

The Kenyan State and the Ethnicity Challenge

Abstract This chapter highlights theoretical perspectives that provide a prism through which Kenya's politics is subsequently discussed. It argues that although ethnicity is a colonial construct, Kenya's post-colonial politicians chose to reify rather than demobilise it. This chapter interrogates the interface between ethnicity and political party politics, and state power in Kenya. 'Tribalism', as ethnicity is commonly known in Kenya, is not anachronistic but is part of modernity. The elite and the populace voted along tribal lines in response to perceived fears and the opportunities of modernity at stake. Although policies featured in Kenya's politics, they hardly inspired the electorate across the ethnic divide reducing elections to ethnic censuses. This does not imply that voting patterns in Kenya were immutable. Crosscutting ethnic voting took place but was more informed by ephemeral ethnic alliances than the individual voter's decision based on competing visions for the country.

Keywords Ethnicity · Modernity · Tribalism · Electorate
Ethnic census · Colonial

INTRODUCTION

This chapter shows that the idea that an ethnic group is a social construct that is reflected in the lack of a concrete definition. Although the word 'tribalism' is no longer in common usage in social science, I use it in the book. It is the word that Kenyans apply in discussing 'ethnicity'

and related challenges. The chapter demonstrates that ethnic politics is of relevance to Kenya's politicians who, together with the intelligentsia, instrumentalise ethnicity in contestation for political power and economic opportunities. In this context, ethnic politics has political and economic value in the sense that access to the benefits of modernity depends on ethnic affiliation as opposed to other considerations such as meritocracy, efficiency, probity and performance. This chapter repudiates the claim that tribal politics is a relic of a bygone era, and obtains only among the 'unsophisticated' masses alienated from the state and its benefits because of their socio-economic conditions. The chapter argues that a combination of patronage politics and inability to consolidate democracy following Kenya's transition into multiparty politics made it possible for politicians to exploit tribal politics in party formation and mobilisation. This stymied the emergence of class-based politics.

THE FLUIDITY OF ETHNICITY

The definition of the concept of ethnicity is controversial. Brown defines an ethnic group as that community which claims common ancestry and sees the proof of this in the fact that its members display distinctive attributes relating to language, religion, physiognomy or homeland origin (Brown 2000: 6). Although his work is relatively recent, Brown's definition is problematic because it suggests that one can identify members of a given ethnic group by physical appearance. This attribute is dangerous especially in the context of ethnic cleansing or genocide. Le Vine observes that of all the markers of ethnicity, language is universally recognised as the most significant (Le Vine 1997: 51). Wolff argues that ethnic markers make it possible to draw differences not only between individuals but also between groups (Wolff 2006: 34). Young and Turner argued that ethnicity is a relational concept in the sense that 'we' and 'they' are dichotomous concepts in the sense that, 'we' can only find relevance in 'they' and those who define themselves as 'we' ascribe to themselves positive attributes and reserve pejorative ones to the 'they' group (Young and Turner 1985: 139). In Kenya's context, some Kikuyu politicians exploited the circumcision ritual to mobilise against and dismiss their Luo counterparts as unfit to occupy the presidency since traditionally the Luo community did not practise circumcision. Ndegwa observed that the ritual had a status value among the Kikuyu (Ndegwa 1998: 202). Atieno Odhiambo put it succinctly when he quoted Freud, 'The narcissism of small differences'

he said of Kenya's politics, 'the tendency to think of ourselves as superior to others because of some laughably superficial and non-essential feature' (Atieno-Odhiambo 2002: 243). Thus the cultural aspects of an individual's identity came to be used in the political discourse to attack the capability of politicians. Thus the onetime MP for Limuru, George Nyanja, dismissed Oginga Odinga in 1992 by saying 'Odinga cannot lead anybody because he is not circumcised' (Oyugi 1997: 51).

Kasfir writing in the 1970s argued that some of the attributes of ethnicity such as language, territory, and cultural practices were objective because both insiders and outsiders of a given ethnic community saw them as bases for political mobilisation (Kasfir 1976: 77). However, Young contested this understanding. He argued that the defining attributes of ethnicity were not constant because communities were in a state of flux. He explained that in a given political situation, these defining attributes may include language, territory, political unit, cultural values or symbols while in another some of these attributes may be absent which meant that ethnic attributes were fluid (Young 1976: 48). Bates's view of ethnicity was in consonance with Young's in the sense that he upheld that ethnic groups were not objective but dynamic and in some cases were invented (Bates 1983: 165). Yet other scholars like Naomi Chazan and her associates suggest that ethnicity was an issue of subjective perception with regard to common origins, historical memories, ties and aspirations (Chazan et al. 1999: 108). Ultimately, the concept of ethnicity is fluid and political. In the Kenyan state, competition for resources such as land and political power and discriminatory government policies, accounted for the emotionalism with which people related to ethnicity. It also explained the emergence of power-centred tribal alliances in the lead up to elections.

