

Chapter 1

INTRODUCTION

1.1. Introduction

Sexual violence has historically plagued societies the world over, and presently is one of the most highly legislated forms of gendered violence. Numerous pieces of legislation against sexual violence exist in the form of international conventions, resolutions of the United Nations, regional conventions, statutes, laws and policies at state level. While there would surely be higher levels of violence in societies without rules, experience in many African countries shows that the formal presence of laws does not necessarily mitigate violence. Equally perplexing, the formal installation of democracy and support for the increased participation of women in politics has not significantly reduced the incidence of violence against women. Indeed, as I will show below, in Kenya sexual violence has increased during periods of electoral campaigning. Multiparty democracy is valorised in literature on transitions to democracy as a means of containing violence and stabilising political contestation (Przeworski 1991, 2003, 2004; Diamond 1999; Diamond and Plattner 2010). In this thesis, I grapple with the paradox that in countries such as Kenya, neither ethnic nor sexual violence has diminished and sexual violence attached to politics has increased.

The prevalence of gendered and sexualized forms of violence against women in the context of Kenya's democratic politics has far-reaching implications for democracy as a whole. Firstly, for women as political actors, these forms of violence have militated against women's ability to freely and fairly access spaces of political contestations. Gender and sexual violence recorded during successive electioneering periods in Kenya since 1991 has delimited the ways in which Kenyan women experience democratic politics, and consequently influenced the outcomes of their political participation. Secondly, a substantive body of feminist theorization has shown that victims of rape suffer serious physiological and emotional trauma that is highly instrumentalised (Skjelsbæk 2001, 2007; Turshen 2001; Nikolic-Ristanovic 1997).¹ The instrumentalization of sexual violence and ethnic violence by party elites, who organize politics through politicizing ethnicity, has historically been observed in Kenya too, and the ways in which this functions in the context of democratic politics deserves interrogation. I will discuss the concept of instrumentalization of sexual violence in more depth in Chapter 2 and show how the targeting of women for gendered violence has

¹ The literature on sexual violence occurring during wartime suggests that women and girls are deliberately targeted by their attackers. Such targeted violence has been shown to have subjective and often politicized aims. There are,

functioned in the context of Kenyan elections in Chapter 5 and 7. Thirdly, statistics show that the women most affected by gendered and sexualized violence in Kenya's electioneering context are demographically situated in low income residential areas and predominantly work in the informal labour sector. This suggests a nexus between class, sexuality and violence which might constitute an explanatory variable in understanding *why* certain women are rendered more vulnerable to sexual violence than other women. Fourthly, democratic politics lays out certain ethical boundaries within which the state might be considered to be functioning as an effective democracy (see Chapter 2). The fact that sexual violence persists in the context of democratization as observed in Kenya implies a violation of these codes, and suggests the existence of cracks in the very foundations of democratic practice in Kenya, which continually render women vulnerable to certain forms of violence. It is these implied cracks that this thesis sets out to critically interrogate.

A core set of questions arise out of the concerns outlined above: i) Why are democratic elections in Kenya not producing stable and safe methods of political contestation? ii) In what ways is sexual violence during elections mediated by women's economic status? iii) Why is sexual violence instrumentalised in Kenya's electoral context, and what purpose does violence in general, and sexual violence in particular serve in that context? iv) How may we understand the nature of gendered and sexualized violence in the context of democratization – where a functioning police force (see Chapter 2) is presumed to be in place and working to secure liberal spaces for democratic politics?

A further set of questions shall guide my analysis of the research problem:

- What patterns can be observed from a historical analysis of sexual and gender violence occurring within Kenya's political trajectory from colonialism to democratization?
- Which discursive forms of power operate in the context of Kenya's democratic elections and what is their relationship to violence in general and sexual violence in particular?
- Is there a positive relationship between democratizing states with effective policing systems and reduction in cases of sexual violence?
- What are the state's responses to sexual violence occurring within the framework of political contestations?
- What is the response of women's organisations to sexual violence occurring during elections?

Methodologically and ontologically, I approach these questions through a case study of electioneering violence observed in Kenya in the course of multiparty politics from 1992-2007. The study is situated within a feminist historical materialist theoretical framework, whose parameters provide for the analysis of gender and sexuality in relation to society as a totality (see chapter outline below, and Chapter 3 on methodology). The two main bodies of theory I apply to the study of sexual violence in the context of elections are democratic theory and theories of sexual violence (see Chapter 2).

1.2. Limitations of the study

The literature discussed briefly below (see Chapter 7) suggests an increase in cases of sexual violence observed during electioneering periods in Kenya since the onset of multiparty democracy. There is, however, a paucity of comprehensive data on violence that occurred during elections in the early years of democratization (1992 and 1997) under President Daniel Arap Moi. Some scholars have explained this lack of data as owing to the donor community's vested interest in the success of multipartyism. Stephen Brown (2001) for instance argues in the case of Kenya that donors were reluctant to rock the boat further following the legalisation of opposition parties, viewing this as the reason they might have failed to support strategies that might have furthered the democratization agenda. This they did by suppressing evidence of electoral fraud, endorsing elections which they knew had not been free and fair, and stifling the efforts of those who were seeking comprehensive reforms locally. Although faced with growing popular dissent and mobilisation against the incumbent regime, Brown (2001) argues that for donors, the objective of sustaining political and economic order remained a primary concern, even if this meant legitimizing and prolonging Moi's authoritarian regime.

Brown (2001) offers an extensive account of what he claims was donors' complicity in endorsing unfair elections during the early years of multiparty elections in Kenya. He attributes the Moi regime's legalisation of opposition parties in December 1991 to donors' suspension of financial assistance. The fact that the constitutional amendments implemented by KANU extended only toward allowing the registration of multiple parties without touching the repressive state apparatus which remained at his disposal, should have signalled the fact that little would change in the prevailing status quo. Donors, Brown argues, were well aware of the problem this presented, yet did not do much more than issue a mundane joint statement to Moi expressing their 'deep concern' on the matter (Brown 2001: 73). Progressive forces in the country were less benign in their response, yet a movement emerged that sought in effect to encourage parties to abstain from elections received little support from the 'pro-democracy' donor pundits. Indeed conversely, donors were

fingered as having played a role in thwarting such efforts based upon only minimal concessions from the Moi regime.

Abuses against dissenting forces during the campaign period severely hampered possibilities of free and fair elections, and as this reality set in, three of the major parties in the opposition again issued threats that they would snub the elections. This idea was, however, quickly abandoned after Church leaders, foreign observers and the US Ambassador condemned the move, expressing consensus around the idea that it would be better to lose at the polls and gain seats in parliament than not be represented at all. Even when the leaders of the major opposition parties openly refused to accept the electoral outcome, donors and the religious leaders prevailed upon them to take up the parliamentary positions and challenge the electoral outcome from 'inside', using the channels of the judiciary (Brown 2001), which itself was co-opted and firmly under the control of the executive arm of government.

According to Brown (2001), reference to donor complicity in supporting undemocratic electoral outcomes was retrospectively acknowledged when, for instance, the head of the United States embassy in Kenya acknowledged error in his judgements and the calls he took in relation to the elections. He conceded, in hindsight, that more could have been done towards averting the sham that the elections inevitably turned out to be, acknowledging for instance, that withdrawal of US observers and a call for the elections to be cancelled might have resulted in a different outcome. Further still, Hempstone conceded that the US should have withheld their endorsement of the elections and declared it a fraud, supported the opposition parties' call to boycott parliament, and called for fresh elections. His reasons for not pursuing these possibilities was that he feared civil war would break out (Brown 2001). Despite the fact that ethnically motivated violence had continued to erupt and destabilise parts of the country, such an occurrence was, nonetheless, improbable.

Another imperative on the part of donors owed to the large amount of money they had spent on the 1992 elections, a sum of approximately US\$2.1 million – a significant investment which they were determined to see to fruition even under political conditions that were far from ideal. What donors ultimately were seeking was not Moi's defeat: as Brown (2001) argues, the primary concern of donors was not *who* was in power, but rather, the *means* through which transitions to power were realised – in other words, ensuring a 'level' playing field for political competitions. This then, was Kenya, seen by bilateral donors as an ideal testing ground for the political liberalisation and structural reforms that were sweeping across much Africa beginning in the late 1980s. It is in a

similar vein that many donors at the same time had held the hope that a different regime from Moi's might alter the country's macroeconomic indicators through the structural adjustments they were seeking to implement (Brown 2001).

Neither could donors' failure to avert electoral fraud in 1992 be attributed to there being no information on electoral fraud during the electioneering period and during the voting process. Shortly after the elections, one group of observers from the Commonwealth cited their concern that there had been little support from the state towards ensuring that a level playing field was created for all the parties involved in the electoral race. Yet at the same time they went ahead and praised Kenya for the mere fact of having held elections based on a multiparty platform, which in their view signalled the country's progression towards democracy (Brown 2001). The various observer missions and donor community issued their endorsements of the election, focusing their praise on the fact that the election was held at all, with few hitches, rather than also addressing the glaring hurdles faced by opposition parties while campaigning and during the election. Reports issued by local electoral monitoring teams stood in sharp contrast to those issued by the foreign observer missions, which maintained that the poll had in general been freely and fairly contested. The local reports were, however, not immediately made available, and when they eventually became public, were largely ignored among the broader donor communities whose interests they no doubt, did not serve (Brown 2001).

After the 1992 elections, stability and economic reforms took the place of democracy, as the donor community largely set aside their erstwhile clamour for political reforms. This seemed to have worked in their favour, as before long, Moi relented to donor pressure which led to the adoption of some macroeconomic policies and some commitments for further economic adjustments in the future, with only a nominal focus on the question of liberalisation of the space of politics. Donors on their part, and against the wishes of opposition parties, resumed their budgetary assistance to Kenya and even offered additional funding, which nonetheless, did not peak the earlier levels: as decentralisation took root, majority of aid money was now channelled via non-governmental organisations (Brown 2001).

Brown has further noted that the way in which media had covered the electoral campaigns had been highly partial. This had been partly due to the fact that in 1992, media that enjoyed countrywide coverage was state-controlled, and the monopoly enjoyed by KANU (Kenya African National Union) meant it enjoyed blatantly biased coverage from radio and television broadcasting. The ruling party extended its reach to independent newspaper editors, who were often times the targets

of intimidation, and were sometimes driven to practice self-censorship. KANU's monopoly over media only grew stronger and it became apparent as the 1997 elections drew closer that the incumbent government would again manipulate the radio and television airwaves in its favour, with the severe harassment of opposition presses leading to closure of some publications (Brown 2001). What was known as the Opposition in Kenya at the time comprised a broad coalition that included politicians, civil society groups, academics, human rights and women's rights activists, and a number of other elements from the progressive left. The argument Brown makes with regards to the suppression of information and activism of opposition groups offers a plausible explanation with regards to the underreporting, or the wide variation in the reported cases of violence and sexual violence in particular. During the 2007/08 post-election crisis, however, loyalties shifted. For complex political reasons that included overt pressure from the international community and massive humanitarian response, human rights violations occurring during this period received broad media coverage and there was comprehensive documentation of sexual violence both within the country and internationally. For these reasons there is high quality and quantity of data on sexual violence occurring during the 2007 general elections as compared to the 1992 and 1997 elections (see Chapter 6).

1.3. Sexual violence in the electoral context

Statistics show that the escalation of violence following the 2007 presidential elections entailed a high degree of gender-based violence. In the course of the conflict (between December and February 2007/08) 1171 cases of sexual violence were registered in the hospitals. This included 80 percent of rapes, nine percent of physical assaults, seven percent of domestic violence and four percent of "immoral" attacks (CREAW 2008: 5). According to one expert who was directly involved in the immediate responses to rape victims, "statistics from the Nairobi Women's Hospital and the Coast General Hospital gave some indication of the scope of the problem; both hospitals reported an upsurge in the numbers of women and children seeking treatment for rape since late December 2007. During the period between 27th December 2007 to 29th February 2008, the Nairobi Women's Hospital's Gender Violence Recovery Centre (GVRC) alone treated a total of 443 survivors of Sexual and Gender based violence of which 80% were rape/defilement cases, 9% were physical assault cases, 7% were domestic violence cases and 4% were indecent assault. The hospital noted that altogether they attended to 653 cases of GBV related to the crisis.² The estimated number of unreported sexual violence cases is suspected to be much higher, since - due to shame

² Dr. Sam Thenya, during hearings at the Justice Waki Commission of Inquiry into the Post Election Violence (CIPEV), 15/07/2008.

and social stigmatization - many victims do not report any act of violence.”³

A baseline study⁴ which I conducted in 2009 among women who had experienced sexual violence during the 2007/08 post-election violence period suggested to me that there is a problem with the current framing of sexual violence occurring in relation to elections in Kenya. Out of interviews conducted during that study I found that a nexus existed between women’s political participation, their economic location, ethnicity, and sexual violence, yet I could not find studies that had analysed these four sets of factors, whether as correlated or causal. That preliminary research sought to investigate the observed increase in reported cases of sexual violence and also to examine state responses to women that were affected. The study found that without exception, all the female rape respondents in all three study sites (Kisumu, Eldoret and Nairobi towns) reported suffering major economic losses. Prior to the violence, 85% had been small-scale businesswomen and 15% of those interviewed ran middle income businesses.⁵ Among all the small-scale businesswomen, their houses also functioned as their business premises, resulting in the looting of both their houses and businesses when the violence broke out.⁶ A majority of these women were also attacked and raped while in their houses.

Of the sample interviewed, 15 rape survivors were registered, card-carrying members of various political parties and had been actively involved in party politics and openly campaigned for their party candidates. Many attended campaign rallies and openly expressed support for their favoured candidates,⁷ and all the women interviewed had voted in at least one other previous election since 1992. A review of the discourses that went around during the political campaign period (in the media, general public, and campaign rallies),⁸ the rape victims' recollection of insults directed towards them, and the language of their attackers during the rape ordeal led many of the women

³ Ibid

⁴ This unpublished baseline study was sponsored by the International Development Research Centre (IDRC)/University of the Witwatersrand ‘Women’s Rights and Citizenship Institute’ was conducted in Kenya between June 2009 – January 2010.

⁵ During the pilot study, a total of 40 women who had experienced rape during election periods were interviewed: 20 from Nairobi; 10 from Eldoret; and 10 from Kisumu.

⁶ According to testimonies gathered from Kibera in Nairobi, all the women had their houses looted; businesses destroyed and were also raped. This trend was not observed among middle income women whose business premises are located away from their homes.

⁷ Part of their campaign activities included mobilizing other women in the community (40%); organizing campaign rallies in their constituencies (10%); distributing party paraphernalia in the communities (40%); and acting as liaison persons between main and constituency party offices (10%).

⁸ One of the cases pending before the International Criminal Court (ICC) is of a radio presenter of a vernacular language radio station based in Eldoret town who is charged with inciting violence and spreading hate speech via the media.

interviewed to believe that they had been deliberately targeted due to their party affiliations, political loyalties and their ethnicity. All the politically active respondents experienced some form of sexualised verbal and physical violence during the electioneering period.

All the politically active rape survivors I interviewed told me that they would not participate in politics again, and a majority of the women interviewed (all of whom had voted), said they would not vote again in the next (2013) elections. Some of the women drew a connection between their rape and their political activity/participation, and *all* of the women I interviewed at the time blamed their desperate economic situation on their political activity/participation.⁹ From my research perspective, this forms an important question as it relates to women's disempowerment and disenfranchisement through indirect means that circumscribe their sense of claim to rights as citizens.

A majority of the women I interviewed¹⁰ attributed their abject material condition to the act of voting, therefore seeing the withholding of their vote during subsequent elections as the solution. A number of the rape survivors were reluctant to talk about their ordeal due to threats and intimidation,¹¹ which led some women to recant on previous testimonies of their rape ordeal. Again, these are citizenship questions, where it is possible and necessary to question whether the sexual dehumanization of women during election periods is one of the ways in which women are forcibly silenced and their citizenship claims submerged. In the discussions in Chapter 6 and 7, I critically analyse this outcome of gendered political violence, which appears to suggest the victims of rape and women more generally affected by electioneering violence as voluntarily withdrawing from spaces of political participation.

1.4. Multiparty politics in Kenya: A history of violence

Kenya's trajectory towards democracy has so far yielded a set of mixed results for different groups since the early nineties, with gains for some and losses for others. Its multiparty elections resumed with the wave of democratization that swept through the continent from the last half of the 1980s, ultimately leading to the repeal of section 2(a) of the Constitution in 1991 to allow for pluralism and the controversial 1992 elections (Ajulu 1998: 275). The 1992 elections focused attention on

⁹ Janet, a rape survivor I interviewed in Kisumu, whose child was shot dead during the post-election violence tore up her voter's card.

¹⁰ I have used pseudonyms to refer to all the rape survivors whose testimonies are included in this thesis.

¹¹ A number of the rape survivors interviewed said they had received threatening messages and phone calls from strangers after testifying to the Commission of Inquiry on the Post-Election Violence (CIPEV) that was constituted by the government in March 2008.

politicized ethnicity as an instrument for political competition, distribution of wealth, and allocation of property in the country,¹² and in subsequent elections, ethnic passions have continually been invoked. As one scholar notes, the threat of future ethnic massacres has become a routine aspect of Kenyan politics, and “ethnic clashes” were now part of the elite bargaining process (Klopp 2001: 503). The 1992 and 1997 elections confirmed the overwhelming centrality of ethnicity in political mobilization (Ogude 2002), as did the large-scale of violence that erupted following the outcome of the heavily contested 2007 presidential elections (Wanyeki 2008).

Expectations in the course of democratic transitions have shifted normatively towards the opening up of spaces for greater political participation and for greater economic gains for Kenyan citizens. This transition was largely referenced through the clamour for a new constitution¹³, and demands for electoral reforms, human rights, women’s rights, judicial reforms, transparency and accountability of the state, and pluralism among other expectations. Women stood to gain from this democratisation process, but even though formal progress was made with regards to political participation, substantive improvements in gender equity remained elusive.¹⁴ One key observation in this regard has been the increase in gender violence recorded during electioneering periods since 1992.

Kenya has had a long history of violent political contestations, from the time of the *Mau Mau*¹⁵ struggle in the 1950s before independence (see Elkins 2005; Anderson 2005) up until the 1990s when it ushered in multiparty democracy. Its democratization process has been consistently marked by violence, particularly occurring during electioneering periods. ‘Ethnic’ clashes in Kenya erupted for the first time in October 1991 in Nandi District on the border of the Rift Valley, Nyanza and Western Provinces. At their peak, the clashes affected 3 out of 8 provinces and nearly 20 out of Kenya’s then 62 districts. In 1992 prior to the first multi-party general elections, clashes again erupted that distorted the prevailing voter distribution pattern in the affected regions and, in the

¹² Ogude (2002) has noted that ethnic mobilisation in Kenya still plays “a central role” in the country’s politics as was evidenced by the 1992 and 1997 elections, and further, defines the “fundamental concepts on which the modern nation-state is built”. See also Oyugi (2000), Goldsworthy (1982), Atieno-Odhiambo (2002), and Stamp (1991) for historical overviews and discussions on ethnicity.

¹³ Kenyans finally voted for a new constitution in a referendum vote held on 4 August 2010, and approved by 67% of voters. The document is available at:

<http://www.kenyalaw.org/klr/fileadmin/pdfdownloads/Constitution_of_Kenya__2010.pdf>

¹⁴ This is evidenced in part by the low number of female political representatives at all levels (civic, parliamentary and presidential), women’s low economic status owing to their disproportionately large number in the informal economy, and the fact that the sphere of political competition remains skewed against women.

¹⁵ *Mau Mau* is the colloquial term used to refer to the 1950s armed uprising by the poor peasantry and landless Kikuyu against the British settler regime in Kenya and its more moderate and prosperous Kikuyu allies.

process, disenfranchised thousands of voters, mostly opposition supporters due to large-scale internal displacement. The struggle for constitutional reform, spearheaded by NGOs, faith-based organizations, professional associations and political parties gained momentum in the period leading up to the second multiparty elections in 1997, when nation-wide violence again erupted. The context of the violence was complex, and reasons diverse. Some opinions suggest that the intention was to provide the Kenya African National Union (KANU) leaders with an excuse to impose a State of Emergency, suspend democracy and the rule of law by decree until they recaptured the initiative over the political space. Kenya's fourth General Elections since the return of multiparty democracy was held on December 27, 2007. According to Wanyeki (2008), because the 2002 elections had succeeded in unseating Moi and had, on the whole been peacefully conducted, few expected that there could be trouble with the elections in 2007 – many had been buoyed by the 2002 euphoria into believing that the days of violent elections were now behind us (see Chapter 5 for this analysis). The General Elections in 2007, however, became the most contentious in the history of multiparty politics in Kenya (Wanyeki 2008). Violence erupted across the country shortly following the contentious announcement of the presidential results, and according to KHRC (2008), a total of “1,113 people lost their lives and an estimated 663,921 were internally displaced” (KHRC 2008: 14).

For various reasons, the nature and forms of violence occurring after the 2007 elections received the most attention and was most widely reported. Although the violence mutated into many forms, including violence against civilians perpetrated by state security forces, sexualised forms of violence was cross-cutting and affected both women and men. Women were raped and men from communities such as the Luo, for whom circumcision is not a traditional practice, forcibly circumcising them was meted out as a form of retaliatory violence (Wanyeki 2008). Although the general lawlessness may have facilitated the outbreak of sexual violence as the violence flared up across parts of the country, the forced circumcision of women and men seemed to have been less arbitrary. Retaliatory acts of violence were committed by the Gikuyu militia, *Mungiki* (see chapter six), headed to the South Rift from Nairobi.

The Commission of Inquiry into the Post-Election Violence (CIPEV) also found that,

“while women normally are the main victims of sexual violence when order breaks down, men too had experienced horrid types of sexual violence after the 2007 Kenyan election. These included sodomy, forced circumcision, and even mutilation of their penises. Between hearing of women who had been gang raped and mutilated, the accounts of ethnically driven sexual violence against certain men was also horrifying” (2008: 238-39).

These accounts are indicative of the centrality of ethnicity in mediating sexual violence and sexuality in Kenya. They point to what Ogude (2002) has termed as primordial understandings of “ethnicity as a means to establishing difference or exclusivity for political expediency”, further noting that the “post-Kenyatta State has also witnessed an increase in what may be called 'an ethnocratic state whose basic political rhetoric is nation building, while in practice it undermines any real desire for nationhood” (Ogude, 2002:205). The liberal constructions of ethnicity convey the idea of ‘ethnic entrapment’, which Colin Legum posits as an “essentially reciprocal relationship between leaders and the led as such: ‘the elitist political leader in the modern system needs his ‘constituency’ – invariably a tribe or at best a region – on which to rest his power, just as the tribal or regional constituency needs its loyal representatives to defend and promote their interests in the modern sector” (Legum 1970). Legum, citing Goldsworthy (1982) conveys on the other hand, radical constructions of ethnicity, arguing that

“to deny ethnicity any political function independent of the machinations of the politicians is not an intrinsically Marxist idea, but the Marxist version expresses the idea in its strongest and most distinctive form, perceiving politicians as members of the dominant class and regarding the function of tribalism as ideological. Ethnicity serves capitalism by retarding the development of mass class consciousness, which in turn is achieved by the deliberate recasting of such issues into ethnic terms. Thus politicians seek to secure their class position by constructing inter-tribal patron-client hierarchies, defining social conflicts in terms of ethnic relationships, and so on. According to this argument, although ethnic categories have an undoubted objective existence, it does not follow that ethnic groups must develop, let alone on a basis of mutual hostility and competition” (Legum 1970: 111-112).

Colin Leys provides an interesting statement of this position with regards to Kenya, remarking that “‘tribalism’ is in the first instance an ideological phenomenon. Essentially it consists in the fact that people identify other exploited people as the source of their insecurity and frustrations, rather than their common exploiters. Of course this does not happen ‘spontaneously’. Colonial regimes have played an important part in fostering tribalism, and after independence politicians have often played similar roles” (Leys 1975: 198-9). Leys thus “sees no point in focusing on tribalism, since, being epiphenomenal, it has little explanatory power” (Goldsworthy 1982: 112). On this point he stands in agreement with Goldsworthy's conclusion that “only a material analysis can properly explicate political action, which includes the action of political leaders” (Goldsworthy 1982: 112). Indeed, ample historical and empirical evidence in subsequent chapters bears out the thesis of materialist underpinnings of violence highlighted in the scholarship of Legum, Leys and Goldsworthy.

The stakes attached to multiparty elections were high, and as Brown (2001) argues, pre-electoral ethnic cleansing benefited the ruling party KANU. According to Brown, before the 1992 elections, evidence suggests that the killing of people and destruction of property had been facilitated by government officials who hired and armed people, resulting in the murder of more than one thousand five hundred people and the internal displacement of approximately three hundred thousand more. These forms of ethnicized violence spread to parts of the Kenyan coast shortly before the elections in 1997, where again the perpetrators were sponsored by the government. It is estimated that more than one hundred people lost their lives there, many more sustained injuries, and thousands of people fled their homes out of fear of more attacks. The disenfranchisement of these displaced populations is important to note. As Brown argues, where Moi did not manage to fraudulently garner votes, the destabilization of electoral blocks ensured that thousands of registered voters could not cast their votes, and further, points to the likelihood that KANU's interference with the electoral outcome and its rigged votes secured the ruling party a minimum of ten undecided constituent blocks (Brown 2001).

1.5. Thesis Outline

The thesis is organised into eight chapters. This chapter (**Chapter 1**) began by outlining the research problem, which was to interrogate the observed increase in sexual violence in the context of democratization in Kenya. A number of questions were posed which outlined the overall aims of the research, as well as guiding investigation in the remainder of the thesis. The chapter also provided a background into the problem, including some preliminary findings from an earlier study I conducted, with the aim of showing the scale of the problem and impacts of sexual violence on women. The final section of the chapter detailed the historical background of violence in the course of Kenya's multiparty elections since 1991, with the aim of placing sexual violence within a broader social and political context.

Chapter 2 deals with the two main theoretical bodies this thesis is concerned with - democratic theory and theories of sexual violence. In the first section, I focus on theorizations of the nature of democratic politics in Africa, and draw in particular on theoretical analysis of Kenya's democratic transitions. In the second section, I focus on feminist theorizations of sexual violence. The literature on rape in the context of war provides both ontological and methodological perspective throughout the thesis. The aim of this chapter is to draw links between sexual violence and democratization, and establish a basis for the critique carried within the thesis.

Chapter 3 outlines in detail the feminist research methodology in use throughout the thesis. With

regards to the dynamics of gendered violence occurring within Kenya's political contestations outlined above, I consider a feminist historical materialist theoretical framework as encompassing the broadest range of theoretical and methodological possibilities for such a critique, and explain these possibilities in detail in the chapter. The chapter also discusses the main research methods used for data collection, which include semi-structured in-depth interviews, archival research and secondary data sources. I also explain my data analysis process that draws on the dialectical materialist method, and further, explain my choice of methodological and analytical frameworks used. The chapter also briefly discusses ethical questions encountered during the study.

Chapter 4 deals broadly with the themes of sexuality, labour and political participation, beginning with a feminist reading of Kenya's political history and examining the relationship of women to the pre-colonial, colonial and postcolonial state. It is in this chapter where I seek to define the notion of the 'political' that serves as a basis of critique in the remainder of the thesis. The chapter examines the material relations formed out of women's labouring activities, and the ways in which gendered labour relations historically formed sites of power and mediated the valuations of women in society. The chapter draws on a wealth of archival records of the colonial administration, with the aim of investigating women's relationship to the colonial political economy, and women's political participation in course of Kenya's transition from the colonial to postcolonial state. The final section outlines the nature of women's transition into the post-independence democratizing state.

Chapter 5 turns to an analysis of the postcolonial democratizing state, discussing various trajectories of women's political participation through a critique of party politics during the multiparty period from the early 1990s. In this chapter I also discuss the ethnicization of party politics and the ways in which political violence in general and sexual violence in particular has been instrumentalized towards achieving the aims of ethnically aligned political groupings. Primarily, the chapter makes the argument that women's vulnerability to political violence should be understood in relation to the dynamics of power (institutions and individuals) through which women have sought to access the state and political representation.

Chapter 6 incorporates further elements of my field research into the discussion of women's relationship to civil society, with particular focus on religious political organisations. This discussion is concerned with women's relationship to radicalized religio-political organisations on the one hand, and what I argue to be the depoliticization of women within mainstream religious organisations in the course of democratization struggles. The chapter argues that gendered violence can be understood through a critical examination of various institutions and civil society actions that

mediate democratic politics, and the ways in which feminist politics are articulated within those spaces.

Chapter 7 draws on critiques of electioneering violence and sets out parameters for understanding the nature of electioneering violence in Kenya. I draw from secondary data and in-depth interviews with victims of sexual violence in a critique of the nature of responses of women's organizations to electioneering violence (and violence against women in particular). The critique in this chapter is aimed towards understanding the different ways in which formal and institutionalist interventions function in cases where violence results in the structural dispossession of victims.

Chapter 8 provides a discussion and summary of the major findings of this study, in which I explain the persistence of sexual violence in the course of Kenya's democratization and highlight what I consider as being the key contributions of the thesis. In that chapter, I argue that understanding the promise of liberalism - equality, justice, representation - lies not in the normative interpretation of liberal democratic politics as has been the thrust of women's rights struggles in Kenya, but rather in a critique of the structural dynamics that have shaped women's experiences of democratic politics. In this regard, I explain the persistence of gendered violence in the context of democratization as causally linked to the nature of democratic politics which in Kenya is based upon a conservative liberal ideology that is fundamentally unable to respond to the structural needs and locations of women.

Chapter 2

VIOLENT CHALLENGES TO DEMOCRACY

2.1. Introduction

This chapter outlines in detail the two main bodies of theory within which the study is located – democratic theories and theories of sexual violence. The chapter begins with an overview of feminist debates on democracy, with particular focus on critiques of its liberal iteration. This critique is tied to the notion that at its point of delimitation, democracy may function to *enable* rather than disable violent political contestations. The chapter then turns to various conceptualizations and theorizations of sexual violence, which albeit largely understood within the framework of rape during war – by definition not moments of liberal democracy – provide useful tools for the study of sexual violence in other contexts of political contestations such as elections. The final section of this chapter highlights the politicization of ethnicity in relation to the Kenyan multiparty context. I relate the critiques of sexual violence and democratic politics in the first two sections of the chapter to historical accounts of the post-independence ethnicization of the state security apparatus. The aim is to show how the politicization of ethnicity preconfigures multiparty politics in Kenya as a violent, unpredictable and gendered manifestation of democratic contestations. These accounts of violence serve as the critical lens for my critique in the remainder of the thesis.

2.2. Democracy's promise and gendered limitations of its liberal form

Democracy is valorised as 'the best form of government' (Diamond 1993: 2), an optimism its proponents observe on the basis that: it offers the “best prospect for accountable, responsive, peaceful, predictable and good governance” (Diamond 1999: 3); that “popular sovereignty can hardly fail to lead to popular government” (Plattner 2008: 52); and that it promotes freedom “as no feasible alternative can” (Dahl 1989: 88-9). Przeworski et al (2000) in their critique of societies transitioning from authoritarianism, have outlined the following criteria for democracy: they enquire whether holding repeated elections induces governmental accountability – according to Przeworski, this effect can only be determined after three peaceful turnovers of government;¹⁶ whether participation in politics generates equality; and whether freedom imbues political systems with rationality (Przeworski et al. 2000: 14-5). In this thesis I am particularly interested in the question they raise regarding equality, and shall interrogate the extent to which Kenyan women's participation in politics is generating equality. Democracy is furthermore, viewed as fundamental to political freedom in three ways: “first, free and fair elections inherently require certain political rights of expression, organisation, and opposition, and these fundamental political rights are

¹⁶ Kenya has since the handover of power from British colonial rule in 1963, had three post-independence governments: under Jomo Kenyatta (1963-1978); Daniel arap Moi (1978-2002); Mwai Kibaki (2003-2013). All three transitions – in 1978, 2002 and 2013, were peacefully observed.

unlikely to exist in isolation from broader civil liberties. Second, democracy is hailed as maximising the opportunities for self-determination, for persons to live under the laws of their own choosing. Third, it facilitates moral autonomy, the ability of each individual citizen to make normative choices and thus to be, at the most profound level, self-governing” (Diamond 1999). By and large, feminists do not dispute the fundamental thrust of these insights. It is on the point of democracy's liberal iteration from which the most significant feminist critiques have emerged. In the section below I explore some feminist contentions and debates on liberal democracy that are relevant for my study.

2.2.1. The public/private divide

In a liberal democracy, it is assumed that individual and group liberties are well protected, and that there exist autonomous spheres of civil society and private life, insulated from state control (Diamond 1999). However, feminists have exposed a significant tension between liberalism and feminism through their exploration of non-interventionism by the state as a way of maintaining patriarchal forms within the domestic sphere. Critics have argued that the liberal emphasis on the individual is too cerebral and that the division of society into public and private compounds the idea that public space is codified as male, and the private home as female (Pateman 1989, 1988; Phillips 1991). As Bryson observes, 'male values and interests are also said to be behind liberalism's traditional distinction between public and private life and its insistence that the latter cannot be a matter of political concern' (Bryson 1999: 13). By viewing the private sphere as a distinct space free from state intervention, the traditional liberal view essentially isolates women and women's issues from the public agenda, reinforcing cultural traditions surrounding women's roles within society and the sexual division of labour (Evans 2009).

However, while the dominant feminist critique of the liberal public/private distinction focuses on the patriarchal oppression of women in the public realm as well as through the existence of the separated realm of the private (Bargetz 2009), Black feminist theorists question this conception because of its devaluation of the private. Patricia Hill Collins, for example, argues in relation to African-American communities, that public and private may not be useful categories, since they rely on the “archetypal white, middle-class nuclear family” (Collins 1991: 46). Since racial oppression has impoverished many Black families, Black women and other women of colour seldom fit this model (Ibid, p. 47). Poor families, she argues, do not have the same distinction, equating private with home and public with work, as Black women's paid labour is often domestic labour. Therefore, Black women's labour has also often been neglected by feminist discourses. Collins' argument is particularly relevant to my study, in which I show sexual violence against women in the electoral context as being most pronounced at the juncture between the blurred

public/private space – low income women for whom the home is also their site of labouring – and the state's neglect of the private realm (see Chapter 7).

In addition, while acknowledging the private realm as a place of deprivation and violence – historically as well as at present – Black feminists enhance a more ambivalent vision of the private by emphasizing its empowering potentials. Thus, bell hooks points out that home can constitute a site of resistance and of “self-conscious constructed identity” (hooks 1990: 42). “Historically,” she concedes, “African American people believed that the construction of a homeplace, however fragile and tenuous (the slave hut, the wooden shack), had a radical political dimension. Despite the brutal reality of racial apartheid, of domination, one’s homeplace was the one site where one could freely confront the issue of humanization, where one could resist” (Ibid). Following bell hooks’ concern with the political significance of home, Iris Marion Young proposes to rethink the meaning of “house and home” as deeply “ambivalent values” (Young 1997: 160). While Young agrees with the feminist critique of the private’s oppressive and exclusive dimensions, she explicitly highlights the liberating dimensions of home and homemaking. She stresses the positive values associated with home, like safety, individuation, privacy and preservation, without denying that these aspects are always ambiguous and “can be conservative and reinterpretive, rigid and fluid” (Ibid, p. 156). Emphasizing the “critical liberating potential” (Young 1997: 134) and therefore a more positive vision of the home, both hooks and Young reject a public/private opposition that mainly focuses on the private as the sphere of deprivation, and instead bring forward a more ambivalent conception of the private. These counter-critiques of the public/private go to the heart of a core element of analysis in this thesis. As I show in a historical discussion of colonial gender relations in Chapter 4, that which was considered as constituting women's labour bore significant implications for what could be considered as constituting women's political activities. In other words, that women's labouring activities, whether in the 'private' domesticized realm, or through their associational activities in the public realm, constituted a core axis for understanding the politicization of women, and therefore their agency as political actors.

2.2.2. Universalism of rights and negation of difference

Liberal democratic theory also asserts the primacy of human rights, and is considered as offering 'comparatively good protection of human rights' (Diamond 1999: 4). Women have recorded significant victories through laying citizenship claims on the basis of women's rights and human rights. Kenyan women have, through various institutional mechanisms, passed various forms of legislation in the course of Kenya's democratization which sought to tackle all forms of discrimination against women, including asserting women's right to participate fully in public and

political life, and passing laws that make political spaces more accessible for women. Through participation in the liberal realm of politics, women have made substantial gains towards accessing the state and numerically at least, a wealth of evidence attest to women's formal equality and participation in politics. Yet as Hassim (2009) argues,

“while women have gained significant access to state bureaucracies and legislatures, particularly in developing countries, access and inclusion do not appear to have delivered the kinds of equality outcomes that many would like to see. Feminist scholarship remains confounded by the question of how and when claims for gender equality are facilitated and or constrained by engagement with the state” (2009: 2).

The question Hassim poses, regarding why it is that the “apparent redistribution of power has not resulted in a redistribution of goods” (Ibid), is one account on which feminist scholars like Rosenberg (1992) have faulted the liberal variant of democracy, arguing that 'while liberal democracy accords formal equality to all in public life, the inequality that prevails in the economy and the family inevitably gets translated into politics. Even with universal suffrage some are more equal than others, and many, especially women, are never heard at all.' At the same time, some feminist scholars maintain that despite its flaws, liberal democracy holds the greatest possibility of giving voice to women's distinctive concerns, and based on universal suffrage and representation, it remains the most democratic (Phillips 1992; 1991). This universalising tendency of liberal democracy has, however, been subjected to significant critique within scholarly writings.

A critique in this regard is elaborated by Mouffe (2000), who argues that “liberal democracy results from the articulation of two logics – on the one side, political liberalism (rule of law, separation of powers and individual rights) and, on the other side, the democratic tradition of popular sovereignty” (2000: 18) – which are incompatible in the last instance and there is no way in which they could be perfectly reconciled. This perceived irreconcilability arises out of a tension inherent in affirming on the one hand the right of citizens to assert disparate claims, yet ignoring the possibility that the very basis of oppressions that necessitate these rights claims cannot be generalised. That is, men and women have rarely entered the domain of liberal-democratic politics as equals, and therefore the tendency of liberalism to universalise laws is unlikely to favour those who in the first place were disadvantaged. “What is at stake”, Mouffe (2000) argues, is “the legitimation of conflict and division, the emergence of individual liberty and the assertion of equal liberty for all” (2000: 19). What we witness, however, is the negation of conflict and the undermining of difference within the liberal human rights framework that proceeds from a universalist and essentialist point of view. Where pluralism has been factored in, it has, in Mouffe’s

argument, been an “extreme” type that emphasizes heterogeneity and incommensurability and according to which pluralism – understood as valorization of all differences – should have no limits. Such a formulation ignores the “limits imposed on the extension of the sphere of rights by the fact that some existing rights have been constructed by the very exclusion or subordination of others” (2000: 20).¹⁷

Brown makes a similar point when she asserts that those concerned with emancipatory political practices confront a set of paradoxes, the central one being that “the question of the liberatory or egalitarian force of rights is always historically and culturally circumscribed; rights have no inherent political semiotic, no innate capacity either to advance or impede radical democratic ideals. Yet rights necessarily operate in and as an ahistorical, acultural, and acontextual idiom” (Brown 1995: 97). In other words, through the objectivist pursuit of a discourse of universality, rights undermine the postcolonial project that seeks to engage with particular legacies of colonialism, imperialism, and neocolonialism; the normative application of rights, lacking as it does in “historical and social specificity” can address itself to no more than a generalized account of the social realities present in different political and economic contexts.

2.2.3. Class antagonisms to liberal ideals

Democracy's requirement of universal suffrage has also long been critiqued on the basis of private property: as Przerworski put it, that democracy, specifically universal suffrage, must threaten property (Przerworski 2005). James Mackintosh predicted in 1818 that if the “laborious classes” gain the franchise, “a permanent animosity between opinion and property must be the consequence” (cited in Przerworski 2005: 2). Thomas Macaulay in his speech on the Chartists in 1842 (1900: 263) pictured universal suffrage as “the end of property and thus of all civilization.” Eight years later, Karl Marx expressed the same conviction that private property and universal suffrage are incompatible (1952: 62). According to his analysis, democracy inevitably “unchains the class struggle”: The poor use democracy to expropriate the riches; the rich are threatened and subvert democracy, by “abdicating” political power to the permanently organized armed forces. The combination of democracy and capitalism is thus an inherently unstable form of organization of society, “only the political form of revolution of bourgeois society and not its conservative form of life” (1934: 18), “only a spasmodic, exceptional state of things...impossible as the normal form of society” (1971: 198, cited in Przerworski 2006: 313). The salience of this point is illustrated in the

¹⁷ Despite its claim to be more democratic, Mouffe considers that such a perspective prevents us from recognizing “how certain differences are constructed as relations of subordination and should therefore be challenged by a radical democratic politics” (Mouffe 2000: 20).

Kenyan case, where Katumanga (2010) shows how economic imperatives determined the logic of violence and emergent counter-violence by state security forces and militias in the aftermath of the 2007 general elections. Differentiated access to lucrative (economic) spaces, he argues, not only increased the value and need for control of these spaces by different warring factions, but equally cemented the alliances between organized violence and the political economy (2010: 549). As post-election violence broke out early in 2008, the police were out-manoeuvred and found themselves locked in spaces where they could only achieve one single objective, that of protecting key centres in the urban areas, or once in a while supplementary objectives such as blocking the opposition party (ODM) supporters from demonstrating in such economically strategic places. Katumanga's suggestion that in reality, the police were *unable* to dominate national spaces and restore order, and protect the lives and property of ordinary Kenyans would still seem to augment the tensions between private property and democracy. Police, he argues, seemed to have abandoned their internal mission of assuring security of persons, property and statehood, thus leaving different parts of society to cannibalize themselves (Ibid, p. 545). Drawing from these arguments, a question that haunts my analysis throughout the thesis is whether women experience sexual violence in the electioneering context as a *collateral* to generalised violence aimed at asserting and protecting other interests, or whether sexual violence can be read directly within the logic of in/security in the Kenyan democratization context that is defined within a capitalist logic, highly articulated to the politicization of ethnicity.

2.2.4. Conceptual questions

The above critiques suggest the difficulties inherent in conceptualizations of democracy in different political contexts and with regards to the limitations outlined above, suggest the necessity of developing more diverse feminist standpoints on the meaning of democracy. One point of departure in this regard has emerged out of Gay Seidman's analysis of gendered citizenship in South Africa's democratic transition, in which she prompts us to reconsider the teleological view that underlies most discussions of democratic transitions in the late twentieth century - a view that takes democracy as an end in itself. Since the inter-societal dimension is always present in the process of the very constitution of any society and constitute differences that distinguish one society from the next, so the constitution of society cannot be regarded as analytically prior to its interaction with other societies. Instead of asking what role specific classes or groups play in democratic transitions, Seidman suggests that we consider who defines democracy for a particular society and how that definition is incorporated in the consolidation of democracy. During democratization, she asks,

“who designs the institutions that will frame political discussions, and how do they conceive the participants? Who articulates participants' demands? How do they understand the collective

identities of constituencies, and how does that understanding shape the way interests are represented within the state? And what voices are silenced during transitions, and what democratic aspirations are excluded” (Seidman 1999: 303)?

One might add to this the concern that in societies marked by violent state formation such as Kenya, the ways in which violence, and gendered violence in particular, maps onto spaces and processes of political contestations becomes salient. It is on this note that I now turn to a review of feminist theorizations of sexual violence, the primary contribution of which has been to show the ways in which rape functions during wartime as an exclusionary mechanism, and further, determines how and in whose interests violence is expressed in contested spaces of politics.

2.3. Conceptualizations of sexual violence

Accounts of wartime rape have generated the most comprehensive literature with regards to sexual violence occurring during conflict: scholars of wartime rape have theorised the reasons it takes place; how it happens; and to whom it happens. One of the most significant shifts in current thinking on war and gender is the recognition that rape in wartime is not a simple by-product of war, but often a planned and targeted policy. For many feminists ‘rape as a weapon of war’ provides a way to articulate the systematic, pervasive, and orchestrated nature of wartime sexual violence that marks it as integral rather than incidental to war. This recognition of rape as a weapon of war has taken on legal significance at the Rwandan and Yugoslav Tribunals where rape has been prosecuted as a crime against humanity and genocide (Buss 2009). Theorists of rape have observed different patterns of wartime rape, which while contextually different from my study, provide useful analytical frameworks within which to understand the nature of gendered and sexualised violence in the context of Kenya's violent multiparty politics. Generally, two dominant feminist approaches have developed in the analysis of wartime rape: the *sexism* approach, in which women as the collective target and object of rape are emphasized, and the *genocide* approach, in which the ethnicity or race of the women is the focus and women are seen as collectively violated as a particular ethnic or racial group rather than, or in addition to, as women (Bos, 2006: 1000). There is, nonetheless, still no consensus among scholars as to whether or not, or how, sexual violence acts as a weapon of war, and no consensus as to whether sexual violence is a question of sex with a violent manifestation, or whether it is the opposite, i.e. violence with a sexual manifestation (Skjelsbæk 2001: 212). The scholarly critiques highlighted below shed further light on these questions.

2.3.1. Epistemologies of sexual violence

Skjelsbæk (2001) in her analysis of 140 scholarly texts published mostly in the 1990s focusing on

the use of sexual violence in the wars in the Balkans and the 1994 genocide in Rwanda, identifies out of these texts three different empirical foci – namely, how sexual violence was related to *all* women in the war-zone, to targeted women in the war-zone and, finally, to targeted men and women in the war-zone. Out of her analyses of these different empirical foci, Skjelsbæk identifies three different epistemologies: one group of arguments, which she calls the *essentialist*, focused mainly on women in general as victims in the war-zone and attempted to conceptualize this empirical observation within an essentialist understanding of gender differences, that is, basing explanatory factors for rape on the biological differences between women and men. The second conceptualization has as its starting point that there is a difference between the female victims in the war-zone. When issues of ethnicity, religion and political affiliations are integrated into the analysis of war-time sexual violence new patterns of power and dominance occur. Skjelsbæk calls this conceptualization structuralist in order to emphasize that beyond a 'standpoint'¹⁸ which focuses on women, other structural difference such as ethnic, religious, political (and other) explain which women are targeted. The last line of arguments focuses on targeted men and women as victims in the war-zone and emphasise the point that the hierarchical power relationships between the genders is not perceived as fixed and universal. Skjelsbæk labels this conceptualization 'social constructionist' to emphasise that the hierarchies of power and dominance are constructed through social interaction and transaction between gender, ethnic, religious, political and other identities (Skjelsbæk 2001: 214-5). There have been further conceptualizations in the literature which conform to Skjelsbæk's broad framework, but which give deeper insights into the nature, meanings, and motivations of sexual violence in the war context.

2.3.2. Ethnic fundamentalism

The use of rape as a weapon of “ethnic cleansing” has been argued in many instances (HRW 2000; Salzman 1998; McKenzie 2012). Ethnic cleansing through the rape of women functions to 'destroy the victims' culture' (Skjelsbæk 2007: 73); to inflict trauma and through this to destroy family ties and group solidarity within the enemy camp – suggesting not only a “metaphor for invasion and then occupation” but also a “metaphor for a defeated community” (Diken and Laustsen 2005); and to destroy the enemy's progeny with the aim of creating culturally, religiously and linguistically homogenous nations (Salzman 1998). This view of wartime rape has, however, been problematized. For instance, Bos, in her analysis of wartime rape in Germany and Yugoslavia, points us towards the danger of an ethnic fundamentalist approach, asking whether if victims' racist (or ethnicist)

¹⁸ Standpoint feminism maintains that there are patriarchal power relations between men and women, but that the content of these relations will vary according to class, race and culture (see Harding 1986).

interpretations of the event comes to serve as its answer, and left unchallenged, will feminists come to reiterate and reify a problematic racist (or ethnicist) rhetoric? By accepting broad generalizations/assumptions and ethnic stereotypes of victims, feminists may end up reifying a dubious form of ethnic essentialism (2006: 1018). Bos further directs attention to the deficiency of viewing rape as the 'worst possible harm', women as victims only, ignoring other forms of trauma, and negating female political agency. The points Bos makes could be interpreted as the need to expand the meanings of rape trauma to include questions of economic harms on women's livelihoods and different forms of political disenfranchisement, and in addition urge a search for alternative approaches of analysing the phenomenon of rape.

