president. Civil society organizations with any oppositional potential were banned outright, muzzled by draconian laws, or tamed by being incorporated into KANU, a fate that befell, respectively, ethnic associations such as the once powerful GEMA (Gikuyu, Embu, and Meru Association), the weakened trade union movement, COTU (Central Organization of Trade Unions), and the women's movement, Maendeleo ya Wanawake. Not even the once vibrant growers associations escaped as the Moi regime banned or reorganized farmers' unions. Only religious groups and a few professional organizations such as the Law Society of Kenya escaped the tightening noose of tyranny.¹⁹

As social movements were driven underground, KANU was turned into a powerful weapon to discipline members of the political class themselves, and a dreaded mechanism of patron-client dispensations of resources. Enforcing the deteriorating political order were emboldened security organs of the state, especially the dreaded police agency, the GSU (General Service Unit) and intelligence service, and the DSI (Directorate of Security Intelligence). The Kenyan state was transformed from what some have called the 'imperial presidency' under Kenyatta to 'personal rule' under Moi, whose often incoherent and paranoid utterances were dignified by his intellectual sycophants as a philosophy—'Nyayo philosophy'.

The Moi presidency coincided with the bleakest period in postcolonial African history, the era of structural adjustment programs (SAPs) that created the conditions, unintended by the architects of these programs of course notwithstanding their retrospective claims to the contrary, for the resurgence of struggles for the 'second independence'—for democratization. The introduction of SAPs reflected the conjunction of interests between fractions of the national bourgeoisie that had outgrown state patronage and global capital that

sought to dismantle the post-war fetters of Keynesian capitalist regulation. This is to qualify conventional analyses of SAPs in Africa as conspiracies against the continent: SAPs were welcomed by fractions of the African capitalist class and were applied in the core capitalist countries themselves. The relatively harsher consequences of SAPs for Africa and other countries in the global South reflected the enduring reality that economically weaker countries and the poorer classes always pay the highest prices for capitalist restructuring.²⁰

The rise of SAPs reflected the global ascendancy of neo-liberalism and the decline of Keynesian economic policy-making, and was boosted by the rise to power of conservative, 'free' market-oriented governments in the leading industrial economies from Thatcher in Britain to Reagan in the United States to Kohl in Germany to Mulroney in Canada. SAPs were pursued with missionary zeal by the international financial institutions, the International Monetary Fund (IMF) and the World Bank, and imposed on the developing countries experiencing difficulties with their balance of payments. Many African countries found themselves in that situation as their external accounts deteriorated thanks to the oil shocks of the 1970s, declining terms of trade, and mounting internal problems of accumulation. The SAPs called for currency devaluation, interest and exchange rate deregulation, liberalization of trade, privatization of state enterprises, and withdrawal of public subsidies, and retrenchment of the public service; in short for a minimalist state and extension of the market logic to all spheres of economic activity.

The results were disastrous for African economies. Structural adjustment failed to stem the tide of stagnation or even decline, and stabilise and return these economies to the path of growth and transform their structures. If anything, structural adjustment became part and parcel of the dynamic of decline in African economies. Initially, the Fund and the Bank dismissed the difficulties that were evident as temporary. As the problems persisted, the blame was shifted to African governments and the behaviour of their supposedly corrupt, rent-seeking elites who were allegedly reluctant to reform and give up their 'illicit' privileges accumulated under the old interventionist model of development that encouraged the flowering of growth-retarding patronage and clientelist systems. By the 1990s it had become clear that SAPs were deeply flawed in conception and execution, and they had little to show, that it made little sense to apply the same lethal medicine on countries of vastly different economic experiences and ailments. Kenya's economic growth rate went from 6% in 1973 to 4% in 1990 and 0% in 2000.

Structural adjustment not only failed to deliver economic development, it bolstered authoritarianism in so far it was often imposed with little parliamentary let alone popular participation. The SAPs reinforced the triple crises of legitimation, regulation, and sovereignty for the postcolonial state, on the one hand, and fuelled struggles for fundamental transformation, on the other, culminating in the crusade for the 'second independence'. Structural adjustment did not introduce state monopolies of production and power; in fact, it sought to tame it, but it could only be implemented by authoritarian states. The miseries of the two lost decades of structural adjustment engendered new struggles for democracy and development, as the increasingly pauperised middle classes and the working masses rose in defiance against the tottering leviathan, as reenergised old and new civil society organizations emerged from underground, as opposition parties resurfaced from the political wilderness.

The Birth Pangs of Democratic Developmentalism

The road to democracy in Africa has proved long and arduous. In 1990, all but five of Africa's 54 countries were dictatorships, either civilian or military. By 2000, the majority of these countries had introduced political reforms and had become either democratic or were in the process of becoming so. The African transitions to democracy from the late 1980s were

quite varied and characterized by progress, blockages, and reversals. The actual mechanisms and modalities of transition from dictatorship to democracy took three broad paths.²¹

First, there were countries in which opposition parties were legalized and multiparty elections authorized through amendments to the existing constitutions by the incumbent regime. This pattern was followed mainly in one-party states in which the opposition forces were too weak or fragmented to force national regime capitulation and the regimes still enjoyed considerable repressive resources and hegemonic capacities. Second, there were countries where the transition to democracy was effected through national conferences in which members of the political class and the elites of civil society came together to forge a new political and constitutional order. Finally, there was the path of managed transition pursued by military regimes, which tried to oversee and tightly control the process and pace of political reform. Kenya fell into the first category.

Debate on Africa's democratization processes and prospects has centered on four interrelated issues, namely, the relative roles of (1) internal and external factors; (2) historical and contemporary dynamics; (3) structural and contingent factors; and (4) economic and political dimensions. Suffice it to say, a comprehensive understanding of democratization in Africa would have to transcend these dichotomous analyses. Clearly, the struggles for democracy in the 1980s and 1990s represented the latest moment of accelerated change in a long history of struggles for freedom, an exceptionally complex moment often driven by unpredictable events and new social movements and visions, anchored in the specific histories, social structures, and conditions of each country, in which national, regional, and international forces converged unevenly and inconsistently, and economic and political crises reinforced each other, altering the terrain of state-civil society relationships, the structures of governance, and the claims of citizenship.