THE DISCOURSE OF TRIBALISM

In this book, the word 'tribalism' and 'ethnicity' are used interchangeably. Kenyans themselves talk about 'tribe' and 'tribalism' while discussing the country's political and economic challenges. This is an aspect that a Kenyan scholar, Atieno-Odhiambo, acknowledged.¹ Archie Mafeje suggested that the 'ideology of tribalism' was significant to some intellectuals foreign to Africa and Africa's middle class for three reasons. First, he argued that the ideology of tribalism did not capture the dynamics of 'economic and power relations' among Africans and between Africa and the rest of the capitalist world. Second, he was of the view that the ideology

sought to draw ‘an invidious and highly suspect’ divide between Africans and the rest of the world. Third, Mafeje referred to the ideology of tribalism as ‘an anachronistic misnomer’ that hampered analysis of cross-cultural issues (Mafeje 1971: 261). Berman observed that there was a ring of stigma around the word ‘tribalism’ to such an extent that Western social scientists denounced it as ‘retrogressive and shameful, an unwelcome interruption of the pursuit of modernity’ but he emphasised that African politicians reinforced ethnic differences because ethnicity propped up patronage networks from which their power sprang (Berman 1998: 306).

John Lonsdale coined the term ‘political tribalism’ to refer to the salience of ethnicity in politics that differed from what he referred to as ‘ourselves-ing’, which refers in his view, to moral ethnicity (Lonsdale 2004: 76). Berman observed that moral ethnicity referred to internal communal matters that involved negotiations between people and their authority over issues such as rights to land and property—the innocuous aspect of ethnicity that other scholars such as Mamdani mentioned as well. Political tribalism in contrast emerged from the different ways in which colonialism impacted on different African communities especially with regard to access to resources of modernity and economic advancement (Berman 1998: 324). Kenyan politicians exploited political tribalism to incite co-ethnics against other communities and canvass for support during electioneering. Mamdani argued that tribalism played two divergent roles in colonial Africa. It provided the basis for indirect rule adopted by the British whereby local chiefs acted as agents of colonialism at the grass-roots level, and it was also through tribalism that resistance against colonialism happened. In Mamdani’s view, Ethnicity had a dual role whereby it signified both ‘the form of rule and the form of revolt against it. Whereas the former is oppressive, the latter *may be* (emphasis in source) emancipatory’ (Mamdani 1996: 183). In Kenya, the British employed direct rule but still underscored the element of tribe through the creation of ‘homogenous’ tribal reserves in which communities were confined.

THE MODERN STATE, ETHNICITY AND POWER

Horowitz argued that ethnicity had often been analysed in the context of modernization (Horowitz 1985: 97). He was of the view that there were three ways of relating ethnic conflict to the modernisation process. First is to dismiss ethnicity as a mere relic of an outmoded traditionalism that could not stand the incursions of modernity. Second is to regard ethnic conflict as a traditional but unusually stubborn impediment to

modernization. Third is to interpret ethnic conflict as an integral part—even a product—of the process of modernization itself (Horowitz 1985; 97). However, Horowitz argues that most modernisation theories are inadequate because they place emphasis on elites, the modern stratification system, and the modern sector of developing societies in general but do not sufficiently explain the conflict motives of nonelites, whose stake in the benefits being distributed is often tenuous at best (Horowitz 1985; 102). The modernization interpretation of ethnicity hinges on the argument that conflicts arise not because people are different but because they are essentially the same. Put differently, it is by making people ‘more alike’, in the sense of possessing the same wants that modernization tends to promote conflict (Horowitz 1985; 100).

Ethnicity is a phenomenon that post-colonial Kenyan politicians instrumentalised because of the fears and opportunities they encountered as they interacted with those whom they defined as the ‘other’. Leys attributed the emergence of ethnic consciousness in Kenya at the point when people had to compete against one another due to a change in the mode of production from a system based on barter to one based on profit:

The foundations of modern tribalism were laid when the various tribal modes and relations of production began to be displaced by a capitalist one, giving rise to new forms of insecurity, and obliging people to compete with each on a national plane for work, land and ultimately for education and other services...(Leys 1975: 199).

Like Leys slightly over two decades earlier, Berman illuminates the link between ethnicity and change in the mode of production and the resultant impact on post-colonial politics (Berman 1998: 311). Kenya’s successive governments, since colonial times, had politicised and accented ethnic diversity because this form of politics sustained the political and economic ends of the country’s politicians. Therefore, ethnic identity is a consequence of colonialism. Mafeje, writing four decades ago, argued that before the advent of colonialism, Africans identified themselves in terms of territory (Mafeje 1971: 254).