2.3.3. Economic drivers of rape

Alternative explanations to the ethnic arguments of wartime rape understood within an economic paradigm have emerged from studies in the Democratic Republic of Congo (DRC). Joe Lauria (2010) explains that the rape of approximately 500 women in mineral-rich eastern DRC has been attributed to rebels (mainly local and Rwandan Hutu rebels) involved in illegal mining. According to Lauria, at least 10 percent of the recent victims were raped by government soldiers who sometimes also take part in the illicit mineral trade. It is thought that rebel leaders organize mass rapes as a reward for their troops and as part of their looting of villages. The violence helped rebels assert control over mining areas, where many local men normally sell small amounts of minerals they find on their own. In addition, Lauria writes that 103 rapes in Luvungi village in North Kivu province were connected with getting control of an important mineral transport road nearby. Lauria concludes that rape in war and conflict is a cheap, effective and silent weapon and it is used exactly to terrorize and put fear in a whole society. Lauria's findings in the Congo are preceded by earlier feminist studies that similarly suggest an economic imperative for wartime rape. In their analysis of the political economy of rape and sexual abuse of women during civil conflicts in Africa, in which rape and forcible abduction are systematic, deliberate strategies of the wars, Moser and McIlwaine (2001) have suggested that rape is an aspect of political and economic violence. This particular idea of a political economy of rape found initial expression in Meredith Turshen's (2001) work, in which she emphasised the view

“that in the course of civil war there are transfers of assets from the weak to the strong – whether large assets such as mines and plantations or personal assets such as labour power and possessions (ultimate control of large assets depends on who wins the war). She proposes the thesis that systematic rape and sexual abuse are among the strategies men use to wrest personal assets from women. Concern for women who were victimized and impoverished by conflicts has overshadowed analysis of women's value to men in civil wars. Because women have sought-after assets and

because some of those assets are needed for the prosecution of the war or are among the reasons for it, women are central to civil war strategies. The argument made here, which has important policy implications for women, is that, in civil wars, armies use rape systematically to strip women of their economic and political assets. Women's assets reside in the first instance in their productive and reproductive labour power and in the second instance in their possessions and their access to valuable assets such as land and livestock" (Turshen 2001: 1).

2.3.4. Eugenics

Other accounts, such as Jeffery Burds' (2009) research on patterns of wartime sexual violence in Europe during World War II reveal a complex psychology of wartime rape and complicate the dominant paradigms within which it is understood. As he explains, rape and other forms of sexual violence were not crimes in German military law. The main concern was not the intrinsic crime of rape or sexual violence, but rather "race mixing": in other words, rape itself would not motivate punishment. The German Reich judiciary viewed 'race defilement' as seriously as 'high treason', particularly in Eastern zones. If German gender violence was rooted largely in racial presumptions about Jewish/Slavic 'sub-human' status, Soviet violence seemed grounded in hate, a burning desire for vengeance against German atrocities. Soviet soldiers shared a visceral understanding of the power of rape, to avenge real/imagined wrongs on the bodies of German women: rape dishonoured the women and by implication served as a symbolic castration of their men. German women's defence mechanisms included frigidity, higher floors, and camouflaging. Ethnic partisan reprisals; lawlessness, banditry, crime skyrocketed with the collapse of German authority in Eastern zones and escalated the forms and intensity of sexual violence. Burds explains the hermeneutics of rape warfare as such: even as their gender makes women and girls especially vulnerable to particularly heinous forms of wartime violence, so too does women's sexuality empower them in the wartime and post-war struggle to survive. A distinct political economy of rape warfare emerges: European (especially German) women desperate to provide for themselves and their families traded sexual favours for access to food and security. Survival and opportunity are key motivating factors that raise the spectre not of hoarding armies brutally raping and murdering local women for their own pleasure, but of women and girls offering themselves up to enemy soldiers. There was also post-war victimization of victims – rape victims were ostracised by families and communities and labelled 'collaborators'. Race, ethnicity, shattered soldiers' morale, ethnic conflict, collaboration, desperation and opportunity characterized each community's experience of war. Distinct and divergent perspectives of winners and losers profoundly influence the filters through which we view and understand wartime sexual violence. However, the post-war trajectories of rape victims, their silence and unwillingness to speak, are a unifying feature (Burds, 2009).

Feminist theorists have put forward arguments that greatly illuminate the eugenicist logic that underlies the rape of women as a weapon of war. Yuval-Davis (1997) has argued that it is women who reproduce nations biologically, culturally and symbolically, and Yuval-Davis and Anthias (1989) had earlier argued that the entry of women into the national arena, as cultural and biological reproducers of the nation and as transmitters of its values, has also redefined the content and boundaries of ethnicity and nation. In her discussion of women as the biological reproducers of the nation, Yuval Davis (1997) directs attention towards the eugenicist discourse, which aims at improving the 'quality of the stock' by encouraging those who are 'suitable' in terms of origin and class to have more children and discouraging the others from doing so (1997: 22). The bodies of women (as national/ethnic boundaries) can thus be viewed by enemy combatants either as motivation to rape (women belonging to races constructed as 'pure') or a deterrent from rape when the soldiers seek to maintain their perceived racial 'purity' (see further discussions of this below on patterns of wartime rape).

2.3.5. Militaries, sexual violence and the law

Other patterns of sexual violence can be attributed to studies of the military. In Kenya during the post-election violence the military, paramilitary and police forces were heavily indicted in the reported cases of sexual violence, yet reports from justice mechanisms in the country such as the TJRC (Truth, Justice and Reconciliation Commission) and the Commission of Inquiry into the Post-Election Violence (CIPEV 2008), beyond nominally reporting on militarized involvement in sexual violence, remained largely vague on details regarding the military's culpability. Studies emerging out of the (U.S.) military shed some light on the difficulties of dealing with sexual violence both within the military and of holding it accountable for rape committed by soldiers against civilians. According to Elizabeth Hillman (2009), the larger climate of military service has created conditions in which sexual violence appears to be more common than in civil society: military domestic violence rates are two to five times higher than in civil society. The most important evolution of military law with respect to sexual violence is the recognition of constructive force in rape cases: by recognizing that the force used to perpetrate rape might be "constructive" rather than actual (that is, enough physical force to overcome the "utmost resistance" of a woman), this legal doctrine subjects a much wider spectrum of sexual violence to prosecution than earlier regimes of rape law. Sexual violence, she explains, is so central to U.S. military law that it has altered the internal parameters of military legal culture, strengthening – at least in the realm of military justice – the time-worn association between soldiers and rape. Rape and domestic violence, not desertion or murder, are now at the core of military justice. Collateral to this though, is the message that women are uniquely

rapable and men uniquely empowered to rape – making it much harder to craft a regime that embraces gender equality if it is rooted in the context of rape. Legal standards of accountability enforced under military law have been criticised for punishing low rank, education and status; race-based discrimination; and gender inequity. Effectiveness of military justice as a tool to fight military rape and sexual assault has also been compromised by the very prevalence of sexual violence in legal precedence. Hillman makes the suggestion that prosecuting soldiers who rape in civilian rather than military courts could help break the link between war, military service and sexual violence, and treating soldiers who rape just like civilians who rape would allow military criminal law to focus on peculiarly military crimes.

2.3.6. Codifying wartime rape

Elisabeth Wood (2009) sheds further light on military and militia involvement in sexual violence, seeking to answer the question ‘when is wartime rape rare?’, and lays out some methodological considerations. She argues that if some groups do not engage in sexual violence, then rape is not inevitable in war, and there are stronger grounds for holding responsible groups that do engage in sexual violence. She identifies some incomplete explanations for rape: when a group exerts little violence of any kind against civilians; the absence of civilians; the *substitution* argument (in absence of prostitutes and willing civilians, combatants turn to rape); and the presence of many female cadre. Wood further offers a theoretical framework: that group leaders may judge that sexual violence would be counterproductive or it is against their norms; and that the observed (as opposed to the commanded) repertoire of violence exercised by combatants may depend on their own norms concerning violence against civilians. Wood further argues that small group dynamics and primary group cohesion matter. Groups with economic endowments draw opportunistic recruits who will be more likely to wield violence in their private interest; such groups tend to wield violence indiscriminately, as opposed to those with social endowments that draw activist recruits who insist on extensive indoctrination and training (although training and socialization play a significant role). Finally she sketches out some observable implications inquiring into *when is wartime rape rare?* The top-down implication is that if leaders judge sexual violence to be counter-productive to their interests *and* if the hierarchy is sufficiently strong, little sexual violence will be observed. The bottom-up implication is that if commanders prohibit sexual violence (or if they promote sexual violence but the hierarchy is too weak to enforce that policy) and if individual combatants and their units endorse norms against sexual violence, little sexual violence by those combatants will occur. Strength of the hierarchy is central to the theoretical framework, and must be observable. Two observable indicators are: i) the ability effectively to tax the civilian population, and ii) the organization’s punishing of combatants who break rules and norms other than those concerning

violence towards individuals.

2.3.7. Variations in sexual violence

Finally, in her work analysing variations in sexual violence during war Elisabeth Wood (2006) outlines a comprehensive framework that could be applied generally to all contexts of studying sexual violence. Substantial variations have been observed in the prevalence of sexual violence; in form; in who is targeted; in whether it is exercised by combatants from a single party or more generally; whether it is pursued as a strategy of war; where it occurs (detention/home/public); its duration; whether carried out by a single perpetrator or group; whether victims are killed afterwards; and whether its incidence varies with other forms of violence against civilians or occurs in a distinct pattern. She notes some challenges in documenting wartime sexual violence: reported variation may reflect different intensities of domestic and international monitoring of conflicts rather than different prevalence rates (see Chapter 1); methodological challenges – definitional ambiguity of rape is great across societies; reluctance or fear of victims to report rape, compounded by disruptions of social services in wartime (disruptions of cultural norms may also *increase* reporting); levels of sexual violence vary across countries in peacetime, making more difficult the interpretation of the wartime variation (using significant correlates of war, inter-personal violence [excluding rape], and ideologies of male dominance [women exercise little power or authority and do not participate in political decision making], and distinguishing between normative rape and non-normative rape). Variations can be explained by asking why sexual violence is often higher in wartime than in peacetime: regulatory mechanisms in peacetime may constrain illegitimate aggression; with regulatory breakdown during wartime, opportunity and/or incentives to engage in sexual violence increases; the extent of this breakdown varies, in some cases regulation may be replaced by promotion of sexual violence as a strategy of war; and armed groups may enforce effective sanctions against their combatants, leading to reduced levels compared to peacetime. A probabilistic rather than deterministic approach may be necessary to account for overall patterns of variation. The extent of opportunistic sexual violence depends on absence of sanctions and norms on part of armed group, small unit and the individual: under what conditions they develop sanctions/norms that effectively endorse or constrain combatants' engagement in sexual violence is key to explaining the observed variation (Wood 2006).

These theorizations of sexual violence are relevant to my study in as far as they provide a framework for interrogating the imperatives for ethnic violence and sexualised violence in Kenya's electoral context. While the focus of my study is on non-protracted violence observed during electioneering periods, the literature on Kenya, similar to the wartime rape accounts, affirm both the

sexism and genocidal approaches towards sexual violence. The ethnicization of the state security apparatus and the appropriation of ethnic militias by political elites (see section 2.4 below), has both proscribed the mechanisms of consolidating elections as a 'free and fair' practice in Kenya, and at the same time undermined the salience of democratic institutions through which women have sought to access and consolidate power in the democratizing state. The sexism of the state security apparatus appears to exclude women from the focus of state security operations during electioneering periods, yet at the same time, the ethnicization of violence in Kenya and of the state security apparatus forcefully interpellates women as targets of generalised electioneering violence and sexual violence in particular. This contention is made clearer through the discussions below.

2.4. Ethnicization of security, insecurity and violence in Kenya: 1963-2007

The relationship shown above between ethnicity and political violence would seem to suggest that the de-ethnicization of politics would in turn minimize the violence attached to political contestations. In this regard a fundamental objective of democratization is the creation of institutions that at least minimize the influence of identitarian politics on political outcomes. In Kenya, such a process of creating liberal spaces for political contestations through the democratization of political institutions has not been without its challenges. Explanations regarding the persistence of ethnicized violence during Kenya's elections can be read within two broad (although not mutually exclusive) strands of critique. The first, mainly within an institutionalist framework, has attributed electoral violence to incomplete reforms of democratic institutions, what Nasong'o has termed as the 'paradox of transition without transformation' (Nasong'o 2007; see also Mutua 2008; Murunga and Nasong'o 2007; Kagwe 2010; Kameri-Mbote 2003; Kibua 2005). The second strand seeks to locate the roots of violent political contestations within a structural framework, drawing on historical accounts of state formation to arrive at the current conjuncture of violence that has marked Kenya's democratization process.

2.4.1. Institutional critiques of democratization

Institutionalist critiques regard the problem of Kenya's violent democracy as being a question of incomplete reforms. The fact that in Kenya, elections have been transitional rather than transformative (Kagwe 2010) have been attributed to three factors: Firstly, that incumbent regimes have been defeated but the rules of the political game remain intact – that is, the transfer of power has not changed the mode of politics founded on personal enrichment, primitive accumulation and ethnicity; secondly, that there is no strategic restructuring of the state as currently constituted. This relates to the manner in which incoming regimes exercise authoritarian tactics, without changing the structural and systemic problems that muzzle press freedom and violate human rights. Third, that

abuse of public office, conflict of interest and outright corruption continue unabated on the part of the incoming governments, such as use of state resources and public service for campaigning for power (Kagwe 2010: 423). Further institutionalist critiques point towards the lack of political democratization in Kenya, arguing that while politicians use ethnicity to mobilize and enhance both their political power and wealth, and their clients, the masses are induced into distrust and fear of other ethnic groups, particularly those who belong to other political parties. Without democratic institutions with which people can identify, or competent security and legal structures that people can appeal to, these feelings further consolidate the position of leaders as ethnic spokespersons (Oyugi 2002).

Despite conceding that the civil society-led reform agenda in Kenya was stifled as a result of factors that are systemic or structural (Kagwe 2010: 421), analysts in the institutionalist mould relate these factors to questions surrounding the electoral systems, 'rules of the game', and ethnicity is treated within these critiques as 'exogenous'.¹⁹ Thus, while institutionalist critiques also highlight the centrality of ethnicity in understanding election outcomes and political organization in the course of Kenya's democratization, the path towards resolving the violent expression of ethnicity within democratic politics in Kenya is seen to lie in institutional reforms. These critiques treat ethnicity ahistorically, and in this regard neglect a long history of ethnicization dating back to the British colonial incursion, which documents the appropriation of ethnic identities to serve the colonization project of primitive accumulation. Secondly, these critiques unproblematically assume a civil society space that is transcendent of the constraints of politicized ethnicity (see Chapters 6 and 7 for this critique).

2.4.2. Structural challenges to democratization

The second strand of critique has proceeded within a structuralist framework, whose proponents suggest that the challenges to Kenya's democratization are mainly “rooted in long-term foundational issues that had remained unaddressed since Kenya gained independence in 1963” (Kanyinga and Walker 2013: 3). From a structural perspective, critics view Kenya's deeply neo-patrimonial politics as one of the most significant issues impeding the entrenchment of democratic society. They argue that powerful political elites have established support using state resources since independence, causing widespread grievances over inequalities and long-standing exclusion in the distribution of resources (Branch and Cheeseman 2008; HRW 1995; MacArthur 2008; Mueller 2008). This

¹⁹ Kagwe (2010) in his study, borrows from Archie Mafeje (Unpublished), who is categorical in stating that “ethnicity' is authored by the political elite to manipulate people, and has no connections to African antiquity”.

patronage had weakened state institutions over many years and, by the time of the 2008 crisis, the Judiciary and Parliament had lost their autonomy and were largely under the control and influence of the executive (Kanyinga and Walker 2013). A highly centralised presidency was also a dominant feature (Mueller 2008). Trust and confidence in key institutions declined further in late 2005 after the executive weakened the much anticipated draft constitution. Kenyans rejected this draft by referendum, leaving the country with its flawed and much amended constitution dating from the colonial era. These long-term political trends created the conditions for political instability (Kanyinga and Walker 2013).

The prevalence of weak and personalised institutions sparked many contestations (Ndegwa 2008). In 2007, those institutions that were crucial for carrying out and overseeing the political transition were perceived as 'partisan' and 'tied to the executive – representing the president's ethnic community – rather than separate from it' (Mueller 2008: 195). Ethnic and regional inequalities infiltrated not only Kenyan politics but also the society more broadly. Between 2002-2007, inter-ethnic rivalry and bitterness grew as the presidency rewarded fellow Kikuyus and the culturally related Meru and Embu communities with power and authority at the expense of other communities (Barkan 2008a). Barkan further notes that Kikuyus held a disproportionate number of positions in the civil service, and a small group of Kikuyu and Meru ministers, known as the 'Mount Kenya Mafia', held an overwhelming proportion of power controlling the key government departments of finance, defence, internal security, justice, and information (Ibid).

These facts present as problematic the expectations of women's organisations that institutions of justice and security, so deeply ethnicized, would function in the context of consecutive political crises that peaked in 2008, to address particular feminist grievances during elections which were being raised within an institutional framework (see this critique in Chapter 7). Institutions such as the judiciary, ministries of state such as those charged with internal security, and the overall state security architecture, which in a democratizing state would be expected to safeguard citizens and address disparate claims, have been shown on the contrary to have been deeply flawed by their ethnicization, and unable to sufficiently transcend their ethnic character in order to accommodate diverse grievances, including feminist ones, that were being articulated outside of the ethnic discourse (see Chapter 7). The literature shows that the main imperative behind the ethnicization of these institutions has historically been to enable the accumulation of capital – processes which for ethnic elites were enabled through the historical capture of the ruling elites. I shall argue that for Kenyan women – at once excluded from these ethnic and patriarchal spaces of accumulation (see Chapter 4), and struggling to claim political space in the ethnicized and patrimonial terrain of

democratic politics (see Chapter 5) – these processes of dispossession are core to understanding why feminist struggles have failed to minimize violence in the course of Kenya's democratization. While successive post-independence regimes were able to de-racialize the security apparatus, the failure to de-ethnicize the security apparatus remains as a core challenge to democratic politics and feminist politics. The persistent link between ethnicity and violence in Kenya may in the first instance be read within this failure to de-ethnicize the state security apparatus.

2.4.2.1. Ethnicization of state security apparatus

Some of the most comprehensive scholarly insights into the ethnicization of state security apparatus in Kenya can be found in the work of Musambayi Katumanga (2010), whose analyses I draw on extensively in this section to shed more light on the structural interpretations of violence in the course of Kenya's democratization process. Katumanga (2010) has argued that the centrality of the security infrastructure in the exercise of power in Kenya has its roots in the colonial situation. It has its roots in the colonial government's efforts to construct the strategic rail line to secure the Nile. A racially defined land alienation system for the purpose of white settler farming provided the best option for recouping the costs of building the railway. To facilitate the settlers' economic reproduction and political security, the state introduced taxes for African households and promulgated legislations to anchor these extra-economic coercive measures in law and regulate behaviour of different ethnic communities.²⁰

Further, he shows that measures for the administration of the individual and regulation of ethnic or groups interlinked to sustain the colonial state and to enforce African support through extra-economic coercion for the colonial state and its mode of rule. Specifically, to consolidate colonial rule, the state used legal instruments such as the 1903 Hut Tax Ordinance and Poll Tax system (reinforced by the Master and Servants Act 1906); 1915 Crown Lands Ordinance Act (that saw thousands of Africans uprooted from their land and confined in ethnic native reserves); and the 1918 Residence Labourer's Ordinance that allowed the colonial regime to control movement of the Africans and speed extraction of labour from Africans for the benefit of the White settlers (Katumanga 2008). Regulating movement to and from native reserves facilitated the institution of anatomo-political practices or measures that sought to administer economic and socio-political activities of different ethnic groups. Core here were measures which ensured the continued flow of African labour to support the settlers and the colonial regime. Consequently, three closed spaces

²⁰ Thus, what Foucault refers to as bio-political measures, or those policies and laws aimed at the control of the individual, conjoined with anatomo-political practices that sought to control ethnic communities (Katumanga 2010: 537).

emerged. The first comprised multiple native spaces where Africans were administered as subjects under differentiated and ethnic specific customary law. The second category was that of spaces reserved for citizens administered under the 'modern laws open only to Caucasians' (Mamdani 1996). The third space was located in the North of Kenya, inhabited mainly by the pastoralist communities: the Pokot, Turkana, Samburu, Rendille, Merille Borana and the Somali (Katumanga 2010).

All ethnic groups were territorialized, closed in and forbidden from interacting with each other. This produced closed 'ethnic/racial spaces' (Ngunyi 1996: 251-279, cited in Katumanga 2010: 537). To cement the protection of the 'White Highlands', military units were set up in the nearby towns of Gilgil, Lanet and Nanyuki. In Nairobi, there was the Lang'ata and Kahawa barracks. The units were made up of what the colonial administration called select loyal ethnic groups. It is this process of identifying loyal groups that undermined the rationality of state construction and, more specifically, its disciplinary and bio-power from the onset. It produced native spaces differentiated by customary laws. Customary-differentiated space in turn cemented and reproduced ethnicity. Opposition to this mode of rule produced different forms of resistance, of which the *Mau Mau* was one example (Katumanga 2010).

Furthermore, Katumanga argues, the post-colonial state inherited this security structure without any alteration. The first post-colonial government of President Jomo Kenyatta effected several constitutional amendments to consolidate power. Effective consolidation of power allowed President Kenyatta to control national spaces through direct appointment of Provincial Commissioners and other senior public officials. Members of his ethnic community, the Gikuyu, invariably dominated the security sector apparatus. His imprint on the security infrastructure began as the provincial administration assumed control over the colonial chiefs tribal militia, renamed the Administrative Police. Kenyatta was also concerned about the ethnic composition of the military. The colonial preference for the Kamba and Kalenjin had seen the two communities emerge as the numerically major groups in the armed forces. However, in 1971, the army attempted a military *coup d'etat*. This compelled Kenyatta to shift support away from the army to the nascent Kenya Air Force and the General Service Unit (GSU). He restricted growth of the army by ensuring it remained a small sized force while enlarging the Air Force and the GSU as the main bulwarks of his regime. Little attempt was made to re-configure the security architecture to enhance the sense of state. This confirmed the core task of the force to be inclined towards regime consolidation rather than deterrence for fending off external aggression (Katumanga 2010: 537-8).

The ethnic character of the security sector had an important impact on politics:

Kenyatta's control of security instruments allowed his allies to operate without accountability. Corruption, popularly known as '*magendo*', flourished as those allied to Kenyatta and other influential individuals sought to accumulate their wealth through the state framework. Security contracts were a good opportunity in this respect. Kenyatta's approach to the security sector thus had the effect of deracializing the sector. It had a negative impact too. It resulted in centralization of power and deeper ethnicization of the armed forces. He appeared supportive of 'open' national spaces but in practical terms facilitated the push of his ethnic clients into public sector positions and previously closed native spaces (Katumanga 2010: 538).

The land reform programme started by the colonial state on the eve of independence and pursued by the Kenyatta administration provided another opportunity to advance the Gikuyu political and economic interests. Settlement schemes in the Rift Valley and Coast provinces saw the Gikuyu landless acquiring land away from Central Kenya. During the period, Central province remained closed to other groups; there were no new frontiers to allow for occupation of other communities. The out-migration of the Gikuyu and allocation of land to the landless outside of Central Kenya had the consequence of straining relations between the Gikuyu and other communities in the areas they settled. They were seen as an outsider community that was benefiting from Gikuyu leadership. This in turn led to false consciousness among the Gikuyu; they needed Kenyatta's leadership (Katumanga 2010). The cabal of leaders from Kenyatta's ethnic community preferred to hold onto power. Through their support, extra-legal militia known as the *Ngoroko* emerged, with the objective to eliminate those opposed to the scheme of keeping power within the reins of the Gikuyu and related groups. The *Ngoroko* unit was re-equipped, expanded and given paratrooper training to protect the Gikuyu political leadership (Karimi and Ochieng' 1980: 123). In addition to the *Ngoroko*, there was a highly ethnicized police force (Katumanga 2010: 539).

The successor Moi regime, Katumanga (2010) writes, assumed power with promises to restructure the police force. The *Ngoroko* outfit was reconstituted under the Anti-Stock Theft Unit. The Moi regime initially sought redistribution (at least at rhetorical levels). It had no specific agenda for growth and, before long, began scuttling the state with short-term objectives. Perceived deviants, especially officers in the security structures from the Gikuyu community, were hounded out of office. Before long, his bio-political practices such as detention without trial and general abuse and violation of civil and political rights forced resistance, of which the attempted military *coup d'etat* in August 1982 remains a good example. The Moi regime maximised on it to reconfigure the military into a regime-friendly force. Gikuyu dominance in the Kenya Air Force

was quickly supplanted by Kalenjin, who also increased their demographic presence in the military and the paramilitary General Service Unit. The government also began a process of military expansion. This saw the completion of two infantry brigades: the formation of the 9th Kenya Rifles in Eldoret in the Rift Valley Province, and the 15th Kenya Rifles at Mariakani in the Coast Province. The setting up of 81 Tank Battalion in Gilgil (also in the Rift Valley) to supplement the 78 Tank Battalion in Isiolo (towards the former Northern Frontier) and the 76 Reconnaissance added up to make a Brigade minus of armour. Parallel to this was the expansion of the GSU. This force transformed into a presidential guard, thanks to specialised commando training provided by Israel (2010: 539).

More parallel structures emerged in the provincial administration. These included the Special District Officer, reporting directly to the Office of the President. There was a remarked expansion and reorganisation of the Administrative Police (AP), which included the centralisation of the unit and the recruitment of direct entry officers to the rank of Inspector. The force ceased being a locational chief's force recruited within given ethnic spaces. Instead, it was nationalised and given the stature of a national internal security police force. This of course facilitated regime consolidation, and gave the Kalenjin political elites under Moi an alternative space within which they could ensure a huge presence of members of their ethnic groups in the internal security structures. Accompanying the reorganization of the security sector was their ethnicization, corruption and increased levels of state violence against opponents (Ibid).

The National Security Intelligence Service (NSIS) also transformed during the period. The NSIS was formed to succeed a discredited Special Branch organ of the security sector, whose main concern centred on identifying critics of the government and others opposed to Moi. However, the police remained unreformed: poorly paid, violent and corrupt. Marked increase in corruption at state level rose in tandem with state violence. Neoliberal economic austerity measures adopted under the Structural Adjustment Programmed in the early 1990s provided both new sites of accumulation for state-friendly elites and means for increased violence against those opposed to the elites in power. Illegal privatization of state instruments of violence and the rise of private groups to protect political interests of these individuals characterized the period. Violence was rapidly privatized (Ibid, pp. 539-40).

Increased cases of corruption gave rise to private forms of violence. The political elites had to craft strategies to outcompete one another and of course defend themselves from possible uprising. Thus, the elite in power developed a dual strategy: the privatization of public violence and the

appropriation of private violence and its deployment in both national and local indigenous ethnic spaces. The elite in power organised urban lumpen groups to promote or protect their interests through violence at the national level. At the local level, they again organised groups of unemployed youth to guard ethnic spaces and to ensure only ethnic citizenship was recognised with non-indigenous citizens asked to 'lie low like envelopes.' The regime's anatomo-political practices picked up with calls for expulsions of *madoadoa* (spots) or non-ethnics from indigenous spaces. This resulted in violence, which accompanied the first multiparty general elections in 1992 and the second election held in 1997. During those elections, more than 400,000 Kenyans were displaced and more than 1,100 killed in the Rift Valley, Coast and parts of Western and Nyanza Provinces. Three spaces emerged: native spaces (where the exercise of citizenship was ethnic); spaces of chieftaincy (where youth violence was purchased by the looting political elite); and national spaces (where security forces were noted for their diminishing competence, probity and capacity to ensure security) (Katumanga, 2010: 540).

Ethnicization of the security sector, the rise of private forms of violence, and guarding of ethnic spaces from encroachment by 'others' characterized the Moi regime in a significant manner. But also important was the rise of corruption in the security sector. This on its own attenuated the sector and eroded the basis of competence and confidence in key institutions. In particular, the state elites turned to the acquisition of military equipment as a source of political and individual funds. They quickly formed companies or entered into partnership with Asian business elites to provide overpriced and low quality equipment. Influential elites, through these arrangements generated their wealth by providing sub-standard police vehicles and other equipment, which the police could not use efficiently. The wealth accumulated through these arrangements in turn supported their political violence activities mentioned above (Ibid).

The 1990s saw the rise of different militia groups. These included the better-organised and armed cattle rustlers in rural north west Kenya, and *Mungiki* in Nairobi and Central Provinces (see Chapter 5 for a more detailed historical account of *Mungiki*). Others were the *Chinkororo* and *Amachuma* in Kisii parts of Nyanza Province, Baghdad Boys in Kisumu, Taliban in Nairobi's Kibera and Mathare neighbourhoods, and the Republic Force in Mombasa. There were also the *Jeshi la Mzee*, *Jeshi la King'ola* and *Jeshi la Mama*. These groups were largely sustained by youths shed off the education system due to neoliberal policies, and thus resident in the slums of Kibera, Mathare, Kibarage and Soweto in Nairobi. Some of these groups emerged to provide lacking security, consequently building some sense of legitimacy and compliance (Ibid, pp. 540-1).

Gradually, it became apparent that power in Kenya could be acquired through accumulation of capital necessary for instrumentalizing violence and ethnicity. Capital was accessed to state as a lootable resource. Bandit economies comprising carjacking, land grabbing, government corruption and bank robberies was worth billions of dollars. Some estimates showed about Kshs. 8 billion was lost through carjacking in the period between 1990 and 1995. Political elites also illegally acquired land worth Kshs. 127.4 billion during the period. They targeted public land in upmarket areas of the city and sandy beaches on the coastline (Ngunyi et al. 1999: 21). Rival elite were permitted to set up their own fields of accumulation, some of which involved cattle rustling. In the period between 1995 and 2002, cattle rustling saw the loss of 300,000 cattle worth about Kshs. 3 billion or about USD 50 million. More than 1,200 people died and several thousands were displaced. The political elite understood capturing power or sustaining control over power to imply the necessity to acquire mastery over capital (critical for buying violence), and the instrumentalization of ethnicity. The transition from Moi to the (Mwai) Kibaki administration under the National Alliance Rainbow Coalition (NARC) had to contend with this challenge (Katumanga 2010: 541).

Despite their facilitation of a smooth transition from the KANU regime to the coalition of political parties that won the December 2002 elections under NARC and President Kibaki, the new regime initiated changes in the military with negative consequences on the state. The Army Commander, a Kalenjin, was retired; the Vice Chief of General Staff, also a Kalenjin, was transferred to the National Defence College but retired thereafter. Another Kalenjin in charge of the Air Force was relieved of his command. They were replaced by people from other ethnic communities – Kamba, Maasai and Gikuyu. Significantly also is the fact that the Gikuyu who were in the rank of army generals rose from three to five. In the highly instrumentalised ethnic environment in Kenya, focus was on the very fact of one ethnic group controlling the army, intelligence services, in addition to the Permanent Secretaries and ministers in charge of the ministries of Defence and Internal Security by 2007. Here, the issue of the competence of these officers was not put into consideration. Neither was the fact that over the course of the Moi reign, officers from the Kalenjin community had assumed a disproportionate presence in relation to their demography. Soon, it evolved a perception that the generals were either NARC or KANU aligned (Katumanga 2010).

The new regime had control of the Ministry of Finance and used this to gain influence in defence. This influence began through several security-related contracts worth Kshs. 56 billion (Githongo 2005).²¹ The Kibaki government equally pushed the privatization of public institutions of violence a

²¹ The contracts provided a bridge between the security establishments, state bureaucrats and the political elite seeking regime consolidation. Several multi-million dollar contracts were entered into for this purpose. They all concerned

notch higher when individuals close to the centre of power penetrated the police and the Criminal Investigation Department (CID). Tensions arose between the CID Director and the Minister of Internal Security on one side, and the Police Commissioner on the other. Tensions were also apparent between the regular police and a highly politicised administration police, which now comprised of a specialised rapid infantry deployment unit. There were also other units that mushroomed within the police force outside the command and control the police commissioner. Some of these units engaged in extra-judicial execution of many youth. In effect, the bio-political practices of the Kibaki regime perfected use of state violence without negating the appropriation of private violence. The regime witnessed emergence of oligopolistic violence in which small armed groups controlled specific areas and for different purposes, including political and economic extortion (Katumanga 2010: 542, Ngunyi and Katumanga: 2012).

In 2007 prior to the general elections, the monopoly of militia groups received covert support from those seeking to 'buy their violence', and in particular the Gikuyu elite in Nairobi. Convergence of interest of these two actors underpinned re-negotiations of their engagements in a bid to safeguard their market and political projects. This polarised the political terrain. Western, Nyanza, Coast provinces and a large part of the Rift Valley supported the opposition Orange Democratic Movement (ODM) party of Raila Odinga while Central Province, Eastern Province and the predominantly Gikuyu parts of the Rift Valley leaned towards Kibaki's Party of National Unity (PNU). Nairobi was split mainly around the two (Katumanga 2010: 542).

This apparent divide seemed to swing the political advantage to challenger Raila Odinga's ODM, and pushed the ruling elite towards direct appropriation and privatization of private and public violence, respectively. Firstly, there were direct but covert efforts to engage certain factions of *Mungiki* in a bid to undercut Raila in Kibera. Secondly, the Administration Police was brought into the wider strategy of regime conservation (CIPEV 2008). Its agents were increasingly caught in illegal activities such as the distribution of propaganda tracts maligning Odinga in Eldama Ravine and in support of the PNU. A few days after the 2007 elections, senior Administration Police officers were reported to have met with a senior minister, effectively putting into motion the chain process of having the force assist the regime in its re-election bid. This was followed up by a decision to have an estimated 3,000 troops withdrawn from their line, reformed at the Administration Police Training College, before being sent to the western part of Kenya where it was

security facilities, including printing of passports, procuring security communications equipment, an building forensic laboratories. The process of procuring all these contracts raised concern because of inflated costs and the poor information on how they were procured (See 'Secrets of Kshs. 58 billion deals' *Daily Nation*, 20 April 2006..

feared the President would be rigged out. The state was entering the electoral chain with security units that seemed polarised and unable to dominate instruments of violence. While the larger part of the regular police force rank and file was deemed sympathetic to the ODM, a large part of the Administration Police force and its leadership was said to have sympathies for PNU (Katumanga 2010: 542-3).

2.5. Discussion and conclusions

The above history of the ethnicization of the security sector in Kenya set the foundation for investigating a core question in this thesis: that is, how may we understand the nature of gendered and sexualized violence in the context of democratization – where functioning democratic institutions including the police force, judiciary and civil society are presumed to be in place and working to secure liberal spaces for democratic politics? While the above accounts qualify the notion of a democratically inclined security apparatus, it does not, however, disqualify the presence of a functioning security system. Rather, what is portrayed in the above accounts is the ways in which various sections of the state security apparatus have historically been appropriated by successive regimes and ethnic elites aligned to them – and importantly, buttresses the claim I make regarding the instrumentalization of ethnicized violence in the context of Kenya's electoral contestations. At the core of the preceding discussion is the view that the ethnicization of politics meant that new forms of militarization emerged that polarised around the appropriation of the the security apparatus by political elites for their own ends. Yet while providing a detailed narrative of the process of ethnicization of the security apparatus and the instrumental use of violence in the electoral context, the above accounts do not, however, provide insights into the gendered and sexualized outcomes of such instrumentalization of political violence. It is thus, towards an understanding of the gendered and ethnicized nature of violence during Kenya's democratic transitions that my study seeks to contribute. In this analysis, I draw on the various methodological and theoretical accounts of sexual violence in the context of war discussed in section (3) above, and in Chapters 5, 6 and 7, give evidence based on primary and secondary data that extend Katumanga's (2010) critique to show how other spaces of political participation – including civil society and religious-based organisations – also became ethnicized, gendered, and productive of violence in the course of Kenya's democratization.

Chapter 3

RESEARCH METHODOLOGY

3.1. Introduction

In the foregoing chapters I have elaborated a framework for this study in which I seek to shed light on the nature of gendered and sexualised violence in the course of Kenya's multiparty politics, and the impact that these forms of violence have on the ways in which Kenyan women experience political life. The focus of my study in this regard is on violence occurring in the context of democratic contestations – the nature of which is shown by the accounts in Chapters 1 and 2 as being ethnicized – and more specifically, on sexual violence observed during electioneering periods in Kenya. The core question guiding the preceding formulations has to do with why democratization in Kenya has not been able to minimize gendered forms of violence. The preceding discussions suggest a complex political economy of elections in Kenya, in which the politicization of ethnicity is most readily identified with Kenya's historically violent elections. That history is by and large silent on women's experiences of violence. I locate women within this history of violent political contestations through a feminist critique of democratization in Kenya, the analysis of which is guided by two theoretical bodies – democratic theory and theories of sexual violence (Chapter 2). The discussions in the foregoing chapters therefore set the basis for further inquiry into my research question. The study is feminist in its objective of centring women's experiences of politics, and necessarily historical in seeking to trace the gendering of politics *and* the silencing of the gendered nature of politics in Kenya's long trajectory towards democratization (I outline my method for this dialectical analysis in section 4 below). Following the introduction and theoretical outline of the study, the aim of this chapter is to discuss in detail the procedures and methods used in carrying out my research. In the first section, I make a case for feminist qualitative research methodology, drawing from a diverse range of feminist epistemologies and methods. The remaining sections provide details of the procedures used in identifying my research participants as well as outlining sources of secondary data used in the study.

3.2. Feminist qualitative research

Feminist research is based on the assumption that the world is socially constructed, displays a relative aversion to empirical positivistic methodology, and rejects the value-free nature of research (Sarantakos 2005: 54). Feminist researchers employ a qualitative and/or quantitative methodology, although they adjust the latter to meet the requirements of the feminist paradigm. Beyond its emancipatory endeavour, feminist research is a model guided by sound methodologies and producing valuable and high quality research findings. A combination of a variety of theoretical paradigms, as well as methods and procedures adjusted to comply with feminist principles, are the

major factors for this (Sarantakos 2005).

A number of principles guide what type of research might be considered as being feminist. I consider my research as feminist given that it pays attention to a number of considerations outlined by various scholars as delineating feminist forms of research. These include observations that such research: is contextual, inclusive, experiential, involved, socially relevant, complete but not necessarily replicable, open to the environment and inclusive of emotions and events as experienced (Nielsen 1990: 6; Reinharz 1983); puts gender in the centre of social inquiry - making women visible and representing women's perspectives are a major part of feminist critical research (Sarantakos 2005); places emphasis on women's experiences, which are considered a significant indicator of reality (Harding 1987a). Qualifying the notion of experience, Mama (1995) has, however, argued that it is not enough simply to describe experience. She stresses the fact that the specific experiences of the research participants are not the experiences of all women and, for this reason alone, the general processes through which subjectivities are constituted need to be theorised if the work is to have relevance to anyone other than the actual participants. In this regard, Mama shares Weedon's (1987) view that:

“It is not enough to refer unproblematically to experience...we need a theory of the relationship between experience, social power and resistance...Theory must be able to address women's experience by showing where it comes from and how it relates to material social practices and the power relations which structure them” (Weedon 1987: 8).

In a wider context feminist research involves primarily the development of women's history, for example by recasting history to take account of women's roles and by reconstructing it in terms of women's rather than men's concerns; or by writing the history of women's realms of experience (Sarantakos 2005). Further, feminist research aims to disclose distortions related to women's experiences and sees gender as the nucleus of women's perceptions and lives, shaping consciousness, skills, institutions and the distribution of power and privilege; it is preoccupied with social construction of 'knowing and being known'; is politically value-laden and critical, and as such is not methodic but clearly dialectical. This implies that it is an imaginative and creative process which engages oppressive social structures (Ibid). Is not solely about women but primarily for women, taking up an emancipationist stance;²² it entails an anti-positivistic orientation and employs multiple methodologies and paradigms (Sarantakos 2005).

²² Indeed feminist scholars have argued that the measure by which to judge research should be the effect it has on improving women's lives (Reinharz 1983) and the role it has in aiding the emancipation of women. Maria Mies (1983) suggests that "the "truth" of a theory is not dependent on the application of certain methodologies and rules but on its potential to orient the processes of praxis towards progressive emancipation and humanisation" (p.124).

3.2.1. Feminist standpoint

The basis of development of the method and methodology adopted for this thesis is the feminist standpoint epistemology (as opposed to feminist empiricism). Feminist standpoint epistemology, Harding (1987) has argued, serves as a foundation for a methodology for feminist research that is located in, and proceeds from, a grounded analysis of women's material realities. Because it proceeds thus, it is more radical, more complete and less distorted than theory proceeding from male-dominated method. Superior 'truer' knowledge is thus derived from a committed feminist exploration of women's experiences. These ambitions are achieved by engagement in intellectual and political struggle, which is justifiable because it is necessary to see natural and social life from the point of view of the activity that produces women's social experiences, often overlooked or judged to be inferior and trivial. This approach, then, sees beyond the partial perspectives available from the dominant gender, i.e. from the experience of men (Landman 2006: 430).

There are many and different contexts within this model of feminist research and hence the possibility of deriving many standpoints. The thesis is most concerned with the social and political contexts within which women who experience violence are located. These contexts are not self-evident, but rather are derived from research data that shows a nexus between women's economic location, their social identities, and their vulnerability to electioneering violence. The standpoint thus derived builds on and from women's experiences of democratic politics in Kenya, and sets women's 'lived experiences' at the centre of the research. Feminist standpoint theorists such as Nancy Hartsock (1983) and Dorothy Smith (1997) argue within a Marxist framework that women can actually produce better knowledge rather than men due to their sex-class position. Research by feminist standpoint theorists is held to produce more complete, less distorted knowledge (Harding 1986), and is based on Marx's concept of the "proletarian standpoint". Hartsock (1983) further argues that those in domination can only ever have or produce partial knowledge. The feminist standpoint methodology used in this thesis thus seeks to understand the nature of democratic politics in Kenya from the point of view of the dominated - women. It sets out the theoretical and methodological framework that will inform the research process, which in this thesis, is feminist historical materialism. Harding (1987) suggests that "methodology is a theory and analysis of how research does and should proceed", which necessarily involves consideration of disciplinary method, i.e. "modes of explanation, understanding and the nature of abstraction" (Sayer, 1992).

3.2.2. Feminist historical materialism

This study is broadly situated within a feminist historical materialist theoretical framework. This

framework seeks rapprochement between Marxism and radical feminism, by formulating a ‘theory of capitalist patriarchy that shows its relations of labour and hierarchy as one gender-structured system in which the oppression of women is a core element’ and with which ‘socialist feminists would be in a better position to argue and enact this practical necessity’ (Young, 1980: 104; Hartsock 1985). Young offers some general elements that such a theory should contain and some of the basic issues it should address. Her theory builds on critiques drawn from what she terms the ‘dual systems theory’.²³ She suggests that feminist historical materialism must be a total social theory, not merely a theory of the situation and oppression of women. That theory will take gender differentiation as a basic starting point, in the sense that it will seek always to keep the fact of gender difference at the centre of its accounts and will reject any account that obscures gender-differentiated phenomena. It will take gender statuses, gender hierarchy and domination, changes in gender relations, gender ideologies, etc., as central aspects of any social formation. These aspects must be analysed in any account of a social formation, and other aspects of social formation must be linked to them.

The methodological use of a materialist feminist framework of analysis seeks to bridge the shortcomings of cultural feminism and Marxism. In contrast to cultural feminists, materialist, socialist, and Marxist feminists do not see culture as the whole of social life but rather as only one arena of social production and therefore as only one area for feminist struggle. Favouring this term over ‘Marxist feminism’, materialist feminists sought to emphasize the point that although Marxism had not adequately addressed women’s exploitation and oppression, a historical materialist analysis might be developed that would account for the sexual division of labour and the gendered formation of subjectivities. More than socialist feminism, materialist feminism was the conjuncture of several discourses – historical materialism, Marxist and radical feminism, as well as postmodern and psychoanalytic theories of meaning and subjectivity (Hennessy and Ingraham, 1997: 7). Where Marxist analysis relates “women” as a category to class as a category, materialist feminism engages a political determinism, creating consciousness around the actual lived realities of women to arrive at their class positions. As MacKinnon suggests, women’s class status is significantly mediated by women’s relation to men. It brings into focus people in concrete relation to productive forces and within the social relations that arise from their organisation of those forces (MacKinnon, 1989: 48-

²³ The dual systems theory says that women’s oppression arises from two distinct and relatively autonomous systems. The system of male domination, most often called “patriarchy”, produces the specific gender oppression of women; the system of the mode of production and class relations produces the class oppression and work alienating most women. Patriarchy “interacts” with the system of the mode of production – in our case capitalism – to produce the concrete phenomena of women’s oppression in society (Iris Marion Young, *Socialist Feminism and the Limits of Dual Systems Theory*, p. 95).

50).

Iris Young frames the elements of feminist historical materialism as follows: (a) it seeks to explore the hypothesis that class domination arises from and/or is intimately tied to patriarchal domination – we must take seriously the question of whether there is a causal relation here, to what extent there is, and precisely how the causal relations operate if and when they exist; (b) it must be a truly *materialist* theory²⁴ - a requirement that calls for a methodological priority to concrete social institutions and practices, along with the material conditions in which they take places; (c) a feminist materialism should remain Marxist in the sense that it takes the structure of labouring activity and the relations arising from labouring activity, broadly defined, as a crucial determination of social phenomena. Nancy Hartsock (1983: 284) has sought to address the question of whether one can discover a feminist standpoint on which to ground a specifically feminist historical materialism. She suggests that the sexual division of labour forms the basis for such a standpoint and argues that an epistemological tool could be constructed on the basis of the structures which define women's activity as contributors to subsistence and as mothers. Accepting that Marxist premise, it must also find a way of analyzing social relations arising from labouring activity in gender-differentiated terms; and (d) a feminist historical materialism must be thoroughly historical – it must eschew any explanations that claim to apply to societies across epochs. In practice this means that a feminist historical materialism must be suspicious of any claims to universality regarding any aspect of women's situation. If there exists any circumstances common to the situation of all women, these must be discovered empirically, not pre-supposed. We must develop a theory that can articulate and appreciate the vast differences in the situation, structure and experience of gender relations in different times and place.