Fundamental to the question of democracy in Africa have been different conceptions and visions of what democracy means and entails. Again, this need not detain us here, except to point out that the views range from minimalist conceptions of liberal democracy emphasizing competitive electoral processes and respect for civil and political rights, to maximalist notions of social democracy embracing material development, equality and empowerment, and respect for the so-called three generations of rights: civil and political, social and economic, and development or solidarity rights.²²

Five prescriptive models can be identified in the writings of African political thinkers and leaders, what I call the nativist, liberal, popular democratic, theocratic, and transnational models. The first, seeks to anchor democracy in traditional institutions of governance; the second limits democracy to multiparty politics and periodic electoral contests to promote the trinity of good governance—efficiency, accountability, and transparency; the third, advocates basing both the political and economic domains on democratic principles; the fourth, invokes religious visions and discourses about political transformation and organization; the fifth, offers seeks the reconstitution of African states through their regionalization to meet the challenges of both colonial balkanization and contemporary globalization.

The transition to democracy in Kenya started at the turn of the 1990s with the resurgence of civil society organizations.²³ These included non-governmental organizations, many supported by western donors, that had emerged to address the social crises engendered by structural adjustment; religious movements both old and new encompassing the three major religious traditions in Kenya—Christianity, Islam, and the traditional religions; the women's movement coalesced around new organizations such as the League of Kenya Women Voters and the National Commission on the Status of Women, all formed in 1992, that espoused more radical feminist agendas; and the youth movement that tapped into the frustrations and aspirations of what Mshai Mwangola calls the Uhuru Generation (UG), which was not 'fixated on the recovery of the lost promises of uhuru,' as was the Lost

Generation (LG) that came off age after independence and was marginalized by the Lancaster House Generation (LHG) that brought independence, but looked ‘forward to implementing its unrealized potential.’²⁴ The youth movement encompassed groups and activities ranging from youth wings to vigilante groups, such as the dreaded Mungiki, and student activism on university and college campuses.²⁵

It was in this climate that the opposition political parties emerged. They were comprised of disaffected renegades from KANU keen to regain their access to the spoils of state power, civil society activists committed to reforming the political system, and underground militants ready to challenge the regime openly. The three groups sought restorative, reformative, and transformative agendas, respectively. As the struggles for democratization intensified, western donors rediscovered the virtues of good governance and minimalist democracy and sought to channel the process by increasing political conditionalities for loans prior to the elections of 1992 and 1997 and tempering the demands of the opposition during electoral intervals. Although the opposition won the majority in both elections, President Moi was returned to office with 36.3% of the vote in 1992 and 40.1% in 1997 because the splintered opposition had fielded several candidates.

The failure to dislodge KANU from power in the two elections showed the limits of the civil society organizations and opposition parties. But KANU’s concession to multiparty politics and revision of key constitutional provisions demonstrated their increasing strength and the crumbling of the authoritarian order. The pro-democracy movement suffered from the lack of clear objectives, failure to articulate a unifying ideology, crisis of leadership, inability to mobilize and retain devoted followers, and dependency on external resources, which compromised their autonomy and made them vulnerable to state attacks on their ‘patriotism’. More specifically, the opposition parties were riven by factionalism, ethnocentrism, and the egotistical ambitions of their founders, and debilitated by low levels of institutionalization, internal democracy, shortages of resources, and the inability to define distinctive party policies and programs. This proved perilous in the face of continued dominance by the ruling party and its capacity to harass, intimidate, co-opt members of the opposition, and sponsor ethnic clashes to undermine the appeal of multiparty politics and terrorize opposition supporters. In 1992, ethnic clashes ravaged the Rift Valley and in 1997 the coastal province. Altogether, 2,000 people were killed and 500,000 displaced altogether; higher in fact than the casualties of the 2007-8 violence.²⁶

In the 2002 general elections, the opposition parties banded together into National Rainbow Coalition (NARC), which finally dislodged KANU from office, bringing to an end nearly 40 years of KANU rule. Kenyans were electrified by the possibilities of the new era, by the tantalizing possibilities of constructing a new democratic developmental state, one that embodies the principles of electoral democracy, ensures citizens’ participation in the development and governance processes, and fosters growth and development. In short, a democratic developmental state is characterized by institutional autonomy and coherence and inclusive embeddedness operating in a democratic order marked by competitive and accountable electoral systems and has the capacity to promote development and growth.²⁷

The early signs seemed promising as political and civil freedoms expanded and the economic stagnation of the Moi years receded; the country’s economic growth rate jumped from 0.6% in 2002 to 6.1% in 2006. Buoyed by this robust growth, the government unveiled its ambitious Kenya Vision 2030, a development blueprint to turn Kenya into a newly industrializing ‘middle income country providing high quality of life for all its citizens by the year 2030.’ This represented the fourth phase of postcolonial Kenya’s development strategy that sought to reprise the ambitions of the first two and redress the lessons of the third.

But the euphoria did not last, for the social and structural deformities of the postcolony remained as entrenched as ever. Although the next five years saw the growth of

both democracy and the economy, the marriage between democracy and development remained unfulfilled. The chickens came home to roost following the disputed elections of December 2007 and the violent aftermath. When the presidential election results were hurriedly announced the night of December 30, declaring the incumbent President Kibaki the winner over the main opposition leader, Raila Odinga of the ODM (Orange Democratic Movement), election observers expressed surprise, the opposition cried foul, riots erupted, and the country teetered on the brink of an unprecedented crisis. The elections had promised to achieve an extraordinary development: unseating an incumbent president through the ballot box after only five years in power. This would have been unprecedented in Kenyan history, and is rare in Africa where incumbents typically serve the constitutional two terms and some even try to rig their way into illicit third terms.