Ethnicity heightened and dissolved into violence with the advent of political pluralism in Kenya in 1991. Berman and other scholars suggest a link between ethnicity and the democratisation process in Africa but that the influence of ethnicity in Africa’s politics began with the divide and rule strategy during the colonial period (Berman et al. 2004; Posner 2005: 23). Horowitz argued that Africa’s ethnic groups are historical

constructs and the claim to ethnic distinctiveness began during the colonial period when most of them came into contact with one another for the first time (Horowitz 1985: 98). Why did colonialists accent ethnic identity? Mafeje contends that colonialists as well as anthropologists had an essentialist view of Africa in the sense that they regarded African communities as basically tribal. The emerging African elite socialised through the colonial education system reified tribal identity too (Mafeje 1971: 253). For Mafeje, then, the 'ideology of tribalism' explained the seemingly immutable view of Africa as tribally organised (Mafeje 1971: 253).

In Kenya, the reification of ethnicity led to ethnic profiling. Badejo², Raila Odinga's biographer, traced tribal innuendoes and stereotyping prevalent in Kenya's politics to colonialism (Badejo 2006: 45–46). Corola Lentz contended that 'cultural specialists' reified ethnic groups through the creation of the 'we' groups with the attendant attributes that distinguished them from the 'others' before the advent of colonialism. The author, however, observed that there was scant literature to prove this (Lentz 1995: 319–20).

Kenya's independence in 1963 eliminated colonialism as the adhesive that held various ethnic groups together. Yet Jomo Kenyatta and his close allies perpetuated the divide-and-rule tactic by defining the contestation for state power against rivals through the ethnic logic. Cooper explained that rents accrued from control of the gatekeeper state heightened stakes owing to the centralisation of power. The zero sum politics that characterised gate-keeping politics precipitated accusations of tribalism among the competing groups of politicians (Cooper 2002: 159). This set in motion the ethnic factionalism among politicians who invoked ethnicity in their struggle to access or monopolise power. The Kenyatta régime tried to convince the rest of the Kikuyu community to regard his régime as a Kikuyu entity that they had to collectively defend against competing tribes.

Mafeje argued that ethnicity was false consciousness, because the poor did not stand to benefit materially from tribalism and to that extent, their acquiescence to this type of politics predisposed them to exploitation by the ethnic apologists who purported to represent their interests (Mafeje 1971: 258–259). That is why the Jomo Kenyatta régime tapped into the ideology of tribalism to entrench itself in power and dismiss critics, politically ostracise and even assassinate opponents. Mafeje distinguished the cynical exploitation of the ideology of tribalism to maintain power from the people's noble intention to maintain 'the traditional integrity and autonomy' of their community in relation to other communities (Mafeje 1971: 258). Therefore the politicisation of ethnicity had a

disorganising affect on politics in Kenya and elsewhere on the continent. In this way too, violence became an option in vanquishing opponents and their supporters. Even after the advent of multiparty politics, Kenya had to contend with this obstacle as it struggled to transition to a new political ethos characterised by accountability, national identity, the rule of law³ and responsive governance.⁴

COLONIALISM AND ETHNICITY IN KENYA

The colonial penetration of Kenya and its uneven impact on different ethnic groups set the stage for the politicisation of ethnicity after independence. The Luhya, Luo and Kikuyu communities accessed education earlier than the nomadic and pastoral communities owing to contact with the missionaries (Ajulu 2002). It was therefore not coincidental that members of these communities featured prominently in Kenya's post-colonial politics and dominated the bureaucracy. The fact that these tribes were among the most populous in the country was significant too. Oyugi observed,

A combination of colonial attitudes and strategies and the responses to them by the various ethnic groups were later to provide the setting for future competition and conflict... the "development" strategies devised tended inevitably to benefit some groups at the expense of others. "Open" areas with more missionary stations received early and relatively better education... Education was to prove crucial as a criterion of access to gainful employment and other economic activities... some groups adapted much earlier than the others... (Oyugi 1997: 43).