In conceptualising the term “gender” it is essential to pay attention to the political contexts within which relationships of power are structured and reproduced. For example when referring to contexts in Africa, where women's participation in politics is highly regulated by strong patriarchal cultures, and where the public/private distinction is often blurred and highly mediated both by traditional and state authority, normative understandings of gender would leave many research questions unanswered. As Sylvia Tamale urges, care must be taken ‘not to uncritically project the Western conceptual paradigm of gender onto African cultures’ (1999: 3). Furthermore gender analysis in the African contexts must incorporate a critique of the imperialist imposition of Western notions of

²⁴ Following Delphy and Williams, among others, Marion Young understands a materialist account as one that considers phenomena of “consciousness” – e.g., intellectual production, broad social attitudes and beliefs, cultural myths, symbols, images, etc. – as rooted in real social relationships (Delphy, 1980, Williams, 1977).

gender and the effect of neo-colonialism on gender relations (Tamale 1999). She further argues that in order to fully understand the political role played by women, it is imperative to challenge and redefine the boundaries of public and private life. Illustrating these qualifications, Tamale finds that concretely, a gender paradigm relevant to a peasant Catholic Sabinu woman in eastern Uganda, for example, would have to roundly address (1) elements of her indigenous culture that oppress her (e.g. cliteridectomy); (2) Catholicism, which further dominates her morality and sexuality; (3) capitalism, which places her at the very bottom of her class/gender hierarchy; (4) imperialism, which imposes alien socio-cultural values, economic constraints, and political structures that dictate her existence; and (5) neo-colonialism, which dehumanises her and is reflected in policies such as structural adjustment programmes (SAPs), diminishing terms of trade, and the unequal exchange of values across continents. All five systems of oppression form an integrated matrix that produces a specific social location for the Sabinu woman. Therefore, the dialectical relationship between gender, class, ethnicity, religion, imperialism, and neo-colonialism is especially pertinent for an analysis of gender relations in the African context. Any analysis that lacks such a multifocal approach to gender relations in the African context can only be superficial and truncated (Tamale 1999: 3) Tamale's submission here satisfies a core element of historicity in Iris Young's materialist feminist framework – that it must be suspicious of any claims to universality regarding any aspect of women's situation. Broadly, this study applied Tamale's kind of nuanced critical analysis itowards an understanding of the situation of Kenyan women in the postcolonial democratisation period.

Situating the study within this theoretical framework further resolved a number of epistemological and methodological challenges associated with investigating the research problem. First, it allowed for the examination of causal relationships between gender, class, ethnicity and sexual violence, whose existence is suggested by various studies on Kenya (see Gordon, 1995; Cohen and Odhiambo, 1992; Cubbins, 1991; House-Midamba, 1990; Hyden, 1987; Clark, 1984) but which the reviewed literature does not discuss in depth. Secondly, in requiring that lived realities of respondents be incorporated into the analysis, the feminist historical materialist framework satisfied a core feminist methodological concern. Feminists seek a science that minimizes harm and control in the research process. In response to the observation that researchers have often exploited or harmed women participants, and that scientific knowledge has sustained systematic oppressions of women, feminist methodologists have searched for practices that will minimise the harm to women and limit negative consequences (Nebraska Feminist Collective, 1983, 1988). Such concerns enter non-feminist research discussions as well. What marks the feminist discourse is not only a particular concern for women's welfare, but particular sources for research strategies. Feminist

researchers have drawn, more or less consciously, on the work of grassroots and professional women's organisations to develop inclusive procedures and less hierarchical structures (Strobel, 1995; DeVault 1996). Thirdly, its insistence on analysing labouring activity and relations arising from labouring activity in gender-differentiated terms necessitated a historical study of women in relation to society, and in addition facilitated a critical analysis of the gender-class-ethnicity nexus in relation to sexual violence. The main challenge of using this theoretical framework, however, related to the paucity of historical data on sexual violence emerging from the early years of democratization in Kenya.

3.3. Research Methods

The thesis relies on three main methods of data collection: semi-structured in-depth interviews and focus-group discussions with women who have experienced sexual violence during electioneering periods as a heuristic tool in analysing broader concepts of democratization; archival research for collation of historical information regarding women's relationship to the colonial state; and secondary materials, including theoretical texts, reports from organisations, media reports, and literary texts regarding the nature of democratic politics in Kenya from the late 1980s.

3.3.1. Semi-structured in-depth interviews

The method I used for conducting interviews with my research participants – women who have experienced sexual violence in the electioneering context – was semi-structured, open-ended interviews. My choice of this method was informed by two main factors related to sensitivity in approaching the subject matter of gender violence. One of the concerns that determined how I approached and interviewed female survivors of violence was the extent to which I could build trust, a perception of shared experience and therefore, some mutuality of interest between myself as interviewer and the rape survivor as participant. Related to this was a concern I held with regards to the need to establish an 'objective' distance from my own subjective position – as a woman/survivor/feminist and thus my immediate tendency to focus on the physiological trauma of rape – in order to 'hear' and critically engage with the narratives being shared by my participants. In other words, it was the discovery I made after a number of initial interviews, that my participants rarely restricted themselves to speaking about the rape *act* itself that allowed me to develop a more robust critique of the circumstances surrounding their violation. Participants' descriptions of their rape ordeal was usually merely skimmed over, and in interviews that sometimes lasted up to 3 hours, the participants' narratives of their lives *before* or *after* the rape ordeal are what gave the most significant form and meaning to my study. I also observed that interview method developed gradually over a period of time, and rarely conformed to a formal structure, as I found that each

participant and each set of circumstances demanded varying strategies of conversation (I discuss these processes in some detail in section 5 below under 'ethical considerations').

Feminists have long grappled with such challenges presented by the interview process. Oakley (1981), for instance, argued for the value of the in-depth qualitative interview for feminist research in an article that remains important in current debates. Writing on the inadequacies of the social science methodology textbook proscriptions for the research interview as part of a survey, she cited a version in which the interviewer is a tool or an instrument, and that also extols the necessity for distance from the respondent in the interests of objectivity, to strike a rapport but remain aloof. Her observations came from her study, the *Transition to Motherhood Project*, which had a conventional research design and involved 178 interviews over 12 months. Oakley (1981) notes that the research processes affected the women she interviewed, and she made a record of their questions to her (878 in all), including: requests for information (for their own situation); about the research; about Oakley herself (e.g. Did you breast feed?); on particular matters (e.g. How do you cook an egg for a baby?). Her reflections of the process led her to conclude that the feminist researcher proceeding from the tenet that the research is for women, should revise the process. Instead, she sets out the case for an alternative process for feminist research in which: 1) the interviewer presents her own identity in the process, not only asking questions, but also sharing knowledge; 2) reciprocity invites an intimacy that encourages revelations from the researched relating to her material reality; 3) develops a participatory model of research that challenges power relationships between researcher and researched; and 4) produced work that challenges prevailing stereotypes of the researcher and the researched (Oakley 1981).

Mama (1995) explored another important aspect of research method that resonated with my own research experience – the social relations surrounding the research, and the researcher's role in the process of research. Critiquing the notion of an egalitarian relationship between the researched and the researcher, Mama problematizes the fact that subject participation (see Huizer and Mannheim 1979; Lather 1988, Mies 1979) has very often been sought at the level of data gathering but seldom at the levels of data analysis, interpretation or publication (Mama 1995: 79). She makes the observation that subject participation has rarely been secured beyond the level of data collection, a limitation for which she offers two explanations: first is that unless the research agenda is collectively established, the researcher is in the position of demanding people's time and energy, not to mention their intellectual and other resources; second, that researchers have professional and intellectual rationales for undertaking research, and these involve delivering research products such as publications in forums and styles not necessarily accessible to those who have been sought as

research participants (Mama 1995: 79-80). With regards to these limitations, my study cannot be considered as being a fully participatory research. Such limitations are, however, not insurmountable.

One suggested method of mitigating this dilemma is to directly ask participants for accounts of their experience (Mama 1995: 81), what Hollway (1989) refers to as descriptive interviewing:

The method of descriptive interviewing represents a consistent application of the political principle that women's experience can provide a direct route to women's consciousness and identity. That principle provides the answer for feminist method: ask women directly for an account of their experience...the assumption is the idealist one that the knowledge is there, based on experience, and can be represented in an account (Hollway 1989: 40-1).

As I already state above, my interview technique with female survivors of sexual violence evolved and became more refined over a long period, with my primary consideration being to involve the participants in the research process as much as possible. I was particularly conscious of the past and ongoing trauma that the participants had experienced, and many were initially reluctant to speak about their experiences, let alone share any personal feelings regarding their experiences of violence. I found it critical therefore, to establish bonds of trust with my participants, and this is a process that took months and in some cases, years of interaction, non-research related visits, sharing of my own experiences of gendered trauma with the women, and allowing them to pose questions to me which I often responded to in as much detail as possible. In other words, I found that forming a non-hierarchical relationship that did away with the knower/knowable binary was the most effective way to derive the trust of participants to the extent that they often were willing to grant me access into their private spaces and share intimate details of their lives with me. Over a period of time my respondents became less inhibited and felt more confident to get into details which they had earlier considered as being too 'mundane' to be of any use for purposes of my study – details from which critical perspectives of my study emerged.

3.3.2. Focus-group discussions

I organised two focus-group discussions (FGDs) with rape survivors – one in Nairobi and one in Kisumu. I found this method to be particularly useful in surmounting some of the challenges outlined above related to in-depth interviews, most especially the power dynamics between myself as researcher and the research participants. In both groups, the women led the discussion, depending on the particular points they wanted to raise, and what aspects of their experience they felt comfortable in sharing with the group. Apart from highlighting differences in the ways in which the

participants related with their individual experiences of violence, the focus groups also stimulated debates among the women which often took on a political character. During the FGDs, the conversations among participants often veered off the particular questions posed – often bringing forth additional and interesting, informative and insightful analyses by participants regarding their own perceptions of violence, politics, elections, rape, femininity and so on.

Focus group discussions as a research method has found much support within feminist scholarship. As Wilkinson (1998) notes, feminist psychologists have highlighted the influence of social context, the relational aspects of self, and – most radically – the construction of meanings and knowledges through interaction (1998: 111). These positions have lent credence to the argument that the individual interview dislocates the person from her social context (Wilkinson 1998: 111).

Advantages noted with regards to focus groups are firstly, that the relative power of research participants in a group discussion is manifested through their taking control of the topic of conversation (Ibid). Another strength of group discussions has been argued by Mies (1983), who used this method as part of an action research project aiming to make practical provision for battered women. She wanted to implement a non-hierarchical egalitarian research process to ensure that the research served the interests of the oppressed; to develop political awareness in the oppressed; and to use her own relative power as a feminist and as a scholar in the interests of other women. Mies (1983: 127) argued that in order to do this, “interviews of individuals...must be shifted towards group discussions, if possible at repeated intervals”. She also states that “this collectivization of women's experience is not only a means of getting more and more diversified information, but also helps women to overcome their structural isolation in their families and to understand that their individual sufferings have social causes” (Mies, 1983: 128, cited in Wilkinson 1998: 115).

3.3.3. Sampling frame

I applied the snowball technique to draw samples of both female and male victims of sexual violence. The choice of this method is justified by the problem of victim underreporting and secrecy common to sexual violence cases. As Bryman (2001: 99) and Becker (1963: 46) have pointed out, it applies when there is no accessible sampling frame for the population from which the sample is to be taken and the difficulty of creating such a sampling frame means that such an approach is the only feasible one. Empirical data was drawn from 2 sites in Kenya – Nairobi and Kisumu – selected due to the high tensions and intensity of violence experienced during electioneering periods and also due to the inter-ethnic demographic mix that is less pure compared to other towns. A sample of 25 women that have experienced sexual violence during electioneering periods was drawn from

each site for in-depth ethnographic interviews (50 female victims in total). These sample sizes are deemed to be sufficiently representative given the qualitative depth of data I anticipate that the ethnographic interviews shall generate. The purpose of these interviews is not so much for the respondents to describe the act of sexual violence, as to establish the circumstances surrounding their daily lives, their interactions with the political, economic and social systems prior to their violation, and to gain a nuanced understanding of the ways in which women experience political contestations within the democratizing Kenyan state.

I also benefited from informal, un-structured conversations with various representatives of gender-concerned non-governmental organisations and representatives of various state agencies, primarily those who had been involved either directly or indirectly in mediations, human rights and peace-building following various period of political violence, especially following the 2007 post-election violence. These interviews are significant for the purpose of understanding from various perspectives, the nature of electoral competitions in Kenya, the nature and causes of violence, the general responses of both state and civil society to violence, and particular responses to women victims of electioneering violence (Chapter 6). These informal conversations also helped to sharpen my analysis of women's political participation (Chapter 5), and my critique of civil society and the women's movement within it.

3.3.4. Archival research

The research drew in detail from archival data for the historical analysis in Chapter 4. I reviewed records from the Kenya National Archives (KNA) and historical texts relating to the *Mau Mau* emergency period through to the early years of democratization in the 1990s. The aim was to establish recurring themes by tracing and constructing the trajectory of women's engagement with the colonial and postcolonial state, and gain insights into the nature of women's social and political activities. The records from the KNA were a critical resource for the genealogical analysis of women's historical relationship to the colonial state, and further, of the nature of women's insertion into the post-Independence state. The archival records offered useful insights into the ways in which Kenyan women had been constructed through their cultural, political and economic activities, and how these discourses had shaped the ways in which women came to be structurally valued/devalued. A critical feminist analysis of these archival records allows us to trace the genesis, meanings and manifestations of gendered violence from both a materialist and historical perspective (see Chapter 4). Other archival records reviewed were newspaper articles dating back to the period of the return of multiparty politics in 1992.

3.3.5. Secondary data

For various chapters in the thesis I reviewed multiple sources of secondary data, including reports, memos, files, and other informal documentation from feminist organisations, women's non-governmental organisations and other civil society organisations which have documented Kenya's democratization history. My particular interest was in reports pertaining to elections, electioneering violence and gender-based violence. I also reviewed scholarly texts - including journal articles, book chapters and monographs. In addition, I reviewed public records of various state ministries, including those posted by the Ministry of Justice, Constitutional Affairs and National Cohesion; Ministry of State for Special Programmes; Ministry of Gender and Children Affairs; Ministry of Internal Security; and the National Commission on Gender and Development. The aim of reviewing these records was to understand the policy objectives of these bodies with regards to political violence in general, but with particular attention to the gender policy frameworks they have in place, if any. Such an evaluation might be considered as useful for an analysis of the extent of deviation between women's legitimate claims and actual state practices or public responses in the democratic context. When policy arenas are related to women's issues and concerns, women have a higher salience for the state, which might enable the women's movement to shape the debate but also to influence the location of policy implementation. Public records from autonomous agencies constituted after the 2007 post-election violence such as the Truth Justice and Reconciliation Commission²⁵ and the National Cohesion and Integration Commission²⁶ were also be consulted. Through implementation of their agenda and their method, which involved broad consultations and gathering testimonial evidence across Kenyan society at large, these bodies were able to mediate significant conversations between state, the public and civil society actors. Their records provide various representations of concepts as 'violence' 'ethnicity', 'equality', 'justice', all of which I interrogate in the thesis. More specifically my review of these records sought to probe the treatment of sexuality and sexual violence within them.

3.4. Data analysis

My analysis throughout the thesis is grounded in a materialist conception of women's histories in the context of political transitions in Kenya, beginning in the colonial epoch, through to the post-

²⁵ The Truth, Justice and Reconciliation Commission (TJRC) was established by an Act of Parliament to lead the inquiry into gross human rights violations and other historical injustices in Kenya between 12 December 1963 and 28 February 2008. See webpage at <http://www.tjrkenya.org/> (accessed 13 April 2011)

²⁶ The National Cohesion and Integration Commission (NCIC) was established under the National Cohesion and Integration Act No. 12 of 2008 as one of the instruments to respond to the post-election crisis and forestall lasting peace, sustainable development and harmonious co-existence among Kenyans. The mandate of the commission is to facilitate and promote equality of opportunity, good relations, harmony and peaceful coexistence between persons of different ethnic and racial backgrounds in Kenya and to advise the government thereof. See webpage at <http://www.cohesion.or.ke/> (accessed 13 April 2011)

independence period and lastly in the current democratization phase. This conceptualization takes seriously the role of the economy in influencing the ways in which societies become organised socially as well as politically. Through a process of periodization, I seek to highlight changes in material conditions and the ways in which such changes have influenced: a) women's social, cultural and associational lives, and b) women's participation in politics. In Chapter 4, I define my conceptualization of the 'political' to include all activities which women have historically undertaken *in response to* particular social and political oppressions that trapped them in certain circumstances and which for women, necessitated resistance. My analysis stems from an interrogation of the social and political conditions within which women's struggles for emancipation have proceeded, the ways in which women have sought to change their own situation, and the dialectical relations that have been engendered through these struggles. Through a critique of Kenya's historically violent political transitions from colonialism to authoritarianism and democratization, my aim is to give meaning to Kenyan women's particular histories of dispossession that have occurred through gendered and violent means.

3.5. Ethical considerations

Ethical considerations are important due to the sensitive nature of the research subject. One important aspect of a feminist research methodology is the emphasis placed on the research process itself – specifically the need to involve research participants in the research at various levels. In this way, interviews become consciousness-raising for both participants and the researcher. In addition, feminist researchers have pointed to areas in which ethical standards are being violated. Such violations create or perpetuate forms of oppression and discrimination against women, for example, using sexist language that perpetuates female subjugation, using unfair practices related to publication of feminist works, intervening in the respondents' lives and withholding information from women subjects (Cook and Fonow, 1990). In the course of my study, the primary ethical questions that arose were: a) how to interview participants who suffered trauma in ways that did not reinscribe that trauma, and b) how to 'compensate' for the interview participants' time without transactionalising the interviewer-respondent relationship.

On the question regarding trauma: rather than enquire into details of the *acts* of rape, the semi-structured interview questions posed to participants were designed to investigate details that shed light on participant's everyday lives (i.e. circumstances surrounding and preceding the acts of violence). In this way, the women did not feel compelled to describe the act of sexual violence itself, but rather the circumstances surrounding the acts of violence. Regarding the question of compensation, as already stated above, I sought as far as possible to minimize or altogether

eliminate exchanges of information that could be read as being exploitative. Partly this was achievable through a non-hierarchical interview format where the participants also felt free to direct questions towards me, which I often answered in as much detail as possible without derailing the interview process. Partly it was through forming long-term bonds of trust with the participants - in this regard interviewing some participants more than once. I also accepted invitations to women's group meetings, and contributed to discussions or passively listened to the discussions. In these ways we developed a reciprocal relationship over a long period that probably minimized the risk of our interactions being read as exploitative or only aimed at extracting information.

Another related challenge I had to deal with throughout the field study was the expectations surrounding my own position as researcher. Most of the women victims of sexual violence participating in the interviews had also been interviewed by numerous other researchers mainly from non-governmental organisations, who often offered 'compensation' for interviews, for example by offering lunch, transport or a small allowance to women who agreed to be interviewed. Initially I found it challenging to transcend or negotiate this relationship that had been established with participants prior to my meeting them, and my initial interviews produced vague, disinterested responses from the participants since I was not offering cash or other forms of incentive. However, I found that I could compensate for the women's time and cooperation in other non-material ways, through the practices already mentioned above. For example, I often met with the women during their women's group meetings, and offered expertise (if requested) in terms of project proposal writing, action plans or often simply joined in the discussions as an active or passive participant. These relationships of trust were built over a long period (between 2008-2013), and I still currently maintain contact at a personal level with some of the participants. In these ways, I spent many unstructured hours with participants, developed relationships of trust and gained insights into many aspects of the women's lives which I might otherwise not understand.

Anonymity and confidentiality of interview participants throughout the research phase was maintained, by using pseudonyms instead of real names of respondents. The interview participants signed forms (see Annex 1), which informed them of the nature and purpose of the interview. In this way, a participant could decide whether or not they wanted to be interviewed, and had complete information regarding what the interview process would entail. A further ethical consideration was with regards to respondents who did not feel at ease participating in the focus-groups. Participation in the group was voluntary and some participants chose to only take part in the in-depth interviews.

3.6. Conclusion

In this chapter, I have sought to explain my research process, including methodology, research methods, analytical process and ethical considerations confronted in the course of the study. I have also attempted in this chapter to outline the nuances engendered by different research practices that might be considered as being distinctly feminist, and at the same time, explained from my own experiences during the data collection phase in relation to the challenges posed by the different feminist methodologies used for conducting the study.

Chapter 4

WOMEN'S AGENCY IN TRANSITION: FROM COLONIALISM TO INDEPENDENCE

4.1. INTRODUCTION

In this chapter I examine women's actions, resistances and outcomes between 1880 and 1962, which might be interpreted as constituting forms of political participation. I review scholarship on the colonial era in Kenya that has sought to recover narratives of women's resistances silenced by the process of colonization, and through these narratives, derive a concept of the 'political' that guides my critique in the remainder of the thesis. Women's modes of resistance have been theorised within African feminist scholarship that sheds light on a long 'herstory' of engaging in multiple forms of collective and individual resistance to patriarchy and other forms of injustice among African descendent women (Kuumba 2006: 112), by deploying, opposing and transforming cultural systems (Collins, 1990, 2000; Steady, 1987, 1993; Terborg-Penn, 1986). According to Steady (1993) African women's distinctive 'female modes of resistance' are often institutionalised in traditional African cultural systems. The multiple and varied expressions of African women's resistance includes the political and transformational uses of cultural practices, even those with seemingly patriarchal overtones. In her work examining African women's cultures of resistance and political uses of culture, Kuumba (2006) has argued that the patterns of resistance in various African contexts have served as a transformative praxis which can be drawn from in current anti-patriarchal and counter-hegemonic feminist struggles (2006: 112). Further, Dagnino (1998), writing on the Latin American context, highlights a link between culture and activism that is particularly poignant in relation to my discussion in this chapter, arguing that

because the terrain of culture is recognised as political and as a locus of the constitution of different political subjects, when cultural changes are seen as the targets of political struggle and cultural struggle as an instrument for political change, a new definition of the relationship between culture and politics is underway (Dagnino 1998, cited in Kuumba 2006: 112).

Drawing from such an understanding of resistance, I show in this chapter the ways in which Kenyan women have utilised their role as 'cultural carriers' as oppositional practice (Kuumba 2006). Methodologically, the chapter is based on a review of secondary data written on the modes of resistance that Kenyan women applied in the traditional and colonial contexts. Although a limitation of the reviewed literature is that it is restricted to narratives of women in central Kenya (Kikuyu and Meru), its rich content facilitates a core argument of the thesis – that the political subordination of Kenyan women in the current period of democratization is rooted in a longer history within which political movements and nationalist movements became masculinised and women's agency became subordinated to male dominance under colonialism. I interrogate various acts through which Kenyan women negotiated relations of power and kinship in the precolonial period and in the early years of colonialism. I draw on existing scholarship to show how women's labour was appropriated by the

colonial authorities and their African collaborators at the level of the community, family and state. Furthermore, I show how the modes of resistance expressed by women were shaped by women's struggles to retain their productive and reproductive autonomy within the male-defined systems of kinship, production and administration. I define these acts of resistance as *political* for the purpose of my historical analysis of women's political trajectory in the transition from colonialism through to independence.

My critique in this chapter proceeds on the basis of two patterns identifiable from the secondary literature I review: a) that control of women's sexuality is central both to the ways in which male resistance to colonialism was articulated and to how women developed a sense of agency; and b) that the gendered division of labour and control of women's labour especially by colonial authorities provoked women's mobilisation and organisation. The main argument I seek to make through these observations is that the pacification of women's political agency during colonialism was preceded by the construction of a male-centred myth of nation which continues to haunt democratic politics in Kenya to date. This chapter provides the context for my critique in the remainder of the thesis regarding the violent outcomes that have historically accompanied the participation of women in politics at different epochs in Kenya.

4.2. WOMEN'S AGENCY AND RESISTANCE UNDER EARLY COLONIALISM

Various scholars have shown colonialism as having been crucial to the pacification of women: by engineering a set of ideas about women that compelled them into specific roles, colonial officials transformed women's agency, reinscribing women's social roles with a 'passivity' that belied the highly pro-active and transformative nature of women's activities. Santoru (1996) has made reference to the work done by Cora Presley on Kikuyu women, which details the influence which the interaction between rural women and the colonial power had on women's participation in politics. The primary thesis of Presley's (1986) work, which examined women's resistance as political acts from the early twentieth century up until the early to mid 1950s, was to show that the substantial involvement of Kikuyu women in this politics of protest and resistance had led to a basic transformation of women's roles (Presley 1986, cited in Santoru 1996: 253; see also Kanogo 1987a).²⁷ Santoru, however, at the same time retains focus on the role played by colonialism in mobilizing women into resistance by, for instance, highlighting Kanogo's (1993) work which

²⁷ This argument made with regards to the pervasiveness of colonialism on gender relations is, however, nuanced by scholars such as MacKenzie (1998) – see below.

emphasises the link between colonialism, changing gender roles, and subsequently, the representation of the role of women in nationalist politics. Kanogo's (1987b) work on Kikuyu squatters and Mau Mau, to which Santoru also refers, focused on women fighters and sought to challenge and discount androcentric views of women by lending primacy to women's experiences through documentation of the various forms taken by the acts through which women sought to resist colonial domination and exploitation. The scholarship reviewed in the sections below provide rich historical data that is both necessary for the task of locating women in the colonial epoch, and critical in the insights they offer into the colonial perception of African women in Kenya and what these perceptions meant from a broader feminist political perspective. Elkins too, demonstrates how cultural institutions associated with women laid the earliest foundations for organised political resistance to colonial rule and repression (Elkins 2005: 20). I turn below to a discussion of the nature of some of these traditional institutions, showing how and why various scholars have interpreted them as being political.

Shaw (1995) in her study of Kikuyu gender and politics at the beginning of the colonial era, makes two arguments in this regard. Firstly, she argues that despite an ideology of male dominance pervasive in many kin relations and in an economy that valued livestock, generally under men's control, over vegetable produce, generally under women's control, Kikuyu women emerge as powerful political players. Women managed the distribution of food, and in deciding to give food to work parties, which were important during the Kikuyus' expansionistic late nineteenth century, women at the same time, and by the same acts, recruited followers who added to their own power and prestige, and also made "big men" of their male kin. Kikuyu women's productivity and fertility underpinned male political success (Shaw 1995: 28). Secondly, Shaw argues that women were crucial in turning land and its products into political resources. Kikuyu politics were organised through a hierarchical system of councils (*kiama*) from family to district level, within which women did not typically sit with men (Shaw 1995: 28). While in their own (leadership) councils, women could act independently of men and held sway over some men, much of women's power came from their authoritative control over the production and distribution of food and beer (Shaw 1995: 29).

A further observation is that most decisions that were considered binding for the group – the localized sub-clan, the village, or an amalgam of villages – were undertaken in the male-only council (*kiama*) meetings (Shaw 1995: 35). Routledge and Routledge (1910: 138) note that one "committee" whose task was to decide on the location of a "chief's" latest wife's house was composed of men and women. Hopley (1922: 274) mentions councils of women elders concerned with married life whose powers of witchcraft men feared. Kenyatta (1938: 111) emphasizes a parallelism in men's and women's groups, with women's councils concerned with the circumcision

of girls, birth, and other religious duties. In areas where these women's councils were found the Kikuyu could be said to have a limited dual-sex organization, limited in the sense that women's decisions were considered binding on women, while men's decisions bound the whole group, both men and women: in order to implement their decision, men were bound to negotiate with women through their kin relationships, especially husband-wife, while women's decisions affected only women and the resources they controlled (Shaw 1995: 35).

Shaw (1995) further discusses Kikuyu ideology represented in their oral tradition, which gives evidence of a tension between male and female power through the concerted rationalization of male political dominance. According to their myth of matriarchy, men overthrew the tyrannical rule of the descendents of the daughters of the primordial couple (Mumbi and Gikuyu), when by male plot the women, all impregnated at the same time, were heavy with child and unable to quell the men's revolt (Kenyatta 1938: 7). Women's procreative duties also appear as an obstacle to their political activities in folktale (Beecher 1938) in which women proved themselves unfit to rule when, because they were ashamed, they refused to dance nude (nudity is obligatory in some warrior dances). A meeting of women and men was convened to discuss the issue. The women left the meeting, which went on late into the night, because they feared for their children in the dark and the cold. With the women absent, the men decided that anyone who was both ashamed and afraid could not be a ruler. In both these examples of oral tradition, male democracy is opposed to women's rule of tyranny; thus, while justifying 'democratic' organisation of male councils, they commend the containment of potentially uncontrollable female power (Shaw 1995: 35-6). Elements of this founding myth of the nation were reiterated in various guises throughout the colonial period, and could be read in the political suppression of women and male control over women's productive and reproductive labour as I illustrate in the sections below.

4.2.1. Control of women's reproductive labour and sexuality

Colonial policies and methods of rule sought to suppress African communal and subsistence practices. The control and exploitation of women's reproductive roles in particular provoked widespread demonstrations in central Kenya, and the reactions of the rural communities and political movements galvanized around issues that were distinctly gendered. Women's sexuality became productive of a politics of resistance, and both symbolized patriarchal control over women's bodies and marked the bodies of women as boundaries of ethnic communities in their political struggles against colonial domination. Two separate incidences that occurred in the early and late 1920s illustrate this point.

4.2.1.1. The “female circumcision controversy”

During the last few months of 1929, thousands of African young men and women gathered on mission stations and school grounds in colonial central Kenya to perform a dance-song called the *Muthirigu*. This dance-song protested colonial interference in female “circumcision” or excision, a part of adolescent initiation. It chastised white Protestant missionaries, British colonial officers, and local leaders who supported efforts to end the practice (Thomas 2003: 1). Within Kenyan history the *Muthirigu* dance song and the 1928-31 “female circumcision controversy” have been identified by a number of historians (see Rosberg and Nottingham 1970; Murray 1976; Tignor 1976; Spencer 1985; Sandgren 1989; Clough 1990; Lonsdale 1992; Karanja 1999), as crucial events in the development of nationalist politics, viewing these events as the most significant period of anticolonial resistance in central Kenya prior to the *Mau Mau* rebellion of the 1950s.

The Kikuyu Central Association (KCA), a black political organisation demanding the return of Kikuyu land given to white settlers, played a key role in the controversy. Recognising an opportunity to increase popular support among women and men for their organisation, KCA leaders denounced all colonial interference with female excision. In addition to increasing support for the KCA, the “female circumcision controversy” prompted black teachers, parents, and students to leave Protestant mission stations and found their own churches and schools. The establishment of these independent churches and schools further demonstrated to government officials and missionaries the political difficulties of interfering with female excision (Thomas 2003: 2). The issue exploded in the 1920s after several missionaries banned the practice for their converts. By 1929, thousands of Kikuyu were protesting and leaving the established churches to form their own independent churches and schools which would permit the practice to continue (Elkins 2005: 20). In response to missionary pressure, colonial officials in Nairobi altered their typically hands-off approach towards African customs and urged the Local Native Councils in the Kikuyu districts to restrict and regulate female circumcision. Working through formal channels for several years, the KCA would leap into the spotlight when it waged a cultural battle against the British colonial government over the issue of female circumcision (Elkins, 2005: 20). When the Protestant mission societies launched an attack on the Kikuyu custom of female circumcision, the KCA responded vigorously by defending their cultural practice. This single cultural issue mobilized the Kikuyu peasants for the first time and, in so doing, provided the KCA with a mass political base (Ibid, p. 22).

4.2.1.2. Female sexuality and symbolic forms of resistance

Historical accounts of women's resistances have also shown how women appropriated various symbolisms attached to female sexuality and turned these into acts of resistance. Brownhill (2009) has described such an instance in relation to the 1922 uprising which erupted when exploited women and men formed an alliance to protest the arrest of a spokesperson for the movement opposing forced labour policies imposed by the British and implemented by African chiefs. One of the women protesting, Mary Muthoni Nyanjiru's action involved a two-day protest in Nairobi on March 15-16, 1922, in which 8,000 people demanded the release of the political prisoner, Harry Thuku. It ended with the British massacring some 150 demonstrators. Thuku, a prominent landowning Kikuyu activist, established the East African Association in 1921. Thuku and the other founders were opposed to African chiefs and headmen in the Kikuyu Association (KA). The KA chiefs collaborated with the British administration and settlers, especially with respect to the recruitment of African women from reserves for forced labour on the Europeans' coffee estates. Many Kikuyu knew Thuku as the "Chief of Women" because of his public speaking tours during which he protested the colonialists' use of the forced labour of women. Thuku's stance against forced labour reinforced women's refusal to leave their own fields to cultivate the fields of the European occupiers (Brownhill 2009: 56).²⁸

At a public meeting in Dagoretti outside of Nairobi on June 24, 1921, Thuku and other young Kikuyu men railed against the district commissioners and chiefs who ordered poor African elders and fathers to send their daughters and wives out to work on the European farms. A month prior to that, sixty girl-children who had been forcibly taken to a white settler's farm were still missing. Others working on these estates had also been impregnated (W. Ross 1927). The Governor, Sir Edward Northey, wrote to the Colonial Office in London in October 1921 and ordered an investigation into the rapes while pre-empting the investigators' report by alleging that these were cases of consensual sex and not sexual violation (Wipper 1989). Thuku was arrested on March 14, 1922 for his antigovernment speeches and held at the central police station in Nairobi (Brownhill 2009: 57).

²⁸ As Brownhill (2009) explains, Kikuyu women had long been responsible for the daily subsistence needs of their families and the community at large. One of the reasons that women objected to forced labour was that the labour-intensive coffee harvest season on settlers' estates coincided with the busiest times within their own subsistence planting, weeding and harvesting cycle. Men's customary agricultural pursuits had focused on ritual and famine crops. As land and men's labour were diverted into export cash crop production for white settlers, men's ritual and famine crop production suffered decline. As a result, women's production of food crops gained greater strategic urgency. Changes in the allocation of land, labour and the kinds of crops grown undoubtedly had an immediate and cumulative negative impact on indigenous food security (Brownhill 2009: 56).

Officials of the East African Association, the nationalist organization that Thuku headed, rallied African workers in Nairobi to go on strike. On March 15, transport workers, domestic workers and government employees deserted their workplaces and gathered in front of the police station where Thuku was being held (Buell 1928/1965: 375). Mary Muthoni Nyanjiru and her stepdaughter, Elizabeth Waruiru, were among the city's female workers who came out to demonstrate. Nyanjiru was a Kikuyu woman who had moved from the village of Weithaga in the reserves to Nairobi sometime in the first part of the 20th century (Wipper 1989: 318). James Njoroge, member of the directing committee of the East African Association, administered secret oaths to the women of the Association on the evening of March 15 outside the police station. The oath, in which women vowed to succeed in their mission or die trying, was taken by Mary and Elizabeth, and up to 200 other women (Spencer 1985: 43, interview with Elizabeth Waruiru on October 11, 1973, cited in Wipper 1989: 318).

The crowd outside the police station on March 15, 1922 dispersed that night but gathered again on the following morning (Buell 1928/1965: 375). As the crowd grew, a deputation of the East African Association, including Jomo Kenyatta, held a meeting with Acting Governor Sir Charles Bowring in his office (Singh 1969: 15). Forty armed African guards stood watch over the demonstrators, who were for the most part sitting on the ground in groups. The Vicar of All Saints Anglican Church, Reverend Wright, walked through the crowd speaking to the protesters who waited to hear from the East African Association leaders. He noted that the demonstrators were peaceful and that several times groups of people held prayers. As the protest continued, the women moved toward the front of the crowd and gathered near the police guards (Roseberg and Nottingham 1966: 51). At noontime, Jomo Kenyatta addressed the strikers. He announced that the East African Association deputies had reached a compromise with the governor: Thuku could not be released, but the governor had promised Thuku a fair trial. Kenyatta urged the demonstrators to disperse. As some stood to leave, others argued with Kenyatta and the East African Association deputation and accused them of having been bribed by the administration (Ibid).

Mary Muthoni Nyanjiru stood at the front of the crowd near Kenyatta. When the demonstrators began to leave the police lines, she threw her dress over her shoulders and exposed her naked body. She taunted the cowardice of the men and challenged them to stand up to Kenyatta (Roseberg and Nottingham 1966). The 300 women ululated loudly. The strikers were galvanized by Mary's actions and the women's call to battle. Those men who were beginning to disperse returned. A large section of the crowd rushed forward towards the armed guards. Nyanjiru stood only a few feet away from the guards, who had been on duty for 18 continuous hours. The guards kneeled and engaged their rifles at the command of the superintendent of police, Captain Carey. The strikers pressed up on the

armed guards, who then opened fire. White settlers and game hunters who had gathered on the veranda at the nearby Norfolk Hotel joined in the massacre by shooting demonstrators in the back as they fled (H. Thuku 1970: 33). Mary Muthoni Nyanjiru was one of the first to be killed. Estimates of the death toll range from 26 to 150 (Singh 1969: 16). At least four women were killed (Wipper 1989). The “Thuku uprising,” as it came to be known, served throughout the 20th century as a reminder of the power of the “curse of nakedness,” a deeply rooted practice of women exposing their naked bodies to protest and banish anything or anyone who caused harm to them or their communities (Brownhill 2009: 59).

This form of protest once again found expression more than eight decades later, and to great political effect, with women seeking the release of political prisoners in 1992. In February 1992, a group of rural, elderly, Kikuyu women descended on Nairobi with a potent demand. Empowered by a tradition of female activism and collective activity, these mothers of political prisoners acted on principles of care and justice, strategically employing motherhood to demand the release of their sons. They demonstrated how women can use their status and roles, and the societal imagery associated with mothers and women, to gain strategic access to certain resources open to women. The “Freedom Corner heroines”, as they came to be known, also demonstrated that women’s protests may have socially transformative effects on a community, based not merely on the fact that the activists are mothers or women, but on historically and culturally specific conditions of the protest (Tibbetts 1994: 27-28). As Tibbetts explains,

“the mothers set up camp at Uhuru (Freedom) Park’s Freedom Corner, went on a hunger strike and publicly stripped naked. They emphasised motherhood strategically, and used it in a new, public way to access the political discourse, drawing widespread support and sympathy for their cause. Four prisoners were released on 24 June 1992, and when four more were released on 19 January 1993, the role of the mothers’ protest in the release of political prisoners was clearly recognised and celebrated” (1994: 35).

4.2.2. Control of women’s productive labour

The gendered division of labour and control of women’s productive labour by the colonial authorities and the colonialists’ African collaborators also provoked women’s political mobilisation and organising. Later, as capitalism began to effect changes among the colonized populations and

re-order the traditional subsistence economy, the exploitation of women's reproductive labour also ironically opened pathways to women's entry into productive and skilled labour, although at a lower rate and in less skilled jobs than men. Furthermore, the forms of work available to women in urbanised areas such as prostitution, rendered them as devalued subjects, and were viewed as ancillary to the productive labour that men were performing. While rural women's earlier struggles around the exploitation of their productive and reproductive labour during colonialism had found expression in transformative anticolonial politics, the advent of labour migrancy during late colonial capitalism had devastating impacts on the kinship and communal ties through which women had negotiated economic and political autonomy. These changes would find expression in the post-independence period during which an urbanised women's movement turned towards the state in order to access political spaces and power.

4.2.2.1. The “terracing strikes”

Women's agency in the early years of colonialism is highlighted by Brownhill (2009), who shows in her critique of the Murang'a women's terracing strikes, how enforced labour practices became a source of female resistance. In the 1940s the colonial government introduced a number of measures designed to curb soil erosion in the overcrowded African reserves (see background discussion in Mackenzie 1998; Ghai and McAuslan 1970). In the 1920s and 1930s, the colonial administration encouraged African production of wattle – mainly for its use in the settlers' tanning mills – the results of which were devastating to the soil. Wattle was the only major cash crop Africans were allowed to cultivate on plantation scale before the Second World War. Many men got involved in its production and in the 1920s, wattle was the monopoly of the chiefs, headmen and mission converts, the *athomi*. In the 1930s peasants with smaller plots of land also began to cultivate wattle. By the early 1940s, gully erosion due to wattle production was severe. Ten-foot-deep fissures opened up on hillsides. Gully erosion was nearly impossible to stem, and by the late 1940s, the government stopped supporting the expansion of African wattle plantations. They cited environmental concerns, but these concerns coincided with renewed interest by white settlers in the production of wattle on their own estates (Brownhill 2009: 110).

In 1946, the Fort Hall Betterment Scheme was devised by European administrative staff and white settlers. A central feature of the scheme was the construction of bench and narrow-base terraces on the hillside farms of the Kikuyu reserves.²⁹ The colonial administration called on Kikuyu elders and

²⁹ Terraces can help with soil erosion on hillsides. They are also a method of land capitalization. Bench terraces consist of a series of level platforms about four to six feet wide build along the contour lines of hillsides at vertical intervals of

chiefs to recruit labour by calling together communal work groups, or *ngwatio*, which were customarily self-organised for projects that benefited an entire community.³⁰ That the betterment campaign targeted the labour of peasant women is clear. The British rewarded men who oversaw the most work, and dismissed those who were unwilling to compel women to work. As with the enforcement of female genital mutilation in Meru, terracing became a weapon with which to punish any offense (Brownhill 2009). By the end of 1946, Murang'a women dug some 6,900 miles of terraces (MacKenzie 1998: 163). By 1948, that figure was 10,000 miles (Throup 1988: 151). The amount of food that was not produced by that labour is only one measure of the opportunity cost of acquiescing to chiefs' commands, a cost that was to become too high by 1947. The loss of land and labour, and the degree of compulsion that chiefs used in what was widely regarded as forced labour were the sources of massive resistance (Brownhill 2009: 111).

On April 14, 1948, more than 2,000 Kikuyu women demonstrated in front of the district commissioner's office in Murang'a against the Local Native Council's orders for terracing work to resume (MacKenzie 1998: 164). The next month women in the same area also refused to engage in the government's grass-planting work. The chief had several women protestors arrested. When news of the arrests reached the surrounding areas, several hundred women again gathered at the district headquarters. This time they were armed with sticks and denounced the chiefs and the district administration loudly. Police beat them back and arrested dozens more. When their case came to trial on May 8, another large crowd of rural women protested outside. They were again dispersed with police truncheons (MacKenzie 1998: 164). The Murang'a women's terracing strike showed that the protesters were opposed not only to the colonial government and settlers, but also to the politics of moderate African anti-colonialists (MacKenzie 1998).³¹ Soldiers' wives and peasant women went far beyond the political demands of the Kenya African Union (KAU). The KAU men, such as Kenyatta, did in the end support the peasants' resistance against terracing. But he and the organisation he headed never fully embraced the Kikuyu commoners' radical rejection of the colonial economy. Moreover, the KAU's support for the subsistence political economy extended

between eight and twelve feet. Bench terraces require a large amount of cutting and digging of the soil as do narrow base terraces. Both types require extensive labour inputs for construction and for annual repairs. This earth-moving was to be accomplished with rural residents' unwaged compulsory manual labour (Brownhill 2009: 110).

³⁰ By incorporating "tradition" into the implementation of colonial policies, the agricultural planners intended that the difficult terracing work would be more readily accepted by the Kikuyu as part of the improvement of the land (Ibid).

³¹ For instance, on July 20, 1947, just a month after he had been elected president of the Kenya African Union (KAU), Jomo Kenyatta spoke at a rally in Murang'a to a crowd of 10,000 about the government's soil conservation program. He praised the principles of conservation and those who undertook the labour of constructing terraces to "protect" hillsides from overly intensive use. The crowd reacted angrily. Most people in the district were already outraged about the labour demand, the slave-like conditions, fines, compulsion and the land loss entailed in terracing. Some women, such as many soldiers' wives, were already "on strike", while many others were contemplating it. The crowd was not pleased to hear Kenyatta praising the soil conservation campaign (MacKenzie 1998: 163).

only as far as their promotion of selected customary rites and relations that, to the exclusion of other rights, acted as a means of dispossessing women and concentrating power in the hands of fewer, wealthier African men. The KAU demand for title deeds for African landowners is one example of the stance of the organisation against customary communal entitlements and for the concentration of power in wealthy men's hands. The question of “title deeds for some” versus “land access for all” was to constitute a major distinction among the anti-colonial activists. And this was a highly gendered distinction, as land titles were almost always registered in men's names (Brownhill 2009: 114-5).

4.2.2.2. Capitalist accumulation and exploitation of women's subsistence labour

To the extent that colonialism has been described as having facilitated the primitive accumulation of capital (land alienation and forced labour) – an enterprise achieved through political means (Berman 1990; Leys 1975; van Zwaneberg 1975; Henley 1980) – then the colonial exploitation of labour, and for our interest in this thesis, women's labour, can be shown in the Kenyan instance to have been essential for its success. The economic role of women in the labour force changed as the economy moved into a new phase after 1945, and was again affected by the Mau Mau Emergency and the transition to independence (Stichter, 1977).³² The productive role of women in the colonial economy of Kenya can be understood in terms of the various kinds of productive systems which were present in the colonial social formation, and the position of women within each of these systems. In Kenya, three major systems of using African and immigrant labour emerged: semi-proletarianised migrant labour on European agricultural, commercial and industrial undertakings; ‘squatter’ or resident labour on European estates; and independent peasant cash crop production. These systems were within the new capitalist order, yet they incorporated and depended upon the subsistence labour still performed in many African reserves. Over time there also emerged from the migrant labour system a stratum of full time wage labourers deriving nearly the whole of their livelihood from wage employment (Stichter 1977: 1).

³² As Stichter argues here, during the pre-colonial period, women's contribution to subsistence farming and herding was substantial, and there is considerable evidence that this contribution increased during the period of British colonial rule as the number of men leaving subsistence farming steadily increased. Prior to World War II, the few women engaged in formal wage employment worked largely in agriculture, and also as children's nurses and in the towns as prostitutes and beer brewers. The move away from the use of migrant labour, which began after World War II, was accompanied by a steady rise in the number of women in formal employment, though most of these were still in the agricultural sector. The employment of women outside of agriculture increased after the war and particularly during the Emergency, but by 1956 this trend has slackened off. Up until independence in 1963 there was no great advance in the female rate of participation in formal employment. The bulk of female labour remained self-employed in small-scale agriculture, and in all branches of the economy women's earnings were uniformly less than men's (Stichter, 1977).

Within each of these colonial labour systems, African women performed integral functions. Much of their work was the same as that which they had performed in the traditional subsistence economy, but it had now become part of the new colonial systems of production, and was critical in enabling European and Asian entrepreneurs in Kenya to derive a profit. In the migrant and non-migrant wage earning systems, woman's role was both direct and indirect, the indirect role arising from the relationship between male wage earning and the family. As a number of writers have pointed out, the labour migration system in Africa was one in which the wage paid to the (usually male) worker was barely sufficient to cover the cost of maintaining the worker from day to day during the period of his employment, with perhaps a small surplus to purchase additional commodities for himself or his family at the end of a six-month to two-year working period. The long-term cost of maintaining the worker in childhood and old age, and the cost of reproducing the next generation of labourers, was borne by the still existent tribal systems of production (the 'traditional' economy, albeit in changed form), and more specifically the worker's wife. Both traditional and modern forms of the sexual division of labour combined to determine that the African woman would usually be the one who remained at home, subsidising her husband's wages through traditional or expanded agricultural and trading activities. In addition to agricultural production, women also continued to perform the arduous tasks of food preparation, child bearing and child rearing (Stichter 1977: 2).

Large-scale entry of women into the paid labour force was precluded under the migrant and resident labour systems because the low wages depended on the continuance of women's subsistence production.³³ The small amount of female labour prior to 1945 was concentrated in European agriculture and in legalised compulsory labour on public works in the tribal reserves. It was only when the peripheral economy began to move toward a more fully proletarianised³⁴ labour force after World War II that women could join in wage labour to any great extent. But as in many societies, they remained concentrated on the lower paid and less skilled occupations, and the occupational distribution of women in the colonial period showed striking difference from that in the core industrial societies. By the end of the colonial period, such differences had narrowed to some extent (Stichter 1997: 2-3).

³³ Even under a non-migrant system of wage earning, such as that which gradually developed in Kenya especially after 1955 and which prevails in advanced capitalist nations today, there is still a portion of total social production performed by women in the domestic or household unit, and though they are not directly paid for their labour, their portion is essential in the total costs of reproduction of labour.

³⁴ As used here, proletarianization refers to the degree to which the worker derives his livelihood from wage labour as opposed to peasant farming. This criterion is somewhat different from the question of whether or not the worker owns some land, or whether or not he is employed full time (Stichter 1977:2).