The contest between the octogenerian Mr. Kibaki and the flamboyant Mr. Odinga represented a generational struggle for power. One of the ironies of contemporary Africa is that countries that have enjoyed relative political stability since independence, such as Kenya, Malawi, and Senegal, are still ruled by the nationalist generation that brought independence, while the countries with more turbulent histories have long made the generational transition. In this sense, the Kenyan election was a referendum between the older and the younger generations, between Mshai's Lancaster House Generation and Lost Generation. President Kibaki and his PNU (Party of National Unity) run on this economic record, while the opposition claimed it could achieve even faster growth unadulterated by corruption. One sought continuity, the other promised change. In reality, there was little difference in the programs of the PNU and ODM and their contending presidential candidates.

As is often the case in such contexts, the absence of policy differences was more than made up by the personality and symbolic differences of populism in which Mr. Odinga bested the president. The electoral contest between continuity and change partly reflected the glaring mismatch between growth and development, both socially and spatially, and tapped into deep yearnings for a new socioeconomic dispensation, a restless hunger for broad-based development frustrated by neo-liberal growth. Kenya's economic recovery from 2002 largely benefited the middle classes rather than the workers and peasants. Even among the middle classes, the benefits flowed unequally between those in the rapidly expanding private service sectors rather than in the retrenched and decapitalized public sectors, which had been under assault since the days of structural adjustment in the 1980s. For many Kenyans, therefore, the economy may have been doing well, but they were not.

If the economic growth after 2002 stoked expectations of development, the unequal distribution of wealth thwarted those expectations and engendered popular frustration, while democracy gave a new vent to express the frustrations. Anti-corruption discourse, the widespread popular distaste against corruption was both real and rhetorical in so far it reflected disgust at actual corruption scandals and invoked deep disaffection among many Kenyans who felt left out of the rapidly growing economy; it was a critique of rising economic class inequalities.²⁸ In the authoritarian past there was no political alternative to the one-party state, now the discontented electorate could transfer its hopes for development to the opposition, even if the investment in the opposition did not promise to yield different dividends. In short, the expansion of democratic space led to rising expectations that were increasingly frustrated and manipulated by rival politicians entrenched in the divisive politics of ethno-regional mobilization.

Class is not a reliable predictor of political loyalties and voting behavior even in the so-called developed countries. Often far more powerful are the constructed identities of ethnicity or race. This is not simply because politicians mobilize ethnicity for electoral purposes, which they do and Kenyan politicians are notoriously adept at playing the ethnic card. Rather, general elections are performances played out on two different levels: elections

for members of parliament are local or regional political events, while elections for the president are national events. The former tend to be characterized by intra-ethnic or intra-regional contestations in which members of the same region or ethnicity compete and lose to each other, while in the latter electoral competition and behavior mutate into inter-ethnic or inter-regional contestations. Thus, while many politicians lost in their own constituencies among their 'own' people, the presidential election inflamed regional and ethnic passions.

Media reports on the Kenyan elections and post-electoral violence blamed them on the proverbial 'tribalism' of African politics. The ethnicization of politics in Africa or Kenya is not a reflection of some atavistic reflex, or simply the result of elite political manipulations or primordial cultural affectations among the masses, even if the elites do indeed use ethnicity and the masses are mobilized by it. Imagined ethnic and national histories are of course not about the past, but the present; they are part of the discursive and political arsenal for claim making in the present and for the future. As we have learned from African studies, we need to distinguish between 'moral ethnicity', that is, ethnicity as a complex web of social obligations and belonging, and 'political ethnicity', that is, the competitive confrontation of 'ethnic contenders' for state power and national resources.²⁹ Both are socially constructed, but one as an identity, the other as an ideology. Ethnicity may serve as a cultural public for the masses estranged from the civic public of the elites, a sanctuary that extends its comforts and protective tentacles to the victims of political disenfranchisement, economic impoverishment, state terror and group rivalry. In other words, it is not the existence of ethnic groups, or racial groups for that matter, which is a problem in itself, a predictor of social conviviality or conflict, but their political mobilization.

Ethnicity in Kenya is tied in complex and contradictory ways to the enduring legacies of colonial and postcolonial uneven regional development. The ethnic narrative of Kikuyu-Luo rivalries tends to ignore a simple fact that not all Kikuyus are dominant and not all Luos are disempowered. Colonial, neo-colonial and neo-liberal capitalisms have bred class differentiations within communities as much as they have led to uneven development among regions. In other words, Kikuyu and Luo elites have much more in common with each other than they do with their co-ethnics among peasants and workers who also have more in common with each other across ethnic boundaries than with their respective elites. This is a reality which both the elites and the masses *strategically ignore*, during competitive national elections because the former need to mobilize and manipulate their ethnic constituencies in intra-elite struggles for power, and the latter because elections offer one of the few moments to shake the elites for the crumbs of development for themselves and their areas.

The Dawn of the Second Republic?

Few could have predicted that a little more than two and half years after the post-election carnage, Kenyan would be celebrating the passage of a new constitution, let alone that the drive for the new constitution would be led by the protagonists of the 2007 post-electoral crisis, President Kibaki and Prime Minister Odinga. Their close partnership reprised the Kenyatta-Odinga and Kikuyu-Luo alliance of the decolonization era. The referendum capped more than four decades of struggle for a new constitutional dispensation, which started in the dark days of the de facto, then de jure, one-party-state and peaked from the 1990s as pressures escalated from an enraged and energized civil society and emboldened if often self-serving opposition politicians itching to get back into the corridors of power.

The fratricidal post-election violence and explosive political stalemate was brought to an end by the National Accord and Reconciliation Act of 2008. Under it the position of Prime Minister was created and the new power-sharing government was committed to establishing a new constitution as a top priority. The new arrangements accelerated the erosion of the

symbols and substance of the 'imperial presidency'.³⁰ Prodded by an anxious population fearful of a repeat of 2007 in the forthcoming elections of 2012, and an international community impatient with the dangerous shenanigans of the political class, an ambitious draft constitution was negotiated and agreed upon. In delivering the vote, the President assured himself a burnished legacy as the 'Father of the second Republic', while the Prime Minister earned a head start to the presidency in 2012.³¹

The resounding victory of the 'Greens' was a tribute to the virtues of the draft constitution itself, the power of incumbency by the 'Green's' who were led by the President and Prime Minister, and the ineptitude and bankruptcy of the 'Reds.' The latter trotted out former President Moi who only served to remind voters of the old Kenya of corruption, tribalism, repression, impunity, and stagnation.³² The 'Reds' also concentrated on blatant misrepresentations and contrived controversies over abortion (the constitution forbids it except when 'the life or health of the mother is in danger') and the dangers of Muslim courts (Kadhi courts are not new in the country's legal system). The 'No' politicians and church leaders seemed to be running a rightwing American campaign; indeed, there were accusations that some were bankrolled by American Christian fundamentalists and anti-Muslim fanatics.