Colin Leys observed that the Kikuyu adapted to the capitalist mode of production earlier than the other ethnic groups in Kenya (Leys 1975: 200). Traditionally, the Kikuyu prized individual as opposed to communal ownership of property such as land (Morton 1998: 132). The Jomo Kenyatta, Mwai Kibaki and Uhuru Kenyatta régimes built on the dominance of members of the community in Kenya's economy in comparison to other tribes. The economic impact of colonialism on other communities was varied. The Luo experienced a process of underdevelopment after an initial positive response to colonial markets in the 1930s (Hay 1976). Ajulu observed that the Luo were therefore reduced to providers of wage labour in the urban areas and on plantations while competition over fertile land in some parts inhabited by the Luhya resulted in

land fragmentation which forced its members to search for wage labour too (Ajulu 2002: 254). Tea and horticultural plantations were established in the Rift Valley region in which the Luo and Luhya had provided wage labour for years. This had rendered them vulnerable to cyclic state induced ethnic violence during the multiparty period and particularly the 2007–2008 post-election violence that afflicted workers in the horticultural farming in the Rift Valley sub-county of Naivasha.

The advent of colonialism in Kenya resulted in the ‘invention’ of certain ethnic groups (Lynch 2006: 237). Several culturally and linguistically related communities in the Rift Valley attained the name ‘Kalenjin’ during colonialism (Lynch 2006: 237). Ndegwa observed that other Kenyan communities such as the Luhya, Kikuyu, Giriama and Mijikenda were creations of colonialism as well (Ndegwa 1998: 601). The Luo had culturally and linguistically assimilated the Abasuba, a Bantu speaking tribe with close linguistic and cultural ties with the Baganda of Uganda, to the extent that the Abasuba had almost completely lost their identity as a distinct ethnic group (*Daily Nation*, 2010a, b). The invention of tribes was a phenomenon that took place across Africa. Berman suggested that pre-colonially, ethnic groups such as the Shona of Zimbabwe and Yoruba in Nigeria existed as cultural and linguistic entities, not necessarily as ethnically conscious groups (Berman 1998: 310). Berman observed that ethnic boundaries are fluid and people move back and forth in a contested and negotiated fashion (Berman 1998: 328). Le Vine averred that ethnic identity was so elastic that ‘the contents, expressions and boundaries of ethnicity change’ making it difficult to define ethnicity (Le Vine 1997: 53).

There was nothing inevitable about Kenya’s colonial legacy of ethnic divisions. Ethnicity is not fixed, immutable and primordial (Le Vine 1997: 53). Other African countries are just as ethnically diverse and inherited a similar colonial legacy. The post-colonial African politicians had agency despite the colonial legacy of divide-and-rule. The evocation of ethnicity in political mobilisation was a rational choice that successive governments in Kenya made in pursuit of economic and political interests. Moreover, ethnicity became a means for advancing the politics of individual self-interests masked as patrimonialism and patronage. In contrast, Tanzania’s Julius Nyerere while promoting a different collectivist ideology known as *Ujamaa* (Hyden 2006: 117) was among a rare breed of African leaders who avoided exploiting the state for personal enrichment (Hyden 2006: 102–103; Meredith 2006: 249). Perhaps his greatest legacy was a sense of national identity among Tanzanians drawn from

over 120 ethnic groups (Meredith 2006: 157). Cheeseman seemed to attribute Tanzania's relative national cohesion to colonialism. He stated that colonialism did not politicise ethnic identities in Tanzania and so Nyerere did not have to deal with ethnically conscious communities once in power unlike in neighbouring Kenya (Cheeseman 2015: 206).

Cowen and Laakso suggested that the politicisation of religious, ethnic and regional identities in Africa enabled Africa's political elite to realise their political and economic interests (Cowen and Laakso 2002: 2). Smith similarly held this position and attributed politicised ethnicity to the advent of multiparty politics in Africa (Smith 2000: 25). The end of the Cold War brought forth the rubric of economic assistance from the International Monetary Fund (IMF) and World Bank based conditionally on the implementation of economic and political policies, Structural Adjustment Programmes (SAPs), that reduced public spending on education, health and general public services, but was also tied to the promotion of democratic practice and governance. Consequently, Africa's Big Men including Daniel arap Moi came under pressure to conform to these conditionalities. The 1992 founding multiparty elections afforded the opposition the opportunity to challenge Moi's uninterrupted hold on power since 1978 and as a countermeasure, the régime whipped up ethnic animosity as demonstrated in Chap. 4.

Although Mamdani argued that ethnicity existed in pre-colonial Africa, he distinguished 'ethnicity as a political entity from ethnicity as a cultural entity' (Mamdani 2004: 7). According to Mamdani, the latter entails a mutually agreed upon set of values and customs while the former depended on the legal and administrative functions of the state (Mamdani 2004: 7). The modern state, a creation of colonialism, exploited and reinforced ethnic differences through processes like the issuance of identity cards denoting one's ethnic background as happened in Rwanda under the Belgians or confining people in 'homogenous tribal reserves' (Ndegwa 1998: 607). The administrative demarcations that separated people into regions each, inhabited almost exclusively by members of a given ethnic community had contributed to the politicisation of ethnicity in the post-colonial Kenya. But, exclusionary politics, historical injustices, dysfunctional institutions, predatory politics, and impunity were some of the substantive causations of ethnic conflict in Kenya. There were no axiomatic and monocausal explanations of tribalism in Kenya's politics. Only a multi-dimensional approach illuminated the ideology of tribalism.