4.2.3. Gendered outcomes of labour migrancy

The earliest female participation in wage-earning in colonial Kenya was through prostitution in which women sold sexual rights to a steady market among European, Asian and a growing number of African townsmen. Feminist materialist analyses hold that women's labour and sexuality are central to women's oppression within capitalist societies, and as such seek to unpack patriarchal and capitalist interest in exploiting women's (affective) labour. Luxton (2001: 70) for instance, demonstrates that women's low wages and unregulated working conditions are important to the process of capital accumulation and profit making. A further illustration of this point can be found in studies that link sexuality to working women and seek to highlight the nature of sexual subordination and exploitation under capitalism. Tillotson's (1997: 292) work, for example, attempts to restore the issue of women's labour to the heart of prostitution. In her analysis, Tillotson insists that ideological representations of women as prostitutes do not operate within a vacuum, but rather are shaped by a number of social forces, the most important of which is the economic, or the base. The conjoining of economic determinants with the political or ideological sector provides the structure which governs the emergence of certain discourses at certain and specific historical moments (1997: 294).³⁵

Throughout the colonial period, prostitution provided an income which enabled African women to live independently in towns – to buy clothes, lodging, and to support children either in town or in the reserve. A 1950 survey of Mombasa prostitutes, for example, concluded that 'these women live fairly comfortably and more extravagantly than they would have done had they stayed in the locations or in the type of employment which is available to African women' (Wilson, 1958: 575). And in Nairobi and other towns, prostitutes illegally brewed and sold beer to supplement their incomes. There were few occupations open to women in towns in the 1920s other than prostitution and beer brewing. A few positions as ayahs or children's nurses were held mostly by the Ganda, Nandi and Kikuyu. One good source of income, however, was the renting of lodging space to men. In 1926 in Nairobi's African section of Pumwani, there were some 250 houses of wattle and daub and half of these were owned by women, many of whom had purchased them with funds gained through prostitution. Of the 316 such houses in the old location of Pangani, some 260 were used as lodging houses, 134 of them owned by women (Stichter, 1977: 10-11).

³⁵ Similarly, a growing body of work has linked prostitution to sexual violence, yet the functioning of violence remains tenuous within it – in other words, prostitution continues to provide the commodity of sexual pleasure that has been established as a social need at the same time that it is denied validity as a commodity-producing labour (Tillotson 1997). To the extent that this labour is understood as coercive, then the argument can be made the sexual violence is, in fact, central to the functioning of prostitution within capitalist society.

In summary, we see that women were compelled into prostitution and beer brewing due to the changes that were taking place in the colonial economy that concomitantly restricted the entry of women into more lucrative work at the same time as women's traditional skills were exploited (Stichter 1977: 11). It is significant that in the first two decades of colonial rule, when labour shortage was a prevailing condition which periodically limited the development of settler agriculture, more women were not pressured into wage-earning. A host of government measures were adopted — taxation, forced labour, propaganda, restrictions on African cash crop production, the *kipande* (the registration of African males over sixteen years of age), and limiting the size of the reserves — to increase the supply of male labour, yet female labour remained largely untapped. Stichter (1977) has argued that this was because of the critical importance under the low-wage migrant and resident labour systems of maintaining subsistence agricultural production. The gendered division of labour was thus enforced through the migrant labour system and deliberate policies of the administration that also ironically, regulated the entry of men into the labour market. The effect of the Mau Mau Emergency on African female employment provides a classic example of women being drawn into wage earning when an exceptional need occurs, then displaced by returning male workers when the need has passed (Ibid).³⁶

From the Emergency to independence in 1963, female employment remained important, but there was no great advance in their rate of participation. The bulk of female labour remained self-employed in small-scale agriculture or other enterprise largely outside the growing modern or formal sector. In 1964 there were about 67,000 African women employed in the formal sector and 462,100 men, giving a total of 529,100, of which some 12.7 per cent were women. This was little change from the 11.6 per cent of 1954. Despite the slowing down and sometimes decline in the growth of total formal sector employment between 1956 and 1964 and the similar trends in the number of working women, women made some advances on the occupational ladder. By 1964 a few had moved into the professional and technical spheres, although not to any extent into administrative, executive or managerial positions. One-fifth of the teachers were women, and women had entered into clerical and sales work, a contrast with 1974 when there had been virtually no women in any of these occupations. The expansion of the educational system and its opening to women, as well as the Africanization of higher level jobs as independence approached, largely accounted for these developments (Stichter 1977: 22). Kenyan women remained concentrated in the

³⁶ By 1955, though the industrial trend for women continued, there were indications that employers were becoming 'more cautious' as they faced the prospect of having to provide separate sanitary and welfare facilities, separate housing for unmarried women and day care for children (LDAR, 1955, p. 24). By 1956 with the return of male labour, the trend slackened off (LDAR, 1956, p. 25). In 1957 the percentage of women employed in non-agricultural occupations had declined because of the 'plentiful supply of male labour', although it did not return to its pre-Emergency level (LDAR, 1957, p 23 and Table 1 (g)).

lowest-paying and least-skilled occupations, and despite the vital role they played during the colonial period, this role remained largely unrecognised and poorly rewarded.

The purpose of this section has been twofold: to demonstrate the ways in which the colonial institutions of political control and regulation were intrinsically linked to institutions for economic production; and secondly, to locate women in the political economy of the colonial enterprise, a path that leads us to the conclusion that gendered relations of production, and indeed women, were instrumental in the twentieth century phase of colonial capitalist expansion. Integral to these processes was the (re)configuration of gender roles among the African populations, on which scholarly critiques of the Mau Mau movement have shed much light. I turn below to some core themes within these critiques.

4.3. GENDER AND POLITICAL STRUGGLES FOR INDEPENDENCE (*MAU MAU*) – (1936-1963)

Santoru's (1996) work sheds light on women's political significance to anticolonial struggles. The thrust of her study is to emphasise the ways in which colonialism impacted upon gender roles in Africa prior to and during colonialism, such as those outlined above, and women's political involvement in this trajectory of transformation. As shown above, women developed political consciousness through their roles and forms of resistance, which made it possible for them to reconstitute the nature of their involvement during the later colonial period (Santoru 1996). Colonialism's influence was also visible in the construction of gender roles, created normatively through colonial administrative practices. Through her analysis of women's reaction against colonialism, Santoru (1996) highlights the ways in which the Mau Mau movement provided the basis for colonial re-interpretation of gender and women's political roles. She does this by focusing on the ways in which colonialists interpreted the involvement of women in Mau Mau, and on the constructions of women which led to this interpretation, which the colonial administrators sought to impose during the Emergency period in Kenya.³⁷

Santoru (1996) too argues, as already shown above, that women's progressive involvement in politics took shape through the transformation of their economic roles that included working on European settler farms, and reached its peak through their activities in the Mau Mau movement. The reaction

³⁷ The Emergency refers to the years 1952-1956 when Kenya was governed by emergency regulations because of the Mau Mau rebellion.

of colonialists to women's political involvement was to undermine and squash it, which they sought to do by repressing the Mau Mau in ways that actively led to the transformation of women's roles within the movement. The colonial administration's strategy for this transformation proceeded through the rehabilitation of women, which was the primary means through which the colonial regime set out to 're-educate' the Kikuyu community. According to Santoru (1996), this re-education programme exposed the colonial administration's weak underbelly in two key ways; firstly, it highlighted the real significance of women's participation in the Mau Mau, and secondly showed that the colonialists responded to women's activism in the movement based on their own instrumentalised construction of women's activism and its significance. Put differently, it might be argued that the punishment meted upon women by the colonial authorities was instrumentally facilitated through perceptions of women's political activities that constructed women as subversive, dangerous (to the colonial project), and therefore, punishable. This narrative, regarding constructions of gendered subjectivities which function in the political context towards the instrumentalization of violence, is revisited later in chapters six and seven of this thesis.

4.3.1. Women and gender relations in the Mau Mau

Mau Mau's experimentation with and reconstruction of interrelations between women and men, including the mythical and ritualistic elements around them, mainly took place in its forest base (White 1990). The gender composition in the forest usually varied from exclusively male incursions to women and men together, and on occasion females who were not yet married ventured in on their own. Few accounts exist that chronologically account for Mau Mau's activities from the early-to-mid-1950s, but a gendered chronology suggested by White (1991) offers some useful insights into the movement's psyche, which shows some key decisions taken within it as having been based on gender dynamics, and further, suggests that some women had enjoyed prominent status within the movement. White's narrative begins with the convergence of Mau Mau leaders in the forest in December 1952, which was closely followed in July 1953 by its first conference whose purpose was to decree on monogamy as the basis of marriages. In the month after, female comrades in the movement gained the status of warriors, and early in the following year, the Kenya Riigi faction led by Stanley Mathenge outlawed conjugation among warriors. A year later, Dedan Kimathi assumed leadership of the Kenya Parliament and Wanjiru, his lover, was also crowned. Together they were referred to as 'Knight Commander of Gikuyu and Mumbi' (White 1990: 11).

The consolidation of gender norms proceeded differently between the two factions under the leadership of Mathenge and Kimathi (the Kenya Riigi and Kenya Parliament respectively), and the

two factions challenged existing formulations of gender identities in different ways.³⁸ For instance, within the Kenya Parliament the institution of marriage was based upon monogamy, egalitarianism and contention. Leadership and decision making bodies included both sexes and the female fighters claimed that gender was immaterial as the basis for leadership (Kanogo 1987). This gender neutrality extended to the division of labour between women and men in the early days of the struggles, but this began to change beginning in the mid nineteen fifties when decrees from the Kenya Parliament faction sought to reverse this order (Wa Kinyatti 1987). Conversely, the Kenya Riigi instituted orders which reversed the tasks between women and men, and the oathing that accompanied this decree attested to the seriousness with which men were expected to take up tasks that were traditionally women's, and furthermore, not burden women with tasks which they did not customarily perform (Barnett and Njama 1966: 479). In these ways, the struggles *within* Mau Mau could be read as having been centred to great extent on the organisation of gender relations within it, rather than – in White's (1990) view – on decisions over land and freedom. Despite the movement's proclaimed egalitarianism, its activities remained largely organised around a politics of patronage, evidenced in part by the fact that gender relations were among the core issues around which differences between the two factions became consolidated (see chapter 5 for an extended discussion of patronage politics).

In these ways, gender relations were part of the struggle in Mau Mau, and even more so, the ways in which gender became defined. There were debates regarding whether or not to kill children and women who betrayed the movement – a discussion that focused on generating a concrete definition of women in relation to men. They asked, for instance, whether women's primary function was reproductive, or whether they ought also to be considered as comrades in arms. Towards the mid 1950s, women's quest for what could be considered as feminist (that is, specific to women) notions of egalitarianism and reproduction started to evolve. Their rationale was based on a certain essentialism which, while asserting gender parity in the struggle as comrades and companions, nonetheless insisted that women's reproductive roles as childbearers and mothers could not be subsumed under notions of gender neutrality. Under such narratives, ideas regarding women's power to compel men to impregnate them were legitimised, and as White (1990) has argued therefore, even though certain functions that women performed domestically were not altered by the fact that they fought alongside men, the fact of their comradeship did alter existing gender relations

³⁸ A detailed history of this factionalism within the *Mau Mau* goes beyond the scope of this study. However, a number of scholars have documented this history. See for instance, Maloba, Wanyubari (1994), *Mau Mau and Kenya: An Analysis of a Peasant Revolt*, Nairobi: East African Publishers; Marshall S. Clough (1998), *Mau Mau Memoirs: History, Memory and Politics*, Boulder: Lynne Rienner Publishers, Inc.

in ways that often empowered women.

Yet despite these indications of a reconstitution in gender relations, the basis seems to have been control (rather than subjugation as might be read outside of a context in which women exerted power as they did in Mau Mau). This could, for instance, be inferred from the fact that while disputes between husbands and wives were considered as being unwarranted, women seemingly valued their autonomy and asserted their identities in ways that distinguished them from their male companions. Women resented having their identities tied to those of their husbands, and some vehemently resisted attempts to silence their names in favour of references that portrayed them as mere extensions of their husbands or lovers (Henderson 1957). This obstinacy on the part of women invariable invited criticisms from the men, who negatively viewed such women as ungovernable and even dangerous to their spouses (Kanogo 1987).

Such contentions, White (1990) argues, were a reflection of the issues that concerned the movement, suggesting that they were indicative these tensions ought to be read cumulatively as emanating from a movement seeking to redefine gender in ways that sometimes threw it into turmoil. Written sources and songs reveal the complexities here – that while women were often discussed, though almost always as an abstraction, the debates around males masked feelings of pain and complications, and were treated as matters of personal struggle, not externalised to the group. For instance, even when men engaged in discussions regarding roles between women and men, masculinities were often asserted, albeit in contradictory ways: the assertion of male identities as soldiers often stood in sharp conflict with the identities that men derived as husbands, sons and fathers – the former identity often asserting itself more strongly during the anticolonial struggle (see also Murithi 1971). Men's ability to provide for their families and protect their womenfolk was increasingly undermined and weakened by women's concurrent autonomy, and therein, lay the crisis of masculinity. This was often accompanied by feelings of resentment against women, especially those who managed in different ways to assert their autonomy and independence (see Barnett and Njama 1966).

Viewing the Mau Mau as the strongest expression of Kikuyu nationalism, Santoru (1996) nevertheless avoids reducing it to its formation as a resistance movement, rather emphasising in addition, its meaning in relation to the Gikuyu nation. Understood in this way, the Mau Mau becomes not only a vehicle through which communities or nations articulate what they desire out of liberation and freedom, but also the movement stands as a mirror reflection of how it is that the people conceive of themselves as a cohesive group. From this perspective, Santoru (1996) has argued that colonialism both limited and transformed the ways in which women participated in the

'nation' – that is, although women's participation in the politics of resistance demonstrated a coming of age as politically conscious subjects, this activism also reached its peak at the height of the resistance struggle. Differences could also be seen between women's political activities in the Mau Mau and their protest actions in the earlier stages of colonialism, before Mau Mau. In the first quarter of the 20th century, the activism in which women engaged were specific and in response to circumstances that were delimited by the colonialists – e.g. the labour-related protests. Cora Presley (1986) has argued that it is the political consciousness that women had developed in response to colonial appropriation of their labour which had subsequently found expression in political organisation. Confirmation of women's increasing responsibility as political subjects was evidenced in the support they extended to other causes that benefited the Kikuyu nation, such as the movement that sought to create educational institutions independently of the colonial education system (Santoru 1996).

While, in Santoru's argument, women contributed substantially to Kikuyu nationalism through such involvement in political organisations, the colonial government on their part viewed women's militant actions as a mere expression of the generalised discontent among the Kikuyu. From this perspective, women's protests were considered as an instrument of men's political action and thus lacking any autonomous political determination. Although the colonial authorities remained stubbornly fixed to this caricature of women during Mau Mau, they were, as their later actions reveal, forced to recognize the autonomy of women's struggles and women as fighters, even when they fought alongside men (Santoru 1996).

4.3.2. Colonial response to women's resistance

Besides the participation in oath-taking campaigns,³⁹ Santoru (1996) has shown that women were active in all activities of Mau Mau. What the colonialists had termed as Mau Mau's 'passive wing' was mainly comprised of women, by which the colonialists meant to suggest that women acted in a supportive role to the 'militant wing' that comprised of men (Santoru 1996: 256). While considered integral to the movement and essential to its existence, the passive wing was nonetheless perceived

³⁹ Peter Worsley (1957) has written of the Mau Mau oaths as being based on, "a strange mixture of indigenous practices: some derived from traditional initiation-rites (the use of banana-stem arches, grass necklets, etc.), others from evil sorcery (the piercing of sheeps' eyes, the use of a calabash full of blood) and yet others from traditional ritual oath-ceremonies. Most of those who were initiated into Mau Mau only took the first oath, binding them to help and protect fellow-members. In the second oath, they swore to kill, if called upon, even to kill close relatives. Positive affirmations were enough, when reinforced by the use of a jumble of powerful traditional rites, to ensure the efficacy of the first two oaths. But in order to create a resolute, tough, fanatical, hard core, this was not enough. In the more advanced oaths, therefore, obscene and sacrilegious acts were introduced...the advanced oath-ceremonies, which are said to involve copulation with animals and with menstruating women, the eating of human flesh, etc., etc. The deliberate breaking of the most sacred taboos is a universal feature of many movements of this kind. The obscenity and sacrilege, then, is used as a mechanism to unify men by getting them to perform acts which so cut them off from normal society that in their common guilt they are henceforth bound to each other, and are capable of anything (Worsley 1957: 20).

as distinct from those actively engaged in the armed struggle of resistance. This distinction, Santoru argues, was critical as it formed the basis upon which the colonialists understood the movement. The colonialists exploited the view of women as being under the control of a few charismatic and rebellious leaders who wielded control over the whole population – a construction that was necessary in order to restrain the Mau Mau rebellion (Santoru 1996).

The difference between those who fought and those who supported therefore validated a model within which the colonialists understood the actions of the majority as being determined by the leadership of a small group. They could, in this thinking, isolate a group (the majority) whom they considered as passive, from the minority group, considered more extremist (Santoru 1996). Women were classified by the colonialists as passive in this regard, and the methods through which they chose to respond to this ‘passivity’ revealed much about their perception of women. The colonialists were aware of, and actually acknowledged women’s role in aiding the Mau Mau (whom they referred to as terrorists) as being considerable – having not only being active in feeding them but also transporting food to them in the forest (Santoru 1996). They nevertheless, did not recognise women’s homogeneity and distinctive character as a group within Mau Mau, referring instead to their associational roles within the movement, for instance, the roles they took in espionage and delivering messages on behalf of the movement.

Furthermore, the colonialists, in their characterisation of women in Mau Mau through a determination of their ‘passivity’, were by implication suggesting that women were subjects of coercion within the movement (Santoru 1996: 257). Yet at the same time, such interpretation was not benign as it formed the basis for securing specific forms of punishment. Though caricatured by the colonialists as unwilling and coerced participants in the struggle, the radical roles played by women on behalf of Mau Mau did not escape colonial administrators’ attention, and provided justification for repression of the ‘passive wing’, which the administration implemented as a deliberate strategy of weakening the movement as a whole. The kinds of punishment the colonialists rated highly included concentrating labourers within particular areas and administering more closely the reserves in which women’s support activities were most concentrated. The strategy of villagization was especially effective in reorganizing community life and the imposition of new roles on women, who under the Emergency Regulations were forced to work for the ‘communal service’ (Santoru, 1996).

These strategies extended towards using women to directly subvert the rebellion, for instance, exploiting women’s labour to dig ‘protective’ barriers meant to hamper accessibility of settlements

to the fighters. But the brutality of the conditions under which women laboured is indicative of the fact that this 'service' that women were being forced to perform on behalf of the community was in actual fact intended as punishment: the colonial administration's main concern was to quash the rebellion, and no altruistic motives informed their actions (Santoru 1996). Indeed, the punitive measures implemented in response to female support for the movement were considered by the colonialists as an extremely important step towards the neutralization of women, having finally recognized the particular threat that women as a group distinct from men, posed for the colonial project. The administration sought to implement a differentiation strategy which led them to a triple dichotomy of Gikuyu women: women as spouses of Mau Mau, women as domestic workers, and single women based in Nairobi (Santoru 1996)⁴⁰ – all of which were categorisations that sought to minimise women's militancy. These categories were contrasted to a group of women clearly defined as more militant and terrorists engaged in the armed struggle in the forest. The 'passive' and 'active' dichotomy was thus instrumentalised also in creating crevices amongst women, and at the same time facilitated different stages of punishment in the course of detention. Such definitions were also an attempt to find an inclusive definition of the female component in Mau Mau in the hope of resolving the basic contradictions thrown up by colonialist policies towards women.

The basic view that prevailed in this regard was, on the one hand, of women as 'victimized' and 'instrumentalised' by Mau Mau, and on the other hand, a recognition of women's activism that were fundamental to the movement's operations. Therefore, alongside their perception of the docility of women stood the acknowledgement of women as a threat in their own right – a definition that ultimately served to legitimize the ways in which colonialists responded to women. The fact, as Santoru (1996) surmises, was that despite the force they exerted upon women, the colonialists were never able to fully grasp how they themselves defined this threat that women posed to them.

The general belief among colonialists, of women as a much more subversive force, became more entrenched as the Emergency continued, as increasingly it is women, way more than men, who were seen as sustaining the movement (Santoru 1996). Women's involvement was thus viewed more and more as having been influenced by the male fighters. Yet their role was only strengthened in the course of the Emergency, during which the roles women played – considered as 'passive' by

⁴⁰ Santoru (1996) explains that firstly, women were considered potential supporters of Mau Mau because of their relations with members of the movement, and secondly, that women workers were compelled to bear an identification document known as their 'Employment History' in order to check their movements in or outside the Kikuyu area. As regards women living in Nairobi, it was after operation Anvil, in April 1954 that 'unattached' women were required to prove that they were in employment and satisfactorily housed in order to be issued with a passbook (Santoru 1996: 258).

colonialists – assumed critical importance in the survival of Mau Mau. It is thus interesting to note, as Santoru (1996) does, that the colonial administration actually considered women as having only a vague notion of Mau Mau's significance. The implications, Santoru argues, were twofold: firstly, that 'protecting' women would resolve their perceived ambivalence – the solution for which the colonial administration mandated detention and rehabilitation programmes. Secondly, colonial thought on women's involvement in the Mau Mau, by denying any contribution of women in the creation of Gikuyu nationhood, also denied women's agency (Santoru 1996: 258), but even more insidiously, sought to negate any subsequent claims that women might have had on the (post-independence) nation state as active participants in its birth. This deliberate misrepresentation and interpretation of the role played by women in rebellion on the part of colonial administrators served the practical purpose of stymieing women's political agency and installing a reactionary status for women in relation to the rebellion that was burgeoning for land and freedom.

Inside the Mau Mau itself, the extent to which women exploited their political capital was also a question for debate. The movement had been seen as the means through which the Gikuyu could imagine the 'nation' via a debate intrinsic to the them, and by means of colonial resistance. While prior to the rebellion, the participation of women in these debates had cast their focus on specific issues that actively contributed towards imagining the community, the nature of their participation after the movement began seemed to have dovetailed with Mau Mau's focus on questions regarding the politics of Gikuyu legitimacy in relation to colonialism, and concern with intergenerational transitions – issues which while critical to the movement as a whole, tended to subsume specific gender issues. As the nation inched along towards the post-colonial moment, the spaces for women to exploit specifically gender questions were increasingly circumscribed within the liberation movement itself. As Santoru (1996) notes, women's increasing participation in colonial resistance did not, however, translate into a greater focus on issues of relevance to women (as women) as focus was retained on more generalised questions related to the broader movement. The contradictions brought forth by the involvement of women in the movement could in this sense, not be overlooked: from a materialist feminist perspective, the fact that politically, women received more tasks despite there being no directly woman-related issues (which traditionally, were concerned with women's productive and reproductive roles), suggested a disarticulation between women's political development and their economic bases. Women failed, as Santoru (1996) notes, to articulate a politics centered around questions which, in the early years prior to Mau Mau, had characterised their 'nationalist experience. Neither were they able to take advantage of the levelling of gender subordination, to which the Mau Mau showed commitment, in order to negotiate a new set of gender relations. Such limitations were reaffirmed through the Emergency policy, which

pursued the colonial idea of women as 'weak' and easily manipulated, and sought to make women a 'special problem' (Santoru 1996: 260).

The inevitable outcome for women during the Emergency was that colonial intervention was hard and drastic, with thousands of women sentenced and incarcerated for Mau Mau offences. The aim was to single out women active in the movement through a process in which they were screened and detained, and Emergency Regulations manipulated to sever vital links between the population and the guerillas. The caricaturing of women as weak, coerced and corruptible subjects in Mau Mau (rather than acknowledging women's actual, subversive agency within the movement) meant that the colonial authorities punished women for *joining* the movement, rather than punishing the actual 'crimes' that women committed on behalf of the movement. Punishment was, in other words, meant as a deterrent rather than as a punitive measure – the latter of which would have compelled the colonial authorities to acknowledge women themselves as autonomous political actors, and in doing so, probably nurture fertile ground for women's continued activities in political resistance. The colonial authorities' narrow definition of women's involvement in Mau Mau exposed a further contradiction in their attitude towards women – that even as they sought to entrench the notion of women's 'passivity', the violent punishment they meted out against female insurgents exposed the extent to which they, in reality, viewed – and feared – women as a threat in and of themselves Santoru (1996).

Colonial authorities implemented a rehabilitation scheme, a core thrust of which was to reorient Gikuyu women to a set of moral beliefs which the colonialists thought necessary (Santoru 1996). Rehabilitation incidentally, coincided with detention: as far as the authorities were concerned, detention *was* rehabilitation. Central to this process was the sequestered individual, who, after rejecting the Mau Mau ideology, had to demonstrate her re-education by dedicating herself to the activities of the camp, of which the first step towards 'new life' was work (Santoru 1996). Rehabilitation took on a romanticised view of the ways in which women had existed prior to the 'corrupting' influence of Mau Mau, and largely focused on women's reproductive and productive roles in rural areas. These colonial projects restated the idea of women as 'weak' and in need of steering, a process that depended to a great extent on reconstructing and imposing gendered roles on women. These actions led to the revision of women's role in the movement and conferred upon it a reactionary status, a reconfiguration within which women's subversive actions were often viewed as lacking any conscious will to act in solidarity with the anticolonialist struggle. In this regard, by detaining, rehabilitating, and resettling women, the colonialists intended to prove their contrived notion that women's involvement in the movement was only shallow and easily extinguishable

(Santoru 1996).

Through various acts of restraining Mau Mau, colonial authorities attempted to organize ideas around a different society through which they hoped to bring the Kikuyu under more definitive control. The reconstruction of women was viewed as a necessary step towards reorganizing Kikuyu society, such that while detaining a large number of Kikuyu women, the government was at the same time preoccupied with the women still supposedly operating in the reserves (Santoru 1996). This was not only the 're-education' of women, but also a reconstitution of a rigid sex/gender order in society. Consciously or not, this was a gender model diametrically opposed to that of the women who fought against colonial rule. At the same time it was the foundation for the new Kikuyu community. The basic contribution of women to this community was reinterpreted by colonial authorities, with its whole emphasis being laid upon domestic activities as the basis for a happy family life. It was this reconstructed family, within which women were to play the key role of passing on proper values, which was the first stage in the colonial administration's reorganization of Kikuyu society. The link between the 're-education' of women and the post-Emergency order is thus clear" (Santoru 1996: 265).

The accounts in this section have shown the contradictory nature of the participation of women in the anticolonial movement – that despite an extension of their political responsibilities, women were circumscribed from developing a political discourse centered on the women-related issues which in the early years of colonialism had characterised their experiences of nationalism. Furthermore, we see the ways in which the idea of women's weakness and corruptibility became strengthened in the Emergency period as colonial authorities sought to grapple with their own contradictory perceptions of women. This re-definition of gender roles among the Kikuyu, and attempts to devalue women's productive and reproductive roles in the subsistence and colonial economies had far-reaching consequences on the process of imagining and constructing a women's movement with nationwide significance in the post-independence period. Women's political participation literally found new expression – as a highly urbanized and subordinated movement, alienated from its long history of organic modes of political organizing – in new regimes of control that reconfigured the economic as well as political insertion of women into the independent state. Kenya's transition to independence in 1963 had been negotiated between the colonial authorities and largely moderate nationalists, who sought assurance not only in the stabilization of existing class configurations, but also reaffirmed a gender order which would not threaten the patrimonial hegemony through which the colonialists had perfected their exploitative and accumulative onslaught on the country. The 'place' of women was clearly defined under such arrangements as the country transitioned into the post-independence,

the legacies of which would extend well into the era of democratization.

4.4. POST-INDEPENDENCE STATE UNDER KENYATTA AND MOI (1963-1991)

The need to study gender/state relations, as well as other social divisions, derive from feminists' concern with understanding both the nature of the state and women's place in it (Parpart 1986). Parpart views women's access to the apparatus of the state, the consequences of their underrepresentation in the state, and the mechanisms women have evolved to cope with their slim hold on the levers of power, as being of primary concern to feminists (1986:1). Other feminists insist on the patriarchal nature of the state (Staudt 1987), arguing, however, that the state does not necessarily need capitalism in order to be patriarchal – it is already gender biased, a fact that can be seen in its policies and institutions. This gendered nature of the state dates back to the colonial state, which encountered a patrilineal society within which existed prevailing notions of male superiority, and, in its pursuit of capital accumulation, the state changed African household and kinship patterns so that these notions were institutionalised and power and decision making were given to men. This process engendered the economic, social and political subordination of women. In this sense capitalism can be seen as dependent on the patriarchal state for its continued survival. Staudt (1987) further argues that the colonial state in Africa “did more than serve the interests of a newly emerging bourgeoisie; it created the conditions deemed necessary for capitalist transformation.” As already illustrated in the section above, the colonial state increased male productivity by having them participate in the cash economy (men “forced” to work on plantations, in mines, in cities) whilst women were discouraged from doing so and were left behind in the rural subsistence sector to subsidize both men and capital. This was only possible by fostering a supporting gender ideology through churches, schools, and administrative practices which maintained “men as the family breadwinners” and “women [as] property, controlled and protected by men. At the same time it was necessary to have the help of “cooperating” patriarchs who ensured that women would remain within the so called “private” realm and men would participate in the “public” sphere. Gender struggles between African men and women also helped shape the nature of colonial capitalist growth (Staudt 1987: 44-45).

Building on the above arguments, the treatment of women under the Kenyatta presidency is examined under three broad conceptual frameworks. One is concerned with the idea of the modern African state as being the key player in the “extraction and distribution” of resources and in the structuring of gender and social relations. Fatton (1989) has argued that in Africa, “class power is state power: the two are fused and inseparable” (1989: 48). State power is also very much male

power and consequently women's access to political and economic resources (and therefore class power) is severely hindered by this system of male domination and by patriarchal traditions. Secondly, my analysis concerns itself with the claim that in many African countries, autonomy has been seen as an "exit" strategy made necessary by states that are weak in delivery capacity but coercive in their modes of control. Fatton describes East African states as both "soft" and authoritarian; they are also patriarchal, hindering women's access to capital, land, and credit. Because women are marginalised from formal politics and their issues are depoliticized, Staudt observes that many "withdraw or are alienated, preferring to manage what is left of their own affairs autonomously." Indeed the growth and concentration of women in the informal sector ought to be understood in this light. Thirdly is to examine women's organizing in the context of/against post-independence capitalist development plans, which Brownhill (2009) argues, elaborated "life-centred social relations" that included trade and self-help networks among women's groups and links between women's groups and other community, church and labour organisations (2009: 206).

Subsistence relations proliferated in Kenya in the post-1963 independence period. Especially widespread were rural peasant women's relations of collective farming and cooperative labour. Against the backdrop of the corporatization of the Kenyan economy in the 1960s appeared thousands, then tens of thousands, of small- and large-scale women's organisations that worked in, against and outside the commodified system to enable the elaboration and resurgence of subsistence social relations and land use practices. Rural and urban Kenyan women in large numbers joined together to create a network of women's groups focused on sustaining members' families and communities. Trade, kinship and friendship brought women together into groups and connected groups to each other. This Kenyan women's movement was built on Mau Mau women's organizing for the freedom struggle. But the movement took a new departure: women organized themselves autonomously. They fully determined the priorities of their groups themselves (Brownhill 2009: 206).

The networks of women's groups provided a platform for the elaboration of a host of new social movements for the gendered commons. By the end of the 1970s this movement of social movements included thousands of women's groups and numerous expressions of the *harambee* [Kiswahili = Let's all pull together] movement. Despite, or perhaps because of, the insecurity of women's land rights, hundreds of thousands of Kenya's women built and engaged in broad social movements that contributed to laying the foundations for further organizational innovations in the subsequent decades. The *harambee* movement created by the Kenyan women's movement came to characterize a particularly Kenyan form of indigenous-led development. *Harambees*, like the

women's work groups of the colonial period, were subject to capture by the Kenyan state. That is, Jomo Kenyatta sought to use *harambee* like the colonialists used the women's groups of the colonial era: he took a community organizational form and directed it toward the support of political elites and projects that profited individuals at the expense of the peasant population (Ajulu 2000, in Brownhill 2009).

On a massive scale, women rapidly constructed a network of women's groups that spanned the country and the East African region. By 1975, a cohesive and active women's movement spanned the region, and thousands of women, including many Kenyans, celebrated the United Nations International Women's Year. By 1976, the Kenyan government's Department of Social Services had formed a Women's Bureau as part of government responses internationally to a burgeoning global women's movement (Brownhill 2009: 211). The Women's Bureau registered over 4,300 Kenyan women's groups with a membership of 156,892. Within eight years, by 1984, the number of registered women's groups nearly quadrupled to 15,500 with a membership of 630,000. The bureaucracy favoured this rapid expansion, and by the end of the 1980s there were some 23,000 registered women's groups with over 1 million members (Robertson 1997: 249, in Brownhill 2009: 211). Hundreds or perhaps thousands more groups remained unregistered because they operated intermittently or so informally that registration was not deemed necessary. In addition, many groups had official members who had paid their dues, and many more unofficial participants and supporters (Brownhill 2009).

Kenyan women's groups operated at two levels: first, the thousands of small-scale organizations of women worked at local level and addressed immediate concerns of their members. Second, many of these small-scale organizations networked with others often but not exclusively via one of the two national women's congresses, *Maendeleo ya Wanawake*⁴¹ (Swahili for Women's Progress) and the National Council of Women in Kenya (NCWK). Most women's groups were independent and members formed their own networks of solidarity among themselves. These networks of women's groups emerged simultaneously with other women's movements globally (Ibid).

Maendeleo ya Wanawake gained a large membership during the Emergency (1952-1960).⁴²

⁴¹ Developed by a small group of European women in 1952 under the framework of the Colonial Government's Department of Community Development and Rehabilitation, MYWO was founded to advance the status of women and to raise African living standards through self-help activities.

⁴² Many were attracted to the time off from hard labour, the free milk program and other social services the clubs offered during the hard years in the concentration camps. But members soon departed and formed their own informal associations once the Emergency regulations were lifted (Brownhill 2009).

Wipper's (1971) study is an illustration of this ideological repositioning of women and early moves towards political participation, which she shows took place through the actions of women she terms as the 'crusaders' – the urban women who formed what could then be called the national leadership. Of this group, she sought to know "how they perceived their goals, what was their education, training, and socio-economic position, what motivated them to take such a deviant position in a (post-independence) society still largely governed by traditional norms?" (Wipper 1971: 430). The movement, she argues, was given impetus by the gap between what the women expected and had been promised, and what they actually received, on the coming of independence in December 1963. The manifesto of the Kenya African National Union (KANU), Wipper notes,

“rejected the colonial pattern of subordination and domination, of social classes, and of traditional male-female relationships, and it extolled a classless society where all individuals could fully develop their potential. Later, the Government's Sessional paper on *African Socialism*⁴³ stated that women's part in nation building was 'equal to men's in every respect'. There appeared to be little difference between what the Government wanted for women and what women wanted for themselves. At this time their hopes were understandably high” (Wipper 1971: 431).

Class and social status defined the women's movement in Kenya from its inception. The movement's major leaders were urban women, who formed a small, interlocking group, many of whom had attended the same schools, known each other for years, and were related through birth or marriage to the political and professional elite (Wipper, 1971: 439). Mission schools, the Girl Guides, the Y.W.C.A. and the Jeanes School were the institutions that shaped the leaders' perspective of their work and social role. Their education involved a strong element of Christian ethics, citizenship training, and character building. The (liberal) qualities of self-respect and self-reliance were stressed, as they were introduced to the rudiments of western-style organisation, the norms of punctuality and efficiency, and the social skills required. The women who initially led these organisations were from the English upper and upper-middle classes. Lady Mary Baring, the Governor's wife, Lady Worley, Lady Eleanor Cole, Mrs. A. J. Beecher, wife of the Anglican bishop, Mrs. C. H. Williams, wife of the District Commissioner, the wives of the executives of Rosterman Mines, and some members of the East African Women's League (a European women's association) were among those who gave their patronage and time to *Maendeleo ya Wanawake*. As a group, they cultivated an aristocratic style of life that even in the early twentieth century was outdated in Europe. Freed from housework by servants, motivated by Christian values and the spirit of *noblesse oblige*, these women unstintingly gave their time to organisations they considered

⁴³ Sessional Paper No. 10 of 1963/65, African Socialism and Its Application to Planning in Kenya.

important. Dynamic, forceful, and self-confident, they instilled in their protégées similar qualities, and some of them quietly supported African women leaders even into the period of independence (Ibid, p. 440).

Maendeleo began anew to gain a membership base during independence once African women were trained and appointed as leaders and facilitators. Its agenda of housewifization⁴⁴ remained unchanged, however, and many women preferred to organize independently or to join groups organized under the umbrella of the “more politically militant” NCWK, which formed in 1964 (Robertson 1997: 249). The independent Kenyan government, as had the colonial regime before it, intervened in concerted attempts to instrumentalize the autonomous women’s groups for the strengthening of the commodified political economy. For example, *Maendeleo ya Wanawake* continued its housewifization programs and eventually, in 1987, became the official women’s wing of the ruling party, Kenya African National Union (KANU) (Robertson, 1997: 249). This absorption, Brownhill argues, is itself the tip of the iceberg of a complex gendered class struggle whereby the state again tried but failed to use *Maendeleo ya Wanawake* as a mechanism for the control of women and the commodification of their labour. Women’s groups were enlisted to sing at KANU events and campaign for KANU candidates. Rural candidates often appealed to women’s group leaders and contributed money to women’s fund-raisers in order to capture the peasants’ votes. *Maendeleo ya Wanawake* also participated in the commodification of women’s group activities by encouraging donor-funded income generating projects. *Maendeleo* officials engaged with international donors in the provision of the infamously exploitative microcredit schemes for small enterprises (Brownhill 2009: 212).

Maendeleo leaders were among the most visible new “female male dealers.” Like their male counterparts, they acted as intermediaries between exploited women and corporate and sometimes state bodies. They channelled women’s labour and resources from the subsistence to the commodified realm.⁴⁵ Even before KANU’S absorption of *Maendeleo ya Wanawake*, women’s groups were commonly featured in public political meetings. It has been noted that such meetings in Kenya would typically open up with songs and dances by costumed women. Public performances of

⁴⁴ As with many women world-wide in the 1950s, women in Kenya were exposed to propaganda and state-sponsored social welfare programs aimed at producing good housewives. The housewife was to be a woman with no land or other independent means of production (Brownhill 2009). She was wageless and depended for money on a husband (Rogers 1980; Mies 1986: 103). Housewifization, then, was the process through which women lost access to self-directed and organised subsistence livelihoods and were encouraged to submit to often unwaged work under the control of a man who, in turn, was incorporated into relations of commodified exploitation (Brownhill 2009: 185).

⁴⁵ For instance, some *Maendeleo* group leaders encouraged rural women to make baskets, which were later sold in boutiques internationally, with very little money reaching the producers.

songs and dances had often been staged by hundreds of women. Some of these performances had customarily celebrated subsistence relations or censured those who offended the women. Women's songs of praise were transposed into the political arena of KANU rallies and election campaigns. Women's groups were co-opted to sing the praises of the elite male politicians. At the same time their prominence in these public performances indicated a new level of women's influence in local and national politics (Brownhill 2009: 213).

Brownhill further argues that members of Kenyatta's government promoted women's organizational efforts insofar as these contributed to the state's capitalist development policies. Praise of women often came couched in terms of the production of proper housewives. In the lead-up to independence in 1963, Tom Mboya, conservative unionist who was to become a high-level government official, wrote that

there is room for a mass movement of women, not as a separate political entity, but as an enormous pressure-group for advancement in a certain field...I found the tales of Mary Mukasa, the schoolteacher's wife, who looked after four young children, kept her house spotless and put on a clean dress before her husband returned home, and who pleaded with him at budget sessions for an increase in the milk vote, both charming and worthwhile. I would agree with the description of her coined by her husband Augustine – "Flower in the Home." If there were many such Flowers in East Africa, we would revolutionize the homes of twenty-five million people. I hope it may still be possible to form a mass movement of women, who will challenge the government and the men in each district to give them greater facilities, and who will seek out every woman in a gigantic campaign for literacy and self-improvement. That will be the best preparation of all for consolidating independence (Mboya 1963/1986: 161-162).

Mboya hoped for millions of housewifized "flowers". There was not room for women's right to access what they needed directly. Rather they were expected to access the resources they needed through the generosity of men. The government seemed content to deny women's land rights, to prejudice them in inheritance and divorce and to construct necessary facilities only when women had organized enough pressure to make the cost of not providing those facilities greater than the cost of providing them. While the government allocated land to men, women were left to their own devices, to organize and pressure the government and their husbands for what was rightfully theirs (Brownhill 2009: 223). The state, as represented through its officials, sought to demarcate this private *apolitical* space within the home, out of which women could continue to produce and reproduce for the state and capital, but also as the only sphere within which women were

guaranteed an exchange, being the main site of ‘giving’⁴⁶ – of protection and security which they could only access through the male head and the state. But as we see later, women would inevitably breach this pact of docility: they were increasingly constrained by harsh economic conditions and opportunities also arose, which women took, to represent their own demands and needs, in their own voices. The antagonistic relationship that ensued out of this rapture between the private/public, I shall argue, revoked the protective pact between women and the state, and set the stage for extreme manifestations of violence witnessed in the context of democratization, especially with regards to poor, working class women who could consolidate neither economic nor political capital to negotiate within the neoliberal state.

4.5. WOMEN IN THE MULTI-PARTY DEMOCRACY

The repeal in December 1991 of Section 2A⁴⁷ and opened the gates for popular participation in what is now viewed as the democratization process. Numerous interest and pressure groups emerged, all demanding to have their concerns included in the new democratic agenda (Nzomo 1997: 233). Until the 1990s, Kenyan women made slow and difficult progress toward political participation through their own organizations or through public and private employment. One major handicap that influenced women’s fate in other arenas was the lack of a cohesive women’s movement with a common political vision, although there were numerous women’s organizations, some of which dated back to the 1950s. During the nationalist period, *Maendeleo ya Wanawake* rapidly became the largest women’s organisation, but others originated in local church groups, rural associations, and ethnic associations. These, along with the Federation of University Women, the Kenya Women’s Society, the Young Women’s Christian Association, and others, were coordinated by the NCWK. In addition, Muslim women in Mombasa successfully petitioned the government in 1958 to alter legislation so that they could vote just as the women of other ethnic groups were being allowed to vote. In order to do so, they used their women’s dance associations (*lelemama*), the Muslim Women’s Institute, and other cultural associations to mobilize women to support the

⁴⁶ Marcel Mauss in his essay on the ‘gift’ argues that the giver does not merely give an object but also part of himself, for the object is indissolubly tied to the giver: the objects are never completely separated from the men who exchange them (1990: 31). Because of this bond between the giver and the gift, the act of giving creates a social bond with an obligation to reciprocate on part of the recipient. To not reciprocate means to lose honor and status. Because gifts are inalienable, they must be returned: the act of giving creates a gift-debt that has to be repaid. Because of this, the notion of an expected return of the gift creates a relationship over time between two individual. In other words, through gift-giving a social bond evolves that is assumed to continue through space and time until the future moment of exchange. Gift exchange therefore leads to a mutual interdependence between giver and receiver. See Marcel Mauss (1966), *The Gift: Forms and Functions of Exchange in Archaic Societies*. London: Cohen and West.

⁴⁷ The Constitution of Kenya continued to allow for a multiparty political system until the country was declared a *de jure* one-party state by Section 2A in 1982.

franchise (Strobel 1976; Sellami-Meslem 1991, in Nzomo 1997: 238).

Although women faced obstacles in political participation through political parties, government and public employment, or other public activities, sex-solidarity groups still formed the major forum for political expression and participation. Most rural women belong to some sort of women's organization, whether mutual aid societies or communal agricultural groups. These rural groups assist women in keeping abreast of agricultural information that would otherwise be available only to men, and where their income generating activities become lucrative, media attention results in greater visibility for these organizations. However, the actual material benefits for most women's projects had been minimal or non-existent, and prior to the 1990s these rural economic associations did not significantly enhance women's political position (Nzomo 1997).

The divide between elite and ordinary poor or rural women was also evident in the leadership that emerged from women's economic associations. Many of these organizations were basically welfarist, but they can also be viewed as political if conceived as "collective" strategies in which individual women combine resources to cope with changing structures – structures that increase women's need for cash while disproportionately excluding them from acquiring it compared to men (Staudt 1981: 14). The problem was that these groups earlier tended to operate outside of the political system and did not sponsor women candidates for political office, though they did serve as good training ground for the few women who have participated in politics. Through participation in these groups, a small number of elite women received informal training in citizenship ethics and character building (Smock 1977:11).

In Nzomo's (1997) argument, one would have expected the national women's organizations such as the Women's Bureau, KANU/MYWO, and the NCWK, by virtue of the recognition bestowed upon them by the government, could provide leadership and guidance to other women's organizations affiliated to them, spearhead the formation of a cohesive women's movement, and lobby for women's representation in the political arena. However, they have largely been ineffective in empowering women because male politicians and the party effectively co-opted the conservative leaders within the women's organisations while marginalizing the radical ones. This model of the government's formal commitment to women's interests while allowing state politics to co-opt nationally sponsored women's organisations such as MYWO, which might espouse a feminist ideology, is not unique to Kenya but is common in many African countries (Nzomo 1997: 239). Stamp (1989) states that "in most cases, the organizations are deeply divided between the elite women who run them and the alienated local women who are not served" (1989: 69-70).

The political and social environments in which women's organizations operate is a major constraint on their effectiveness. Further, these organisations, such as MYWO, are constrained by the fact that the constitutions upon which they are based do not permit them to engage in matters deemed to be political, or to sponsor women candidates for elective positions; consequently, women can only act as individuals. Many constraints also prevented Kenyan women from exercising economic and educational influence. Most Kenyan women work – whether within the household or the public economy (Obbo 1980) – and they make significant contribution as agriculturalists, craftspersons, market women, educated professionals and housewives. Thus women actively participate in the public sector of their economies and contribute significantly to the gross national product. However, because only 20% of women are employed in the formal sectors, many of women's economic roles are undervalued and highly marginalized, leaving women without the benefit of decision-making power. Likewise, other educational and institutional biases against female participation cause women to be underrepresented in all important decision-making positions. It appears that the amount and type of education made accessible to most women is inappropriate and/or inadequate to equip them for participation in the spheres of power in public life (Nzomo 1987: 188).

With the introduction of multiparty politics in December 1991, women more than any other group came out very strongly demanding that their voices be heard, that their gender-based interests be included and mainstreamed in the new democratic agenda, and that they participate on equal footing with men in the democratization process. The first National Women's Convention, held on February 22, 1992, to discuss and map out the women's agenda in the democratization process, was a historic first of its kind in Kenya. It brought together a cross-section of women – the young and the old, the educated and uneducated, rural and urban, and women from all different ethnic groups (Nzomo 1987). During the Convention, Kenyan women charted out a women's agenda to be implemented as part of the multiparty democratization process. They resolved that they would scrutinize all policy documents to ensure that fundamental issues affecting women were mainstreamed in the development-policy programs of the various political parties, and that they would lobby for the repeal of all laws discriminating against women. In addition, awareness programs would be set up to sensitize and educate women at the grassroots level about their rights as citizens and the political choices made available to them by “democracy.”⁴⁸ Linked to the latter agenda, it was also felt that there was a need to build women's confidence in themselves and encourage a lot of capable women to stand as candidates for political office in the December 1992

⁴⁸ In particular, it was agreed that women voters should be made aware of the power of their vote and the need for women to elect committed women rather than gender-insensitive men.

civil and parliamentary elections. Two major objectives then became encouraging women to exercise their basic human rights and to increase women's power and influence by working towards the attainment of at least 30-35 percent women's representation in Parliament and other political and public decision-making positions (Nzomo 1997: 244).

In short, the Kenyan women's movement embarked with full force upon the liberal 'women's rights as human rights' agenda for women, which I argue later was one of the factors responsible for disarticulating women's desire for economic security and power as a means to political power, from the overall emancipatory agenda of the feminist movement (see Chapters 5 and 7). We see the ways in which this the liberal rights discourse avoided or submerged questions of economic and social justice, pertinent given the fact that democratization in Kenya was also taking place at a time of heightened neoliberal expansion and the dispossession recorded by poor and working class Kenyan women under their varied experiences with structural adjustment programs beginning in the late 1980s. The liberal rights agenda also subsumed the ethnicization of politics that had began in the post-independence period and continued unabated in the democratization era.