The new constitution goes a long way in dealing with many of the challenges that have bedeviled Kenya since independence. Three features stand out. First, it entrenches a bill of rights in which all the so-called three generations of rights (civil and political, social and economic, and solidarity rights that include development and environmental rights) are recognized. Specific provisions are included to promote gender equality (in which women are to get a third of all leadership positions at national and county levels and in the civil service) and the rights of children, persons with disabilities, the youth, older members of society, and minorities and marginalized groups. Underpinning the conception and implementation of the bill of rights is an inclusive notion of citizenship in which dual citizenship for Kenya's rapidly growing diaspora is explicitly acknowledged.

Second, the new constitution lays out a clear separation of powers between the executive, legislature, and judiciary and their respective limitations. Parliament is expanded to include the National Assembly and the Senate representing the counties. The electorate is given the right of recall. The president is limited to two terms and can be removed on grounds of incapacity or by impeachment. His power to nominate cabinet secretaries, the attorney general, director of public prosecutions, and the chief justice and deputy chief justice is subject to parliamentary approval. As for the judiciary, the Chief Justice is limited to a maximum term of ten years and can also be removed from office under certain conditions. The constitution identifies three types of courts, the superior courts (Supreme Court, the Court of Appeal and High Court), special courts with the status of the High Court established by parliament to hear and determine disputes related to employment and labor relations, the environment and the use and occupation of, and title to, land, and subordinate courts including magistrates courts, kadhi's courts, and Courts Martial.

Third, the constitution entrenches the principles and structures of devolved government. The objectives are spelled out with admirable clarity: 'to promote democratic and accountable exercise of power; to foster national unity by recognising diversity; to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them; to recognise the right of communities to manage their own affairs and to further their development; to protect and promote the interests and rights of minorities and marginalised communities; to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya; to ensure equitable sharing of national and local resources throughout Kenya; to facilitate the decentralisation of State organs, their functions and services, from the capital of Kenya; and to enhance checks and balances and the separation of powers.' There

will be 47 county governments each with an executive and an assembly headed by an elected governor and deputy governor who are also subject to removal for violation of the Constitution, abuse of office, criminal acts, or incapacity.

There can be little doubt that this constitution is far superior to the independence constitution. Unlike the latter drawn by the imperialists and negotiated with a handful of nationalist leaders at Lancaster House with hardly any public input, the 2010 constitution is homegrown and has involved a protracted participatory process and if there are any external overseers at all for the new dispensation they are eminent African leaders led by former UN Secretary General Kofi Anan.³³ While both constitutional projects were triggered by mass protests and aspirations for self-determination, development and democracy, they represent different dynamics and historical moments and projects.

In national histories, as is sometimes the case in individual lives, moments of crisis can present new opportunities as nations are forced to confront their political and social demons and begin to muster the will to refashion themselves anew, to reinvent themselves as imagined national communities of citizens. One possible organized manifestation in this process of national self-reckoning is constitutional reform. Constitutions reflect the prevailing and aspirational political culture and values. They embody abstract and concrete expressions of the national imaginary, a register of the national consensus on the dos and don'ts, of collective rights and responsibilities. Constitutional documents and arrangements represent the working institutions and structures of governance, a kind of 'power map' guiding and governing the allocation of authority and duties among state functionaries as well as relations between the state and civil society.³⁴

Clearly, constitutions do not guarantee constitutionalism, but without well-articulated constitutional principles and provisions there can be little prospect for constitutionalism. Many African constitutional scholars believe that the core elements of constitutionalism should include, at a minimum, the recognition and protection of fundamental rights and freedoms, the separation of powers, the rule of law, and the protection and promotion of institutions that support democracy. Like other recent African constitutions, which have sought to shed their authoritarian colonial heritage, the new Kenyan constitution seeks to incorporate all these elements.

The question that has faced countries that have incorporated the second and third generation rights in their constitutions in their conception of fundamental human rights and freedoms, which is often encapsulated in the notion of the right to development, centers on their justiciability, that is, enforceability. In some narrow legalistic circles, rights only exist if they are enforceable. Others caution against excessive reliance on justiciability as the primary means to realize the progressive implementation of social, economic, and solidarity rights, arguing that such rights can best be mainstreamed principally through political pressure on the elected executive and legislative branches of government.³⁵

In other words, what is at stake is not simply enforceability but implementability, which requires the creation of effective monitoring agencies or consultative forums. This raises the question of resources, the extent to which the realization of the right to development should be made dependent on resource availability. To some this underscores the inherent practical limits of economic, social, cultural and solidarity rights, while to others it is an argument for inaction. They point out that once these rights are recognized, it is the responsibility of states, individually and collectively through international cooperation, to ensure that the available resources are used effectively to ensure their progressive realization.

African countries differ in their views on the justiciability of economic, social, cultural and solidarity rights. In Ghana and Nigeria, for example, these rights are cast as Directive Principles of State Policies, while in South Africa they are constitutional obligations--the state is expected to respect, protect, and fulfill the right to housing, health,

and other elements of economic, social, and cultural rights. The South African Constitutional Court has done much to clarify and mainstream the justiciability of these rights.

The new Kenyan constitution also reflects what has now become common practice in recent African constitution making in the way it frames and seeks to entrench the separation of powers by providing checks and balances and curtailing the powers of the executive. The degree to which this has been achieved in practice continues to vary depending on the clarity and strength of the constitutional provisions, enforcement mechanisms, the relative independence of the judiciary in terms of both relational independence (nature of judicial appointments and conditions of service) and functional independence, and the prevailing political culture and culture of politics. In many countries, it has proven difficult to wean politicians from the clientelist politics of 'Big Man' sycophancy, especially where ruling parties enjoy large parliamentary majorities.