Berman advanced four reasons to argue that 'political tribalism' in Africa stemmed from imbalances in relations among different ethnic

groups within the colonial establishment. First, the obvious power imbalance between European and African communities due to British rule and European claims to racial and cultural superiority. At independence, the template remained and the tribe that ‘ascended’ to power such as the Kikuyu under Jomo Kenyatta in Kenya, sought to occupy the status previously reserved for the colonialists. This elicited resentment from the other tribes whose members were excluded from the state. Second, the colonial régime fragmented the indigenous people according to economic activities. Thus we had ‘martial groups, trading and administrative groups, cash crop farmers and migrant labourers’ (Berman 1998: 328–329). Berman observed that this process was steeped in stereotypes and therefore created a recipe for ethnic tension and conflict in the post-colonial period. Third, he observed that the uneven development of the market economy and access to markets within and between regions and communities resulted in competition and differential benefits. Fourth, rural–urban movement led to the formation of ethnic enclaves and differentiated communities as such (Berman 1998: 328–329). People who moved from rural areas gravitated towards fellow tribesmen and women for cultural reasons as well as for a soft landing in the anonymity of the urban setting.

Young argued that the politicisation of ethnicity in Africa began on the eve of independence with the introduction of political parties and electoral competition. At this point, the question ‘Who am I?’ which was increasingly posed both bluntly and threateningly gained currency (Young 1976: 166). Elite fragmentation in Kenya happened before independence and ruptured the nascent state formation immediately after independence in 1963. It straddled the continued existence of ‘tribal’ structures within the new state. After the reintroduction of multiparty politics in 1991, Kenya plunged into destabilising ethnic politics in which overt ethnic mobilisation and stereotyping were normative.

THE INTELLIGENTSIA AND ETHNICITY

Young argued that the politicisation of ethnicity was preceded by a process of reification of ethnic groups by the intelligentsia (Young 1976: 182). Despite linguistic, gender, class, regional and religious differences within an ethnic group, politicians and even some scholars promoted narratives that made members of a given tribe believe that they belonged to a concrete tribe bound by, among others, linguistic and cultural attributes that distinguished them from other tribes. Young identified intellectuals as responsible for constructing ethnicity out of a sense of

shared identity through art and literary works and language standardisation (Young 1976: 181–182). Berman argued that standardisation of languages and dialects by missionaries, as well as the work of anthropologists, contributed to the invention of tribes in Africa (Berman 1998: 322). Kenya's post-colonial leaders such as Jomo Kenyatta, Daniel arap Moi, Mwai Kibaki and Uhuru Kenyatta were beneficiaries of missionary education and perpetuated the belief in the notion of concrete ethnic groups. Days to the 2017 elections, Uhuru Kenyatta 'created' the Indian tribe as Kenya's 44th one through a government gazette yet the Indians' presence in the country predates independence. The link between this bizarre fiat and the elections, was patent. It was consistent with the politicisation of ethnicity, albeit subtly. In January 2017, Kenyatta recognised the Makonde, originally from Mozambique, as Kenya's 43rd tribe. From then henceforth, they were recognised as Kenyan citizens and had a sense of belonging having been stigmatised as stateless people for about 80 years. Analyses by scholars such as Young, Ekeh, Mamdani and Berman illuminated the ways in which the ideology of ethnicity was perpetuated in Kenya's state institutions, universities, civil society, religious groupings and the media.

Writing in the early 1980s, Bates observed that ethnicity tended to collapse people into the same mould irrespective of social status, religion, gender, lifestyle and even language (1983: 161). Since Kenya's founding multiparty 1992 elections, ethnic politics had displaced any other form of political organisation, such as class or political ideology. Even the 2002 elections that appeared exceptional still had ethnic undertones as my analysis in Chap. 5 shows. In Kenya, it was common for Luo or Kikuyu or Kalenjin resident in upmarket urban neighbourhoods and their fellow tribesmen and women in either informal settlements or rural areas to vote for the same Presidential candidate and party as if they had the same economic concerns. This ethnic bloc voting applied to almost all ethnic groups in the country too.⁵ Ethnic loyalty had more influence than national identity and class interest. Writing at a time when most African countries had adopted multiparty politics, Geertz suggested that people related to their ethnic groups from an emotional perspective and that explained why it was easier for someone in what he called a 'traditional and modernising' society to owe loyalty to one's ethnic group as opposed to the nation state (Geertz 1996: 41–42). The conflict in the Balkans in the early 1990s demonstrated that the process of building a sense of national identity was protracted and continuous. Scholars such

as Daley observed that most people in Kenya placed the tribe above the state as seen through recruitment in the civil service, ethnic divisions in civil society and religious fraternity and ethnic bloc voting patterns because it played a role in determining who ascended the socio-economic ladder and who did not (Daley 2006).