4.6. CONCLUSIONS

This chapter has attempted, through a feminist reading of Kenya's political history, to trace the long trajectory of women's involvement and activity in politics dating back to the colonial occupation period, and the changes and outcomes that colonialism had on the lives of ordinary women. Based on secondary data relating to women in central Kenya, this discussion highlighted the nature of colonialism's legacy upon women's economic and political status. As Nasong'o and Ayot too have argued, the sidelining of women in politics and decision making can be traced to the legacies of colonialism, elements of which continue to be expressed in the post-independence period. They attribute this perpetuation to a form of politics based on authoritarianism and over-centralisation of statist functions and power, which entrenched the overall domination of men, and further, circumscribed opportunities that might have been exploited by women towards gaining political visibility and negotiating power in the realm of national politics.

From independence onwards, we see the deliberate appropriation and commodification of women's associational practices and labour by the state, through the very organs of the women's movement through which women had sought to build autonomy and self-sufficiency as their traditional networks began to drastically shift under late colonial capitalism. In the chapters that follow, I show how, in the neoliberal age – which also ushered in multiparty politics – the women's movement's

retreat from class analysis and the submerging of women's postcolonial concerns under the liberal rubric of human rights and women's rights, bore little apparent logic of women's particular structural positions and oppression under neoliberalism (see Chapter 5 and 7). Poor and working class women have been particularly disenfranchised as a consequence.

Chapter 5

GENDERED AND VIOLENT EXCLUSIONS IN KENYA'S MULTIPARTY ELECTORAL POLITICS (1989-2008)

5.1. INTRODUCTION

This chapter explores the idea that the ways in which women are constituted within, included in or excluded from the liberal state democratization processes are rooted in violence. I do this by analyzing political organisations, in particular political parties and civil society organisations. The feminist historical materialist theoretical framework applied in this analysis takes gender differentiation as a basic starting point, in the sense that it seeks to keep gender difference at the centre of its accounts and rejects any account that obscures gender-differentiated phenomena. It takes gender statuses, gender hierarchy and domination, changes in gender relations, and gender ideologies as central aspects of any social formation. These aspects, feminist historical materialists insist, must be analysed in any account of a social formation, and other aspects of social formation must be linked to these aspects of gender (Young, 1980). As such, the aim of this chapter is to integrate gender into a critical analysis of the discursive forms of power which operate in different (civic and state) contexts of Kenya's democratic elections, and the ways in which such power may become productive of violence in general and sexual violence in particular.

One of the key elements of feminist historical materialism is a requirement that calls for a methodological priority to concrete social institutions and practices along with the material conditions in which they take place (Young 1980). The analysis below is based on a review of secondary data related to the institutions through which women have participated and experienced the democratization process since the restoration of multiparty democracy in 1991. The objective is to understand the ways in which the gendering of the democratization process has proceeded, what aspects of the liberal reform process have been advantageous to women, which aspects are not, and why. It is critical to highlight here the observation Bratton and van de Walle (1992a) make in relation to neo-patrimonial regimes such as Haiti and the Phillipines in which women played important roles in the demonstrations which contributed to the fall of those dictators: that kind of activity pushed those patrimonial regimes into political liberalization, which is not the same as democratization. As Waylen (1996) notes in this regard, although one-party states such as Kenya and Zambia were pushed by popular discontent toward multipartyism, neo-patrimonial regimes in those countries undercut civil society by co-opting and demobilizing it, and not allowing organizations to undertake overtly political activities (1996: 120). This makes democratization, rather than just liberalization, difficult to achieve as it needs formal organizations such as trade unions, human rights organisations and in particular, political parties, not informal organizations such as women's networks, to form a viable opposition coalition and push the transition forward (Bratton and van de Walle 1994). These critiques suggest cracks in processes of political liberalisation through which undemocratic practices that disadvantage women's political participation may fall. Of particular concern in this chapter is to understand how gendered electoral

violence has fallen through these implied cracks.

I have already shown in the previous chapter, and as Waylen (1996) too argues, that as authoritarian regimes repressed formal participatory structures, women's organisations formed an important part of the informal structures which flourished as women disengaged from the state. The long-standing prevalence of informal women's organisations operating outside the public arena combined with the co-optation of formal organisations by ruling parties and the high levels of illiteracy among women meant that the majority of women were not poised to play an important role in the new transition to politics (Waylen 1996: 121). A number of new (predominantly elite) women's organisations, with a more gender specific and feminist agenda and more directed towards the political arena than many already existing women's organisations, have been among the new groupings to emerge as a consequence of political liberalisation. Usually made up of educated professional women, often lawyers, these organisations have frequently linked their demands for the improvement of women's rights to the struggle for human rights in general (Waylen 1996). The result has been to obfuscate class-based demands of poor and working class women for whom the economic liberalisation that frequently accompanied political liberalisation, as Waylen (1996) notes, often impedes them from participating in activities associated with competitive electoral politics, further contributing to its 'remasculinization' (1996: 128). In Kenya, despite the emergence of women's organisations which aimed to increase the participation of women in formal electoral processes, multiparty elections have not brought large numbers of women into representative assemblies (Waylen 1996). As I show in this chapter, when significant numbers of women were recorded in representative positions – such as in the case of Rift Valley during the 2007 general elections – factors other than principles of gender equality were at play. Such factors included political patronage, funding and the mapping of ethnicity onto gender in ways that excluded women who did not have access to such networks of patronage. Furthermore, the gendered violence that women suffered during elections became collateral to the objective of consolidating elite and party agendas rather than (or in addition to) feminist agendas.

My focus in this chapter is therefore on the violence of exclusion – which as I shall argue in Chapter 7, proscribed the responses of women's organisations to gendered forms of electioneering violence. I show exclusion as constituted by women's procedural transition into electoral politics which remained confined to the activities of a small, educated, elite-based group of women. Despite significant inroads made by a few elite women in political participation, the majority of poor and economically marginalised women remained exposed to electoral violence as their issues became marginalised and silenced within party structures and civil society groups competing for political

space. Specifically this analysis seeks to examine the space between political parties and civil society (an analysis that continues in Chapter 6), drawing from a cross-section of literature including African feminist literature. The chapter makes a number of key observations: (i) that the postcolonial Kenyan state had been a great supporter of some agendas of the women's movement, but that support had been highly instrumentalised by political elites towards the aim of consolidating a broader power base among the electorate, majority of which is women; (ii) that women in Kenya have not benefited substantially in getting positions in party structures from playing *within* political parties, and where more positive election outcomes have been recorded for women, a number of factors *external* to party politics have been at play; and (iii) that the political economy of the post-independence state has significantly limited the deepening of accountability mechanisms of liberal institutions (such as political parties and civil society) under multipartyism, and this fact has had deeply gendered implications with regards to women's substantive participation and entrenchment into democratic politics.

5.2. CONCEPTUALIZING THE STATE/CIVIL SOCIETY SPACE

Numerous scholars writing on Kenya have sought to demonstrate that it was civil society that was at the forefront of the reformist wave that swept the country starting in 1989 (Oyugi, Wanyande & Odhiambo-Mbai 2003; Nzomo 2000; Nzomo 1999; Mutunga 1999; Kibwana 1994). Tripp (1994) has observed that most definitions of civil society appear to revolve around the part of society that interacts with the state, citing Walzer's argument that, the state "both frames civil society and occupies space within it. It fixes the boundary conditions and the basic rules of all associational activity (including political activity)" (Walzer 1991: 302, cited in Tripp 1994). A focus on this particular relationship, Tripp argues, is problematic because, while it may capture some of the many changes occurring in African politics, it may also overlook the complexity of some of the more fundamental political, economic and social transformations taking place that do not fall easily into the state-society dualism that civil society implies (Tripp 1994:124). Highlighting the experience of associational life in Uganda and Tanzania, Tripp raises the question of whether fundamental disjunctures between state and society can be resolved by invoking the concept of civil society that comes out of a very different Western configuration of state-society relations. In other words,

how applicable is the notion of civil society in the African context where the state was a colonial implant, did not emerge from social structures within society itself and the post-colonial state did not fundamentally renegotiate the bases of state-society interactions? Is it a useful concept where state-society interactions are often characterized by the use of patronage networks to extract cheap/free state resources, services or to acquire jobs? What does it mean in countries where the state is weak

and barely autonomous from society and is infused by personalistic rule and patrimonial politics that cater to ethnic, religious and other particularistic interests? Women's groups and other associations have often situated themselves outside this sphere of state influence precisely because it does not serve their interests and at times has undermined those same interests (Tripp 1994: 124).

Of particular concern from the perspective of feminists – a position that was, however, not directly articulated when liberal spaces began to open up in 1990 – would have been the extent to which civic movements could be judged as articulating a gender-progressive agenda for democratic transformation, and the extent to which feminist goals for political liberation were being accommodated within Kenya's democratization agenda. Nzomo (2003) argues that civil society at the time was a reflection of Kenya as a society (which, for instance, appeared as classist, ethnicized and gendered), and could as such not be expected to be the ultimate solution to a set of social questions which were reflected in its own pathology. As such, she suggests limitations inherent to the composition of progressive movements themselves, whose efficacy ought to be considered in relation to the extent to which they sought or managed to transcend the said limitations. Mutua's enquiries in this regard are useful: How deep did these movements reach in various societies? Did they transform themselves from elitist oppositionists to broader social movements? Did they articulate their reformist agendas as struggles for social justice, or were they mainly concerned about the competition for political power? Were they narrow and elite driven campaigns without viable roots in communities and groups outside urban centers (Mutua 2008: 19)?⁴⁹ This latter concern recalls Kenya's own colonial history (as outlined in Chapter 4) in which the patriarchal and capitalist state organised and exploited women's labour and fertility along dichotomizations of public/private and rural/urban spheres. A direct implication of this was that any socially transformative independence and democratic agenda which claimed progressive gender politics needed necessarily to incorporate strategies that could contest the roots of such fragmentations.

In some cases, such changes were achieved when the control of politics shifted from state elites to more popular forces because of the emergence of strong civil societies (Bratton, 1989). In other words, it is this shift – or lack of it – that explains the pace and depth of political reform. Although the Kenyan reform process is far from complete, it bears out much of the theoretical analysis on the relationship between civil society and the state in the throes of the democratization and legitimation of the state. Since the onset of the current reform period in Kenya, civil society has been a key

⁴⁹ The influential key stakeholders in the reforms were all part of the middle classes – whether in opposition parties, intelligentsia, professional associations, religious organisations, elite women's groups or civil society (Mutua 2008: 113).

factor at almost every critical juncture. Many of the gains in civil and political liberties were forced on the regime of Daniel arap Moi and the Kenya African National Union (KANU) by an activist civil society composed of religious organisations, human rights groups, the media, and professional associations working closely with oppositional political parties and individual dissenters (Mutua 2008: 19). Yet while civil society emerged as the crucible of democratic politics in Kenya, it signified a shift from authoritarianism rather than epitomized women's participation in politics. In other words, a feminist agenda was not effectively entrenched within the civil society space, as the primary aim of civil society participation in electoral politics at the time was to dispense with the authoritarian Moi regime.

Not surprisingly then, the physical and other overt forms of violence that accompanied women's entry into the multi-party political space in 1991 remained largely unremarked or suppressed (see Brown [2001] in Chapter 1) in the broader civil society space outside of the women's movement, which recorded incidences of gendered violence and made it a core issue with regards to women's political participation. Okumu (2008) has noted the pervasiveness of violence in the electoral context in Kenya as a means through which female political candidature and women activists have been silenced or excluded from the playing field. The effect of this violence has been the degradation and humiliation of women, taking different forms including physiological harm and mental abuse which women experience not just in public spaces, but also in their 'private' spaces, without any committed access to institutional and legal redress (Okumu 2008). Okumu further notes that the view of women as property persists in most Kenyan communities, an attitude that by and large explains why property inheritance still remains such an illusion for many women, and which as a result constructs an image of women as mere 'chattel', who voters do not view as leaders and are therefore reluctant to entrust with power. Okumu (2008) views this failure to take seriously female political candidature as founded upon a hegemonic patriarchy which is institutionalised, and therefore able to afford men opportunities to violate women in ways that are largely obscured from society's purview.

While the 2002 elections have been deemed as being the most 'peaceful' among the four electoral contests between 1992-2007, evidence amassed by civil society organisations suggest otherwise. Okumu (2008) for instance, highlights a range of psychological and verbal forms of intimidation endured by female politicians during the 2002 general election. Some of the verbal abuse that female politicians faced on the campaign trail were sexist, for instance, statements which suggest that women's reproductive functions as expectant mothers can somehow pose limitations on their ability to serve effectively in parliament, or others which suggest an anachronism between the roles

women play in the 'private' domain of the home as nurturers and those they take on in public as leaders. Other bore deeply patriarchal undertones, for instance, those pursuing the notion that a woman's marital (or divorce) status determines her identity and allegiances, or phallogocentric notions that equate politics to manhood and conversely, femininity to domesticity (Okumu 2008). Furthermore, as the case of Mumina Jilo Konso illustrates, cultural institutions often sought to prevail upon women to step aside in favour of male candidates, as was in Konso's case whose community/clan tried to prevail upon her to abrogate her candidature in favour of a brother-in-law (Ibid). Physical and psychological torture was also a means for 'putting women in their place' when it came to exercising their right to participate in politics, as the case of a man in Belgut constituency who chopped off his wife's ear after he squandered money that had been given to her by a parliamentary candidate, would seem to suggest (Ibid). Outright stripping, shaming and beating of female political candidates also characterised the campaign trail, as the cases of violence against Philgona Okundi (an aspirant for the Rongo parliamentary seat), Yvonne Khamati who was aspiring for the Makadara parliamentary seat), Lydia Kimani (an aspirant for the Manyatta constituency), Wangari Maathai (aspirant for Tetu constituency), Betty Tett (parliamentary aspirant for Westlands constituency), and Orié Rogo Manduli (who vied in 2004 Kisumu by-election) all illustrate (Okumu 2008). Furthermore, during the 2007 general elections, cases of forced circumcision and in some cases, castration of men from ethnic communities that do not traditionally perform circumcision of men as a rite of passage were reported (CIPEV 2008; Wanyeki 2008).

While from these accounts of physical and psychological violence it is clear that sexual and gender based violence has been used in the electioneering context as a weapon against women, they do not tell us enough about which women are target or why women are targeted with these forms of violence, and neither are we able to grasp from these empirical accounts what purpose sexualized and gendered violence serves in the electioneering context. I argue in the sections below that the nature and meanings of sexualised and gendered violence in the context of elections cannot be understood without a critical understanding of the ways in which different groups of women have been constituted in the liberalizing political space which includes civil society and political parties. In other words, I reject the notion that women are targeted primarily on the basis of their gender. Furthermore, the cases of violence against men recorded in the electoral context, however few, compel further consideration of the nature of sexual and gender based violence beyond its gendered component. I turn to this analysis in the sections below.

5.3. GENDERED STRUGGLES FOR POLITICAL SPACE AND THE POLITICS OF CO-OPTATION IN THE POSTCOLONIAL STATE

The emergence of political party organisations in Kenya is traceable back to the immediate pre-independence period between 1960-61, when the colonial authorities finally allowed free political activities and formation of political parties (Ajulu 1995: 231). This opening up of political space had been preceded by a two-decades long period during which the colonial administration in Kenya severely repressed and eventually demobilized various pockets of insurgent leftist politics that had largely been organised under the aegis of various militant trade union formations.⁵⁰ Under the surface, Kenya had never been a haven of harmony. The government, through politically motivated murders and detentions without trial had handled political opposition ruthlessly. Since the 1960s Kenya had at least a formal multiparty system but KANU was finally declared to be the only legal political party in the 1980s, forcing many dissident voices to act underground. In the early 1990s after strong pressure from the international donor community Kenya entered a new phase of multiparty elections (Narman 2003: 343).

The impact that multiparty politics had on Kenyan women's political organising may be understood through what House-Midamba (1996) and Tripp (1994) have termed as associational life. The concept of associations is significant in that it seeks to link representative politics to the organic roots of women's struggles through which, it may be argued, the political space for women's participation has expanded. An important question Tripp (1994) poses in this regard is whether small and informal associations that are formed to meet everyday needs can have broader political impact and whether they could, for example, fundamentally affect the position of women. She argues that

“by organizing to meet their everyday needs, women in self-help groups, voluntary associations, savings associations and other such groups are responding to the fact that they have been excluded not only from formal economies but also from formal politics. They are ultimately redefining politics by seeking tangible solutions to problems caused by the vagaries of the market and the failure, negligence or outright repression of the state. It is important to see the practically oriented organizations as forming a part of a broader web of associations that as a whole can effect more basic change. But more to the point, even the economically oriented organizations have brought about transformations in the political consciousness of women which have in fact led to political change” (Tripp 1994:128).

The concept of associational spaces has been discussed in great detail in Chapter 4, and in this chapter is reiterated to show the ways in which the significant gains made by Kenyan women's political organising during the period of resistance to colonial rule become significantly diminished

⁵⁰ For more of this history, see Rok Ajulu (1995), “The Left and the Question of Democratic Transition in Kenya: A Reply to Mwakenya”, *Review of African Political Economy*, Vol. 22(64): 229-235.

under post-independence single-party rule, and further to show the impacts of multi-party politics on women's associational forms of organising and political participation in the course of democratization. Tibbetts (1994) disputes the alleged 'passivity' of Kenyan women, whom she sees as having seized opportunities presented by the evolving conditions under which they engage in politics. For instance, the repeal of the constitution which paved way for multiparty politics in 1991 ushered in transformations which could partly be attributed to women's activism.

Associational life and its invocation of rural-urban linkages within the women's movement bear significant implications for women's political participation. An apparent dilemma presented here is the extent to which female politicians can influence state policies on gender-progressive terms by articulating the desires and needs of a broader constituency of women - poor, sexually violated, ethnically marginalised, uneducated - and not just the desires of those elite women considered by the party as being important for its own internal or strategic voter mobilization. Hassim (2006) too, poses this dilemma in asking how feminists within political parties can balance the often-competing aims of women's advancement and party loyalty. How, she asks, can women's movements mitigate the perverse consequences of demands for greater representation of women in elected office, in particular, the emergence of elite women leaders with relations of dependency to parties rather than to constituencies of women? (Hassim 2006: 208).

The literature shows the paradoxical erosion under multi-party politics, of the organic, rural bases of the women's movement in Kenya, and the challenges this poses to an increasingly urban-based political elite of female politicians whose influence has not transcended enclaves of ethnic influence to embrace a more clearly feminist emancipatory politics. The ties that bound the women's movement in Kenya were historically much deeper and politically significant. One of the most significant ways in which this was achieved was through self-help organisations. As House-Midamba notes, such organisations were initially founded by the Gikuyu in the nineteen thirties and forties as a response to the education problem that was left unattended by colonial authorities, and also with the aim of asserting their independent stance as Africans. This spurred the Kenya Independent Schools movement and the voluntarism that was nurtured through this movement was critical in establishing a local movement self-reliant women (House-Midamba 1996). Self-help organisations were not restricted among the Kikuyu, but proliferated far and wide in other communities including the Luo.

After independence, President Kenyatta also encouraged especially rural participation in self-help organisations, ushering in the *harambee* era that loosely translated to pulling together for the sake of

the community. The government benefited from such forms of organising as the people searched and found solutions amongst themselves for addressing their social needs. The political class also benefitted, as rural communities put their local representatives to task and politicians in turn exploited their rural electorate bases by capitalising on the citizens' demands. This was indeed a model that re-focused attention of the political class away from policy at the state level towards implementation at the local level. It was a form of local organising, which as House-Midamba (1996) argues, represented the meeting point between the masses and the government.

These associational groups, House-Midamba (1996) argues, form the basis upon which women in Kenya have been active in politics, which is traceable to the colonial era when they exploited spaces of power that were constituted both formally and informally. Informally, the politics of protest provided pathways that elevated women's voices, for instance, singing about the leadership, policies of the state and the colonial exploitation of their labour. Formally, women sought autonomy from male-led organisations and sought to assert their own political agenda, for instance, with their splitting from the Kikuyu Central Association and subsequent formation of the Mumbi Central association (House-Midamba 1996) (see Chapter 4 for a more detailed discussion of this history). Yet in the post-independence period, the politicization of women that had begun during the anti-colonial struggle failed to materialise into political leverage for Kenyan women. This phenomenon - of the nationalist disenfranchisement of women - has found various explanatory narratives across many post-independence and postcolonial countries in Africa. In South Africa, for instance, Hassim relates it to the tension in the relationship between women's struggles and national struggles, which all too quickly saw the ANC Women's League delineate its major task as being "to draw women nearer to the ANC" (Hassim 2006: 118). Power struggles also emerged between internal activists and exiles, which raised the question regarding whether exiled women with little experience in building grassroots organizations could (despite exposure to the international women's movement) marshal the requisite skill to take the league into the transitional period. Moreover, the political autonomy and effectiveness of independent women's organisations was seriously undermined by the decision taken after the unbanning of the ANC to disband the independent internal women's organisations. Thus, while the disbanding of women's organisations "strengthened the Women's League, at the same time it demobilized and weakened groups that had built grassroots support and carried out practical projects for many years" (cited in Hassim 2006: 120). In Uganda, Goetz describes the patronage politics through which Yoweri Museveni's National Resistance Movement (NRM) has managed to capture the women's movement as a voting bloc, by ruling out pluralism and manipulating affirmative action to work as a tool for accommodation and control of women in politics (Goetz 2003). In these ways, a competitive dynamic of a pluralist system has been

unavailable to Ugandan women, with the implication that women there have not been able to use the rules and representative systems within well-institutionalised parties to press for equitable inclusion at all levels. Goetz, however, emphasises the fact that liberal multi-party systems in Africa and elsewhere do not automatically promote women's rights (Goetz 2003: 136). Tripp et al. (2009) have also noted that the increase in women's representation in Africa is not linked directly to the democratizing trends that swept the continent in the 1990s, citing the fact that many undemocratic countries such as Rwanda and Sudan have adopted quotas and have been in this way able to increase their rates of female representation. Also writing on Uganda, Tamale (1999) argued that due to affirmative action the relationship between women MPs and women's networks outside parliament could at best be considered as tenuous. That said, the Uganda case offers an important lesson: that although women can benefit enormously from direct presidential patronage, their effectiveness in promoting a gender equity agenda is low if they have not institutionalised a presence for themselves as legitimate competitors for the popular vote, and for their policies as legitimate matters for public debate (Goetz 2003).

This latter observation by Goetz finds resonance with the trajectory of the women's movement in Kenya in the post-independence period and in the period following political liberalisation after 1991. A relevant case study in Kenya is the Maendeleo ya Wanawake Organisation, an organisation, as already stated earlier, which enjoyed a broad membership base across the country. Delineating a brief historiography of MYWO, House-Midamba (1996) points to the organisation's militancy in its formative stages, discernible through the agenda it pursued that included popularization of women-focused issues and support for marital and dissolution legislation. MYWO also put pressure on policy makers to increase budgetary allocations for its programmes. This progressive trajectory was, however, shortlived as it became increasingly seen as being under the control of a small group of elite, urban women, whose ostentatious lifestyles drew scorn. In this sense, it was also considered as being insensitive to the needs of its rural base. The organisation's finances came under scrutiny and its chairperson was at one point put under investigation for alleged misappropriation of the organisation's resources. These troubles paved the way for government's interference in its management, leading eventually to the dissolution of its governing body and cooptation under the state. This came at a time when Moi was particularly hostile to civil society and seized every opportunity to bring semi-autonomous organisations such as MYWO under state patronage. The result was the serious undermining the organisation's capacity for institutional and structural critique. Subsuming MYWO under the government also made it much more amenable to the state and less critical of its policies – a compromise which was eventually rewarded by different forms of state largesse extended towards the organisation. Maendeleo was

officially separated from the government in 1992 – at the dawn of multiparty politics – a move that forced it back out into civil society without much ceremony (House-Midamba 1996).

In the 1990s, writes Mitullah (2003), women's umbrella organisations such as MYWO and NCWK continued to engage in internal wrangles in the context of manipulation by politicians and the KANU government. This left women with a single powerless unifying organ, in the name of women's groups. And while women's groups play a key role in the social life of women - through these groups, women are able to mobilise required social capital for ensuring their basic livelihoods and those of their households - the groups are not integrated into development policies and programmes, a fact that has contributed to their disconnection from mainstream development. The only instance when they come close to the mainstream is when they interact with other development actors (Mitullah 2003: 216). In the ways described above we see that the women's movement as a basis for political organising has prevaricated between the state and civil society. Women's agenda under the patronage of the KANU government was a co-opted and depoliticized agenda which did not find room for radical expression within civil society, or voice in political party organising as the state moved towards liberalization in the 1990s. Furthermore, as shall be shown in Chapter 7, women's embeddedness or association with non-state development actors only served to weaken their links to centers of political power and rendered women more vulnerable to marginalisation and to violence of exclusion during elections.

The weakening of women's associational life, and the advent of political liberalisation in the 1990s saw the mushrooming of political parties, which became the vehicle through which women sought to access political power. As I show in the section below, gender was not a key mobilizing concept among political parties, and women failed to make significant inroads into politics though this means. Funding was also a significant issue affecting women's candidature, and as I show in section (4.1) below, ethnic patronage occupied the funding gap, giving advantage to a middle-class class of women in the Rift Valley in an electoral year (2007) when violence greatly disenfranchised the majority (poor, working) class of women.

5.4. PATHWAYS TO POWER: POLITICAL PARTIES AND WOMEN'S POLITICAL REPRESENTATION IN THE ERA OF DEMOCRATIZATION (1992-2007)

According to Mitullah (2003), the situation in Kenya prior to the exit of Moi and KANU in 2002 was that of an ingrained dominant political party, which had ruled for nearly forty years, and was threatened with the loss of power. The party used all means at its disposal to ensure its survival and

return to power. The many opposition political parties, on the other hand, struggled to form strong alliances aimed at ensuring the defeat of the dominant ruling party. At the same time, an internal power struggle in KANU was precipitated by the incumbent president (Moi's) unilateral decision in 2002 to market Uhuru Kenyatta, then a young, inexperienced son of a former president,⁵¹ Mzee Jomo Kenyatta, for the presidency (Mitullah 2003: 214). In this transition, political actors concentrated on the need to remove KANU from power and ensure that the young Uhuru Kenyatta did not make it to state house. This preoccupation with the need to remove KANU and ensure that Uhuru did not succeed, Mitullah argues, relegated issues relating to gender inclusion to the background (2003: 215).

Mitullah has furthermore, argued that the opening up of the political space since the beginning of the 1990s had not provided any significant mileage for Kenyan women. Immediately after the multiparty elections in 1992, a task force for the Review of Laws Relating to Women was appointed by the Attorney-General in Gazette Notice No. 4820 of October 1993 (Mitullah 2003: 219).

Mitullah highlights the mandate of the task force as having included a raft of reforms that should have contributed towards leveling the political field and improve the ease with which women could access political spaces. Such reforms include reviewing of laws, regulations, practices, customs and policies that imposed constraints on equal enjoyment of rights by women in civil, political, social, cultural or related matters. Other reforms included proposing approaches to reform and removal of sources of inequality, preparing a scheme of legislation designed to remove and limit inequalities, and proposing other appropriate reforms such as those of a policy and administrative kind aimed that could limit or eliminate inequalities (Mitullah 2003).

The task force, Mitullah argues, was seen as a landmark in terms of addressing gender inequalities, and although producing a Draft Report in December 1998, most of its recommendations were not implemented. Some of the recommendations of the task force included affirmative action to increase the participation of women in the country's development institutions and the formation of a National Council for Gender and Development to be housed within the Ministry of Planning and National Development . The Council was expected to take over the mandate of the Women's Bureau⁵² on issues set out in the Cabinet Memorandum 78(b). Thus, although important motions

⁵¹ Uhuru Kenyatta is the current president of the Republic of Kenya.

⁵² The Women's Bureau had been created in 1976 after the Mexico Women's Conference in 1975. Before this, the government had established units within the Ministries of Health, Education, and Agriculture to handle women's issues. The Ministry of Education had the Home Economics Unit; the Ministry of Agriculture had Home Economics Section, while the Ministry of Health had Maternal and Child Health Section. The government's plan during this period was to have women's desks in all ministries handling gender issues. These institutions hardly changed the situation of women and instead perpetuated patriarchal stereotypes about women (Mitullah 2003: 216).

and draft policy papers that could change the situation of women were considered in the course of Kenya's democratic transition, most failed to go through the previous male-dominated KANU parliament and other decision-making organs (Mitullah 2003: 219-220).

Kenya, Mitullah (2003) further shows, has had the least number of women in mainstream politics and decision-making since independence. Before the transition elections of 2002, only 32 women had been in parliament, with the Seventh Parliament (1992-97) having the highest number (6) of elected women as reflected in Table 1 below.

Table 1: Members of National Assembly by Year of Election

YEAR	ELECTED		NOMINATED	
	Women	Men	Women	Men
1969	1	154	1	11
1974	5	152	2	10
1979	3	155	1	11
1983	1	157	2	10
1988	2	186	1	11
1992	6	182	-	12
1997	4	200	4	8
2002	9	201	6	6

Source: Mitullah (2003: 220-21)

Among the 32 women, 21 were elected, while 11 were nominated. Unfortunately, the Seventh Parliament had no nominated woman member, a clear demonstration of the lack of commitment to gender inclusion in politics and decision-making. At the beginning of transition politics in 1992, there was no woman member nominated into Parliament. This partly demonstrated how issues relating to women cease to be a priority when there are other competing issues. The beginning of the 1990s was a time of euphoria generated by the restoration of pluralism. Men occupied the centre state in the struggle for pluralism, with gender issues not being given the priority. The change in 1997 which resulted in four women being nominated as Members of Parliament was not by mere

chance but a deliberate outcome of the Inter-Parties Parliamentary Group (IPPG)⁵³ reforms which resulted in the Constitution of Kenya (Amendment) Bill of 1997 (Mitullah 2003: 221; see also Mutua 2008: 107-110). This bill aimed at ensuring that the second multi-party elections would be conducted in a more democratic and inclusive manner. It shifted the powers for the nomination of 12 parliamentarians from the president and KANU to parliamentary parties according to the number of seats held by the parties in the National Assembly, but also taking into account the principle of gender equity. The Electoral Commission was charged with ensuring the observance of the principle of gender equity in these nominations (Mitullah 2003: 222).

As Kenya moved towards the December 2002 national elections, Kenyan women's diverse range of hopes lay in the on-going Constitutional Review and the new emerging political alliances. However, the numbers of women who were directly participating in these two processes were minimal, although the Constitutional Review had better representation of women than the political alliances which were unfolding. Apart from these two processes several organisations were lobbying and conducting advocacy on gender related issues with specific reference to women. Needing particular mention were the Kenya Women Political Caucus (KWPC), its splinter group Kenya Women's Political Alliance and the League of Women Voters. The KWPC was constituted to "translate the numerical strength of the Kenyan women into a political voice for creating, nurturing and sustaining a democratic, prosperous and peaceful society where women, men and children regardless of social, economic and political divides can uphold and enjoy rights at all times and under all circumstances" (KWPC Draft Constitution, 2000). The caucus was partly able to influence the process because its membership base cut across political and ethnic divisions. The chairperson of the KWPC, Hon. Phoebe Asiyo, participated in the Ufungamano Initiative,⁵⁴ appeared before the Parliamentary Select Committee (PSC), and ended up being part of the Constitution of Kenya Review Commission (CKRC) team. Hon. Asiyo and six other women (Nancy Makokha Baraza, Wanjiku Kabira, Kavetsa Adagala, Abida Ali-Aroni, Salome Wairimu Mungai and Alice Yano) made a difference during the CKRC process (Mitullah 2003). The (then)

⁵³ The IPPG was a conclave of KANU and the parliamentary opposition, whose mandate was to agree on a set of minimum reforms before the elections (Mutua 2009: 107).

⁵⁴ On December 15, 1999 the Ufungamano Initiative, a clergy-led constitutional review process that included all other key stakeholders except KANU and its coalition partner, the National Democratic Party (NDP), was launched. The Ufungamano Initiative, whose convenor was Mutava Musyimi, the outspoken cleric and secretary-general of the National Council of Churches of Kenya (NCCCK), established the NGO People's Commission of Kenya (PCK) to write the constitution in lieu of the Moi-Odinga driven parliamentary process. The chair of the PCK, with over twenty commissioners drawn from various sectors, was Oki Ooko Ombaka, a respected jurist and former legislator. The PCK was mandated to conduct a people-driven constitutional review process by travelling around the country to collect views of Kenyans from all walks of life and produce a draft constitution (Mutua 2009: 112).

Draft Constitution had, and the Constitution of Kenya (2010) have provisions for gender inclusions, reflective of women's considerable participation in the two-decades long constitution making process.

Of interest to feminist observers in the run up to the December 2002 national elections was how the various parties were going to treat gender demands, and how women were going to feature in electoral politics, especially at the nomination stage. As Mitullah (2003) reveals, discussion with a number of women candidates showed serious concern over the issue. Some of the candidates argued that the major parties showed preference for those members who had played key roles during the formation of various coalitions. However, this view was not shared by some of the individuals who were involved in the formation of the various coalitions. They argued that nominations would be based on popular voting at the grassroots level. Since the Draft Constitution was not adopted, it did not apply to the 2002 national elections. Instead, women had to be content with the Inter-Parties Parliamentary Group (IPPG) provisions of 1997, which had secured minimal gains for women. The provisions required political parties to take into account the principle of gender equity during the nomination of Nominated Members of the National Assembly and forwarding of names of the party nominees for civic seats in various constituencies (Ibid, pp. 227-8).

NARC, the party that deposed Moi in 2002, continued to reform the old system that only minimally engaged women. In the area of gender there were signs that NARC as a party was taking issues of gender seriously. Compared to other political parties NARC fielded the highest number (12) of women candidates during the December 2002 elections and ended up as the party with the highest number (8) of women in Parliament. Among the women elected to parliament only one (Naomi Shaban) came from a different party (KANU). This outcome was influenced, Mitullah (2003) argues, by the nature of the electoral process. In total, more than 200 women sought parliamentary nominations but only 44 (22%) went through the nominations, as opposed to 1,037 (ratio of 4:96) men. Among them only 21 were nominated by major parties - NARC (12), FORD-People (7) and KANU (2), with the potential of winning the elections. Other parties such as FORD-Asili, Safina, United Agricultural Party, Economic Independent Party nominated 4, 3, 2, and 2 women respectively (Ibid).

A total of 23 parties with minimal following did not nominate any women. However, a critical examination of the parties most women chose as vehicles to parliament shows that the parties were weak and did not command large voter following. This implies that women began their journey through the electoral process in a disadvantaged position. In any case, gender was not key in influencing post-election nominations to parliament; the main consideration was the role various women played during the immediate transition process - formation of parties and building alliances

and consensus. This is clearly demonstrated in the nomination of some women such as Njoki Ndung'u and Cecilia Mbarire, who did not contest and who failed to go through the electoral process respectively (Ibid). Despite the inroads that some women were able to make through NARC, the residual question for feminist observers remained why women did not succeed through the vote, and whether an enabling electioneering environment could be created for women in order to attract them into active political participation.

A major drawback was thought to be the resources required for the whole electoral process, especially for campaigns. Although various analysts argued that in the previous elections it mattered more how much money was spent on the campaigns than during the 2002 elections (see Mitullah 2003; The Women's Shadow Parliament 2008), the question of funding again became a prominent element in analyses and commentaries seeking to explain the numerically unprecedented success of women in the Rift Valley province during the 2007 general elections. Of the 48 women candidates in Rift Valley who were running for parliamentary seats, 6 were elected. The Women's Shadow Parliament's (2008) observes that Kenyan political parties revolve around individual founders with whom the parties are identified, and who are to some extent responsible for funding the party activities. They view this fact as defining the extent of women's involvement in the hierarchical structure of the party relative to women's low economic capability in a patriarchal society. Although this view is borne out by the experience of the majority of women political candidates, the 2007 election outcomes for female candidates in Rift Valley province suggested that in addition to funding, a confluence of patronage politics and kinship ties were also critical factors in the successful candidature of all the six women elected at the ballot. While a detailed background of Nandi⁵⁵ cosmology would shed more light here on the reasons that cast the election of six Kalenjin women to parliament in 2007 as unprecedented, for lack of space, the sections below outline only a brief background of the candidates and then proceed to explain the paradoxical confluence of gender and patronage politics mentioned above.

5.4.1. Women's Political Participation and the Politics of Patronage in Rift Valley

Commentators on the 2007 general elections have termed the unprecedented success of women in the Rift Valley as the "leadership gender revolution," partly because the Kalenjin community,

⁵⁵ The Nandi are Kalenjin speaking people who inhabit the Western part of the highlands of Kenya. Their dialect of Kalenjin is classified in the Nilotic branch of the Nilo-Saharan language family. Within Kenya there are five main 'tribes': Kikuyu (22%), Luhya (14%), Luo (13%), Kalenjin (12%), and Kamba (11%). The Kalenjin people are more of a compilation of smaller tribes, namely: the Kipsigis, Marakwet, Nandi, Pokot, Endorois, Sabaot, Terik, Elegeyo and Turgen. The commonality that united the Kalenjin in the early 1950s and made them one of the five main tribes was their common language (Roberts 2009: 6).

which produced these women leaders, has traditionally been stereotyped as a community that is deeply steeped in traditions that are oppressive and retrogressive to the development of women (see Chebet-Choge 2010). The Rift Valley province fielded more female parliamentary and civic candidates in comparison to the other provinces. Out of these, six women (and two more in a by-election in 2008) successfully contested parliamentary seats, securing the highest number per province of female candidates in any election since independence. Yet, as I show below through narratives of the political trajectories of the female candidates in the Rift Valley, their success at the polls was less a representation of a 'gender revolution' than it was a reflection of their sex-class positions. I seek here to show as problematic the political exclusion of one group of economically underprivileged women at the same time as another group of privileged women made political headway – showing how class position rather than gender or ethnic affiliation defined the political terrain in 2007. I begin with a brief biographical review of each of these women.⁵⁶

Dr. Sally Kosgei is a veteran civil servant who faithfully served under the Moi administration for nearly two decades. She worked as first Secretary at the Kenya mission to Habitat in Nairobi, Head of Africa division in the Ministry of Foreign Affairs, Kenya's first Secretary to Zimbabwe, Kenya's High Commissioner to the United Kingdom, Permanent Secretary in the Ministry of Finance and made history as the first woman to be appointed Head of Civil Service and Secretary to the Cabinet. A close confidant of retired former President Moi, Kosgei headed the cabinet throughout the 1990s and tearfully presided over Moi's departure in 2002. Although married, Kosgei maintained an autonomous identity from that of her husband, also a former ambassador to New York, and her political clout in the post-Moi era is attributed to her professional accomplishments as well as - and significantly - flowing from two decades of being identified with one of the most powerful positions in government (as Secretary to the Cabinet) under Moi.⁵⁷ After Moi's retirement, Kosgei crossed over to the opposition and in 2007 became representative of the Aldai parliamentary seat on an ODM ticket.

Professor Margaret Kamar hails from the soft-spoken, affluent, socially, economically and politically influential Kapkamar family of Chepkorio village, Keiyo South Constituency (Chebet-Choge 2010: 636). Her parliamentary bid, Chebet-Choge argues, was greatly undermined by two issues. First, her strong financial base⁵⁸ provided ammunition for her opponents, who accused her of buying votes. The second challenge was her association with former Keiyo South MP, Nicholas

⁵⁶ The successful candidates were: Dr. Sally Kosgei, Prof. Hellen Sambili, Mrs. Peris Simam Chepchumba, Dr. Linah Jebii Kilimo, Prof. Margaret Kamar, Ms. Lorna Laboso, Dr. Joyce Laboso, and Mrs. Beatrice Kones.

⁵⁷ Interview with Rebecca on 25/01/2014

⁵⁸ Kamar's parliamentary bid did not face the usual financial challenges women candidates endure. Her campaign budget is speculated as having been between Kshs. 20 million to Kshs. 30 million She is also one of the few contestants to use a helicopter during her campaign (Chebet-Choge 2010: 636).

Kipyator Biwott. She is married to Nicholas Biwott, a KANU hardliner and the most powerful minister in Moi's cabinet for more than two decades. Biwott had been Moi's personal secretary and in the 1979 general election, was rigged and elected unopposed into the Elgeyo-Marakwet parliamentary seat (which borders on Moi's own) (Throup and Hornsby 1998: 29). In 2007 Kamar ran and won the Eldoret East parliamentary seat on an (opposition) ODM ticket against her husband Mr. Biwott who ran on a KANU ticket. It is alleged that Biwott did not make matters easy for Prof. Kamar by often remarking that 'Keiyo South is my sitting room while Eldoret East is my bedroom' (Chebet-Choge 2010: 636). Opposition to Kamar's candidacy due to her perceived links with Biwott boosted her campaign, as it was once insinuated that the helicopter she was using to campaign was the same one Biwott flew around in. Since, among the Kalenjin, the 2007 election was a referendum on old political establishments and Moi's influence, Eldoret South constituents were reluctant to elect Prof. Kamar, fearing that doing so would perpetuate Moi's establishments (Ibid). When it looked like Prof. Kamar was going to lose the election because of her links with Biwott, she denied her marriage to him in one of the rallies. Many were convinced that because Prof. Kamar did not refer to herself as Mrs. Biwott, she probably was not married to him and was independent of him. However, after the elections, Biwott would insist on thanking Eldoret East constituents for "sparing his bedroom when Keiyo South constituents took away his sitting room" (Chebet-Choge 2010: 636-7).

Professor Helen Sambili has also enjoyed a distinguished academic career and been actively engaged in building women's networks among her Turgen community. She is married to Dr. Edward Sambili who was once the Principal of Kabarak High School, later Deputy Governor of the Central Bank, and then Permanent Secretary in the Ministry of Planning under Kibaki's government. Sambili comes from Moi's Turgen community and various commentators have suggested that the patronage she enjoys through the the Moi-Turgen network held significant sway in pushing her party nomination and candidature.⁵⁹ Sambili faced the challenge of being termed as a Moi protégé and a candidate who was politically elevated by two powerful institutions – former President Moi and her husband. Because of her husband's position in Kibaki's administration, her opponents viewed her as Moi and Kibaki's mole in ODM. Her relationship to these three powerful men reinforced the view that they had financed her campaign (Chebet-Choge 2010).⁶⁰ Like Kosgei and Kamar, Prof. Sambili also ran on an ODM (opposition) ticket for the Mogotio parliamentary seat during the 2007 general elections.

⁵⁹ Interview with Beatrice on 25/01/2014.

⁶⁰ Again, Chebet-Choge dispels the notion that Sambili enjoyed the patronage of her husband, Moi, Kibaki, attributing instead that the fact that there were five contestants for the Mogotio seat seems to have handed Sambili her ticket to parliament, and also that her victory was largely due to her pleasant personality (Chebet-Choge 2010: 635).

Dr. Linah Jebii Kilimo is married to an engineer who works with the government. A Marakwet, the sociology of her tribe differs from that of other Kalenjin tribes as Moi did not recognize Marakwets as Kalenjins (Chebet-Choge 2010). That constituency was therefore traditionally an opposition hotbed and the site of intense ethnic clashes from the early 1990s. She made her political debut in 1997. In 2002, her political opponents opposed her running for office on the grounds that she had not been circumcised and so was not fit to hold public office! She served as the Minister of State, Office of the President (2003 to 2004) and Minister of Immigration (2004 to 2005). At the 2005 Kenyan constitutional referendum, she supported its rejection and along with a number of other ministers, was kicked out of the Kibaki government after the referendum, which failed to pass the proposed new constitution. She joined the ODM and although Kilimo originally campaigned on an ODM ticket, she was rigged out of the party list and eventually contested the Marakwet East parliamentary seat on a (Kenya National Democratic Alliance - KENDA) ticket, a party formed by Mr. Kamlesh Pattni who had been the primary architect of the 'Goldenberg'⁶¹ scandal that rocked Kenya under the Moi regime in the early 1990s. Chebet-Choge (2010) notes that the perception created by her opponents was that her victory was bought because she was sandwiched between Pattni and the high-spending Kibaki campaign through his Party of National Unity, to which she was affiliated.

Ms. Peris Simam Chepchumba has a Bachelor of Education degree in Science from Kenyatta University. She was a high school teacher from 1991-2007, and in 2007 vied for the Eldoret South parliamentary seat on an ODM ticket. She served as an MP from 2008-2013, during which time she was Vice secretary of the Kenya Women's Parliamentary Association (KEWOPA). During the 2007 party primaries, Chepchumba trounced 11 men to clinch the ODM ticket. Some commentators have attributed her success at the ballot to the party (ODM's) popularity on the ground during the 2007

⁶¹ KANU's election campaign strategy depended less upon policy arguments than upon material considerations. The ruling party employed the government's financial resources to tilt the playing field in its favour. KANU spent extraordinary sums of money on its campaign, very little of which could be accounted for. Precisely where the billions of shillings came from is unclear, but it is believed to have come from a combination of President Moi's and his Ministers and clients' vast personal wealth, from the state itself, and from a series of clever schemes which released so much cash into the money supply that they threatened Kenya's economic stability, creating serious inflation in the aftermath of the election. One of the cleverest scams was the Goldenberg scandal, which operated throughout 1991-2, whereby the company 'exported' gold and diamond jewellery to fictitious companies in Switzerland and Dubai, and then claimed back money from the government as export compensation. These items either did not exist (Kenya does not produce much gold), or were grossly overvalued - according to Central Bank officials who tried to prevent the compensation being paid, by 15,000 per cent. All these payments went to one company, the sole authorised exporter, Goldenberg International Limited, chaired by Asian businessman Kamlesh Pattni, whose other director was James Kanyotu, former head of the Special Branch under Moi (Throup and Hornsby 1998, *Multi-Party Politics in Kenya*, pp. 350-2).

elections.⁶² This is a point I also make below in seeking to map out the confluence of factors that favoured women's candidature during the 2007 General Elections. Simam was a first-time contestant for the Eldoret South parliamentary seat. She is the daughter of a humble Kapmirmet family in Asururiet village near Moi University, but married to the affluent and influential Kapsimam family. As Chebet-Choge (2010) notes, every aspiring candidate for a parliamentary seat in Eldoret South always enlists the support and endorsement of the Kapsimam family if they hope to win. The Simams are socially and economically endowed and can significantly influence the direction of politics in Eldoret South (Chebet-Choge 2010: 634).⁶³

Ms. Lorna Laboso was a politician belonging to the ODM (party) and briefly an MP and Assistant Minister in 2008. She was killed along with Minister of Roads Kipkalya Kones in a plane crash on June 10, 2008. Following the death of Laboso, a by-election was held in the Sotik Constituency on September 25, 2008. The seat was won by Laboso's sister, Dr. Joyce Cheron Laboso for the ODM – a well educated woman who holds a doctoral degree in gender studies who was formerly a Lecturer in the Department of Language and Linguistics at Egerton University and served as a Commissioner of the National Commission on Gender and Development.⁶⁴ Ms. Laboso is from the Kipsigis tribe and is descended from an influential family in the Rift Valley, where her mother was a civic leader. She cut her political 'teeth' as an influential grassroots mobilizer and during the 2007 elections, ran for the Sotik parliamentary seat on an ODM ticket. Following her death, the Orange Democratic Movement she had served insisted that Lorna's seat and that of Kones be retained within their respective families to honor their contribution to the party's campaign in the run-up to the 2007 General Election.⁶⁵

Dr. Joyce Laboso's marriage to a non-Kalenjin – a Luo by the name Edwin Abonyo – who hails from Nyakach in Nyanza province was one of her greatest challenges in the campaign. Her opponents used her marriage to portray her as a foreigner, sometimes going as far as printing posters with her protrait and the name *Obonyo*. At rallies, her opponents repeatedly referred to her as *Mrs. Obonyo* instead of by her Kalenjin maiden name *Cherono*. The aim was probably to

⁶² Source: Kenya Women's Parliamentary Association (KEWOPA) web page - <http://kewopa.org/index.php?option=com_content&view=article&id=43&Itemid=33> (accessed on 01/02/14).