The rule of law entails abiding by the principles of legality and protection from the arbitrary exercise of power as well as the principle of equality before the law. Critical for constitutionalism are the methods by which the constitutionality of laws is determined. South Africa set up a Constitutional Court that reviews actual violations of existing laws and potential violations of pre-promulgated legislation. In the new Kenyan constitution judicial review 'for redress of a denial, violation or infringement of, or threat to, a right or fundamental freedom in the Bill of Rights' resides with the High Court.

Also critical has been the question of the process by which constitutional amendments are made. In many of the new African constitutions, great efforts have been made to raise the bar for constitutional amendments to avoid abuses by would-be dictators. Quite well-known are efforts to change terms of office--to extend them beyond the customary two terms by leaders who suddenly convince themselves that they are indispensable. There are other less publicized but equally troubling threats to constitutionalism and the rule of law in many of Africa's new constitutional democracies. The Kenyan constitution provides amendatory procedure through parliament or by popular initiative.

Constitutionalism and democracy, which are not synonymous, need each other for both to thrive. In essence, constitutionalism entails the institutionalization of respect for human worth and dignity. Crucial to forging the synergistic relationship between constitutionalism and democracy is the creation and entrenchment within the constitution of autonomous institutions whose primary purpose is the promotion of democracy. To use the example of South Africa again, six such institutions are listed, namely, the Public Prosecutor, Human Rights Commission, Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Minorities, Commission for Gender Equality, Auditor General, and the Electoral Commission.

The Kenyan constitution identifies ten independent commissions specifically charged to '(a) protect the sovereignty of the people; (b) secure the observance by all State organs of democratic values and principles; and (c) promote constitutionalism.' They are: the National Human Rights and Equality Commission, the National Land Commission, the Independent Electoral and Boundaries Commission, the Parliamentary Service Commission, the Judicial Service Commission, the Commission on Revenue Allocation, the Public Service Commission, the Salaries and Remuneration Commission, the Teachers Service Commission, and the National Police Service Commission.

With the passage of the new constitution Kenya has entered the mainstream of contemporary African constitution making. This in itself is a welcome development for a country that is so vital for peace and stability in the East African region. It is certainly an achievement for its people in their age-old struggles for a constitutional dispensation that advances the long-cherished dreams of uhuru for self-determination, development, and democracy. But drafting and passing a new constitution is only part of the struggle for a more

productive future, for creating empowered citizens and progressive governments devoted to fundamental social transformation.

In short, constitutions are not a panacea in the absence of political will: the eternal vigilance of the demos, the commitment of the political class, and the existence of enforcement mechanisms. Both the rulers and ruled, the citizens and the political class, have to believe in the legitimacy of the constitution, in the core values it espouses and represents, and there has to be institutional capacity for constitutional monitoring and implementation. We are all only too aware of African leaders who have brazenly abrogated or subverted well-crafted constitutions.

Democratization is a work in progress all over the world, notwithstanding claims of democratic maturity in some countries. The recent Kenyan crisis underscores the severe challenges of democratic transition, never mind the questions it raises about the prospects of democratic consolidation. Examples abound that as the suffocating lid of state tyranny is lifted during moments of democratic transition the suppressed voices and expectations of civil society surge, but the stresses and strains arising from the competitive grind of democracy often find articulation in the entrenched identities, idioms, and institutions of ethnic solidarity. The challenges facing Kenya and Africa's democratic experiments in general are many and complex indeed. They include the reconstruction of the postcolonial state, decentralization and devolution of power, entrenching constitutionalism, safeguarding human rights and the rule of law, instituting structures for the effective management of ethnic and other cultural diversities, promoting sustainable development, reducing uneven development, empowering women, promoting the youth, and managing globalization.

This demands a leadership that is truly up to the challenge, a leadership that pursues a *national* project of profound social transformation that eschews narrow and shortsighted exclusionary politics and neo-liberal economic growth. Kenya's contenders for power in the 2007 elections seemed keen to retain or gain power at all costs. The power struggle was as sinister as the differences among the leaders were small. But it is often the very narcissism of minor differences, which breeds gratuitous violence and viciousness, as histories of genocide demonstrate. The leading politicians engaged in combat whose followers were busy tearing their lovely country apart were members of the same recycled political class committed to neo-liberal growth that offer no real solutions to Kenya's enduring challenges of growth and development, choiceless democracy and transformative democracy.

The trajectory of Kenya's recent politics is part of a much larger story. The absence of articulated and organized institutional and ideological alternatives under neoliberalism is at the heart of the political crisis facing contemporary Africa and much of the world. It has led, thus far, to the ossification of politics, and in some countries, the premature abortion or aging of elections as instruments of transformative change. The specter of choiceless democracies³⁶ is not confined to countries in the global South, for in many parts of the global North including the United States the ideological divide between the major parties is often indecipherable, the result of which is both political apathy and polarization as the electoral process is left to fanatics and more switch off. For the more fragile postcolonial societies, the danger is not apathy, but anarchy.

Having crossed this constitutional Rubicon³⁷, Kenya has given itself a fresh start that could rescue it from the debilitating history of political instability, economic stagnation, and social decay. Over the last two decades since the onset of the current wave of democratization, Africa has been awash with constitutional reforms, but the results have not always been edifying. After the celebrations and congratulations from abroad are over, Kenyans must start the strenuous work of turning the new constitution into reality.³⁸ As several prominent Kenyan public intellectuals warn, the public has to keep a watchful eye on the politicians as the country 'has experienced too many false starts in the past.'³⁹ Only when

the national renewal ushered by the new constitution begins to take hold, may future historians say the referendum indeed marked the rebirth of the nation, the dawn of Kenya's 'Second Republic'.