THE MODERN AND THE ANACHRONISTIC IN ETHNICITY

The Kenyatta-Moi-Kibaki régime instrumentalised ethnicity for the consolidation of power and accumulation of wealth for the President and their supporters. Instrumentalism conceptualises African politics as characterised by manipulation of ethnic identities and loyalties for political and economic ends (Wolff 2006: 33). Ethnicity is not an anachronism. Neither is it a relic of the past but ‘part and parcel of the very process of becoming modern’ (Horowitz 1985: 101). The modernisation approach to ethnicity accents the link between the role of elite ambitions and the differential impact of modernisation on ethnic groups (Horowitz 1985: 101). Horowitz observes that the modern middle class earlier thought to be detribalised were the ones who advanced their interests through the invocation of ethnic support. Kenya’s elites competed for what Horowitz referred to as ‘good jobs, urban amenities, access to schools, travel, prestige’ (Horowitz 1985: 101). Kenya’s rural dwellers participated in ethnic politics as a result of political mobilisation, grievances caused by asymmetrical allocation of state resources and dissemination of tribalism through the media-electronic media that broadcast in vernacular, established media, and social media. Kenya’s rural areas tended to be inhabited by members of the same tribe and so the question of competition for resources that pitted members of different tribes against one another, could not easily arise, yet in 2007 and early 2008 the post-election violence occurred in both rural and urban areas. Clan-based politics, a variation of ethnic politics, influenced choice of candidates in rural areas especially during primaries.

Horowitz’s argument in 1985 that there was need to understand the logic behind the intense passion that accompanies ethnic conflict thus becomes critical in explaining the violence in the aftermath of the 2007 elections. The mass hysteria that led to the destruction to property belonging to members of the rival tribes, hacking them to death, setting a church ablaze because members of the ‘enemy’ tribe were sheltering inside, could not be attributed to grievances related to extractive

politics *per se*. Young, writing a decade later, observed that in this case primordialism illuminated instrumentalism in that it helps us make sense of ‘the emotionality latent in ethnic conflict, its disposition to arouse deep-seated anxieties, fears, and insecurities, or to trigger a degree of aggressiveness not explicable in purely material interest terms’ (Young 1993: 23). As Horowitz presciently noted, the ethnic group is not synonymous with a trade union whose solidarity depended on the tangible benefits that members pursued and sometimes achieved as a collective (Horowitz 1985: 104). For Horowitz, the participation of the peasantry and lumpenproletariat in ethnic politics appeared more nuanced than simply being labelled as a case of ‘false consciousness’ (Horowitz 1985: 105). The masses were not simply victims of herd mentality, had agency and were politically conscious but not mere pawns in political struggles. Ethnicity was constantly in a state of flux. There was no homogeneous community in Kenya and ethnic groups tended to contract and expand depending on the threats and opportunities that they confronted (Brown 2000: 13). Whereas contestation for elective posts other than the presidency foregrounded clan and sub-tribal politics, presidential elections often forced tribes to collapse into monoliths regardless of internal fissures.

There is nothing anachronistic about the exploitation of tribalism for political and economic advantage. Chapter 1 and 2 show that although ethnic groups are colonial constructs, both Kenyatta and Moi, in conjunction with cohorts of allies from their ethnic groups, underscored and exploited ethnicity in order to rule. At this embryonic stage of Kenya’s independence, ethnicity became the ideology that guided Kenya’s politics. Ethnic mobilisation became the means of access to and retention of political power. Political power translated into economic gain for the President and his network of clients that in turn necessitated the instrumentalisation of ethnicity to guarantee continued and uninterrupted dominance of the state. The oath-taking campaigns by Kenyatta and his inner circle in the aftermath of the assassination of Tom Mboya fell under what Chabal and Daloz (1999: 46) guardedly referred to as the realm of the ‘irrational’. Ancient as these rituals were, they were meant to mobilise the masses of the Kikuyu into safeguarding the privileges of Kenyatta and the cabal surrounding him in a modernising economy. The resort to the ancient ‘Kalenjin warrior’ tradition, (as shown in Chap. 4) to violently neutralise opposition against Moi in the Rift Valley region under Kenya’s multiparty system, was a case of the exploitation of

tradition by Moi and his allies in a struggle for power, privilege and other economic benefits.