⁶³ Chebet-Choge (2010) has, however, argued that with the exception of her husband, Peris Simam did not benefit from this influence, arguing rather that her her strategists helped her to set up one of the most elaborate outreaches in the constituency's history, and further, that her victory could be attributed to the weak leadership of the previous MP, David Koros, who residents accused of using nepotism in managing the Constituency Development Fund allocations and associating with an illegally armed group referred to as the Taliban, which terrorised perceived opponents in the constituency (2010: 634). I, however, view as tenuous the distinction that Chebet-Choge makes between the support Peris Simam received from her husband and the non-support from his family.

⁶⁴ Source: <http://en.wikipedia.org/wiki/Lorna_Laboso> (accessed on 02/01/14).

⁶⁵ Source: The Standard digital - *The Rise and Rise of Joyce Laboso* - <http://www.standardmedia.co.ke/?articleID=2000082161&story_title=the-rise-and-rise-of-joyce-laboso>

reinforce the image of her as a foreigner, thus creating social and political distance between her and the electorate. The switch from 'Abonyo' to 'Obonyo'⁶⁶ was probably consciously made to emphasise the Luo cultural origin of the name. The aim was to portray Laboso as inappropriate and an imposition of ODM leader, Raila Odinga, himself a Luo, on the people of Sotik. The odds against Dr. Laboso were so high that at one point, her defeat seemed inevitable. However, though the Kalenjin political class was beginning to fall out with Raila Odinga, the electorate still believed in him. His influence was still as it was during the 2007 elections. Majority of the Kipsigis – the biggest voting bloc in Sotik – still considered him a credible leader. From the time Raila was installed as a Kalenjin elder and given the name *Arap Mibeiy*, he was accepted and accorded respect equal to that accorded Moi when he was in power. Since he supported Joyce Laboso, the Sotik people felt obliged to vote for her (Chebet-Choge 2010: 637-8).

Beatrice Kones was the first wife and widow of Kipkalya Kones.⁶⁷ Although a primary school teacher, she had been a grassroots mobilizer throughout her husband's political career, with a vast network of supporters. When she contested the Bomet seat, she needed little introduction. Bomet constituents accepted her candidature because it was perceived that Raila Odinga had endorsed her during her husband's funeral when he said, "*Kones alikuwa simba na hata bibi ya simba anaweza kuwa simba* (Kones was a lion and a lion's wife [lioness] can also be a lion)". Bomet voters understood this to mean that she was ODM's preferred candidate. Her election is, therefore, an indicator of the implicit power and influence Raila Odinga had acquired in the Kalenjin community (Chebet-Choge 2010: 638). The votes for both Dr. Laboso and Mrs. Beatrice Kones are generally considered as having being 'sympathy' votes. The then ODM deputy party leader and Eldoret North MP William Ruto's campaigns in support of ODM candidates in the two constituencies tilted the scales in favour of the women candidates. The Sotik and Bomet by-elections were also about sympathy and consolation for the bereaved families. It was the constituents' way of conveying their condolences and sharing the grief of the former MPs' families. In Sotik in particular, the constituents were voting in Joyce Laboso as a way of securing a livelihood for Lorna's son (Chebet-Choge 2010).

⁶⁶ Surnames from the Luo community are invariably denoted by the letter 'O'.

⁶⁷ Kipkalya Kones was a member of the National Assembly from 1988 to 2008. He first attempted to win a parliamentary seat at the 1983 elections, but was beaten by Isaac Kipkorir Salat. Following the death of Salat in 1988, Kones won the Bomet Constituency seat at by-elections as part of KANU and was then appointed as Assistant Minister by President Moi. He was re-elected in the 1992 election and was appointed by Moi as a Minister of State in the Office of the President. In the 1997 election he was again re-elected, and Moi appointed him as Minister for Public Works and Housing; he was subsequently moved to the posts of Minister for Research, Science and Technology and Minister for Vocational Training. Before the 2002 election he fell out with Moi and again in 2007 won the Bomet seat on an ODM ticket (Source: <http://en.wikipedia.org/wiki/Kipkalya_Kones> (accessed on 02/01/14)

When Mrs. Kones and Dr. Laboso increased the number of women legislators elected to the tenth parliament from Rift Valley from six at the end of the 2007 general elections to seven, the province hit the headlines of some of the national dailies for scoring a first since independence. At the national level, the total number of elected women legislators in the tenth parliament is documented as the highest since independence with 22 as well as those who were appointed to ministerial positions compared to previous regimes. National leaders from all sides of the country's political divide hailed Rift Valley residents for electing women Members of Parliament in the then just-concluded Sotik and Bomet by-elections with un-fettered excitement by twin victories, saying it was praiseworthy that the voters turned against cultural beliefs to embrace women's leadership.

Chebet-Choge (2010) has argued that 'a silent gender revolution' seems to have taken place within the Kalenjin community (2010: 639). These summations, I argue below, are a misreading of the confluence of factors that led to the successful candidature of these women. In my own reading, ethnic patronage, patriarchy and kinship should be key to our understanding of Rift Valley's 'gender revolution'. A gender revolution, if that indeed had been the case, would suggest that in the Rift Valley, a maturing multiparty politics had somewhat levelled the political playing field and liberated spaces for greater or more substantive participation of women in politics. The two vacant ministerial positions were eventually filled by two men, but more telling was the outcome of subsequent general elections in 2013 with regards to female candidature, which suggested that at least in Rift Valley province, the celebratory readings of the 2007 electoral outcomes were both premature and presumptuous of the deeply patriarchal and traditional forces that are arrayed against women's political participation.⁶⁸

Drawing from the discussion above, the question can then be posed regarding why opportunities for patronage develop, and why electoral funding became an issue in the era of political liberalization and not before. The ethnic patronage observed in the context of the Rift Valley vote suggests a mapping of ethnicity on to the bodies of women in ways that favoured some women and not others. That is, the fact that ethnicized electioneering violence affected some elite women (and men) and spared – in fact, favoured – other women, suggests class rather gender as a necessary category of analysing the violent electoral outcome of 2007/08. Drawing from the above accounts which suggest that an urban-based elite class of women had become captured by ethnic interests, I argue below that class differences had become articulated to ethnicity, and acted as has been the precipitor of violence in Kenya's electoral context. As shown above, women who could access networks of privilege did not experience elections as violent, but rather, become interpellated as part of an elite

⁶⁸ An analysis of the 2013 presidential and parliamentary elections goes beyond the scope of this thesis.

ethnic pact that is configured towards the continued accumulation of wealth in Kenya. While ethnicity maps on to the bodies of all women, it does so *violently* for women (and men) who contest or pose a challenge to the privileges of an elite few bent on preserving the status quo, as the section below illustrates.

5.4.2. Gendered Violence and Transitional Politics: 2002-2007

Also critical for the analysis of the relative success of women in the Rift Valley was to place it in the context of the violent outcome of the 2007 elections, which was marked as being the most violent election in Kenya's history of multiparty politics. It was estimated that due to post-election violence – which included state violence – 1,220 persons died, many more were injured, over 300,000 individuals were displaced, and 42,000 houses and many thousands of businesses were destroyed and/or looted. Furthermore, the Government acknowledged that out of the reported 1,220 people killed during the post-election violence, 123 were killed by the police. (OHCHR 2008: 11-12). According to CIPEV (2008), reported cases of sexual and gender-based violence against both women and men included rape, gang rape, sexual mutilation, loss of body parts, and hideous deaths. The Nairobi Women's Hospital alone reported to have treated 653 victims of rape in the aftermath of the violence.⁶⁹

The violence which followed announcement of the disputed results of the December 27th general elections surprised many observers due to the speed with which it spread across many parts of the country. However, the economic and social tensions underpinning the violence had been evident for decades. The country had witnessed killings during electioneering campaigns both in 1992 and 1997, when alleged enemies of the Moi regime became victims of violence, using arguments over the contrasting land rights of 'immigrants' and 'local communities' (Wakhungu et. al. 2008). As far back as 1992, the state had used extreme violence against its own citizens for political purposes.⁷⁰ Ethnic clashes created a groundswell of anti-government feeling, as Kikuyu settlers from the Rift Valley returned home to Nyeri and Kiambu (Central province) with tales of violence and state

⁶⁹ Dr. Sam Thenya, Testimony to the Commission of Inquiry into the Post-Election Violence (see CIPEV 2008, pp. 247-8).

⁷⁰ In 1992 and 1997, the incumbent President Moi was elected in a violent environment. During both campaigns, Moi's party, the Kenya African National Union (KANU) instigated violence to exclude opposition leaders from certain areas, notably from localities in Uasin Gishu and Nakuru districts. Meanwhile members of the communities considered to be the opposition's supporters were regularly targeted. It is worth highlighting that, in 1992, violent attacks were organized under a central command, often with the participation of local administration and security forces officials, and that alleged perpetrators arrested in connection with the violence were often released unconditionally. As a result of the 1990s politically-instigated communal clashes, some 380,000 Kenyans were still internally displaced in 2007 (OHCHR 2008: 6).

disinterest (Throup and Hornsby 1998: 347). The Kikuyu were descendants of landless peasants settled on former white settler estates in the Rift Valley at the end of the colonial period, but on land the local Kalenjin believed should have once again become their own. For the British, who believed Kikuyu landlessness as a cause of the Mau Mau uprising in the 1950s, it (resettlement) was the solution to a problem (and the first development project in Kenya to be funded by the World Bank), but it turned out to create another in its stead. The Kikuyu established their claim by their productive labour and creation of wealth, the Kalenjin rejected not their citizenship but their presence in the wrong place and what they perceived as Kikuyu arrogance and dominance (Lonsdale 2008; Mueller 2008; Anderson and Lochery 2008). KANU turned a section of opposition voters into scapegoats, and organised violence against them in ethnically-mixed areas in order to displace potential opposition voters. Poor smallholders living in the Rift Valley bore the brunt of discontent, spurred to varying degrees by members of the administration. Some 1,500 people died in 1992. Violence, some of which was gendered, occurred again following incitement by KANU politicians during the 1997 elections, and hundreds of thousands of people were forced from their homes. However, little was done to find long-term solutions to the displacement problem (Wakhungu et. al. 2008: 1-2).

The 2002 presidential election was however a notable exception. In a relatively calm atmosphere, a large coalition of opposition leaders headed by Mwai Kibaki – the National Rainbow Coalition (NARC) – defeated Moi’s designated successor, Uhuru Kenyatta (OHCHR 2008). One of the issues which political commentators had expected would characterise the transitional political economy is political violence. Although violence had been witnessed in the past elections in Kenya, the scale and magnitude was expected to be higher, given the increasingly militant nature of the civilian militia groups like *Mungiki*, *Kamjesh*, *Taliban*, *Jeshi la Mzee* and *Jeshi la Kingole*. Each of these militia groups had strong links with prominent politicians and political parties and, therefore, could not be ruled out in strategic political equations (Asingo 2003).⁷¹ However, these fears of violence were disconfirmed as the elections proceeded peacefully with very isolated cases of generalised violence or gender-based violence that had no significant impact on the economy. There are two

⁷¹ Asingo (2003) argues that of these civilian militias, the *Mungiki* posed the greatest threat of large-scale political violence in the transition era. This is not only because of their relative ubiquity and seemingly complex network, but also due to their manner of operation which remained strikingly a throw back to the Hobbesian state of nature. In fact, behind their thinly veiled religious facade, the group vigorously pursued an economic and political agenda. Obviously, their incessant struggles to control *matatu* (Swahili for public taxi) routes in major urban centres was driven by the pursuit of collective economic empowerment. It would appear that the group’s long-term plan was to generate funds to finance their candidates in the elections and to sponsor political violence against their opponents. Once they had moved sufficiently close to the corridors of power, the group hoped to secure overt or covert state protection as they embarked on a more fundamentalist crusade for the revival of obsolete traditional Kikuyu religious ideals and practices (Asingo 2003: 39).

reasons for the relatively peaceful transitional elections in 2002. First, the presidential race which was expected to spin the wheel of political violence was de-ethnicised as it narrowed down to a Kibaki-Kenyatta contest (for NARC and KANU respectively). The other three candidates, Simeon Nyachae (FORD-P), James Orengo (SDP) and Waweru Ng'ethe (UMMA) defied the public mood which was for opposition unity, and predictably performed dismally in the polls. In fact, the latter two failed to secure even their parliamentary seats. For most Kikuyus, the choice between Kibaki and Kenyatta (both Kikuyus) was a matter of preference rather than a question of life and death. The other communities supporting either of the candidates were not as fanatical in their support as they would have been if one of their own were a serious candidate. Secondly, the militant groups remained largely docile for most of the election period. Again, the public mood ostracized those who associated with the militia groups, forcing their patrons to keep a safe distance. For example, a demonstration by the *Mungiki* in support of the KANU presidential candidate, Uhuru Kenyatta, was greeted with public furore, forcing him to denounce the group (Asingo 2003: 38-9).

Throup and Hornsby 1998 argue as such, that part of the explanation for the implosion of violence 2007 is to be found in the realignment of power and political forces in the post-Moi era. Firstly, this was the first election since 1992 which was not directly presided over by Moi, and marked the passing over of an aging, post-independence political elite who had served under Kenyatta or Moi or both, and who had benefitted immensely from the patronage and power of both former presidents. At the return of multiparty politics in 1992 and well into the late 1990s, Kenya had remained an elite society in orientation and leadership. Although some Kenyans, the national bourgeoisie, now had a firm grip on their own economy, and were proportionately less dependent on foreign capital than they had been at independence, internally there remained huge class and wealth differentials, which were formalizing into clear class divisions. The children of the Independence elites had inherited or seized extensive property through their control of the state and the economy, and had continued to dominate the political world (Throup and Hornsby 1998). Although by the early 1990s, the population had increased nearly fivefold since independence and the economy had become much more complex, the independence generation of political and business leaders retained control over the state to an extraordinary extent. Thus, of the four major presidential candidates in December 1992, one (Oginga Odinga) had been the Vice President at independence, another (Moi) Deputy Leader of the main opposition party, a third (Kenneth Matiba) a Permanent Secretary in the civil service, and the fourth (Kibaki) a senior figure in the main nationalist party's political secretariat and a junior Minister in the first post-Independence government. Many second-rank figures in the opposition parties had been politically prominent 30 years earlier (Throup and Hornsby 1998: 601).

Secondly, the 2007 elections saw a decisive entry of a different kind of elite that claimed neither the trappings of the landed gentry nor dynastic ties to the state, but nonetheless had benefitted under Moi's patronage and amassed considerable wealth - the so-called 'Youth for KANU' (or YK): 'outsiders' who viewed the landed gentry as an unnecessary evil and absolute enemy standing in the way of their quest for state power and patronage. This young emergent elite also happened to enjoy mass generational appeal due in part to their rhetoric, which resonated with the aspirations of a majority of the electorate that had been economically, ethnically and politically marginalised under the two previous regimes of Moi and Kenyatta. The key figurehead of this emergent elite was William Ruto (Kenya's current deputy vice president). The 2007 elections, therefore, marked both a generational and a patriarchal retreat from the style of patronage politics witnessed under Moi for more than two decades. It is my considered view that this generational and patriarchal retreat facilitated deeply gendered outcomes that in the Rift Valley - which had been the 'throne' of patronage throughout Moi's reign - paradoxically favoured women's candidature. Women (the wives, daughters and kin of the retiring 'old guard') who had been previously blocked from accessing political power by the patriarchal vanguard under Moi, suddenly in 2007 found space to emerge following the collapse of the Moi-era patronage. This patriarchal retreat did not, however, alter the politics of accumulation which in Kenya has historically found violent expression in the electoral context.

It is, therefore, equally important to note the resurgence (after the hiatus in 2002) of the ethnicized political manipulation of the electorate during the 2007 election in readings of the violence that ensued. For while the patronage system had collapsed or was momentarily forced into retreat, the previous 30 years of neo-patrimonial ethnic and regional clientage had, in the argument of Throup and Hornsby (1998), 'created an enduring political culture of sectional competition for power, and for the goods that follow. While the actors changed, and the identities of the so-called ethnic communities altered, the fundamental principle remained - that the competition for power would be fought between ethnic coalitions built around powerful individuals' (1998: 591). Since independence, politics in Kenya has largely been a game of ethnic and regional affiliations. At the same time, political office has been a matter for individual benefits, more than an instrument for national development (Narman 2003). Ethnicity has been the means through which regional economic interests become consolidated in post-independence Kenya, and therefore can be considered as a legitimate or rational basis for party mobilization. Here I consider Ley's (1975) remarks that

tribalism' is in the first instance an ideological phenomenon. Essentially it consists in the fact that

people identify other exploited people as the source of their insecurity and frustrations, rather than their common exploiters. Of course this does not happen 'spontaneously'. Colonial regimes have played an important part in fostering tribalism, and after independence politicians have often played similar roles (Leys 1975: 198-9).

For Leys then, the notion of tribalism is of little explanatory significance, being epiphenomenal; in this regard he favours Goldsworthy's position that only a material analysis can properly explicate political action, which includes the action of political leaders (Goldsworthy, 1982: 112). I draw from these arguments to show that while being the primary means through which the elite in Kenya have accessed social and political power, ethnicity does not offer sufficient explanations regarding why some women (and men) have been targeted for electioneering violence and not others. Further critiquing this notion from a feminist perspective, it is the fact that ethnic difference has been shown to rest on the control of women (see the literature on sexual violence in Chapter 2) which renders ethnicity as particularly problematic for a feminist politics of democratization. Furthermore, the discourse of ethnicity and ethnic patronage, dominant in the Kenyan political context, trivializes discourses that fall outside its parameters and minimizes issues, such as sexual and gender based violence, that are of importance to feminists. The ways in which ethnicity became articulated to electoral politics thus posed deep contradictions for women engaged in politics – on the one hand opening up spaces for (some) women's insertion into political spaces in greater numbers, and on the other hand, violently exposing other women to the vagaries of politicized ethnicity.

Multiparty politics also revealed a deep, underlying tension within Kenya between the pastoral peoples of the arid and less-developed regions - little-educated, economically disadvantaged, outnumbered, yet controlling most of the country's land (and a disproportionate number of Parliamentary seats) - and the numerous, better-educated, land-hungry agricultural peoples of the densely populated fertile zones. It was this struggle for access to land, 'the key resource in a fast-growing agricultural country, which provided the dynamic for many of the events of the tempestuous multiparty years' (Throup and Hornsby 1998: 592). And it was these masses of dispossessed, landless and angry peasantry and working classes that a firebrand ODM - and in particular, William Ruto in the Rift Valley - reconnected with and inspired through a campaign rhetoric that marked the Kikuyu as an autochthonous community that needed to be forcefully driven off the land. Ruto found a willing ally in Raila Odinga, himself tortured and detained throughout the 1980s under Moi's repressive regime, and whose father, Oginga Odinga had been marginalized by both Moi and Kenyatta. The 2007 vote therefore, also became an approximation of these mass and personal frustrations. Violence punished those who tried to resist the continued privilege claimed

and enjoyed by ethnic and political elites.

How then do we explain, given the scenarios above, the twin fact of women's successful parliamentary contestation in the Rift Valley, and the statistical evidence that the Rift Valley has, in the long history of ethnic clashes that peaked in 2007, been the hotbed of such violence? Conventional wisdom would suggest negative outcomes for women under such political conditions. And indeed, many cases of gender-based violence, including physical and sexual harassment, intimidation and rape were reported across the country, including in Rift Valley province in 2007. The violence, however, took on a class character, mainly affecting poor, working class women and remaining neutral towards elite women, which the six political candidates mentioned above could be described as being. Poor and working class men were also more vulnerable to the violence, and also suffered sexual violence including forced castration (see Chapter 6 for a brief discussion of this). I argue that class rather than gender was the defining feature of electioneering violence in 2007. The power and patronage historically wielded within the political party system in Kenya were still a factor in 2007, but the spontaneous and widespread character of the post-election violence suggests that the struggle over the 'spoils' of the state had become much more dispersed among ordinary women and men, and that the people's aspirations were being expressed *outside* of both the state and political parties. If civil society might be one of the locations considered as being this 'constitutive outside', the question still lingers: Why were *some* women rendered more vulnerable to violence while others recorded such unprecedented success in a political competition marked as one of the most violent in Kenya's history of democratization? How do we explain the fact that the political field became more accessible to some women and not to others? And what might responses to these questions tell us about the actors, including civil society, that mediate political competitions in the context of a democracy?

Oloo (2007) has observed that the current political conflict in Kenya demonstrates the competition between the various groups staking out claims to rights in the polity. The contentiousness of the current political transition reflects the debate between those seeking to retain only minimal citizenship rights (i.e. subject status) and those seeking not only to expand these rights, but also to establish that they are inherent in the individual rather than gifts dispensed by a generous state, and therefore cannot be withdrawn at will. Much of the political class and mainstream political parties can be placed in the first camp; civil society components that have been at the forefront of making citizenship claims rather than seeking to compete with the incumbent party can be placed in the second (Oloo 2007; see also Ndegwa 1998; Kanyinga and Katumanga 2003). The civil society's vision of citizenship, Oloo (2007) argues,

is essentially a liberal concept that asserts the existence of a social contract among Kenyans, guaranteeing individual, inalienable rights and privileges. The political class, whose basic ideas about state-citizen relations were shaped during the colonial era and informed by the authoritarian Kenyatta and Moi regimes, does not accept the civil society's vision. Rather, opposition parties have adopted a 'politics as usual' stance. Although opposition politicians grumble about unfair rules, they accept the privileges held by the incumbent regime, hoping they will enjoy the same advantages when they come into power. The current regime and opposition parties remain of the old style of politics, characterized by elite pacts to ensure the status quo, stability and common class interests, even when the system is faced with fundamental challenges (Oloo 2007: 33-4).

The suggestion here is that the political class in Kenya has had little incentive to cooperate with the civil society vision for a more democratic society that would undermine such elite pacts. Secondly and critically for the electorate, electoral competitions become heavily leveraged on taking sides. In the chapter (6) that follows, I make the argument that the 2007 elections pitted a civil society emboldened by the thrust of liberal democratic politics against an entrenched neo-patrimonial political party system for which ethnicity remains a central organising component. I shall further argue that civil society itself has not been impervious to ethnicity, and show the ways in which this factor finds political expression in relation to women. Finally, I shall seek to explain the gendered nature of political violence as a consequence of these cracks between civil society and political parties.

5.5. CONCLUSIONS AND REFLECTIONS

In this chapter I have sought to show how political liberalization in Kenya, which opened up spaces for diverse groups, including women's movements insertion of their political demands – remained class based and did not become sufficiently democratized as to incorporate broader demands of the working class and the poor. Furthermore, as I argue in the case of the Rift Valley, women's increased political participation in 2007 could be attributed to neo-patrimonial politics indicative of the fact that democratization politics has not been able to minimise the influence of ethnic patronage as the means for accessing the state in Kenya. I have argued that the diminution of women's associational life in the post-independence resulted in an urban-based women's movement, organized primarily through political party structures. Political parties, themselves captured by ethnic interests, entrapped women in cycles of ethnic patronage that articulated more to class than to gender interests. Women (and men) who enjoyed such ethnic patronage benefitted in some ways and were able to access the state through representative politics. On the other hand, women (and men) who opposed the elite processes of capitalist accumulation – which they viewed as being the

cause of their economic and social dispossession – were punished through violent means. Furthermore, party politics have worked against women as any discourses, including gender, which is articulated outside of an ethnic discourse, becomes sidelined, thus delimiting the extent to which feminists could entrench gender issues into the democratization process.

Chapter 6

RELIGIOUS ORGANISATIONS, POLITICAL PARTICIPATION AND GENDERED

VIOLENCE IN THE MULTIPARTY ERA (1989-2008)

6.1. INTRODUCTION

Throughout the 1970s and 1980s, a state-centric view dominated studies of politics in Africa. This approach emphasised the state as the main variable in the political process in Africa. The approach, however, glossed over the significance of societal dynamics in shaping the context of politics and the institutional framework within which the state operates. The state was often described as neo-patrimonial, predatory, or prebendal (Mkandawire 1998) and was blamed for the continent's economic and political crisis. 'Statism', it was emphasised, was the primary force behind the continent's difficulties (Rosberg and Jackson 1982; Sandbrook 1985). This approach thus looked at unfolding events from the perspective of the centre. The state, its institutions and associated configuration of social-economic relations formed the focus of the study of national politics. What was taking place at the local level was seen as a passive reflection of what was taking place at the national level.

The success of the economic reforms pressed upon African states by the World Bank and IMF in the first half of the early 1990s was predicated on political liberalisation – which sought to strengthen parliamentary democracy through the introduction of multiple political parties and creation of autonomous civil society organisations. Diverse characterisations of civil society emerged, with some viewing this space in the African context as the part of society that interacts with the state to influence its conduct and yet is simultaneously autonomous from it (Chazan 1991); and as an oppositional force to the state (Bayart 1986; Chabal 1986). Others make a distinction between political society, which includes political parties, elections and legislatures, and civil society, which encompasses neighborhood associations, women's groups, and religious groups (Bratton 1989, 417-18). And still for others, the defining characteristic is the location of civil society, between the family and the state (Barkan 1991). These different definitions reflect the diverse political and cultural histories of different African countries, and also suggest that the role that the West ascribed to civil society in Africa – that of safeguarding or guaranteed smooth political transitions – would be a much more exigent task. Tripp (1994) for instance, suggests in the case of Uganda, that the pursuit of political liberalisation was threatened by (religious and ethnic) sectarianism.

Tripp's (1994) observation on sectarianism extends to Kenya, where religious organisations have played significant and varied roles in the civil society space since the reintroduction of multipartyism in 1990. In this chapter, I follow on from the discussions of political parties in the previous chapter, and focus on the ways in which religious organisations - who in the early years of

multipartyism had emerged as key players in the civil society space - also influenced democratic politics in Kenya, and the outcomes of this engagement in relation to women. The question of religion and religious organisations, like political parties, was a recurrent theme from the primary and secondary data gathered in the course of my study. I therefore, seek to analyse various trajectories of gendered violence in this discussion linking religion, gender and politics.

The link between religious organisations and the state - and between religion, violence and politics - is linked to the historical emergence and political role played by religious organisations in colonial and postcolonial Kenyan society. In the colonial period, the role of the church was seen as one of co-optation – apparent in the role played by Christian missionaries in diluting indigenous land relations that had, prior to the colonial incursion, unified and guaranteed African livelihoods (see Chapter 4). Further, the antagonisms that emerged between the missionaries who had collaborated with the colonial administration and local populations in central Kenya over the issue of female circumcision (see Chapter 4 for this discussion) have also been seen as crucial events within Kenyan history in the development of nationalist politics (Thomas 2003). In contemporary Kenya, an understanding of the relationship between religious organisations and politics remains crucial given their active engagement with the democratising state on the one hand, and on the other hand, their alignment within civil society with oppositional groups. Through an analysis of the gendered dimensions of the participation of religious organisations in the context of violent political contestations, I seek to shed further light on gendering of democratic politics in Kenya, and offer some explanations of gendered violence in the electoral context in Kenya.

6.2. RELIGIOUS MOVEMENTS IN KENYA: ORIGINS AND THE STRUGGLE FOR DEMOCRACY

According to Gecaga (2007), the emergence of religious movements over the past century is attributable to the strain on societies brought about by socio-economic and political changes.

Religious movements in this sense exemplify:

“collective mobilisation with the objective of redefining humanity’s relationships to questions of ultimate concern, the purpose of life, death, and people’s relations to the cosmos and to each other. A political movement in turn exemplifies collective mobilisation with the objective of maintaining, restoring, modifying or changing the institutional structure of power in society. A ‘religio-political movement’ contains both religious and political components. It has widespread grassroots adherence to religious ideas, symbols and rituals. These are inextricably linked to people’s political beliefs” (Gecaga 2007: 61-2).

The three explanations that Gecaga offers for the emergency of religious organisations in Kenya are

firstly, that they seek legitimacy within culturally-oriented forms of resistance to neo-colonial ideas, which such organisations pursue by mobilising their adherents around values that both critique the modernity of mainstream religion and also casts the state as a neo-colonial instrument of oppression. Secondly, these religious movements have taken on the question of economic dispossession and marginalisation, focusing especially on land dispossession. A third explanation is attributable to the flourishing of pro-democracy movements in the late 1980s and early 1990s as the country moved towards political liberalisation (Gecaga 2007). Religious organisations were among those movements which sprouted in the midst of the Moi regime's violent repression, and actively criticized and mobilised the masses in resistance.

The religious movements that rose in defense of the democratic and pursued a rights agenda through which they sought to assert the right of all Kenyans to protection irrespective of their ethnicity, and in their clamour for multiparty politics, sought to challenge the politicization of ethnicity that successive post-independence governments had relied on to rule. In their onslaught against the authoritarian Moi regime, these religious groups also interrogated the implied polarity between religion and politics, and were able to demonstrate the dialectical relationship between the two. Part of their mission was accomplished through the circulation of educational materials to the public with the aim of raising consciousness of the masses with regards to rights as citizens and the need to defend these rights (Githiga 2002).

Yet, as Ruteere (2008) shows, multipartyism did not temper the state's authoritarian tendencies, neither were any significant changes recorded with regards to the impoverished status of most citizens. These outcomes created fertile ground for the emergence of more militant religious organisations, most notable among them being the *Mungiki* (see Ruteere 2008; Kagwanja 1997). Denoting the masses, *Mungiki*'s claim to be a movement seeking economic justice for the masses is nonetheless negated by the fact that most of the people who ascribed to it were of Kikuyu origin (Wamue 2001). It was linguistically and ethnically confined in a way that confounded its ideological claims to being a progressive and radical movement, a fact which made attested to its exclusivity (Gecaga 2007). The ethnic question is a major line along which highly gendered fissures developed within, and separated the religio-political movements. The *Mungiki* on the one hand, eventually abandoned all pretences of being a movement with national appeal and slid back into orthodox discourses of Gikuyu nationalism. This break opened direct paths to and from the political classes, which used the cult to generate fear among the electorate through extortion, violence and intimidation. *Mungiki* became a magnet for young, poor, unemployed, and disenfranchised Gikuyu men. Marginalized by the violence of *Mungiki*, women remained captured by mainstream and

conservative religious movements which, unsurprisingly, gradually disarticulated feminist questions such as political representation, civil rights, and women's reproductive health rights, from broader questions of political emancipation. This, the movements achieved, for instance, through the constitutional review process, and through this gradual depoliticization of gender questions, effectively gained a large following of conservative female voices. I shall argue in the sections below that the depoliticization of women's issues within the mainstream religious organisations⁷² has had the effect of marginalizing them politically and rendering them more vulnerable to ethnicized political violence.

6.2.1. *Mungiki* and mainstream religious movements: struggle for the hearts and minds of the masses

Mungiki's roots, Ruteere narrates, are traceable to dreams experienced by two schoolboys, Maina wa Njenga and Ndura Waruinge in the Rift Valley province of Kenya some time in 1987. In these dreams, they claim to have heard God's voice telling them to "go and liberate my people" (Ruteere 2008: 7), and decided to form *Mungiki* following consultations with elders including former leaders of the *Mau Mau* movement from which one of the founders, Ndura Waruinge is descended. From 1991 to 1994 when state-sponsored ethnic violence swept through the Rift Valley province targeting Kikuyu, Luo, Luyha, Kisii and other opposition-leaning communities, the *Mungiki* found itself with a large pool of displaced people from which it recruited. Although *Mungiki's* presence was initially strongest among the displaced Kikuyu of the Rift Valley province, it quickly spread its wings to the low income areas of Nairobi, particularly the slums of Korogocho, Githurai, Kangemi, Kariobangi, Mathare, Kibera and Dandora. In the industrial Thika town adjacent to Nairobi, *Mungiki* established a stronghold in the sprawling Kiandutu slums (Ruteere 2008: 7-8).

Ruteere in his work traces four interpretations of the *Mungiki* movement in the academic literature. The first, as found in the works of Wamue (2001) and Gecaga (2007), is that of *Mungiki* as a religio-cultural movement. Wamue's account sets out the spiritual and cultural philosophy around which *Mungiki's* activities are centred. *Mungiki* calls for a return to African traditions and spiritualism as a means to the resolution of social problems. It rejects Christianity as corrupting to African values. *Mungiki's* main objective, Wamue argues, is "to mobilize Kenyan masses to fight against the yoke of mental slavery" (Wamue 2001: 456-9, cited in Ruteere 2008: 8). The *Mungiki*

⁷² While it is difficult to estimate the number of women congregated within mainstream churches in Kenya, Sabar-Friedman (1997: 26) estimates that the Anglican Church (Church of the Province of Kenya – CPK), the Catholic Church, and the Presbyterian Church of East Africa (PCEA) together account for around 70 percent of all Church members in Kenya.

see the Bible as a tool of confusion, referring to it in Gikuyu as *gikunjo*, meaning binding or imprisoning. The movement has adopted Gikuyu rituals and cultural symbols including the use of tobacco snuff. Members of the movement refer to themselves as “warriors” in keeping with ancient Gikuyu social structure. There are credible reports of their advocacy for female circumcision, although the followers and leaders deny this (Wamue 2001: 461, in Ruteere 2008: 9). And although *Mungiki* professes pan-ethnic ambitions, its base remains essentially Gikuyu (Ruteere 2008: 9). Here, Heise (1998) argues, we see *Mungiki's* use of culture and tradition as weapons against modernity – and along with that the rise of new kinds of masculinity that start mobilising outside of the structures of the newly emerging democratic system. These young men who comprise *Mungiki* are people who feel excluded, or not represented by the urban political elites. According to Heise, *Mungiki's* cultural alienation of women can be better understood within feminist theorisations which argue that certain forms of violence against women are embedded in specific cultural contexts; that is, harm is inflicted in certain ways and supported by structures and ideologies that permit a specific form of violence to continue in its own precise context (see Heise 1998; Heise, Ellsberg and Gottermoeller 1999; Sokoloff 2005; Fontes and McCloskey 2011). The manifestations of violence against women are shaped by the values and circumstances of particular cultures (Fontes and McCloskey 2011), and as such, defies any universalist interpretation of gendered violence across cultures.

The second characterisation of *Mungiki* which Ruteere (2008) traces in the literature is that which views the movement as the local manifestation of the anti-globalization forces (see Turner and Brownhill 2001). Writing from a universalist-materialist standpoint, Turner and Brownhill suggest that *Mungiki* is part of an international movement “for globalization from below to rebuild civil commons alternative to corporate rule” (Turner and Brownhill 2001, cited in Ruteere 2008: 10). In their view, *Mungiki* as the claimants to the Mau Mau heritage are part of a grassroots movement of those at the margins of the society (Ruteere 2008: 10). Other scholars are sceptical of such an interpretation, arguing that *Mungiki* is 'too implicated in the politics of violence and vigilantism to be deemed a religio-cultural movement or a political voice for the Kenyan underclass' (Anderson 2002: 542, cited in Ruteere 2008: 10). Anderson's scepticism regarding *Mungiki's* universalist credentials is shared by Kagwanja.

Ruteere highlights a third view proposed in Anderson's (2002) and Kagwanja's (2003) analysis of *Mungiki* as a criminal and vigilante gang. Their interpretation, Ruteere argues, conforms to the dominant public image of the movement among the urban middle class Kenyans. The press accounts of *Mungiki* killings of their rivals in slum areas of Nairobi, attacks on the police and the

killings of individuals opposed to their activities have earned the movement overwhelming popular hatred and opposition (Ruteere 2008: 10).⁷³ Anderson terms *Mungiki* as a “marauding gang” that employs “strident violence, criminal and increasingly intimidatory tactics” which should be seen as a movement that has metamorphosed from its cultural-spiritual roots to a criminal vigilante and a tool for the politics of ethnic exclusion (Anderson 2002: 534-5, cited in Ruteere 2008: 10). Anderson, however, finds support in Kagwanja’s study which links the *Mungiki* violence to the politics of reforms in Kenya in the 1990s and to the multiparty electoral contests of 1997 and 2002. According to Kagwanja,

far from *Mungiki* being a Gikuyu religio-cultural organization..., a paragon of “moral ethnicity” linking the Kenyan underclass to globalized resistance to corporate order in Turner and Brownhill’s terms, *Mungiki* is linked to the “culture of violence that has characterised political life in multiparty Kenya” (Kagwanja 2003: 28, cited in Ruteere 2008: 10-11).

The fourth interpretation then, as provided by Kagwanja, is of *Mungiki* as a political organization (2002). Ruteere, however, sees such an analysis as limited by the “narrow and episodic context of multiparty electoral politics,” arguing that while it is true that the state sponsored ethnic violence of the 1990s was an important incubator and catalyst for the emergence of the *Mungiki*, the movement’s conception and political agenda speaks to a longer and broader crisis of the nature and character of the Kenyan political state that harks back to its colonial formation and its transition and development as an independence state:

Mungiki’s politics reflect a keen sense of frustration with the political system in which their constituents’ voices are marginal. Its members claim to represent the unfulfilled aspirations of the Mau Mau of an alternative political dispensation. Like the Mau Mau, the land question is central to their politics. The movement is built on the dissatisfaction with the material deprivations of its constituency (Ruteere: 14-15).⁷⁴

Ruteere extends this materialist interpretation of *Mungiki* in arguing that whenever groups have developed a consciousness of marginalization they have sought to anchor their protest within a religio-cultural foundation that provides hope for a better material existence than what the mainstream religion offers. In a sense, these movements are not just a protest against the political

⁷³ See also Paige Aarhus, *The Mungiki, the Taliban, and Me: Getting to know Kenya’s most dangerous gangsters* - <http://www.vice.com/read/the-mungiki-the-taliban-and-me-0000107-v19n1?Contentpage=-1> (accessed 12/08/2013).

⁷⁴ Yet *Mungiki*’s is a distinctly anti-feminist structure and set of practices that defies its very claim of an emancipatory politics. It primarily recruits young, unemployed men into a family-like atmosphere. The elders govern the street level groups by assigning privileges and implementing punishments. The recruits work their way up the ranks from fighter to spy to manager. The *Mungiki* Defense council is an armed faction made of heavily armed *Mungiki* members that are responsible for targeted revenge killings of former members (Institute for the Study of Violent Groups - http://vkb.isvg.org/Wiki/Groups/Mungiki_Sect - accessed 26/08/2013).

and economic system but also against mainstream religions which they perceive as irredeemably mortgaged to the interests of the powerful (Ruteere 2008: 14).

What is at stake in this discussion of religious organisations is: i) the fact that although religious organizations have been, as suggested in the above discussion, deeply implicated in struggles for 'freedom' in relation to the colonial and postcolonial state, they have nonetheless remained outside of mainstream analyses of democratization in Kenya; ii) the fact that the political space carved out by ethno-religious groups approximate the social frustrations of disenfranchised youth - mostly men - and have assumed a patriarchal, sexist, and misogynous character that marginalises women; iii) the violent modes of expression within these groups that in the context of political contestations, brought to bear politicized, ethnicized, and deeply gendered dimensions to the violence, and; iv) to note that in stark contrast to *Mungiki*'s militancy and violent outlet of political frustrations, Kenya's mainstream churches have turned gradually to a *depoliticized* form of ethnic politics which, I argue, is critical for our understanding of the ways in which women, congregated within the mainstream churches, became casualties of the democratization process.

6.2.2. The gendered, ethnicized, politicized violence of *Mungiki*

In the post-election violence period following the 2007 elections, stories of Luo men being forcibly circumcised were widely reported in local and international media. According to the Commission of Inquiry into the Post-Election Violence (Waki Commission), by January 2008, *Mungiki* used blunt objects such as broken glass to forcibly circumcise at least eight men, some as young as eleven and five years old (Kamau-Rutenberg 2009). While women in Kenya were, during the four months of the post-election violence in 2007, similarly raped, men were forcibly circumcised, suffered castrations and other forms of mutilations to humiliate, terrorize not just the individual men, but entire communities. Sexual violence during the post-election conflict in Kenya was similar to that in Rwanda and the DRC when considering the raping of women. However, the act of forcibly circumcising men, from ethnic groups that do not have male circumcision as a cultural practice, presents a phenomenon hitherto unknown or undocumented as sexual violence (Ahlberg et.al. 2011). Ironically, male circumcision is one of the most important rites of passage, "the making of men" through which manhood, adulthood and related responsibilities are conferred on to the next generation for many ethnic groups in Kenya. The point here is that this same notion was reversed and used to humiliate, traumatize, intimidate and hence emasculate or effeminate the men in question. It was in other words an attack on the symbol of manhood for those communities that do not practice it. Men rather than women were hunted and forcibly circumcised or had the penis cut or mutilated in order to ensure lasting damage (Waki 2008, Human Rights Watch 2008). Yet, even

before the post-election conflict, publicly executed forced circumcision of men, from male-circumcising communities who, for one reason or another, may not have been circumcised has occasionally taken place. Such forced circumcision is then justified on the ground that the "coward" is helped to become a "full man" and an acceptable and respectable member of the community (Kamau 2007).

Some scholars thinking through this phenomenon have accorded it a linear, albeit historical trajectory suggesting that after feminizing men in this way, brutalization and violation would have been an easily justified next step. According to this thinking, these circumcisions were 'torturous acts of violence that often turned out to be castrations calculated to kill their hapless victims' (Kamau-Rutenberg 2009). Others see the circumcisions in legalistic light as being primarily a matter of acts which are legally permissible or not, and judging such forms of forced circumcision as a grave matter of human rights violation that ought to be punished by law (IRIN 2002). It is, however, studies that have attempted to link these ritualistic circumcision practices to the political economy of electoral politics in Kenya that I find most useful for the purposes of understanding the gendered, ethnicized and politicized implications of these forced circumcisions that occurred during the 2002 and 2007 electioneering periods.

According to these accounts, male circumcision is reported to have gone through political and class metamorphosis. Atieno-Odhiambo (2002) has written a comprehensive history showing how the Gikuyu and the Luo were not only categorized and stereotyped differently. They were also exposed to different experiences of the colonial divide and rule enterprise when the Gikuyu and Luo ethnicities were cemented. Subsequently, the emerging political elite continued during the Kenyatta era entrenching a process where male circumcision was appropriated to mean somebody of wealth and power a type of "ethnic chauvinism". As the wealthy class indulged in high consumption, it has not been uncommon especially at the height of GEMA Association which brought together Gikuyu, Embu and Meru communities, to hear wealthy men referring to those driving anything lower than a Range Rover derogatorily as *kahii* (small uncircumcised boy). Apart from making it a symbol of wealth, a study of the messages passed around through sms during the 2007 elections, one message quoted by Onyango (2008:10) is particularly informative of the extent to which male circumcision had also been appropriated and politicised:

Do you want to be ruled by a Luo to take us back to joblessness? Safeguard the kingdom. Let us ALL come out and give all the votes to Kibaki so that we are not ruled by an uncircumcised man who will make us wear shorts and plunder all the wealth. It's your vote that will prevent our country from going back to Egypt. May our God bless you (2008:10).

Whatever happened during this period, it was not spontaneous, but rather a product of the historical developments of a Kenyan society strongly segregated especially in terms of wealth. It is a society where, according to the Kenya Land Alliance, more than 65% of all arable land is owned by 20% of the population, leaving millions of people landless (Lumumba 2004). It is therefore no accident that the political elite, with everything to lose organised poor people along ethnic lines to fight.

According to the Waki (2008) and the Human Rights Watch (2008), as the displaced people, mostly the Gikuyu, moved from Eldoret, the epicenter of violence bringing stories of brutality and atrocities of burning, looting, rape and murder, tensions were heightened among the Gikuyu. The Gikuyu local leaders and elites are reported to have reacted by organizing to contribute money for self- defense. In this context, whether the young men involved in fighting back were genuine members of the Mungiki or not, the Gikuyu militias were nonetheless reportedly organized (Human Rights Watch 2008). Since its beginning in the 1980s, the Mungiki had running battles with the police and other security institutions. Githongo (2000) for example, reports the way the police force has been used to disrupt the *Mungiki* prayer meetings. In such circumstances, their range is then diverted to the attack of women deemed improperly dressed for wearing trousers, an act that in turn leads to immediate public outcry (Ahlberg et.al 2011: 7).

Paradoxically, other areas of *Mungiki* crusade, for example, against drunkenness, broken families and prostitution resonate with many. Moreover, from an economic perspective, *Mungiki* has been seen as a welfare organization that offers unemployed young men means of survival, but also protection especially in slum areas where security is critical (Landinfo 2010). However, this involves extortion especially of *matatus* and shop-keepers in the rural areas, a practice that has sent chill all over these areas, also because of the sect's manner of killing by beheading those who cross their path. The government in turn, has unleashed extreme violence, including extra-judicial killings of the members (Landinfo 2010). By 2007, *Mungiki* had been driven underground partly by being outlawed as a terrorist and criminal organisation, but also by being badly weakened through a violent government campaign where many supposedly *Mungiki* members including school-going youth, perhaps recently recruited after circumcision, have been killed in an attempt to wipe out the *Mungiki* (Ahlberg et. al. 2011: 8).

This, notwithstanding the politicians and businessmen have, at the same time, recruited and used *Mungiki* to help them settle their own scores against rivals or win election. According to Githongo (2000):

....every time Mungiki have tried to hold one of their “baptism” or prayer meetings, the police have moved in to stop them almost before they begin. This is a clear indication of the extent to which they have been infiltrated by the security services. Yet they have not been “neutralized” in the typical

security-service approach that would have seen the creation of pseudo-Mungikis and the promotion of unseemly leadership wrangles....Perhaps powerful people would rather this did not happen because Mungiki plays a useful political purpose.

It is within this complexity, Ahlberg argues, that the post-election violence in Kenya and the wider conflict situations in African contexts need to be understood. People may use the cultural resources they have, and the forcible circumcision of the Luo men could be seen to reflect a culturally based masculine construct. However, whether it was *Mungiki* perpetrating this on their own or organized by the Gikuyu elite, the act of forcibly circumcising Luo men during the violence cannot be understood without looking at the way male circumcision has been appropriated for political and economic ends as described above (Ahlberg et.al 2011). The interviews below with women raped in Nairobi during the 2007/08 post-election violence confirm this instrumentalization of traditional Gikuyu rituals for political ends. Yet too, the women's responses recall two guiding questions set out in the research proposal for this study - which further interrogate the gendered aims of this phenomenon. Firstly, extensive literature on wartime rape has demonstrated the use of women's bodies as 'weapons of war' against enemy combatants (Wood 2009; Wood 2006; Bos 2006; Hayden 2000; Jawardena and de Alwis 1996; Enloe 1980). In this regard then, does the political statement of perpetrating sexual violence against men mark the bodies of women as being 'insufficient' for the intended (political) purposes?⁷⁵ Or posed differently, would *Mungiki* have been as effective in their political aims of discrediting the 'enemy' had they not targeted the men? Can wartime rape of men tell us something more about the ways in which sexual violence becomes instrumentalized in the context of political conflict?

Secondly, studies such as those mentioned above suggest that the spaces occupied by *Mungiki* (and other militia groups) - of wilful murder, looting, rape and sexual violation of both women and men - were sanctioned by various identifiable political actors/political parties, and going by reports in Kenya in 2007,⁷⁶ approved at the highest levels of state authority. If that be the case, one hypothesis

⁷⁵ I refer here to Hayden's (2000) work in which he argues that the context of violence matters, demonstrating the ways in which sexual violence against both men and women take on varied meanings in different political context.