REFERENCES

- Ake, Claude. *Democracy and Development in Africa*. Washington, D.C.: Brookings Institution Press, 1995.
- Akonor, Kwame. *Africa and IMF Conditionality: The Unevenness of Compliance, 1983-2000*. New York: Routledge, 2006.
- Anderson, David. "Vigilantes, violence, and the politics of public order in Kenya." *African Affairs* 102, 405 (2002): 531-555.
- Anderson, David. *Histories of the Hanged: The Dirty War in Kenya and the End of Empire*. New York: W.W. Norton, 2005.
- Atieno-Odhiambo, E.S. *Mau Mau & Nationhood: Arms, Authority & Narration*. Athens: Ohio University Press, 2003.
- Berman, Bruce and John Lonsdale. *Unhappy Valley: Conflict in Kenya and Africa: Book One: State and Class*. Athens: Ohio University Press, 1992.
- Berman, Bruce and John Lonsdale. *Unhappy Valley: Conflict in Kenya & Africa, Book 2: Violence & Ethnicity*. Athens: Ohio University Press, 1992.
- Berman, Bruce. *Control & Crisis in Colonial Kenya: The Dialectic of Domination*. Athens: Ohio University Press, 1999.
- Branch, Daniel. *Defeating Mau Mau, Creating Kenya: Counterinsurgency, Civil War, and Decolonization*. New York: Cambridge University Press, 2009.
- Bratton, Michael and Nicolas van de Walle. *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*. Cambridge University Press, 1997.
- De Walle, Nicolas Van. *African Economies and the Politics of Permanent Crisis, 1979-1999*. Cambridge University Press, 2001.
- Denoon, Donald. *Settler Capitalism: The Dynamics of Dependent Development in the Southern Hemisphere*. New York: Oxford University Press, 1983.
- Edigheji, Omano. *A Democratic Developmental State in Africa? A Concept Paper*, Centre for Policy Studies, Johannesburg, May 2005.
- Edigheji, Omano. *Constructing a Democratic Developmental State in South Africa: Potentials and Challenges*. Pretoria: HSRC Press (April 2010)
- Elkins, Caroline. *Imperial Reckoning: The Untold Story of Britain's Gulag in Kenya*. New York: Owl Books, 2005.
- Elkins, Caroline. *Settler Colonialism in the Twentieth Century: Projects, Practices, Legacies*. New York: Routledge, 2005.
- Escobar, Arturo. "The Making and Unmaking of the Third World through Development." In *The Post-Development Reader* edited by Majid Rahnema and Victoria Bawtree. London: Zed Book, 1997.
- Eyoh, Dickson. "Community, citizenship and the politics of ethnicity in postcolonial Africa." In *Sacred Spaces and Public Quarrels: African Cultural and Economic Landscapes*. Trenton, NJ: Africa World Press, 1999, 271-300.
- Fombad, Charles Manga. "Post-1990 Constitutional reforms in Africa: A Preliminary Assessment of the Prospects for Constitutional Governance and Constitutionalism." In *The Roots of African Conflicts: The Causes and Costs* edited by Nhema, Alfred and Paul Tiyambe Zeleza. Athens, Ohio: Ohio University Press, 2008, 179-199.
- Gaitho, Macharia. "Farewell Imperial Presidency." *Daily Nation*, August 7, 2010.

- Geoff Lamb. *Peasant Politics; Conflict and Development in Murang'a*. New York: St. Martin's Press, 1974.
- Gertzel, Cherry. *The Politics of independent Kenya, 1963-8*. Chicago: Northwestern University Press, 1970.
- Haugerud, Angélique. *The Culture of Politics in Modern Kenya*. Cambridge University Press; 1st edition (April 1, 1997)
- Himbara, David. *Kenyan Capitalists, the State, and Development*. Boulder, Colorado: L. Rienner Publishers (January 1994)
- Ihonvbere, Julius. "Politics of Constitutional Reforms and Democratization in Africa." *International Journal of Comparative Sociology* 41 (2000): 9-25.
- Kagwanja, Peter. "Facing Mount Kenya or Facing Mecca? The Mungiki, ethnic violence and the politics of the Moi succession in Kenya, 1987–2002" *African Affairs* 102 (203): 25-49.
- Kaise, Paul J. and F. Wafula Okumu, eds. *Democratic Transitions in East Africa*. Surrey: Ashgate Publishing, 2004.
- Kayizzi-Mugerwa, Steve. *The African Economy: Policy, Institutions and the Future*. New York: Routledge, 1999.
- Kelly, Kevin. "Obama, Annan laud Kenyans over new Constitution." *Daily Nation*, August 6, 2010.
- Kitching, Gavin. *Class and Economic Change in Kenya: The Making of an African Petite-Bourgeoisie, 1905-1970*. New Haven: Yale University Press, 1980.
- Klopp, Jacqueline M. "Can Moral ethnicity trump political tribalism? The struggle for land in Kenya." *African Studies* 61, 2 (2002): 269-294.
- Leftwich, Adrian. *States of Development: On the Primacy of Politics in Development*. Malden, MA: Blackwell, 2001)
- Leys, Colin. *Underdevelopment in Kenya: The Political Economy of Neo-Colonialism, 1964-1971*. London: Heinemann, 1975.
- Lindberg, Staffan I. *Democracy and Elections in Africa*. Baltimore: The Johns Hopkins University Press, 2006.
- Lonsdale, John. "Moral ethnicity and political tribalism." In *Inventions and Boundaries: Historical and Anthropological approaches to the study of ethnicity and nationalism* edited by Preben Kaarsholm and Jan Hultin. Roskilde: Roskilde University Press, 1994.
- Lonsdale, John. "Moral Ethnicity and Political Tribalism." *Kenya Imagine*, April 21, 2008. Available at http://www.kenyaimagine.com/index.php?option=com_content&view=article&id=1338&catid=266:international&Itemid=128
- Mamdani, Mahmood. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton, NJ: Princeton University Press, 1996.
- Mkandawire, Thandika and Adebayo Olukoshi. *Between Liberalisation and Oppression: The Politics of Structural Adjustment in Africa*. Dakar: Codesria Book Series, 1995.
- Mkandawire, Thandika. "Thinking About Developmental States in Africa," *Cambridge Journal of Economics* 25 (2005): 289-314.
- Munene, Mugumo. "Raila the man to beat in 2012: Poll" *Daily Nation*, August 21, 2010.
- Murunga, Godwin and Shadrack W. Nasong'o, *Kenya: The Struggle for Democracy*. Dakar: Codesria Books and Zed Press, 2007.
- Mutiga, Murithi. "Obama: Kenya's new law a boon." *Daily Nation*, August 21, 2010a.
- Mutiga, Murithi. "Rebirth of a nation." *Daily Nation*, August 7, 2010b.
- Mutua, Makau. "Who won, and who lost, after the poll." *Daily Nation*, August 7, 2010.
- Mutua, Makau. *Kenya's Quest for Democracy: Taming Leviathan*. Boulder, CO: L. Rienner Publishers, 2008.