The alleged oath taking ceremonies by Kalenjin politicians in the lead up to the disputed 2007 elections and mobilisation of youth from the community to commit atrocities against ‘enemy’ tribes during the subsequent post-election violence was yet another illustration of the fusion between the ancient ritual and the struggle for power and its benefits (ICC 2012b). This question of ‘re-traditionalising’ that Chabal and Daloz grapple with as they strive to square the paradox of the resurgence of ethnicity, tribal politics and the resultant inter-tribal violence in modernising Africa arises (Chabal and Daloz 1999: 45–47). Ekeh, a Nigerian social scientist, in his seminal work written in (1975), talked about Africa’s two publics and their influence on politics. One was the primordial public that included ‘primordial groupings, sentiments, and activities’ and the civic public identified with the colonial state and its appurtenances such as ‘the military, the police, the civil service’. Unlike the former, Ekeh argued, the civic public has no moral connection with the private realm and so corruption and patronage prevailed. Ekeh observed that African politicians were able to concurrently operate within the two publics with ease, a distinguishing characteristic of African politics (Ekeh 1975: 92–93).

THE POLITICS OF PATRONAGE

In Kenya, ethnicity intersected with patronage politics to stifle political competition based on programmes of action. The overarching influence of personal rule that spanned the entire period of the single-party state provided the basis for a politics devoid of ideology and principle. Personal rule undermined multipartyism and manifested through impunity and whimsical politics under Jomo Kenyatta, Daniel arap Moi, Mwai Kibaki and Uhuru Kenyatta. Jackson and Rosberg defined personal rule as ‘a distinctive type of political system in which the rivalries and struggles of powerful and wilful men, rather than impersonal institutions, ideologies, personal policies, or class interests, are fundamental in shaping political life’ (Jackson and Rosberg 1984: 421). The promulgation of the 2010 Constitution⁶ put in place a rule-based framework to rid Kenya of a personality centred politics. However, the Kenyatta-Moi-Kibaki oligarchy had obstructed its implementation. It was for this reason that since independence the Presidency had been a preserve of the incumbent and

a tiny clique of supporters largely drawn from his tribe and surrogates from cooperative tribes. The single-party autocratic state ensured clientelist networks beginning from the office of the President cascading downwards to the village level through the provincial administration. Under the multiparty system, some opposition leaders established parallel patronage networks although access to the state provided unrivalled amounts of resources. Patronage stifled the emergence of internal party democracy since primaries and party elections defied democratic procedures as some candidates sought the endorsement of the tribal Big Men as this sometimes gave them an edge over their rivals.

Patronage politics had informalised the operations of Kenya's post-colonial governments. It rendered decision-making a preserve of the President and few trusted allies. It was almost impossible for Kenyans to predict government policy.⁷ In addition to the governance structures recognised by the Constitution, there was an informal clique surrounding the President. This group of individuals wielded immense power that they either arrogated to themselves or had free rein to exercise. They exclusively directed government programmes towards their political interests and to the benefit of their supporters alone, which had far-reaching consequences for citizens. The Kenyatta régime was dominated by the 'Kiambu Mafia', Moi's by what Ajulu called the 'Kabarnet Syndicate' (Ajulu 1995: 6) and Kibaki's and his successor, Uhuru Kenyatta's, by the 'Mount Kenya Mafia'.⁸ These were groupings in charge of what Cooper referred to as the spigot economy in which 'whoever controls the tap collects the rent' (Cooper 2002: 172). Berman and other scholars have shown that endemic corruption thrived in such a political system because decision-making was predicated on the whims of the President and his close allies but not the rule of law (Berman et al. 2004: 2–3). One of the greatest forms of corruption under Jomo Kenyatta was the illegal acquisition of public land for Kenyatta's and his clients' benefit. Besides land, Moi exploited cabinet appointments, bank loans, luxury cars and cash to sustain patron-client politics (*Daily Nation* December 24, 2002). In 1971, the Kenyatta government officially sanctioned and embedded conflict of interest within Kenya's body politic, when it adopted a recommendation by the Ndegwa Commission that allowed civil servants to engage in business ventures to augment their income (Himbara 1993: 100). This decision, in effect, sanctioned corruption since politicians and bureaucrats extracted rents from the government and were at the same time ones to design and

implement policies to regulate politics not to intrude into the economy. It was not coincidental that Kenya's successive Presidents were the country's wealthiest and leading 'businessmen' and owned large tracts of land (*The Standard* October 1, 2004).