⁷⁶ Various reports, including documents submitted to the International Criminal Court (ICC) suggested that the retaliatory attacks by Kibaki's PNU faction in Nakuru and Naivasha in 2008 were planned in State House Nairobi. See for instance: **Standard Digital News** - "What happened in State House?" - available online at: <<http://www.standardmedia.co.ke/business/article/2000043212/what-happened-at-state-house>>; **Godwin Murunga (2011)**, "Spontaneous or premeditated? Post-election violence in Kenya", Uppsala: Nordiska Afrikainstitutet - available online at: <<http://nai.diva-portal.org/smash/get/diva2:451262/FULLTEXT01.pdf>>; **Where is Kenya.com** - available online at: <<http://whereiskenya.com/bensouda-kenyatta-planned-financed-post-election-violence/>>; CIPEV - available online at: <http://reliefweb.int/sites/reliefweb.int/files/resources/15A00F569813F4D549257607001F459D-Full_Report.pdf>; **Norwegian Council for Africa** - "Kenya: President Kibaki furious over new ICC evidence - available online at: <<http://www.afrika.no/Detailed/20713.html>>; **Kenya Today** - "Painful, dishonorable deaths of Uhuru, Ruto ICC insiders - available online at: <<http://www.kenya-today.com/news/painful-dishonorable-deaths-uhuru-ruto-icc-insiders>> (all accessed on 14/02/2014).

consistent with this view that can shed light on the relationship between *Mungiki* and its (state) sponsors has already been suggested by Elisabeth Wood in her 2006 study of variations in sexual violence. In it she observes that:

to the extent that military forces in democracies are more accountable for their practices to civilian authorities, sexual violence will depend on the norms and tactics of civilian leaders, who may endorse some types of sexual violence while effectively sanctioning others.

Against this hypothesis she offers the following suggestive evidence: “democracies rarely engage in widespread sexual violence and generally punish rape for personal gratification, but limited sexual violence in the form of sexual humiliation against persons in detention by U.S. forces is an ongoing practice reflecting its effective endorsement by civilian leaders” (2006: 332). Following this logic, firstly: can the fact that both the incumbent political party (PNU) and oppositional groups (ODM) staged retaliatory attacks in Naivasha/Nakuru and in the Rift Valley/Kisumu respectively, reflect a consensus around the use of violence? Could the convergence of competing political actors around the use violence (in 2007) as a means for achieving political ends in the context of a democratically organised election be read as an absence of democratic space - an outcome produced *within* an ethnically inflected democratic context itself? In other words, to what extent can we read such violence as an externality or aberration, rather than as an inevitable outcome in a political context in which ethnicity defines the limits of democratic expression? Secondly, and to the extent that this latter possibility is plausible: what do pluralist politics portend for women whose voices have been mainstreamed within a liberal democratic framework through which they seek to assert their citizenship as human beings, *not* as ethnic citizens? Or put differently, what does it mean for women as political actors to play outside of the dominant narrative of ethnicity that has so defined multiparty politics in Kenya?⁷⁷ The last question is a residual one, which is that: given the narrative in this section that constructs rape as a *gendered* question rather than a *woman* question, why have dominant narratives on the subject persisted in reifying the latter notion (women as being uniquely *rapable*)? What is at risk of being lost by constructing rape as a fluid, gendered phenomenon that affects both women and men?

In the section that follows I attempt to analyse religious organisations on the basis of various first-person interviews conducted with women who had been sexually violated during the 2007/08 post-election violence. The majority of the interview respondents were able to recall the identities of

⁷⁷ This is not to diminish the feminist insight that the human rights regime has benefitted women in significant ways, but rather to highlight ethnic regimes as being antagonistic to the human rights regime, and as posing a specific dilemma for women's human rights. See Chapter 7 for a detailed exploration of this question regarding the role and responses of the women's movement to political violence in Kenya.

their violators, and from most accounts given, the complicity of *Mungiki* is either described or alluded to. The main discursive concept brought out by these interviews is the notion that women feel let down by those who are supposed to 'protect' them. Secondly, the primary sense of 'loss' that the women interviewed most often refer to is the economic loss suffered as a result of the physical and sexual violence. The majority of the interviewees therefore make a connection between their political participation, their sexual violation, and their economic loss. From my feminist epistemological position, it was both interesting and jolting to realize in the course of these interviews, that for the majority of the women interviewed, the greatest sense of suffering was the economic losses they encountered as a result of the violence, rather than the physiological loss or harm from sexual violence. To emphasise this point is not, on my part, an attempt to privilege the former over the latter, but rather to suggest an economic imperative as being one of the primary factors that historically, in the context of Kenya's politically motivated violence, drove women to seek protection and shelter from mainstream churches. Later in this chapter, I problematize this move by women, arguing that mainstream religious organisations have gradually become depoliticized yet ethnicized enclaves of influence that have rendered women more vulnerable to politicized ethnic violence.

6.2.3. The role of mainstream religious movements

The significance of mainstream religious movements as mediating the space between women and the state was reproduced in various conversations with female survivors of sexual violence in the course of my research, and offers a critical lens through which to analyse religious movements in relation to the gender question of democratization. Firstly, in reaction to questions posed in this research regarding whether women believed that their continued political participation through voting would make a political difference, one female respondent in Kisumu responded as follows:

What we have done is to completely erase the notion of voting from our minds – we do not want to hear anything related to elections or voting. We just exist in this way with our God. We do not want anything to do with politics or elections.⁷⁸

Secondly, in response to a question regarding whether the women knew the identity of their attackers during the 2007/08 post-election violence, allusion was made to the involvement of the members of the *Mungiki* sect, the religio-political movement whose distinctive subculture include among other markers, wearing the hair in dreadlocks:

They were wearing police uniform and police boots and some of them had rasta (dreadlocked) hair.

⁷⁸ Focus group discussion with rape victims and former IDPs in Kisumu St. Stephen's Cathedral, 26/05/2012.

They threatened us with the gun, saying ‘I either rape you and let you live or I shoot you.’ It is curious where the rasta policemen came from. Whenever we watch them on TV being inaugurated they are usually clean shaven. There were many of them, almost three lorry-loads of them (rasta) brought in. Another 3 lorries full were later brought. At the time we were hiding outside our houses, at Mutiso’s, a certain rasta nearby, thinking we were being safeguarded. We left our houses and went to Mutiso’s on 27th December. That is when we were raped.⁷⁹

These two perspectives reflect divergent trajectories projected onto Kenya’s political landscape through religious discourses and involvement of religious movements in the democratization process. A number of arguments will be made in this regard: i) that these complex relations ought to be understood as epistemologically determined by questions of political economy, gender, liberalism (human rights), ethnicity and violence, around which religious movements in Kenya organised in the struggle for democracy; ii) that these struggles produced radically different outcomes for men and women with regards to a political outlook – that is, a negative relationship between political violence and women’s political participation; and iii) that the relationship between successive governments in Kenya and religious movements has been mediated primarily by materialist demands. Each of these arguments is considered below in seeking to further understand the nature and role of religion/religious movements in Kenya’s democratization process.

During Moi’s era (1978-2002), there were narrow spaces for political expression. The Church⁸⁰ rose to the challenge of filling the political vacuum by providing a social and political space for resistance to the one-party dictatorship (Kubai 2013: 46). The Church, Sabar-Friedman argues, functioned in this regard as an alternative space for politics while avoiding the party politics (Sabar-Friedman 1997:26). The role of mainstream churches in the democratization process is critical from the perspective of their following: the Presbyterian Church of East Africa (PCEA), the Anglican Church (Church of the Province of Kenya – CPK), and the Catholic Church together account for around 70 percent of all Church members in Kenya. The fact that the church permeated all sectors of society and was physically and omnipresent in the daily lives of millions of people lent it a certain particularity through which it enjoyed access in two main forms: firstly, it had access to congregants across age sets, class, professional bodies, ethnicities and geographical locations. Secondly, its networks accorded it various channels through which it could disseminate its politics

⁷⁹ Focus group discussion with rape victims in Nairobi, Kibera in Sarang’ombe Ward on 22/05/2012

⁸⁰ Although denominations are not homogenous, I use the capitalised term 'Church' to refer to denote the religious institutions – or rather the institutionalisation of religion, a process which can also be read through the modes of involvement of mainstream religious organisations in the social and political realm.

and societal outlook. A third advantage that the church had was that it sometimes acted as a mediating and communicative channel between politicians and the masses. State-run media outlets also regularly accorded airtime to the church, which served as an information outlet in addition to the regular news articles that the church itself produced.

Sabar-Friedman (1997) has argued that the financial independence of mainstream churches, in particular the Catholic Church, the Church of the Province of Kenya and the Presbyterian Church of East Africa, all of which were funded externally, served their cause in significant ways. The fact that they were financially autonomous and highly networked in the ways described above meant that by and large, the mainstream churches were immune to manipulation by the government and the fact that they could say what they felt like gave them legitimacy among the people. Their growth in popularity and legitimacy meant that the church was increasingly perceived as the among the very few channels through which the citizenry could clamour for democratic change. The church in its formation at the time, both integrated and constructed a common agenda around which diverse groups found solidarity, and enjoyed a definitive power that it used to mould adherence to its doctrine of change (see Sabar-Friedman 1997).

As Sabar-Friedman (1997) further notes, the Church vocally condemned the state's response to ethnically motivated violence that was spreading across parts of the country, which for a long time had been to completely deny the occurrence of violence. As the conflicts peaked, three of the mainstream churches jointly condemned the government, to which officials responded by accusing the clergy of seeking to destabilise a peaceful nation. The churches were, however, relentless in their pursuit for justice, and in April of 1992, the Church of the Province of Kenya issued a detailed statement portraying the ongoing ethnic conflict as the legacy of political repression that went back to an attempted coup against Moi in the early 1980s, the rigged election in 1988, and the persisting practice of detaining dissidents. The statement insisted on the government's liability for the ethnic violence, called for the arrest and trial of the leaders behind these clashes, and called upon civilians to disobey the regime if it refused to take up its moral responsibility. The main thrust of the Church's onslaught against the government was to suggest that the violence was political and instrumentalised by the elites with the implicit knowledge of the state, which they accused of deliberately trying to subvert political and social transformation in the country (Sabar-Friedman 1997).

Yet when Kibaki's government took over in 2002, the mainstream Churches became largely silent on matters of social justice. Perhaps like the rest of civil society, it made the mistake of giving the

new government the benefit of the doubt in the expectation that it would deliver on the various promises it had made in its manifesto when it fought the 2002 election. During the referendum campaigns of 2005, a vocal segment of the Church mobilized members to reject the draft constitution and publicly and forcefully stated their positions (Sabar-Friedman 1997: 47). The Church voted 'No' on the basis of the inclusion in the draft constitution of 'contentious' clauses related to women's right to terminate pregnancies. Through its defeat with the 'No' vote, the Church appeared as being partisan (the 'No' vote stance had been taken by Kibaki's PNU and championed by the Church), sexist and above all, it was evident that the moral political power and sway it had earlier commanded over its adherents had weakened significantly – religious adherents who supported the draft constitution came to see the church as not standing above ethnic and partisan politics. Furthermore, the fact that the 'Yes' vote carried the referendum undermined the mass appeal the Church had earlier enjoyed. Attributing this outcome to the convergence of church/state interests Njagi (2013) has argued that as a result of neo-patrimonialism, the Kenya ruling elite have been unwilling to enforce and campaign for women's rights for fear of losing support from men in general, and particularly from male-dominated traditional and religious groups (2013: 9). As such, the church that responded to women's needs in the aftermath of the 2007/08 post-election violence was a significantly delegitimized one which seemed to hold out the false choice to their followers between safety within the ambit of the church, or state-perpetrated violence/insecurity outside of this ambit.

The activist Church of the early 1990s stood as a strong voice of the masses against authoritarianism. Its political influence in the democratic space had suggested a separation between state and Church. However, after 1992 as the Church became less vocal against the state, this perceived separation gradually came to symbolize the Church's depoliticization, rather than any principled political stance. This separation between Church and state eventually became only illusory.⁸¹ For by the 2005 constitutional referendum, the mainstream churches were espousing thinly veiled ethnic politics, took clear partisan sides, and had divided their congregation along ethnic lines, ensuring they entered the political arena as *ethnicized yet depoliticized* voters who were openly called upon to take sides during the voting exercise in 2007.⁸² Such an observation, following Marx, establishes the state's religiosity as inherent to the very composition of the state –

⁸¹ Recall here the constraint to political emancipation, which according to Marx, was the state's vulnerability to reproach for a religious bearing, for its appearance of failed or incomplete secularism, in "On the Jewish Question," *The Marx-Engels Reader*, 2nd ed., ed. R. C. Tucker (New York: Norton, 1978).

⁸² In an informal interview with Caroline, who attended a Sunday mass service a few days prior to the 2007 election day (Sunday 23/12/2007) at the Consolata Shrine Catholic Church in Nairobi, the presiding priest openly told a fairly ethnically homogenous congregation that they "know how to vote" on election day the following week on 27/12/2007. This statement can be read as coded language throwing the church's weight behind a particular favoured candidate.

for a regime steeped in the repression of civil society should not have spared the Church. To paraphrase Brown (1995), the state's tolerance of religious dissent appears not so much then as a triumph of the Church, but rather as the victory of a state that could reify, through the Church, ideals of universal humanity above the particular characteristics of the society that brought distinction between different groups of people. Through its accommodation of religious dissent, the state manifested a separate sphere in civil society (religious organisations), thus disarticulating questions of social justice - which the Church took over - from the state's social contract in relation to the public.

As already mentioned, the well resourced, semi-autonomous mainstream Churches gradually occupied a different space compared to their earlier radicalised stance. In the months following the 1992 election, Sabar-Friedman (1997) observes, the church leaders fell silent, in marked disparity from the prior years when its presence in media was pervasive and its challenges to the government at its peak. After the 1992 elections the mainstream churches diverted their attention to more humanist issues, and most pushed their educational, developmental and welfare-oriented programmes from a mostly apolitical perspective (Sabar-Friedman 1997).

Yet ironically, despite stepping back from the political domain, the mainstream churches' humanitarian responses to populations affected by ethnically motivated conflicts retained it in a critical place. The Catholic Church, which was most involved in humanitarianism, also brought the greatest attention both locally and internationally to the violence that had not subsided. The clergy again called out the government for what was perceived as attempts to prevent democratic transition and reigning with terror upon its people. The government once again saw the church as inciting the people, a response which Sabar-Friedman (1997) argues suggested the government's reluctance to re-ignite the polemical battles of the past with the church. Polemical politics at a time when the influence of the Church was ebbing would not serve as effectively the interests of the state: by the late 1990s, politically only an ethnic agenda predominated, as both Church and state receded further into an ethnicized political discourse.

Discourses of class and gender were left out or marginalized by competing discourses of ethnicity. The Church's earlier domination of the democratic space and its subsequent recapitulation to ethnic politics is relevant for a feminist reading of the ways in which hegemonic politics of ethnicity function to create enclaves of vulnerability for women. . On the one hand, the Church remained influential, albeit partisan and ethnicized, in the liberalised political space. On the other hand, ethnically-based religio-political organisations such as *Mungiki* battled for the hearts and minds of

the electorate, yet excluded women by *Mungiki's* radical (yet patriarchal and sexist) rhetorics. If, as I have argued in the previous chapter (5), ethnicity mapped on to the bodies of women in violent ways, then women's congregation in the Church (rather than in *Mungiki*, which excluded women), would not have mitigated women's vulnerability to electoral violence. The Church's legitimacy, which had lain in its earlier transcendent politics, was gradually tainted by its ethnicization, and in this way became no more than an extension of the state. This was the end of any pretence to the separation between state and Church. The (depoliticized – that is, stripped of the progressive stance it conveyed in the early 1990s – yet ethnicized) church could no more protect women from the violent manifestations of ethnic politics than could the repressive, ethnicized state.

Probably no incident in the multiparty period has dramatized this point - implicating and instrumentalizing the role of the church in political violence - more poignantly than the Kiambaa church tragedy during the 2007/08 post-election violence. As narrated in one news report, in January 2008:

Inside the small Kenya Assemblies of God Church in Kiambaa, just outside the town of Eldoret in western Kenya, dozens of terrified people huddled together. They were Kikuyus, members of the tribe that has borne the brunt of the violence that followed last week's disputed presidential election. The attackers, members of the rival Kalenjin tribe, poured fuel on the mattresses and piled on dried maize leaves from a nearby field. Then they set the barricades alight and waited until the flames burned high. The church turned into an oven. There was so much screaming, said Samuel Mwangi, 34, who rushed to the church to try to defend those trapped inside, that he could not distinguish the cries of the dying Kikuyu women and children from the clamor of Kalenjin women who came with the attackers to watch the slaughter.

Before the attack, as rumors tore through the district that Kalenjins were burning Kikuyus' houses, the people of this small community reasoned that churches had often served as refuges in times of tribal tension. But Kenya's violence in recent days, which has left at least 275 people dead, has crossed an invisible line. For the first time, Kenyan newspapers are raising the example of Rwanda, where more than 800,000 people died in ethnic killings in 1994.

"We didn't think that they could burn them in the church. It is a terrible thing. I've never heard of that thing before," Mwangi said. "They did something which we can't imagine" (Los Angeles Times 2008).

The point I seek to illustrate through the above instance and from the preceding discussion leading up to the 2007/08 electioneering violence is that women's congregation within an ethnicized Church

ethnically marked women. If, as I have argued in the previous chapter (5), ethnicity maps onto women's bodies in violent ways, then this argument can be extended here to show, through the discussion in this chapter, that women's congregation within the ethnicized church is one of the ways through which women become marked and subjected to ethnically inclined violence. Women sought cover or safety within churches, yet the fact that they were still viscerously attacked during the post-election violence *inside* the church means that in an election year during which politics became highly articulated to ethnically-defined social and political claims, it can be argued that the attackers targeted not women *per se*, but rather anything that symbolised the enemy. In the Kiambaa case, the women and children who sought refuge inside the Kenya Assemblies of God church that was burnt were Kikuyu, and their attackers, Kalenjin. The fact that women were attacked inside the church exposes the Church's complicity in the violence that has historically accompanied elections in Kenya. Women's vulnerability to rape had been reproduced *within* and by their alignment with the mainstream religious movements, which came to be viewed as reactionary remnants of colonial domination in pursuit of a conservative agenda.

Furthermore, an interesting point also highlighted by the Kiambaa incident is the fact that women too became complicit in violence perpetrated against other women. Women and men from the Kalenjin community were united over common grievances that included economic and political disenfranchisement under Kibaki's regime. As already noted in Chapter 5, land was a particularly divisive issue in the Rift Valley, where the Kalenjin community viewed Kikuyu settled there as intruders and autochthonous. Again, class differences, rather than gender formed the basis of ethnicized violence in the 2007/08 post-election period.

At the same time in Kisumu, internally displaced women and children were provided with shelter within the Anglican (ACK) Church compound and relied on the Church for material provisions and other forms of support such as food, clothing, counselling and medical attention. The Church had once again sought to assert itself as a guarantor and protector of women. Yet, the response of the Church to women affected and displaced by the post-election violence through provision of food, shelter, clothing, post-trauma counselling and other material support, coming as it did in the wake of the Church's own complicity in the preceding violence, compels a more cynical reading of such responses to the masses. Through such provisioning, the church acted as the buffer between women and children in need. It is telling that Kisumu was a stronghold of the ODM party that was contesting the election outcome, and the fact that the ACK Church there could provide shelter to displaced and violated women could partly be attributed to the its identification with the Luo community.

6.3. REFLECTIONS AND CONCLUSIONS

The primary question that this chapter has sought to grapple with is whether religious organisations could, in the context of multiparty politics, mediate a liberal environment of political struggle that could balance the aspirations of different sectors of society. Of particular concern was the ways in which women's agency as political actors could be understood within this space. The brief analysis of Kenya's history in this regard firstly, makes apparent the fact that religious organisations cannot be considered as being non-political actors. Secondly, the extent to which they may be considered liberal or illiberal political actors is as such not determined in and of itself by the nature of the religious organisations, but rather by the *political contexts* within which they have functioned at different historical epochs. In the case of colonial Kenya, the behaviour of the missionary churches could thus be considered as having been illiberal given the ways in which they collaborated with the colonial administration to impose a repressive regime that sought to undermine the livelihoods and associational practices of Africans (as shown in Chapter 4). Later we see the ways in which mainstream churches acted as agents for liberal change in the initial years of multipartyism (late 1980s-early 1990s), emerging as significant oppositional voices against the Moi regime alongside other oppositional groups who also sought to undermine the power wielded by the dictatorial state. The churches' radicalism observed in the early 1990s was, however, only short-lived as the rise of religio-political groups such as the *Mungiki* gradually divided the masses over the political questions of the day, and influenced a trajectory of ethnicization within the religious 'left', if it could be considered so. As such, the mainstream religious organisations we see in the context of democratization are increasingly depoliticized - having lost all pretences to radical oppositional politics - and are at the same time deeply ethnicized, with the result that there no longer exists any clear separation between the aims of the church, state and political parties, for whom 'politics as usual' is now tantamount to an illiberal manipulation of politicized ethnic identities among Kenyans.

Secondly, I have shown the ways in which this form of politics became problematic for women, who are majorly congregated around mainstream religious organisations. The primary antagonism borne of this association, I argue, is to be understood within the political economy of electoral violence, which is gendered by the materialist nature of the association between women and the church. I have argued that the sway of mainstream churches over the 'masses' has historically been mediated by their relatively autonomous ability to materially provide for groups affected by electioneering violence, especially displaced, hungry, homeless, sexually violated and impoverished women (and children). Mainstream religious organisations in effect assumed the role of the state in

social provisioning and in these ways, effected a separation that has progressively weakened the links between citizen populations affected by political violence, and the state (see chapter 7 for a more detailed discussion of this separation). This is in contrast to the more militant thrust of the religio-political groups such as *Mungiki*, whose primary method has been to appeal directly to the state for political and economic claims (in which cases the violence they meted out could be read as having been sanctioned by the illiberal state), such as during the 2007/08 post-election period. At other times, however, these religio-political groups have antagonised the state in seeking to assert their claims. Either way, the latter group of religious organisations have enacted a distinctly gendered, patriarchal, anti-feminist brand of politics which excluded women and at times also men. It is then, this liminal space in which Kenyan women have historically found themselves - alienated from the state and co-opted within (themselves co-opted and ethnicized) mainstream religious formations - that appears to mark women's bodies and becomes productive of gendered violence in the context of liberal democratic politics in Kenya. The opening up of liberal space in Kenya, with the expected intensification of democratic claims by various groupings, has paradoxically engendered an environment of violent political contestations. In this chapter we see that partly, this has been due to the assertion by religio-political groupings of claims in ways which are tinged with contradictions. One major contradiction is that while democratic politics are meant to restrict open violence, the evidence in this chapter and the previous one (Chapter 5), show that the methods applied by *Mungiki* have been overtly violent, and neither has it been in the interests of mainstream religious organisations to discourage ethnicized violence. At the same time, the interests expressed by the state and religious organisations in the realm of political competitions have to a great extent been inimical to women's interests, let alone feminist interests. We see this most clearly during the 2005 Constitutional Referendum when the mainstream churches overtly campaigned with the state in favour of the 'No' vote, which feminists generally read as a rejection of gender-progressive politics.

The primary observation in this chapter and in the previous one (Chapter 5) is that the politicization of ethnicity in Kenya circumscribes the space for insertion and expression of feminist politics. The dominance of ethnicity both within and outside of the state has so far been shown to marginalize gender politics and undermine state-feminist politics. In the next chapter (7), I extend this interrogation of the civil society space by examining in greater detail the relationship between women, democratic politics and the state from the perspective of women's rights organisations and feminist politics. The primary concern in Chapter 7 is whether an analysis of the responses of women's organisations to political violence can shed more light on the question of the nature of gender politics and violence in the Kenyan democratizing state.

Chapter 7

WOMEN'S ORGANISATIONS AND MULTIPARTY POLITICS IN KENYA (1989-2008)

7.1. INTRODUCTION

The literature on democratization in Kenya addresses several major themes, and one which has been of particular interest to feminist political theorists is the role played by the state as an arbiter of gendered struggles – encompassing issues of gender equity with regard to representation, women's access to power, and the struggle over scarce resources (House-Midamba 1996). Out of these themes a number of questions might arise: What is the political role of a feminist-oriented organization in the struggle for democracy? What can reasonably be expected of these organizations with regards to broadening and sustaining feminist spaces within political economy and in relation to the state, and upon what basis are these expectations constructed? What has historically been observed in the Kenyan context? If sexual violence and political violence more generally, as evidenced from testimonies of rape victims in this study, produces material realities of loss and political dispossession, should the approaches and responses of women's organisations to violence necessarily portray a logic of women's structural position in society? And what sorts of limitations and possibilities do such approaches portend for feminist activism in spaces of democratization? In short, how are we to understand the nature of women's organizing in Kenya and the relationship of the women's movement to the democratizing state?

Different factors inflect upon the nature of, and ways in which women's organizations are able to mediate spaces of democratic expression, and with what outcomes. A vibrant body of feminist literature has emerged out of scholarship in Africa and the Global South more generally that addresses itself to the nature of women's organizing and movement building in various social and political contexts. One strand of this literature examines relationships between women and the state through a focus on the emergence and role of women's non-governmental organizations. This work critiques the current predominance of a particular organizational form quite distinct from earlier modes of mass organization and feminist consciousness raising: a trend termed as the 'NGOization' of women's movements, the characteristics of which have differed across geographical and political contexts. For instance, discussing the nature of this phenomenon in Ghana, Dzodzi Tsikata (2008) traces the rise of women's NGOs back to the 1970s when women's organizations began to take an interest in policy issues. During that period Ghana had a military regime, but also the proliferation of women's NGOs that were small, focused, and working on a diverse range of issues on which they were very effective. A study in the late 1990s, however, found that one of the reasons why NGOs could not influence the national machinery was that they lacked a common platform - thus leading to the establishment of a Network for Women's Rights in Ghana (Netright). The network recorded a number of successes, one of which was to introduce a new type of organizing into the life force of women's organizations in Ghana, which then led to the birth of the Women's Manifesto Coalition, a

huge undertaking of women who managed to marshal all sorts of mass organisations, including the trade unions, teachers, nurses, to produce a manifesto for women. This led to the Domestic Violence Bill Coalition, a coalition which struggled for six years to have the domestic violence bill passed. Importantly, Tsikata argues, the coalition became the real test of whether the women's movement in Ghana had come of its own or not, because the state came out in full opposition to the bill. As such, it was through the Domestic Violence Bill Coalition that many women came to understand the limits of relations with the state (Tsikata 2008).

Similarly analysing the women's NGO question in Pakistan, Saba Khatak (2008) places the women's movement in the larger context of Pakistani politics, after the military take over and beginning of Afghanistan's war in 1979. That war provided a lot of support for Islamic Mujahadeen and in Pakistan, it also brought a lot of support for Zia-ul-Haq who introduced discriminatory legal systems that were anti-women. The repression provided the context within which the Women's Action Forum was formed - among the first feminist organizations that was completely voluntary and did not accept any donor funding. Khatak's analysis of the dynamics in Pakistan show how the articulation within the women's movement of either progressive or conservative politics were largely defined through various state regime politics. As spaces of activism for women's equal rights within universities began to shrink, the proliferation of NGOs from the 1980s and 1990s offered an alternate framework within which the women's agenda could proceed. There were both benefits and downsides to the phenomenon of NGO proliferation that challenged the feminist agenda: while it created room for women, it also engendered a reactionary position in relation to the family, causatively linked to the fact that some donors were keen to strengthen the family. Further, a different military regime took over in 1999 which seemed to split the feminist movement as the regime gradually coopted feminists who previously stood in opposition to the militarisation of society. The emergence of religiously inflected party politics also challenged the women's movements from far-right, religiously based political parties and their women's wings. The urgency of questioning the NGOization phenomena was lost as the major challenge to the feminist women's movement now came from the ultra-right which claimed to represent the 'real' Pakistani women. So the women's movement in Pakistan is undermined by the fact that the secularity of progressive women's movements is placed under scrutiny, including whether they are capable of representing Pakistani women, at the same time as the movement is faced with the focus of donors on funding projects, under which funding is directed to programmes that may not engender feminist consciousness (Khatak 2008).

The existence of feminism as a distinct ideology within the women's movement has been shown to

be a critical factor in shaping whether women's movements transform society. Feminist ideology is pivotal in women's movements, as its relative strength determines the extent to which collective action is directed to democratic ends (Hassim 2006). Discussing the case of South Africa, Hassim argues that whether or not women's organisations are able to mediate gender-progressive outcomes in the contexts of democratic politics is also shown to be highly dependent on whether women's organisations act in concert towards collective ends, or whether their objectives are defined separately. What then needs to be understood is why and when women's organizations act in a coordinated way - that is, defining at what moment disparate groups within the movement coalesce in such a way that they *act* as a *movement*, distinct from other political forces (Ibid, p. 8: emphasis original). This tipping - the point at which disparate acts of protest cascade into a mass movement - occurs when people come to believe that their participation becomes necessary or even required. This point can sometimes be identified by a particular event or by a distinct period, which then becomes an iconic moment for further acts of movement mobilization (Hassim 2006).⁸³

In this regard, Aida Touma (2008) shows in the case of Palestine how in the years following 1967, women's subversive activities in the realm of politics managed to connect feminist questions with those concerned with fighting against the occupation. In the period following Oslo 1993 that liberalised the space of politics and eased political, many feminist movements exploited their party affiliations to increase registration of non-governmental organisations. Between 1993 and the outburst of the second Intifada in 2000, most of the women had gradually moved into project-oriented work, delivering services to women, focusing on issues of violence against women - activities which resulted in organizations moving away from their own constituencies and becoming more professionalized. As a result, the decision makers in the organizations were not the activists, and activists and volunteers were gradually vanishing. This fact created a huge gap between the discourse used by NGOs in analyzing the situation and the real activism on the ground - a kind of alienation that meant that the ability to mobilize and organize masses of women when it is crucial and needed was lost. So while Palestinian women had played a major role in the First Intifada, NGOs and women's organizations could not play that role in the Second Intifada as they were unable for various reasons, to connect, mobilize or organize as Palestinian women at that point (Touma 2008).

The above critiques offer valuable points upon which to reflect on the ways in which women's

⁸³ In the case of South Africa, for example, Hassim (2006) identifies two such catalytic moments: the Women's March on the Union Buildings in 1956, and later, South Africa's transition to democracy, which opened possibilities for institutional reform that have [had] long-term consequences.

movements and feminist organizations in Kenya have been influenced by, or sought to influence politics and state practices. Although differing from one context to the next, the examples from Ghana, Palestine, South Africa and Pakistan all seem to suggest that at crucial moments, the strategies and actions adopted by women's movements have on the whole been articulated towards responding to both local and national questions. These critiques also highlight Waylen's (1996) observation that ostensibly neutral political processes and concepts such as nationalism, citizenship and the state, are fundamentally gendered. The discussions above also correspond to a set of foundational questions regarding the epistemologies of feminist organizing, that is: what factors have historically created imperatives (in any given context) for the issues taken up by women's movements and feminists? What issues are taken up and prioritized by women's movements and how do political, economic and social dynamics impact on this work? How do women's organizations respond to these dynamics and with what outcomes? In Kenya, women's rights activism in the multi-party era largely coalesced around questions of violence both in private and public spaces. The regular cycles of gendered violence observed during electioneering periods has meant that *violence itself* has marked the terrain of democratic politics, and that feminist activism embedded in such contexts has necessarily had to address itself to the question of violence as a feminist question. As such, understanding the nature of women's organisational responses to gendered violence should be critical in formulating our understanding the nature of women's relationship to the democratizing state.

7.2. SETTING A FEMINIST AGENDA IN POST-INDEPENDENCE KENYA

In the first three decades of postcolonial governance in Kenya, progress for women was painfully slow. From a historical materialist perspective, factors such as deeply embedded patriarchal socio-cultural values; undemocratic institutions buttressed by equally undemocratic and gender blind legal and policy frameworks; and low levels of civic and gender awareness, could be interpreted as being the *effects* of women's subordinate structural position within the political economy.⁸⁴ Under this institutional and socio-cultural environment, it is hardly surprising that despite the active and effective role women played in the colonial liberation struggles, the first post-independence government under President Kenyatta did not have a single woman member of Parliament. When leaders of the only national women's organization at the time, *Maendeleo ya Wanawake*

⁸⁴This is in contrast with scholars whose views questions of patriarchal domination and the underrepresentation of women in politics as structural obstacles to women's progress (see Maria Nzomo, *Impacts of women in political leadership in Kenya: Struggle for participation in governance through affirmative action*, Cape Town: Heinrich Böll Stiftung. Available at

<http://www.ke.boell.org/downloads/Impacts_of_Women_in_Political_Leadership_in_Kenya_-_Struggle_for_participation_in_governance_through_Affirmative_Action.pdf> [accessed 05/08/2013])

Organisation (MYWO) sought to engage the State over this exclusion, the male political gatekeepers argued that there were no qualified women. But the presence of women in politics and public decision making institutions remained dismal several decades later despite the large pool of highly educated women in the country.⁸⁵ The independent state in Kenya emerged from a nationalist movement that involved women in heroic roles. Most of these women led struggles against colonial domination, protested against colonial oppression, fed and protected veterans during the fight for *Uhuru*, led segments of the resistance armies against colonialism, and effectively participated in the political negotiations leading to independence. However, the colonial structure was never dismantled and its extant forms of class and gender discrimination and oppression persisted. At independence, Mzee Jomo Kenyatta definitely de-racialized the structures of the emerging state, but these were never gendered. On the contrary, the state was further masculinized and ethnicized (Kamau 2010: 12).

7.2.1. Global influences on the Kenyan women's movement

Beginning from the mid 1970s, women's issues began an irreversible trek into official discourse, gaining firm support and recognition internationally and gradually at local levels as country after country in Africa gained independence. Globally, as the international feminist movement began to gain momentum during the 1970s, the United Nations General Assembly declared 1975 as the International Women's Year and organised the first World Conference on Women, held in Mexico City. At the urging of the Conference, it subsequently declared the years 1976-1985 as the UN Decade for Women, and established a Voluntary Fund for Decade. In 1979, the General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and five years after the Mexico City conference, a Second World Conference on Women was held in Copenhagen in 1980. The resulting Programme of Action called for stronger national measures to ensure women's ownership and control of property, as well as improvements in women's rights with respect to inheritance, child custody and loss of nationality. In 1985, the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, was held in Nairobi. It was convened at a time when the movement for gender equality had finally gained true global recognition, and 15,000 representatives of non-governmental organisations (NGOs) participated in a parallel NGO Forum. The event was described by many as "the birth of global feminism". Realizing that the goals of the Mexico City Conference had not been adequately met, the 157 participating governments adopted

⁸⁵This feminist movement led by a cross-section of well-educated women from the Academy, Legal Practice and national women's NGOs, spearheaded the 1990's women's movement; dubbed: the Second Liberation Struggle (Nzomo, *Impacts of women in political leadership in Kenya*, p.1.

the Nairobi Forward-looking Strategies to the Year 2000. It broke ground in declaring all issues to be women's issues.⁸⁶

As such, the first independent women's organizations in Kenya such as FIDA-Kenya or the African Women's Development and Communication Network (FEMNET), which also had a political orientation, emerged as a result of the World Conference on Women in Nairobi. The World Conference on Women provided Kenyan women with a framework for action and legitimacy in order to organize themselves - despite the repressive regime under Moi. From the beginning, these were supported by external donors. This was the first time that there was a possibility for civil society organizations to start independent programs and to speak out against the government critically. As the political space for civil society organizations opened up in the 1980s - due to a "de-legitimatization" of the regime, caused by a political and economic crisis - a women's movement was formed and took part in the protests for the introduction of a multi-party system (Oduol and Kabira 1994). The state had once again turned to multiparty democratic politics in 1991 following the repeal of section 2(A) of the constitution and struggles that spanned more than two decades got underway for a new constitution. Kenyan women, so emboldened by the strides made in the international movement of women, also began to make substantial constitutional demands that were largely based on the liberal human rights discourse that had been inaugurated through the global feminist movement.⁸⁷ The intensification of women's political demands marked an important break with the early postcolonial trajectory of women's movements in Africa, which as Tripp has observed, tended to focus around religious, welfare and domestic concerns.⁸⁸ In general women were reluctant to engage in advocacy and push for changes in laws if it put them at odds with the government authorities (Tripp 2003).⁸⁹ And while multiparty democracy provided adequate political space for political mobilization, articulation of demands, and some space for engaging the intransigent State, the impact of women's organizations was low, as patriarchal society and a negative attitude of members of parliament towards the introduction of gender reforms conflicted

⁸⁶ United Nations, www.un.org/en/globalissues/women/ (accessed on 07/07/2013)

⁸⁷ This is partly illustrated by the fact that 40 per cent of all human rights groups operating in Kenya between 1992-97 were women's organizations (see Tripp 2003).

⁸⁸ The discourse was primarily one of 'developmentalism' (Ngugi c. 2001). Women's organizations adopted a Women in Development (WID) approach, which was generally divorced from political concerns. They did focus on research into discriminatory practices and laws and on consciousness raising, referred to in English-speaking Africa as 'gender sensitization' or 'conscientization' (Geisler 1995: 546, in Tripp 2003), "Women in Movement Transformations in African Political Landscapes", *International Feminist Journal of Politics*, 5: 2, p. 235).

⁸⁹ For example, Maendeleo Ya Wanawake Organization (MYWO), which has had the largest membership of any organization in Kenya, was confined to improving childcare, domestic care, handicrafts, agricultural techniques, literacy and engaging in sports (Wipper 1975: 100). The conservative stance of this organization, which persists to this day, is reflected in the thinking of its president at the time, Jane Kiano, who claimed in 1972 that 'women in this country do not need a liberation movement because all doors are open to us' (Sahle 1998: 178).

with the realization of women's rights. At the same time there was a lack of common goals and collective activities amongst the actors. Therefore, the commitment of women's organizations remained usually limited to individual activities and concentrated prior to elections (Kihiu 2010: 173). In part, women's organizations were used for personal profile or for political lobbying. Another obstacle was the fact that women's organizations that operated nationally poorly integrated rural women's groups, and thus only had a slight connection to grass-roots activists. This created a gap between nationally-oriented women's organizations, which claimed to be representatives of all Kenyan women and rural women who felt little of the national commitment at the local level.⁹⁰

7.3. WOMEN'S ORGANIZATIONS AND DEMOCRATIC STRUGGLES IN KENYA

It is the expected role of pluralist democratic politics and political activists to keep one perennial question in the minds of the population: *what is good democracy and what do we desire from democracy?* An equally critical yet silenced question is: *according to whose terms is democracy defined or what structures, interests and institutions define the democratic agenda?* Kenya's trajectory in the democratization path suggests that the civil society democratic agenda was entrenched within a broader neoliberal discourse, whose recent history in Africa and in Kenya was one of disavowal of structural questions of health, labour, education, and poverty that were directly affecting women. As Nasong'o explains, one major constraint of the pro-democracy movement was its external linkage. The reliance of CSOs on external sources of financial support forced them to strive to win the approval of Western donors, lenders, nations and international monitors, rather than the loyalty and support of domestic constituencies, turning them into programmatic appendages of international funding agencies. Given this reality, most of these organisations were unable to effectively counter accusations that they were in the service of foreign rather than local interests. The organisations' external linkages directly impinged upon their agendas and performance. It is noteworthy that it was the policy shift on the part of international development financiers in the late 1980s from channelling development resources via state apparatuses to channelling the same through civil organisations that thrust these social formations into the political arena as political norm setters and agents of political change. For their part, CSOs were envisioned as bastions of liberty, transparency and accountability, and thus regarded as the natural allies of the poor. Yet most of these organizations, just like the single-party state institutional legacy they seek to deconstruct, operate under highly personalised leaderships, which, though largely benevolent, are nevertheless unaccountable. Under such circumstances, their contribution to democratic transition

⁹⁰ Daniel, Antje, "Women's Organisations in the Post-Conflict Situation in Kenya – Recovering Social and Political Spaces", University of Bayreuth, pp. 14–15, <<http://www.nai.uu.se/ecas-4/panels/41-60/panel-60/Antje-Daniel-Full-paper.pdf>> (accessed 13 June 2011).

remains only incidental rather than fundamental (Nasong'o 2007: 51). This view is, however, not a self-evident fact, but rather an empirical question to which we can subject the women's movement in Kenya. Kenyan women - whether organised around NGOs, or loosely defined alliances for specific campaigns, or feminist-oriented activism - have been actively engaged with democratization processes through a number of platforms, key among them being: political party organising (see a critique of this in chapter 5); civic education; constitutional reforms; and women's political participation. Given that an extensive body of literature already exists that describes the nature of women's engagement and specific activities in these spheres of democratization, in the sections below my analysis shall be directed towards a critique of the structural dynamics that have influenced women's activism in these spheres.

7.3.1. Women's organisations in civic education processes

Some observers believe that NGO-led civic efforts, first carried out in the process of voter education in 1992 and later elaborated through more broad constitutional, legal and civic rights education, must have had a positive impact as evidenced by the KANU regime's hostile reaction in the form of harassment and disruption of civil society-led civic education seminars, which in government circles were viewed as essentially anti-KANU rather than as a genuine pro-democracy effort that could be a catalyst for democratic development and peace in Kenya (Kibwana 1994). Women's organisations have participated prominently in these civic efforts. From the return of multiparty politics in Kenya, a few radical women's non-governmental organisations, in particular, the National Commission on the Status of Women (NCSW), the League of Kenya Women Voters (LKWV), the International Federation of Women Lawyers (FIDA-K), the Collaborative Centre for Gender and Development (CCGD), and the Education Centre for Women in Democracy (ECWD), the National Council of Women of Kenya (NCWK), among others, initiated civic education with components of gender sensitization and building female candidates' and voter capacities (Nzomo 2003). The increased number of women vying for civic, parliamentary and presidential seats since 1992 has been attributed to these civic campaigns by women's organisations.

Another significant achievement of the women's civic groups in Kenya was the formation in 1998 of a national umbrella-body, comprising of 43 women's organisations and accommodating 23 women leaders, including 6 MPs, under the label the Women's Political Caucus (WPC). This network temporarily strengthened the capacity of its member organisations, and it was this network that facilitated the effective lobbying which led to greater and more substantive participation of

women in the constitutional reform process (Centre for Multiparty Democracy - CMD 2009).⁹¹ The potential of the WPC was immense, as demonstrated in the initial role it played in engendering the reform process by negotiating and obtaining acceptance of the women's agenda therein (Kihiu 2010).⁹² The WPC, however, failed to determine and get consensus on the minimum gender agenda that could glue together its diverse membership, with its conflicting and overlapping interests and alliances. The acrimony and the eventual split of the WPC in 2000 was a testimony of this failure. Indeed the funding agencies' realisation that the coalition of the women's lobby groups would not hold led them in 2000 to decide on splitting the funds allocated for the Engendering the Political Process Programme (EPPP)⁹³ between the two key factions that emerged out of the original Women's Caucus—the *Kenya Women's Political Alliance* and the *Kenya Women's Political Caucus* (Kihiu 2010; Nzomo 2003). This split has been attributed to the fact that the organisations had originally been a union between two groups that had conflicting interests (Kihiu 2010: 112). Other reasons are said to be that there were no clear and agreed guidelines on structures or even a simple set of rules and regulations. Interpretation of the aims of the Caucus and its mandate was left open to the personal understanding of members (*Daily Nation*, July 22, 2000). The result of this decision to split was to reduce the bickering and acrimony, but also to weaken the overall effectiveness of the women's movement in influencing the political process, especially during the crucial and historic transition year of 2002, when major political events that would shape the political landscape of the country in the post-Moi era were unfolding. And despite a well-funded programme meant to engender political participation, there was a glaring absence of women from debates around the constitution throughout the year 2002. This was noted by several media and gender analysts, who decried the fact that, with a few exceptions, women's voices and political visibility were almost totally lacking:

“It is disheartening to note that in Kenya, women seemed to have resigned to fate. They seem to want things to happen to them without taking the initiative to be part of the change they crave. They refuse to do as much as whisk off a fly on the tip of their noses...women seem to be waiting for someone else to deliver them. But who will wake up women from their sleep, to do what they ought

⁹¹ There were seven women Commissioners in the Constitutional Review Commission of Kenya (CKRC), made up of 29 members in total (see Chapter 5). Furthermore, the National Constitutional Conference (*Bomas*) consisted of 629 delegates out of whom more than one third were women. The women's movement was recognised as a nominating body and indeed nominated delegates to the conference. Each district nominated three delegates, one of whom had to be a woman. Political parties, religious organisations and civil society organisations also sent women delegates (see Center for Multiparty Democracy, CMD-Kenya 2009: 4).

⁹² In 1998, the Women's Political Caucus placed on their political agenda to get involved in the reform process and their political agenda was funded by the UN 'Engendering the Political Process Programme (EPPP). By insisting that 1/3 of the seats in the drafting committee be reserved for women, the WPC was responsible for acquiring a good representation of women in the reform process (Kihiu 2010).

⁹³ The 2002 elections were preceded by a two year period during which women's political NGOs were engaged in a well funded preparatory and empowerment period under the EPPP.

to do to improve their lot? Even the current jostling for power does not include women. Even the most vocal among them seem to be saying, by their eloquent silence, that the race is too hot for women...we do not want women to complain later that they were left out. They have to be part of these power shows, and the time to get out is now” (*East African Standard*, 21 August 2002: cited in Nzomo 2003: 199).

However, late in 2002, a group of women’s non-governmental organisations, including many of those affiliated to the Women’s Political Alliance and Kenya Women’s Political Caucus - FIDA-K, LKWV, CCGD, FREDIA and NCSW – as well as individual activists and professionals, banded together to form a forum that was initially labelled *Women for NARC*, but was transformed some three weeks later into the *NARC Women Congress (NWC)*. This *ad hoc* women’s coalition had a very short-term political mandate, but a more long-term political objective. The short-term mandate was to employ every available means to ensure the NARC party won the 2002 elections. For two months, NWC members volunteered their time and even financial resources to produce and disseminate presidential and party campaign materials; organised and conducted training for election party agents; participated in the presidential campaign; and monitored the Election Day polls. The key objective of this spirit of volunteerism was to obtain a guarantee from the male dominated NARC that if the party won the elections, it would incorporate women as equal partners in the post-election power sharing and would complete and engender the constitutional and governance process generally. A proposed memorandum of understanding to formalise the envisaged partnership was never tabled. Ultimately then, there were no guarantees, save for those contained in NARC’s Election Agenda document. The envisaged post-election power sharing arrangement has not been adhered to. Indeed, the only gain for women was the nomination of 5 women out of 7 NARC nominees as Members of Parliament (Nzomo 2003).

A core concern raised from the above discussion relates to the extent to which feminists are able to turn political presence into political leverage (Hassim 2003). The struggles of women in this regard, Hassim argues, suggest

“an apparent paradox in South Africa between the demands of women as an identifiable constituency in electoral politics, and the internal debates about different interests within that constituency suggests that women's politics is conducted simultaneously at two levels. At an external level of politics, a narrow terrain of common purpose is mapped out, articulated and defended, while at an internal level there is vigorous contestation over specific policies and party political manifestos. This tendency in women's politics seems counter-productive; it may be argued that women might do better in terms of increasing their political leverage if their external (in this case electoral) politics was directed at articulating their interests within the framework of party-political contestation, rather

than a non-partisan, 'common front' approach" (Hassim 2003: 104).

While the approach of women's organisations in Kenya seems to have been precisely that of articulating a partisan stance in 2002,⁹⁴ it may be argued that this last-minute decision, and hence the lack of space and time for women to conduct a sustained campaign of entrenching their demands within the political party (NARC) meant that the kinds of agreements reached would have been less formally binding on the party. A number of plausible arguments can and have been put forward in this regard.

Firstly, as some analysts see it, the women's movement failed in 2003 to maximize its potential gain at a critical moment when it could have emerged as an important actor in the power-sharing negotiations. This partly reflected the political and social incoherence and the absence of a shared or consensual agenda among women with varying interests (Nzomo 2003). Secondly, the brief coalition of short-term interests that had brought NARC together also seems to have eclipsed any great consideration of gender questions: as already pointed out earlier, the overriding goal of political parties during the 2002 elections had been to remove Moi from power (see chapter 5), and it is almost certain that women, also coalescing around a similar objective, would have been less intransigent in allowing their own feminist objectives to take the back burner. In this regard then, the lacklustre outcomes of campaigns by women's organisations in Kenya to increase women's visibility in politics illustrate the sort of limitations imposed on the effectiveness of women's organisations by broader political imperatives.