- Mwangola, Mshai S. Leaders for Tomorrow? The Youth and Democratization in Kenya." In *Kenya: The Struggle for Democracy* edited by Godwin Murunga and Shadrack W. Nasong'o. Dakar: Codesria Books and Zed Press, 2007, 129-163.
- Ngumo. "Kenyans have now crossed the Rubicon; there's no turning back." *Daily Nation*, August 5, 2010.
- Nhema, Alfred and Paul Tiyambe Zeleza. *The Resolution of African Conflicts: The management of Conflict Resolution and Post-Conflict Reconstruction*. Athens, Ohio: Ohio University Press.
- Nhema, Alfred and Paul Tiyambe Zeleza. *The Roots of African Conflicts: The Causes and Costs*. Athens, Ohio: Ohio University Press
- Njogu, Kimani. Healing the Wound. *Personal Narratives about the 2007 Post-Election Violence in Kenya*. Nairobi: Twaweza Communications (December 1, 2009)
- Obiero, Charles. *Bloodshed for Mr. President: An insight into Kenya's post election violence*. Saarbrücken, Germany: LAP Lambert Academic Publishing (April 27, 2010)
- Ochieng', William and Bethwell A. Ogot, eds. *Decolonization & Independence In Kenya: 1940-93*. Athens: Ohio University Press, 1996.
- Ochieng', William R. *A Modern History of Kenya, 1885-1980: Essays in Honor of B.A. Ogot*. Nairobi and London: Evans Brothers, 1988.
- Onyango-Obbo, Charles. "Why glory of the referendum belongs to 'No' campaigners." *Daily Nation*, August 7, 2010.
- Paulson, Jo Ann. *African Economies in Transition, Vol. I: The Changing Role of the State*. New York: Palgrave Macmillan, 1996.
- Percox, David. *Britain, Kenya and the Cold War: Imperial Defense, Colonial Security and Decolonization*. London: Tauris Academic Studies, 2004.
- Robinson, Mark and White Gordon, eds., *The Democratic Developmental State: Political and Institutional Design* (Oxford: Oxford University Press, 1998)
- Rothchild, Donald. *Racial Bargaining in Independent Kenya: A Study of Minorities and Decolonization*. New York, Oxford University Press, 1973.
- Rutten, Marcel and Alamin Mazrui. *Out for the Count: The 1997 General Elections and Prospects for Democracy in Kenya*. Kampala: Fountain Publishers, 2001.
- Sahn, David E., et al. *Structural Adjustment Reconsidered: Economic Policy and Poverty in Africa*. New York: Cambridge University Press (November 1, 1999) Cambridge University Press, 1999.
- Sandbrook, Richard. *Proletarians and African Capitalism: The Kenya Case, 1960-1972*. New York. Cambridge University Press, 1975.
- Schatzberg, Michael. *The Political Economy of Kenya*. New York: Praeger Publishers (November 17, 1987).
- Shaw, Caroline Martin. *Colonial Inscriptions: Race, Sex, and Class in Kenya*. Minneapolis: University of Minnesota Press, 1995.
- Shimoli, Eric. "The seven steps to a brave new Kenya." *Daily Nation*, August 5, 2010.
- Swainson, Nicola. *The Development of Corporate Capitalism in Kenya 1918-1977*. Berkeley: U of California Press, 1980.
- The Proposed Constitution of Kenya*. Available at <http://www.nation.co.ke/blob/view/-/913208/data/157983/-/l8do0kz/-/published+draft.pdf>
- Throup, David and Charles Hornsby. *Multi-Party Politics in Kenya: The Kenyatta and Moi States and the Triumph of the System in the 1992 Elections*. Athens: Ohio University Press, 1995.
- Wasserman, Gary. *Politics of Decolonization: Kenya Europeans and the Land Issue 1960-1965*. New York: Cambridge University Press, 1976.

- Woldemariam, Kasahun. *The Rise of Elective Dictatorship and the Erosion of Social Capital: Peace, Development, and Democracy in Africa*. Trenton, NJ: Africa World Press, 2009.
- Young, Crawford. *The African Colonial State in Comparative Perspective*. New Haven: Yale University Press, 1997.
- Zeleza, Paul Tiyambe and Philip McConaughay, eds., *Human Rights and the Rule of Law in Africa*. Philadelphia: University of Pennsylvania Press, 2004.
- Zeleza, Paul Tiyambe, "Human Rights and Development in Africa: Current Contexts, Challenges, and Opportunities." In *Human Rights, Regionalism and the Dilemmas of Democracy in Africa* edited by Lennart Wohlgemuth and Ebrima Sall. Dakar: Codesria Book Series, 2006: 57-96.
- Zeleza, Paul Tiyambe. "Democracy, Africa," in Maryanne Cline Horowitz, ed., *New Dictionary of the History of Ideas*, Volume 2. New York: Charles Scribner's Sons, 2005, 556-560.
- Zeleza, Paul Tiyambe. "Imagining and Inventing the Postcolonial State in Africa," *Contours: A Journal of the African Diaspora* 1, 1 (2003): 101-123.
- Zeleza, Paul Tiyambe. "The African Renaissance and Challenges of Development in the 21st Century," *Comparative Studies of South Asia, Africa and the Middle East* 29, 2 (2009): 155-170.
- Zeleza, Paul Tiyambe. "The Historic and Humanistic Agendas of African Nationalism: A Reassessment," in Toyin Falola and Salah Hassan, eds., *Power and Nationalism in Modern Africa: Essays in Honor of the Memory of the Late Professor Don Ohadike*. Durham, North Carolina: Carolina Academic Press, 37-53.
- Zeleza, Paul Tiyambe. "The Struggle for Human Rights in Africa," *Canadian Journal of African Studies* 41, 3 (2007): 474-506.
- Zeleza, Paul Tiyambe. *A Modern Economic History of Africa. Vol. 1: The Nineteenth Century*. Dakar: Codesria Book Series, 1993.
- Zeleza, Paul Tiyambe. *Manufacturing African Studies and Crises*. Dakar: Codesria Book Series, 1997.