The exploitation of patronage politics by the President did not work out successfully all of the time. There were elements of resistance and so there was need for a carrot and stick approach to ensure political loyalty by frustrating dissent and ensure that the opposition did not organise and mobilise (Gyimah-Boadi 2007: 29). In instances where the use of state largesse failed to lure dissenting voices, Moi resorted to state violence. On the threshold of multiparty politics in the early 1990s after Kenya legalised the formation of multiple political parties, some of the KANU defectors and those with wavering loyalty were intimidated back into the fold lest they suffer economic consequences and even face bankruptcy. Moi sacked defiant cabinet ministers to deny them opportunities for rents and forestall the formation of alternative centres of power. The centralised Constitution propped up personal rule, stymied policy-based politics, promoted authoritarianism and fundamentally frustrated reform. Personal rule and the interests of *ancien régime*⁹ politicians were at odds with institutionalised politics.

CONCLUSION

This chapter proceeded from the premise that the 'ethnic group' is a fluid concept. The emergence of ethnic groups or tribes lay in the shift from the barter trade to the capitalist mode of production that brought about competition for resources between and among tribes. Kenya's politicians and the middle class defined the concept of citizenship in an insular, exclusionary and tribal manner ensuring that ethnicity was embedded in Kenya's body politic. These were mostly the beneficiaries of patronage, corruption and personal rule that made it impossible for Kenya's successive governments to deliver on public goods. This created a situation whereby the citizenry competed for scarce resources on the basis of tribal origin. Political competition during elections necessitated the use of state violence to suppress and even physically eliminate dissenting voices. Kenya could address these challenges through establishment of a rule-based system of government. The realisation of a Constitution in 2010 was a step towards this direction. If implemented, the Constitution would check the tendency among the politicians to

mobilise for support on the basis of ethnicity. The single-party rule atrophied Kenya's institutions and impeded the democratisation process and holding of credible elections. These institutions were yet to unshackle from the legacy of personal rule. The irony is that politicians, civil society practitioners, the clergy, the media and academics were deemed to be the vanguard of devising alternative mechanisms for addressing ethnic politics yet these were the very people who benefitted from it. Kenya's politics remained beholden to the interests of the political class because this grouping had hindered Kenya's transformation and normative politics and ethically inspired oversight institutions. This had made it difficult for politics to transcend ethnic identity and be anchored in social, economic and political challenges that Kenyans encountered irrespective of creed, party or tribal affiliation.

NOTES

1. Atieno-Odhiambo stated that members of various tribes in Kenya at their work places in their offices, in public forums and in whispers along the streets and in the privacy of their homes did not speak of ethnicity. Instead they talked and thought about tribalism as they experienced it daily, 'in its many enabling capacities, incapacitating impact upon their hopes, and blocking of opportunities for whole communities. They use tribalism as a practical vocabulary of politics and social movements' (Atieno-Odhiambo 2002: 230).
2. Babafemi Adesina Badejo is a Nigerian scholar and as such the book benefitted from an outsider's view of Kenya's politics.
3. The rule of law refers to a situation whereby individuals and especially rulers in a self-binding way submit to 'the logic of abstract rules that regulate social interaction' (Hyden 2006: 11).
4. I use the word 'governance' to refer to 'responsible, accountable, transparent, legitimate, effective democratic government' (Cheru 2002: 35).
5. The Luhya, among few tribes, had not exhibited predilection to ethnic bloc voting since the advent of multiparty politics partly because of the absence of an ethnic chief to command the loyalty of the entire community. The Luhya was one of the tribes that had provided swing votes in presidential elections since 1992 except in 2002 when they, almost to a man, voted for Mwai Kibaki as the candidate of a broad tribal alliance, the NARC in which Kijana Wamalwa, a Luhya, was a luminary.
6. Kenya's Constitution promulgated in 2010 is a Presidential but with checks: it has horizontal checks in terms of Constitutional organs like the parliament, the Judiciary, and Constitutionally recognised oversight

commissions; vertically there are devolved systems of government and lastly there is the normative check, in the form of Constitutionalism principles and values. It was hoped that these reforms would reform the executive (*The Standard on Sunday* March 27, 2011: 29).

7. 'Policy' in this context refers to the ubiquitous usage of the word in any system of government but does not refer to a programme of action-oriented approach to governance.
8. The media coined the term to refer to Kibaki's and Uhuru Kenyatta's inner courts comprising Kikuyu and to some extent Meru politicians from ethnic communities inhabiting the region where the Mount Kenya is located.
9. The term *ancien régime* was 'coined by aspiring reformers in late eighteenth century France as a shorthand term for *those features* of the old social and political order which they hoped to be able to sweep away for their replacement by new more rational and enlightened arrangements' (Clark 1987: 197).

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