NOTES

- ¹ For eyewitness accounts see the collection by Kimani Njogu (2009); also see, Charles Obiero, (2010).
- ² See Kagwanja and Southall (2009), 259.
- ³ These arguments are cogently developed in the award-winning essay by Susanne D. Mueller (2008). Nic Cheeseman and Daniel Branch (2009) develop many of these arguments further. Among a book length studies of the 2007 elections, see Jerome Lafarque (2009).
- ⁴ Zeleza (1993).
- ⁵ For an insightful analysis of the African colonial state, see Crawford Young (1996).
- ⁶ Mahmood Mamdani (1997).
- ⁷ Samir Amin (1975).
- ⁸ Thandika Mkandawire (1987).
- ⁹ For excellent comparative studies of settler colonialism, see Donald Denoon (1983) and Caroline Elkins (2005).
- ¹⁰ This section draws heavily on several standard studies on Kenyan colonial history including mine. Among them, see William Ochieng' (1988), Bruce Berman (1999), Berman and Lonsdale (1992a, 1992b), and Caroline Shaw (1995).
- ¹¹ For a recent account of the complexities and contradictions of African nationalism, see Paul Tiyambe Zeleza (2008)
- ¹² The literature on Mau Mau is now quite considerable. Besides Elkins' book, other recent studies that brilliantly trace the movement's origins, dynamics, divisions, brutalities of the British response, and legacies for postcolonial Kenya, see David M. Anderson (2005), Daniel Branch (2009), and E.E. Atieno-Odhiambo (2003).
- ¹³ The factionalization of politics among the Kenyan nationalists reflected deep divisions about their respective visions of the postcolonial state, economy, and society. The questions of land redistribution and the allocation of power loomed particularly large. Key contexts concerned the future role of the European settlers and the ideological rivalries Cold War. See, Rothchild (1973), Wasserman (1976), Ochieng' and Ogot (1996), and Percox (2004).
- ¹⁴ For a detailed examination of Africa's postcolonial conflicts, see Nhema and Zeleza (2008a, 2008b).
- ¹⁵ This section draws heavily from Zeleza (1997, 2010). Also see, Nicolas Van De Walle (2001) Jo Ann Paulson (1996), and Steve Kayizzi-Mugerwa (1999).
- ¹⁶ As quoted in Arturo Escobar (1997), 88.
- ¹⁷ The dynamics of Kenya's politics in the early post-independence years from the vantage point of the elites, peasants, and workers is covered by Cherry Gertzel (1970), Geoff Lamb (1974), and Sandbrook (1975).
- ¹⁸ Many of the influential studies of Kenya's economy during this period were written from dependency and Marxist perspectives. They include Colin Leys (1975), Nicola Swainson (1980, and Gavin Kitching (1980).
- ¹⁹ Kenya's political economy during these turbulent years is well-captured in the works of Michael Schatzberg (1987), David Himbara (1994), and Angeliqne Haugerud (1997).
- ²⁰ One of the best monographs on structural adjustment is the collection by Mkandawire and Olukoshi (1995). Also see, David Sahn, et al. (1999) and Kwame Akonor (2006).
- ²¹ The literature on democracy has grown rapidly. The works by Claude (1995) and Bratton and van de Walle (1997) remain classics. Also see, Staffan Lindberg (2006), Kasahun Woldemariam (2009).
- ²² This section draws from Paul Tiyambe Zeleza (2003, 2005) and Zeleza and McConnaughay (2004).
- ²³ For perceptive accounts of struggles for and transition to democracy in Kenya, see Godwin Murunga and Shadrack W. Nasong'o (2007) Paul Kaise and Wafula Okumu (2004), and Makau Mutua (2008).
- ²⁴ Mshai Mwangola (2007), 135.
- ²⁵ For intriguing analyses of Mungiki, see David Anderson (2002) and Peter Mwangi Kagwanja (2003).
- ²⁶ For extensive studies of these elections, see Throup and Hornsby (1995) and Rutten and Mazrui (2001)
- ²⁷ See the works by Thandika Mkandawire (2005), Mark Robinson and Gordon White (1998), Omano Edigheji (2005, 2010), and Adrian Leftwich (2001).
- ²⁸ For a gripping account of corruption in Kenya, based on the experiences of John Githongo, an anti-corruption Czar appointed by President Kibaki before he fled for his life, see Michela Wrong (2009).
- ²⁹ For various views on the concept of 'moral' and 'political' ethnicities, see Dickson Eyoh (1999), John Lonsdale (1994, 2008), Jacqueline Klopp (2002).
- ³⁰ Macharia Gaitho (2010).
- ³¹ See Makau Mutua (2010) and Munene Mugumo (2010).
- ³² See Charles Onyango-Obbo's (2010) satirical piece on the 'No' campaign's ineptness. The 'Yes' campaign (the Greens) got 6,092,593 (66.9%) of the vote against the 'No' campaign's (the Reds) 2,795,059 (30.1%).
- ³³ See Monica Juma (2009) who attributes the success of the coalition negotiations to the engagements of the African Union, various Kenyan stakeholders, the calibre and mediation skills of the mediation team, and the African character of the process And limited role, at least publicly, of Western actors.
- ³⁴ For a broad overview of African democratic constitutions, see Julius Ihonvbere (2000) and Charles Manga Fombad (2008).
- ³⁵ This section draws from Paul Tiyambe Zeleza (2006, 2007).
- ³⁶ See Thandika Mkandawire's (1999) influential paper on this subject.
- ³⁷ A phrase used by Ngumo (2010)
- ³⁸ See the following jubilant accounts in the Kenyan press, Eric Shimoli (2010), Kevin Kelly (2010), and Murithi Mutiga (2010a).
- ³⁹ Murithi Mutiga (2010b).