The third point is one that Belucci, Katumanga and Otenyo (2007) seem to allude to in their analysis of civic programs – the lack of heterogeneous representation of women's interests in the organisational and party structures. They argue that the driving forces for civic education programs from the early 1990s had been a few English speaking civil society organisations that were associated with key opposition figures. Since the leadership of these organizations was mainly drawn from the legal profession, their programs were couched in legalistic perspectives. Part of the problem with this reality was the underlying assumption that the message and thrust of any public awareness campaign should be an emphasis of civic rights within a constitutional context. The downside of this message was that if the public worked to change some laws, then all problems would be solved. Subsequently, other critical issues such as the history of the State, institutional

⁹⁴ Although beyond the scope of our discussion here, it is nonetheless, worth noting that again during the last elections in March 2013, a section of the women's movement calling themselves the *Orange Women Democrats* took on a similar partisan stance and conducted vigorous election campaign on behalf of the Orange Democratic Movement (ODM) party.

crisis, the negative role played by international actors and the absence of leadership were downplayed. Civic education initiatives lacked any discussions about income inequalities and citizenship, and instead they concentrated on public responsibility and obligations of public officials (and politicians) in accordance to the system of "good governance" introduced in Africa in the late 1980's (Belucci, Katumanga and Otenyo 2007: 11). For women's organisations who were approaching civic education in this way, the result was a disarticulation between feminist questions expressed by women at the local grassroots level - through the lenses of ethnicity, class, gender, age, culture, geographical location - and the expression that women's voices *actually* took at the party structure level, where prioritization of issues were rarely substantively gendered. Women's organisations thus failed to focus adequate attention on questions that *differentiated* women.

7.3.2. Women's struggles for a gender-progressive constitution

Another platform that opened up for women's organizing in the 1990s was around constitutional reforms. Kenya's democratization path since the resurrection of multi-partyism in 1991 had been of the minimalist variant (Oyugi 2003). Therefore, the changes that had been effected between 1991-2002 mainly concerned the democratization of the electoral system. The first set of changes focused on the opening up of the political system for electoral competition. This was what the repeal of section 2A of the Kenyan constitution was intended to achieve, accompanied by some changes in association to the electoral system.⁹⁵ The second stream of changes was introduced in the run-up to the 1997 elections and entailed reforms which were of a constitutional, statutory, penal and administrative nature. These were intended to have the effect of *levelling the political playing ground* while also removing some aspects of law that had hitherto denied Kenyans their liberty. Between 1993-1997 there was a lot of concerted effort on the part of the civil society organisations and sections of the political opposition to have more changes introduced in the electoral system to reduce, if not remove, the undue advantage which the ruling party continued to enjoy in electoral politics. The movement for change in the electoral laws was a reaction to the experience which the political opposition had gone through during the first multi-party elections in 1992 and which had demonstrated that unless changes were introduced before the 1997 general elections 'to level the playing field', there would be no meaningful contest between the opposition and the ruling party during the second multi-party general elections. However, largely due to lack of consensus on key issues among the civil society organisations and the opposition parties, no changes had been effected four months to the general elections. And when the changes did come, they would turn out

⁹⁵ These changes were focused on: enhancing powers of the Electoral Commission in the supervision of elections; political party financing; and presidential term limit (see Oyugi 2003: 353).

to be compromises reached between members of parliament and the less radical civil society organisations. Therefore, as would be expected, the changes were not as comprehensive as the radical elements in the civil society movement had been pushing for. Some of the provisions were enacted into law ahead of the 1997 elections - a package that came to be known as the Inter-Parties Parliamentary Group (IPPG) Accord⁹⁶ (Oyugi 2003: 353-4). Women's participation in the constitutional review process, although substantial, was largely mediated through (or alternatively, constrained by) conservative streams within civil society that in the end failed to deliver substantive gains on clauses affecting especially women – arguably an inevitable outcome of all forms of negotiation.

As Mutua (2009) argues, the (national constitutional) conference in 2003 was sharply divided over many social, cultural, normative, and structural questions. Many of these deep disagreements reflected the diversity of public opinion, the strength of different stakeholders, and the stubbornness of tradition. Socially and culturally, most of the delegates at the conference could be described as conservative. In this respect, only a vocal minority, drawn largely from civil society and the professions, held progressive views. Surprisingly, women's rights found broad support among the delegates, even though most limited their support to political participation rights. This phenomenon was attributable to the work of the NGOs, the support of delegates from civil society, and the large number of women delegates from the districts. But the prominence of the religious sector at the conference precluded the adoption of socially and culturally progressive measures on reproductive rights, the death penalty, sexual orientation, and equality rights that might eradicate the patriarchy and its control of the family, land, and other economic resources. The religious sector, which had led the reform effort in Ufungamano (see chapter 5), saw Bomas⁹⁷ as not only a forum for the containment of state despotism, but also an opportunity for the entrenchment of certain basic moral and religious values. Thus, it opposed proposals that would have opened the door to what are deemed sinful, immoral, and permissive practices. On these matters, it had ready allies in most of the delegates (Mutua 2009: 185). And although neither the gender questions of reproductive rights or equality rights were so contested as to threaten the conference back then, as argued in chapter 6, the question of reproductive rights returned in 2005 - through the religious sector and other conservative forces - to haunt the Constitutional Referendum in a highly polarising contest. I shall show below the significance that such truncated successes of the women's movement carries with

⁹⁶ See chapter 5 for a more detailed discussion of women's participation in the IPPG process.

⁹⁷ The Bomas of Kenya is a cultural center in Nairobi and the historic (physical) site where the national constitutional conference was held in 2003. The draft constitution that emerged out of this process is commonly referred to as the 'Bomas Draft'.

regards to the citizenship claims that women are able to make on the state in the conflict/post-conflict context of elections.

7.4. ELECTIONEERING VIOLENCE: STATE AND CIVIC RESPONSES

Pearce and McGee (2011) pose two questions that are useful in conceptualizing violence in the democratic context: Why is it that democratization processes have failed to fulfil the expectations of violence reduction in the global South? How does violence affect democracy, and democracy affect violence? Alongside these questions, they put forward two propositions: Firstly, that state 'security'-oriented responses to violence can undermine key democratic principles, vitiating political representation, and eroding the meanings and practices of democratic citizenship, so that classic understandings of state formation - with their stress on legitimate monopolization of violence - fall apart. In other words, security policies can interact perversely with democracy. Secondly, they argue that security provision can also be perversely related to violence itself. Rather than reducing violence, state security actors - sometimes in cooperation with non-state actors - can foster the reproduction of violence in the name of providing security (Pearce and McGee 2011: 7-8). These questions and propositions are useful in our analysis of the post-election violence context in Kenya primarily because they provide a conceptual framework for analysing the extent to which women affected by electioneering violence can reasonably expect the state to respond to their needs. It is also a useful paradigm for analysing the (civil society) space between women affected by violence and the state - in other words, the nature of civic responses and - in so far as the state itself is implicated in the violence (see chapters 2, 5 and 6) - the extent to which women's organisations in their responses to violence are able to lay claims for redress on the state. Our understanding of the ways in which women's organizations responded to violence would be enhanced by first of all, characterising the electoral violence and understanding its nature. In chapters 2, 5 and 6, the electioneering violence witnessed in Kenya since 1992 is characterised as being predominantly state-perpetrated ethnic clashes. In the 2007/08 electioneering period, however, the violence took on a more nuanced character, some explanations for which are discussed below. My interest here is to understand the factors that drove the violence, and the extent to which the responses of women's organisations articulated to the demands imposed by the social, political, and economic dynamics unleashed by the violence.

7.4.1. Characterising Electioneering Violence and State Responses

Scholarship around the nature of violence following Kenya's 2007 general elections has been varied. Some have argued that the Kenyan violence in 2007/08 was fundamentally about controlling the state (Landau and Misago 2009). They argue that although some of the Kenyan violence had

only questionable links to political structures and there was opportunistic looting, the attacks were driven by central political objectives. In almost all instances, the violence was encouraged or allowed with the goal of unseating Kibaki's government to make way for Odinga's Orange Democratic Movement. Equally importantly, the violence remained more or less controlled by actors who are not firmly entrenched within central state structures. According to the International Crisis Group's initial evaluation (2008), "state authority collapsed in the political strongholds of the opposition Orange Democratic Movement (ODM). Supporters of its leader [...] took to the streets in violent protest [...]". Even if the attacks do indicate loss of authority, it is not the state's centrality that was in question. Rather, what occurred in Kenya in 2007 is "normal" politics by other means. Had the protesters remained peaceful in their protests against a stolen election, they would have been applauded. While the violence challenges a strict Weberian definition in which the state retains a monopoly of the legitimate use of force, this group was not out of control or seeking to destroy Kenya's state structures. Rather, they were supporting a universally accepted and legitimate political candidate vying for a state position - a candidate who was ultimately able to stop the violence.⁹⁸ This is not the collapse of a state-centred authority system, but a challenge to the sitting president's authority (see CIPEV 2008: viii). Landau and Misago (2009) thus argue that the violence in 2007/08 remained state-centric and largely state controlled (2009: 104-107).

Other analysts, adopting an institutionalist approach towards analysing the violence, view the violent electoral outcome in Kenya as resulting from the type of formal structures in place for negotiating and deciding distribution of power, which may either inhibit or promote violence. James Long⁹⁹ for instance has argued that the risk of violence following the 2007 elections was high, given that the stakes going into the elections - for both the incumbent and opposition - were significantly high. Attributing the outbreak of violence to the perception of fraudulence, he makes the point that electoral fraud can prove costly because it produces unintended and violent domestic outcomes such as protest and violence from angry citizens who view the race as illegitimate that

⁹⁸ When Raila Odinga, widely viewed by his supporters as the winner of the 2007 elections - an election many considered had been 'stolen' - agreed to the mediation process facilitated by the African Union, violence immediately ceased in the ODM strongholds. The Electoral Commission of Kenya (ECK), responsible for running the elections and counting the votes, proved open to manipulation and subsequently the presidential results announced were fraudulent. This sparked protest and violence that spread throughout the country and did not abate until the signing of the National Accord in late February 2008 under the auspices of former UN Secretary General Kofi Annan, who had been trying to mediate the conflict between President Kibaki's PNU and opposition challenger Raila Odinga's ODM since January. By the end of the violence, nearly 1,500 people had died, countless others injured, and nearly 700,000 displaced from their homes (Commission to Investigate Post-Election Violence 2008; South Consulting 2009). After the signing of the agreement, Kenya was ruled (from 2008-2013) by a power-sharing arrangement that kept President Kibaki in office and created the position of Prime Minister for Odinga, with their respective parties joining a Grand Coalition (James D. Long - see http://www.sscnet.ucla.edu/polisci/wgape/papers/18_Long.pdf: accessed 26/02/14).

⁹⁹ James D. Long - see paper at http://www.sscnet.ucla.edu/polisci/wgape/papers/18_Long.pdf

one or both parties may want to avoid. He argues that the existence and strength of certain democratic institutions may help alleviate the need to cheat. The more post-election policymaking is seen as winner-take-all and majoritarian (like Kenya), the more likely all sides will view losing power in completely negative terms. However, if institutions like proportional representation allow for some level of participation for electoral losers that outweighs what they would gain from rigging, fraud is less likely to appear attractive.¹⁰⁰

A third set of analysis locates violence within questions of marginalization and economic dispossession, and the failure of the state to allocate scarce resources to the masses - thus linking electoral violence to the associations between militias like *Taliban* and *Mungiki* to the state. Aarhus (2012) documents these sentiments in an interview with various members of the two militias. Some gang members see it in purely economic terms: *"We want peace, we want the fighting to stop...but more than that, we want money. This issue is about poverty more than anything else"*. The sentiments expressed by other militia members confirm the perception of these militias as mercenaries for hire: *"The campaign is dangerous, more than the elections even...that's when the politicians are paying for work. Many people will leave for the rural areas, but we will stay"*. The allusion here is also to the urbanised and class-oriented nature of electoral violence: as Aarhus explains, people will flee for the country because staying in Nairobi could result in getting caught in a brutal crossfire between factions. Last time around (during the 2007/08 post-election period), the Kibera and Mathare slums (among others) became unofficial war zones (Aarhus 2012). Further statements by the gang members interviewed implicate the police - and by extension, the state. According to one *Taliban* member, the *Mungiki* donned police uniforms and were armed with army-issued rifles when they stormed into Mathare:¹⁰¹ *"The only way you could tell police from the Mungiki was that the police don't carry pangas (Kiswahili for machete)...it was so bad you couldn't leave your house for fear of being hacked"* (Aarhus 2012). The police of course, dismiss these claims as 'propaganda'. According to the (then) Police Spokesperson, Eric Kiraithe: *"The allegations that the government has used them as mercenaries concern me...Anyone who was around knows there are many shocking falsities and fabrications. Individual politicians and people in disputes have employed their services. But these guys have never been used to get votes...although yes, issues of suppression have happened"* (Ibid). Yet at the same time, Kiraithe did not deny allegations of *Mungiki* members disguising themselves in police uniforms as they terrorized the slums: *"There are a lot of unconfirmed reports of things like this. To get a police uniform in Kenya is not very difficult,"* he said, before suggesting perhaps Kenya's corrupt political

¹⁰⁰ Ibid.

¹⁰¹ This claim was borne out by my own interviews with women who were raped in Kibera slum, Nairobi (see Chapter 6).

system is more to blame than the police (Ibid).

The three separate accounts of the roots of electoral violence discussed above converge around a number of themes, some of which I have already explored in previous chapters and earlier in this one, and which, I argue, bear particular significance for an analysis of feminist politics in response to violence. The first account (Landau and Misago 2009) acquits the state from direct responsibility for the electioneering violence. This strand of thinking is based upon realist theories that view violence in the context of political contestations as a natural defense against perceptions of unfairness on the part of voters. Such violence is indicative of a certain loss of authority on the part of the state, and thus a weakening of the state's ability to respond to violence in geographical locations over which it has little or no direct control. Put into question is the extent to which women living in such autonomous areas affected by violence, and themselves violated, could claim and expect protection from the state. Also suggested here is the idea that women's vulnerability to electoral violence is conjunctural upon their physical location, and given the fact that urban violence has predominantly affected low income housing areas, women's class position too. The second account of the roots of violence is the institutionalist arguments that view the deficiency of democratic institutions that are meant to regulate electoral politics. According to this theory, the institutional structures that are put in place going into the elections are an important indicator and determinant of whether or not elections can be conducted in a 'free and fair' manner. The implication here is that all (civil society) groups involved in the democratization process - including those of interest for our purposes here, women's organisations - ought to engage directly with processes at the institutional building phase and pre-election stages in order to debate the merits of various representative systems. This is a process that requires critical analytical engagement with political systems as they relate to the historical ethnic, gender, class and geographical characteristics of the electorate.

Belucci, Katumanga and Otenyo (2007) in their critiques above argue that civil society in Kenya has not traditionally adopted such structural analyses in their civic education methodologies, and thus what we have seen in the course of our democratization has been a truncated representation of the needs and demands of the citizenry. What this implies for a feminist politics of the state is that the violent outcomes that women experience in the course of elections is also a failure on the part of feminists and the women's movement more generally to integrate broader knowledges of their constituencies of women into their strategic engagements with the state and its institutions. As suggested in previous chapters, this might partly be due to the fact that the women's movement in Kenya has historically been dominated by an elite, educated, middle-class group of women with

weak connections to the broader grassroots constituencies of women. It might also be the case that the patriarchal state and the patronage politics observed within political parties (see Chapter 5) has overwhelmed the efforts of feminists to introduce more radical provisions into institutional building process - measures which could account for a broader constituency of women in politics. The third account of violence examined here draws in the state from a more structuralist perspective, attributing violent electoral outcomes to questions of poverty and marginalization. These accounts of a form of subversive subalternity link the state to militia groups, for whom the primary objective of violence becomes not the expression of political grievances, but rather the means through which they can access some of the spoils of the state. The projection of violence by these groups is not in defense of their own territorial sovereignty, but rather is meted out/wards with the aim of destroying those homogenously defined as the 'enemy'. As such, although various accounts by women interviewed suggested that some women were targeted by violence, the possibility that the violence against women is collateral in nature cannot be ignored.

I make this assertion based upon my own findings in the course of interviews conducted between 2008-2012 with nearly 250 women affected by post-election violence in Kibera and Mathare slums in Nairobi, and in Kisumu and Eldoret towns. From those interviews, a number of parallels can be drawn regarding the circumstances surrounding the sexual violations experienced by majority of the women interviewed. These are that: i) all the women interviewed are engaged in the informal sector, and the nature of their businesses is predominantly small-scale trade; ii) the 'business premises' for this work is invariably also where the trader lives (right outside one's house, or in a few cases, the house also serves as the business premises); iii) as already discussed in Chapter 5, all the women interviewed suffered economic losses when their businesses were looted as a result of the post-election violence; iv) from most accounts of victims and residents of these low income areas, and from my own participant observations, it is mainly women who do work in the informal sector and are the primary income earners in the household; v) due to the blurring of boundaries between the women's public/business space and the private/living space, it is not clear whether the intention of the attackers is to raid and destroy the business, or to rape the women, as suggested by one account below:

We were selling from a popcorn machine, selling chips, sukumawiki¹⁰² along the road towards Olympic Primary.¹⁰³ Violence broke out in Katwekera.¹⁰⁴ When they (attackers) came they found me with two of my sisters and they said: "mambo imeharibika na nyinyi bado munauza" ("there is chaos

¹⁰² The green leafy vegetable like kale.

¹⁰³ In Kibera, Nairobi

¹⁰⁴ An administrative Ward in Kibera, Nairobi

and you people are still trading?”). They took the machines and everything and they raped us inside the house and destroyed the machines and carried us, around 7pm to the Showground road and left us in the forest. My younger sister was extremely injured and I was forced to call on a passerby who helped. He did not rape us, I was gang raped by the young men who also looted my business.¹⁰⁵

The women themselves perceive a link between generalised electioneering violence, sexual violence and material dispossession:

We are afraid of being raped again, and we are afraid of being impoverished. When your business goes and your goods are stolen, will you live? You are infected¹⁰⁶ and also you do not have any money.¹⁰⁷

In other words, it is difficult to ascertain from these interviews alone whether the incidence of rape is ‘collateral damage’ for attackers keen on destroying women’s businesses, or vice versa. The point I seek to draw attention to here is the nexus between women’s low socio-economic status, their physical location, and their particular vulnerability to violence. Even if electioneering violence could be considered as being of a generalised form, women would still be vulnerable or exposed to violence due to their structural positions. Many of the women I interviewed also expressed a distinct awareness of their own gendered, subjective position which they believe place them at a disadvantaged position compared to men. In this regard, they questioned especially the role of female politicians, whom they feel should have a more profound understanding of the plight of women, and mobilize support on their behalf:

Don’t you see that it is mama’s¹⁰⁸ pot to which we come and crowd over? ‘Water never runs out and porridge never runs out of mama’s pot’ - it never runs dry. That is the pot from which we have drunk. So those women (politicians), what stops them from putting their pot so that women may go and also drink from there? What is stopping them from creating awareness in the public or in the political spaces around the plight of women? Why can’t they declare solidarity with women and say that they stand with women at this difficult time in order to mobilize various forms of required support in the same way that men/male politicians do? We should not just be treated as if we are equal to men – men can easily take off, leave their families and go and find another wife where he can find food, and not come back home. Women are left behind struggling with their children. This is the source of our anger, because there are women who have become councillors but have completely neglected our

¹⁰⁵ Focus group discussion with women rape victims in Kibera (Kianda Ward) on 22/05/2012.

¹⁰⁶ Many of the rape victims have reported having been infected with HIV after being raped, and I spoke to many women who are now living with diseases they believe they got during that period.

¹⁰⁷ In-depth interview with Grace, a rape survivor in Kibera, Nairobi on 22/05/2012.

¹⁰⁸ This is in reference to Mama Josephine, the Chairperson of the Mother's Union at St. Stephen's ACK Church in Kisumu, where an IDP camp was temporarily set to host people displaced from Naivasha and Nakuru towns after the 2007/08 post-election violence.

plight. Their only concern is (how to) campaign in order to get re-elected to the council. They know that the voters are in the IDP camps, and they are expecting their votes again.¹⁰⁹

The material dispossession of women is also deepened by traditional norms which under certain cultures, still prevent women from accessing land and landed resources. This is particularly so for unmarried women, widows and women whose unions are neither officially nor culturally recognized. The dispossession of women as a result of political violence therefore, takes place on multiple levels which, I shall argue, the responses by women's organisations in the immediate aftermath of conflict did not anticipate or respond to:

We have connections with our relatives in the rural areas, yes. But there are some people who until now have been ostracised. Some families tell the women to continue living (in town) where they currently are staying. You are told that you will only live in the rural home when you are dead and buried, but are not welcome as long as you're still alive and walking. Partly it is due to competition and contestation over land which they had taken as theirs when you moved elsewhere to work. You had been written off and there is the fear that you will go and demand the land back to build on. When you die they simply only have to portion off a burial place for you. This is very common here in Luo-Nyanza. You ran away from 'death'¹¹⁰ and you are again seeking it when you return. Many of us are faced with this problem. It is not easy to go back to your husband's home and build and resettle there. The most contested resource in Luo-Nyanza is land. They are even ready to kill you if that is what it will take to stop you from 'disturbing' them. Kill you, bury you in a small piece of land and they take over the rest.¹¹¹

Some of us have died and been buried, not at home but in public cemeteries. Because when she returns to her marital home after the death of her husband the clan or family back home does not agree or welcome her. They say they do not recognise you. We have tried with many women and one of us was even buried in her natal home. Her three grown sons have been left floating since they cannot claim land in their maternal home. They cannot make property claims in their mother's home. They reject even your children and children are being left destitute.¹¹²

From these accounts it may be argued that women were almost entirely locked out of the political economy of electoral violence, since the informal mechanisms that accorded protection to some sections of the Kenyan society were inaccessible to women. At the state level, the imperative for violence was created by a loss of state monopoly over violence in areas that were opposition strongholds, thus there was no real basis for women to expect that the state would step in to protect them or respond to their needs. This was the case in parts of Nairobi, Rift Valley, Nyanza, Western

¹⁰⁹ Focus group discussion with women rape survivors in Kisumu, St. Stephen's Church, on 12/05/2012.

¹¹⁰ Economic hardships.

¹¹¹ In-depth interview with Christine, a rape survivor in St. Stephen's Church, Kisumu on 12/05/2012.

¹¹² Ibid.

and Coast province, hotbeds of the post-election violence in 2007/08. At an institutional level, the discussion earlier in this chapter suggests that the focus of civic education undertaken by women was largely removed from an analysis of the dialectics of state power and historical rearrangements of power in Kenya generated through electoral processes. The institutionalist approaches to civic education taken by women's organisations assume a model of efficient liberal institutions which integrate gender concerns and would therefore be gender-responsive in the post-electoral context of violent state formation. Lastly, the decentralisation of violence to militias complicates the terrain of claims for women. As shown in Chapter 6, militia groups such as *Mungiki* are patriarchal and practice misogynist rituals that alienate women from their structures, and perpetrate violent acts discursively based upon social and economic exclusion. They also operate on an ethnicized agenda: as Aarhus (2012) explains, the *Taliban* are the Luo tribe's answer to the Kikuyu's *Mungiki*, and both perpetrated retaliatory violence against one another in 2007. Their loyalties are thus mediated by ethnic considerations as well as by material realities. As such, part of the answer as to why women in these context become particularly vulnerable to sexual and other forms of violence could be that women, perceived as representing both an ethnicized category as well as an economically prosperous category, become available targets for violence.

These questions can be further explained through what Roesch (2013) views as the constitutive dimensions of the neoliberal capitalist project and the backlash against women which, she argues, can shape our understanding of rape, sexual assault and in general, gender-based violence in the context of electoral competitions. Two of these dimensions are particularly relevant with regards to the preceding discussion: a) the notion of liberation delinked from any project of social equality; and: b) the destruction of social protections and the concomitant importance of the privatized nuclear family – thus both a material increase in the oppression of women and also an intensification of the ideological assault on women. The delinking of liberation from projects of social equality functions through the notions of 'freedom' under neoliberalism, and the idea of 'choice' (Roesch 2013). The backlash is generated from notions of women's 'autonomy', whose narrative broadly says that "if only women could discard their victim mentality and take control of our own sexual choices, then women could stop themselves from being raped." As such, the idea of liberation that is delinked from social equality ignores the continuance of unequal social relations that engender women's specific vulnerabilities or render them incapable of taking advantage of existing structures for redress during conflict and in the aftermath of violence. Flowing from these discussions, I pose two questions to serve as discursive tools in the analysis below of the responses of women's organizations to electioneering violence: *What was the nature of women's organisational responses to violence? To what extent could the responses of women's organizations*

be said to reflect a critical articulation and responsiveness to the structural positions of women affected by electioneering violence?

7.4.2. Women's Organizational Responses to Electioneering Violence

A compelling argument has been put forward that the ethnic clashes after the general elections of 2007 in Kenya changed the political opportunity structures for women's organizations. Antje Daniel has argued that during the conflict the activists of women's organisations preceded their ethnic belongings to a female identity and fostered thereby a re-traditionalization of women's roles. In contrast, after the conflict women's organizations gained new opportunities to participate in the social and political order. Women's organisations, Daniel argues, started to revive a women's movement based on a shared female identity.¹¹³ During the conflict women became victims of sexual violence, and as well, women's organizations became affected by the escalation of violence. As Daniel explains, women take part in the re-traditionalization of female identities by prefixing the affiliation of an ethnic group to an overall identity as women. In general, ethnic and female identities are not seen as contradictory poles in Kenya. Ethnic belonging is connected with traditional role models, whereas female identity usually will be affiliated with international standards on women's rights. Nevertheless, the transitions between the constructions of identity are fluent in the Kenyan context: Some women's organizations oppose international women's rights standards, as they are less connected to their environment and include traditional images of women in the construction of female identity. Nevertheless, it can be assumed that traditional role models tend to be revived in a conflict phase, while female identities fade into the background. The situation of women's organizations in the post-conflict situation in Kenya differs from the usual considerations in the field of Peace and Conflict Studies. This situation is less connected with re-traditionalization of women's roles but is attended by an opening of social and political areas of action. Thereby, a female identity became again more and more important.¹¹⁴ Based on this theoretical approach, Daniel argues that the escalation of violence following the presidential elections in 2007 had an influence on the self-definition and organization of women in Kenya, as due to the outbreak of violence, the areas of action for women and women's organizations changed.

¹¹³ Theoretically, this thinking is based upon findings that against the background of the conflict common values of a certain ethnic group or nation overlap female identities and differences are getting negated in order to strengthen the cohesion of the group. Consequently, a re-traditionalization of gender identities starts: women are seen as mothers and as guardians of society or an ethnic group, whereas men are considered to be manly war heroes. Consequently, identity constructions harden in conflict situations and inhibit multiple identity attributions. Further approaches also see a continuation of re-traditionalization of gender roles in the post-conflict situation: With the aim to provide order and security, people revive pretended established values and identities. Thus, traditional images of man- and womanhood get revitalized (see Moser and Clark 2001; Engels and Chojnacki 2007; Joos 2004).

¹¹⁴ Daniel, op.cit. n. 103

The escalation of violence following the presidential elections entailed a high degree of gender-based violence. However, even prior to 2007, the number of women affected by violence had increased: During the year 2000, 7930 cases of sexual violence were recorded and the number rose to 11,867 in 2004 (Ochich and Ekuru 2008: 8). Other reports show that reported cases of sexual and gender based violence between the years 2003 to 2005 showed an increase from 747 to 1485 cases (CREAW 2008: 5).

In the course of the conflict (between December and February 2007/08) 1171 cases of sexual violence were registered in the hospitals. This included 80 percent of rapes, nine percent of physical assaults, seven percent of domestic violence and four percent of “immoral” attacks (CREAW 2008: 5). Service-delivery statistics from the Nairobi Women’s Hospital and the Coast General Hospital gave some indication of the scope of the problem; both hospitals reported an upsurge in the numbers of women and children seeking treatment for rape since late December 2007.¹¹⁵ During the period between 27th December 2007 to 29th February 2008, the Nairobi Women’s Hospital’s Gender Violence Recovery Centre (GVRC) alone treated a total of 443 survivors of Sexual and Gender based violence of which 80% were rape/defilement cases, 9% were physical assault cases, 7% were domestic violence cases and 4% were indecent assault.¹¹⁶ The hospital noted that altogether they attended to 653 cases of GBV related to the crisis.¹¹⁷ The estimated number of unreported sexual violence cases is suspected to be much higher, since - due to shame and social stigmatization - many victims do not report any act of violence. The perpetrators of violence were both members of the conflicting ethnic groups and neighbours as well as police officers (KHRC 2008: 21). It is striking that the violence was accompanied by a considerable degree of cruelty and mass rapes. Further, the escalation of violence offered a platform for patriarchal voices arguing against women's rights activities, which resulted partly in violence against women's organizations. For example, the Federation on Women Lawyers (FIDA) in Kisumu became a victim of such violent attacks: conservative opponents - who rejected the women's rights activities and saw in it a threat to the existing family and societal structure - could attack FIDA and use ethnic-based arguments for this.¹¹⁸

Daniel further argues that tensions between ethnic groups also constrained the work in and among the women's organizations. Employees prefixed their ethnic belonging to a female identity, leading

¹¹⁵ GBV Sub cluster -Frequently asked questions fact sheet, December 2007 - February 2008.

¹¹⁶ Interim report for post election violence –Nairobi Women’s Hospital –Gender Violence Recovery Centre.

¹¹⁷ Dr. Sam Thenya – during hearings at the Justice Waki Commission of Inquiry into the Post Election Violence (CIPEV), 15/7/08; see also EA Standard, March 13, 2008.

¹¹⁸ Daniel, op. cit. n. 103

to mistrust or even the split in women's organizations. At the same time, representatives of women's organizations reported how increasing mistrust of other ethnic groups paralyzed co-operations and networks.¹¹⁹ The ethnic mobilization preceding the elections and the resultant fragmentation of women's organizations along ethnic lines illustrates that identities became increasingly inflexible. In some cases multiple identities were not possible and ethnic belongings overlapped female identities. The history of women's organizations in Kenya shows that ethnic belongings between members of women's organizations are not new and were sometimes used to secure their own advantages. But since the particular situation of the conflict did not allow multiple identities, what resulted was the dominance of ethnic belongings over the identification as a woman. Consequently, gender-based violence was used as a strategic tool to weaken the assumed 'other' ethnic group during the conflict. This action is based on a traditional image of women, declaring women as guardians of the ethnic group: violence against women therefore aims to destroy the reproductive capacity of a group and undermine its social cohesion (CREAW 2008: 15). At the same time, female identities were overshadowed by ethnic identities. Traditional roles were constructed, and thus women were pushed back into the private sphere. Thus, the public and political areas of action were closed for the self-organization of women, since the return to the traditional women's role functioned as an essential element for constructing ethnic belonging, which in turn preceded a female identity. Women and women's organizations therefore became victims of the conflict on the one hand; on the other hand women themselves were involved as actors in the re-activation of ethnic identities. Their violent excesses in turn made women become victims.¹²⁰

A number of factors should be taken into account in considering the extent to which women's organisations then acted collectively - and their differentiated approaches - in the aftermath of electoral violence. One factor is that the political areas of action in Kenya have expanded continuously, especially since overcoming the authoritarian domination. These changes have contributed to the fact that women could organize autonomously. However, the activities of the organizations were inhibited by the patriarchal society and in particular conservative actors of the political system.¹²¹ The opening of political space has also helped to strengthen the agenda-setting of women's organizations. Further, the provision of resources from financial development aid is an important prerequisite for the activities of women's organizations. The commitment of women's organizations is mainly inhibited by low politicization and fragmentation among women's

¹¹⁹ Daniel, op.cit. n.103

¹²⁰ Daniel, op.cit, n.103

¹²¹ Daniel (n.103) explains this through the Political Opportunities Structures-Approach, which pays attention to the political and institutional environment in which social movements operate. Thus it is argued, the opportunity to protest is influenced by the openness of the political system.

organizations.¹²² On the one hand, the low politicization of women's organizations inhibits the enforcement of interests against state institutions. A majority of women's organizations do not seek to change gender relations or to initiate a societal change in terms of gender disparities, but rather seek to provide social services. On the other hand, fragmentation between women's organizations exists. These regional or ethnic differences as well as the competition for external financial funding conflict with collective actions under the umbrella of a shared female identity and thus weaken the formation of a women's movement.¹²³

With the end of the conflict numerous women's organizations took care of victims of sexual violence. For example, the Coalition on Violence Against Women (COVAW) in Nairobi took women affected by violence and assured them of medical care in hospitals. Other organizations, such as the Gender and Development Center in Kisumu, were active in the camps for internally displaced persons (IDPs), or supported the IDPs in covering their basic needs. All these activities were done for women, regardless of their ethnic origin. Women's organizations were also active in social reconciliation processes. For instance, the Women Action Forum for Networking (WAFNET) and the National Response Initiative promoted national reconciliation by organizing multi-ethnic soccer games in Sotik and in Kisii, thus bringing previously conflicting ethnic groups together.¹²⁴ In addition to the welfare commitment, women's organizations were also involved in building up a new social and political order. During the conflict itself and in the post-conflict situation, the media reported almost daily about gender-based violence. The report on human rights violations in the conflict situation (CIPEV report) also dealt with the level of violence (see Shollei et al. 2008: 2). The wide coverage of sexual violence initiated a public debate on violence against women for the first time. Women's organizations used the media to draw attention on the violence against women and to break the existing stigma and taboo. The public discussion about violence against women allowed women's organizations to locate it as a social problem and to legitimate the work of women's rights organizations. This resulted in a discursive process during the post-conflict situation, which enabled a common concern of women beyond any ethnic belonging. In these ways, images of women became part of a general societal identity construction. In addition, the widely

¹²² This line of thinking follows the 'Resource Mobilization Approach', which reflects how social protest can be mobilized and emphasizes that organizational abilities - like the structures of the social movement or the integration in networks - are important for mobilizing social actors. Additional resources, like material resources and non-material resources have an impact on mobilizing social protest (Daniel, n.103; see also MacCarthy and Zald (2001), "The Enduring Vitality of the Resource Mobilization Theory of Social Movements", in: Turner (Ed.), *Handbook of Sociological Theory*.

¹²³ This reasoning follows the 'Collective-Identity Approach', which emphasizes the importance of building up collective identity for social movements. Scholars argue that the readiness to protest revives only over the development of a collective identity (Daniel, n.103); see also Taylor and Whittier (1992), "Collective Identity in Social Movement Communities", in: Morris and Mueller (Eds), *Frontiers in Social Movement Theory*.

¹²⁴ Daniel, op.cit, n. 103

shared concern of sexual violence of many women showed the consequences of the conflict and therefore served to strengthen the cohesion between them. And while previous polarizations between female and ethnic identity were not specifically resolved completely, identity constructions become more flexible and fragile.¹²⁵

Kanyinga, speaking more broadly of civil society responses in the post-election period, also argues that the main ethnic divisions around which the political divisions in the country revolved did not affect the activities of new civil society groups emerging in response to the crisis. In his view, the new differences emerging with regard to the Kenya crisis were ideological: they were about whether to pursue peace as an end in itself or whether to pursue sustainable peace through the search for truth, justice and accountability. They were divisions about ideals for social justice and freedoms and how these would be pursued. But the differences did not prevent civil society from impacting on the mediation process; by articulating peace and articulating demands for justice and truth, civil society informed the mediation process in many ways (Kanyinga 2011). The temporary convergence around the question of restoring peace and secession of violence was therefore a key factor in suspending ethnic allegiances within civil society. Civil society in this sense emerged, at least on the face of it, as a neutral and mediatory space.

Following the public agenda-setting many women's organizations also participated in relevant committees for dealing with human rights violations. In the process of reconciliation many civil society actors, including women's organizations were included. For dealing with human rights crimes, the government established the Truth, Justice and Reconciliation Commission (TJRC). FIDA and COVAW were involved in the civil society representation of the TJRC, the *TJRC Task Force*. The Task Force offered an important platform for incorporating gender issues into the processes of reconciliation. Women's organizations participated in societal processes, thus preserving a public forum and designing the processing of the post-conflict situation in a gender sensitive way (Ibid).¹²⁶ These examples illustrate that women's organizations used these opening areas of action for themselves. At the same time, the opportunity structures strengthened their civil

¹²⁵ Daniel, op.cit, n. 103

¹²⁶ Though beyond the scope of this thesis, the involvement of women's organisations in the constitutional process (2010) can be considered as another success. With regard to gender issues, the draft sought to ban all forms of gender-based discrimination, including violence against women, promoted abortion rights in case of a life threat to the mother, granted land rights and ownership to women or secures equal marriage rights and responsibilities to men and women. Numerous campaigns of the women's organizations followed the referendum in 2005. Debates between activists and conservative opponents - supported for instance by the church - inflamed especially concerning the issue of abortion rights. The draft constitution was finally accepted, with 67 percent of the votes taken. The change in the legal situation is seen as an achievement of the women's rights commitment (see See AWC 2010, Women Gains in the Proposed Constitution of Kenya).

society positioning. The organizations acted as intermediaries between state and society and contributed to the formation of opinion in the social and political field. Women's organizations could thus strengthen their bargaining power against governmental institutions (Ibid). Women's organisations also formed an inter-ethnic caucus known as the 'Vital Voices' or the Women Consortium (Kabeberi 2008) which was involved in the dialogue and mediation process in 2008. Findings from my field research, however, suggest that these peace process in which women's organisations engaged sometimes functioned at odds with the desires and demands expressed by the grassroots constituencies of women who had been affected by the electioneering violence. The sections below briefly examine the nature of these disparities.

7.4.3. External actors and local perceptions of women's organisational responses

The point Kanyinga makes regarding the fact that external interests converged with the civil society interests in the post-election period is a significant one. International actors and civil society, he argues, created and sustained huge demand for peace and thereby compelled the two parties into mediation (2011: 49). The activities of women's organizations and their projects in the area of reconciliation and welfare programs were mainly promoted by the international donor community. In Kenya, development assistance funds were increasingly being awarded to projects in the field of conflict processing. This donor policy is understood as a response to the ethnically based conflict and wants to prevent discrimination and disparities by regional spreading and an ethnically sensitive allocation of funds. In addition, networks and cooperation projects were supported in order to strengthen the cohesion between the women's organizations and to favour joint activities in a women's movement. However, the already existing dependence on external donors before the conflict continued to exist. This created the risk that programs and networks in the post-conflict situation had more of a cosmetic nature in them, since women's organizations were compelled to follow the guidelines of funders and were not necessarily based on the self-interest of actors. The focus shifted towards welfare activities, which resulted in the outcome that welfare activities preceded the politicization of gender issues.¹²⁷ Similar to the argument I make above, Daniel too, contends that the public politicization is important in order to influence political decisions and in order to demand accountability of state institutions regarding the implementation of legal provision (Ibid). Donor funding thus complicated the terrain of women's reinsertion into the political domain of claims.

¹²⁷ Daniel, op.cit. n. 103

Findings from my qualitative interviews with women who suffered sexual violence also points to deep layers of mistrust and resentment towards women's organisations, despite the fact that most rape victims could only access medical attention privately, through the intervention of women's NGOs and private hospitals, as the state-run hospitals remained inaccessible for a number of structural reasons. One of the key observations regarding the state's response to women affected by violence in the wake of electioneering and in particular, the 2007/08 post-election period was that women rape survivors were able to receive free treatment from private hospitals but had to pay a fee in order to get treatment in public/government hospitals (CREAW 2008: 32). This finding is supported by some statistical facts: according to research done by CREAW (2008) in health centres located in regions affected by post-election violence, such as the Kitale District Hospital, Nakuru Provincial Hospital, and the Moi Teaching and Referral Hospital in Eldoret, the numbers of women and girls seeking medical care for sexual assault declined in the two months following the outbreak of violence. Health care providers attributed this decrease to the challenges women and girls faced in accessing services during flight and in the circumstances of displacement. Notably, the use of all services at the hospitals had decreased since the elections, and up to 25% of health centres were temporarily closed due to staff shortfalls during the height of the crisis (CREAW 2008: 6). The hospitals where women received free medical assistance included the Nairobi Women's Hospital and Kibera P.A.G Hospital, both privately run health facilities. But in public health facilities such as the Kenyatta National Hospital and Mbagathi Hospital in Nairobi, the Moi Teaching and Referral Hospital in Eldoret town, the Nyanza Provincial General Hospital in Kisumu, among others, women had to "make a plan" or otherwise would not receive treatment.¹²⁸ These findings are telling of a particular narrative regarding the 'vehicles' through which Kenyan women encounter state and society. Yet as stated above, even the 'free' and easier access to treatment did not help to assuage the negative impressions formed among the poor, dispossessed and violated women with regards to women's organisations. This was partly due to the very high expectations formed around the organisational responses in the immediate post-conflict period. These expectations were that the donor funding coming in through the women's organisations would somehow find its way into the pockets of the victims of violence. I personally, was confronted repeatedly with this dilemma during several informal conversations and interviews I had from 2008 with hundreds of women who had been raped.¹²⁹ A question that was repeatedly directed towards me was: "what are we getting in return for telling you our story?" The methodological dilemma raised here is obvious (see chapter 2 for a more detailed discussion) - and it became quite clear the hierarchies that these frequent

¹²⁸ Interview with Kibera rape survivor, who became HIV positive after being raped.

¹²⁹ At the time, I was doing research with a civil society organisation, the Jaramogi Oginga Odinga Foundation, which had been deeply involved in post-conflict responses among women and other groups in Kibera, Nairobi and in Kisumu.

interactions generated between perceived 'savior' (women's organisations) and 'victim': the women felt exploited and misused, and held the impression that women's rights activists were only out to further their own selfish agenda and had no genuine interest in engaging with the plight of the victims of violence:

We have many NGOs pretending to be helping women raped during the post-election violence, but all are in vain – those are briefcase NGOs. They are the only people benefiting – they are staying well, writing proposals, getting money and doing everything else. They are living a good life.¹³⁰

A majority of the interviews I had with the women gave a vivid account of the material realities of their condition following the period of violence. Some of these interviews were conducted nearly four years after the 2007/08 post-election period, yet the narratives shared gave the impression of an unabating state of deprivation and need. Indeed, the 'rapid-response' or 'urgent action' responses to women in the immediate aftermath of conflict, although necessary and critical at the time, left a larger vacuum of expectation and demands on the part of victims, many of whom spoke of abandonment and betrayal, both by the state and women's organisations:

Especially here in Kibera I do not think there is a single woman who will go out again and vote. Given what we saw, the poverty that is part and parcel of life here sometimes and seeing how people live now can sometimes make you weep. The women who were raped suffered a lot. Women have support groups but the problem is there is no assistance at all coming to us. There are some who to date still have pus coming out of their private parts. There are some who until today are bleeding from 1st to 30th of the month and do not have money to go for scanning to see where the problem is or what is ailing them. Some women were stitched and the thread broke and part of the thread did not break – they are really in pain, they lost businesses. Some of them are sick, and you know that if you take antiretroviral drugs you also have to eat well. Many among us speak about financial stability. Many say that if they get money now they will take off. It is only because they do not know when the elections will be held.¹³¹ But women are afraid.¹³²

It thus bears asking: what was the price of the peace cobbled together by civil society groups, among whom women's organisations stood as advocates for feminist questions? What the accounts in this section show is the extent of external donor intervention in the aftermath of electoral

¹³⁰ Focus group discussion with rape victims in Nairobi, Kibera, in Sarang'ombe Ward on 22/05/2012 (names withheld).

¹³¹ A lot of uncertainty surrounded the final election date which had been set in the August 2010 Constitution of Kenya, while the coalition government wanted to move the date to December, observing that elections could only be held earlier if the coalition collapsed. The uncertainty persisted even after the High Court ruling in March 2012 that set the election date to be 17 March 2013 (see <http://www.reuters.com/article/2012/01/13/kenya-elections-idUSL6E8CD1E720120113> - accessed 10/09/2013).

¹³² Focus group discussion women rape victims in Kibera, Nairobi on 01/05/2012 (Original interview in Kiswahili).

violence, more so in 2007 - which as already argued in previous chapters, had produced an unprecedented level of violence, and polarization which took a series of international interventions to resolve (see Kanyinga 2011). The responses of women's organisations to gender questions during this period were primarily about material provisioning – perhaps necessarily so – and these activities were heavily influenced and enabled by donor funding. More important to note, however, is the short-term nature of these interventions – this is the nature of donor-funded, 'time-bound' projects or programs. In the post-election period, donor assistance mainly took the form of emergency funding, given that nobody imagined the extent or form that the violence and dispossession which resulted from that election would assume. The money was therefore largely directed towards provisioning for immediate needs of highly affected populations, particularly those who found themselves homeless or in IDP camps. However, once 'hostilities' had ceased various forms of material assistance to women who had been violated, internally displaced, and lost their business, also ceased. As such, where expectations of a return to normalcy had been harboured by women so affected, a vacuum was created that ironically, fuelled resentment against the very organisations that had been working to protect and respond to the needs of women.

The donor-funded path proved to be unsustainable as a means of ensuring that those groups affected by electioneering violence would recover fully. The vacuum referred to above can therefore, also be read as the absence of the state at the height of the violence. The accounts of state violence suggested by Landau and Misago (2009) above suggest that the state had lost sovereign control over large parts of the country, most notably in parts of Nairobi, Naivasha, Nakuru, Burnt Forest, Eldoret and Kisumu, which had been the hotbeds of post-election violence. Indeed, some of the women I interviewed expressed a sense of betrayal by the state, and appear to be voluntarily removing themselves out of the democratic space of political participation. This is not because they want to, but rather because the material conditions under which women participate in and access political spaces have, in consecutive elections, turned out to be difficult, dangerous and disenfranchising to them:

Those who were effected and raped during PEV – government said they shall look into the grievances and help. Yet I can say clearly that the government ina upendeleo (is biased). For example, the Kikuyus – even though they were mostly affected, the government has followed up on their grievances and bought them land and given them money and are now doing business. But other tribes have been abandoned. Sasa tunajiuliza je, tuko Kenya gani? (Now we are asking ourselves, what country [which Kenya] are we in?) What can we, as women who were affected do in order for the government to also hear our voices? Because there is no one we can go to who can take us to the government in order for our voices/grievances to also be heard. Because those who were really raped

have not been reached to date. We are again going into the next election, what will happen? We are afraid – what is going to happen next? There are some women among us who swear that if they know elections are tomorrow they will drink poison together with her children. Some women are saying that because they don't want to experience/see again what happened to them the last time. Some swear that this time they would rather die with their children. There are many who even burnt their national ID cards.¹³³

We are constantly asking ourselves what it is we can do so that the government also knows us and recognises us and recognise the fact that we exist and that we were raped, and that we are all Kenyans and we deserve justice.¹³⁴

The women did not only blame the state though, but also felt they had been abandoned by the very representatives for whom they had voted - whether wilfully or not - and whom they expected to be more sensitive to their plight:

Historically the government has never even wanted to know or acknowledge the issues of Kibera. Everything bad that happens is blamed on Kibera. The government has ignored us. We could not even reach the (former) Prime Minister Raila Odinga.¹³⁵ Even he promised women who had been raped and affected that he would help them. And for a while there was money that was helping that came from the PM's office, but it was not reaching the right people. Those who surrounded him, sometimes were cronies and relatives, and it is these people who 'ate' the money for two good years, with the PM under the impression that the money was reaching the affected populations.¹³⁶

We feel misused because we feel that we have problems now because we voted for the politicians. The problems came after the voting. They do not help us. Therefore when it comes to elections, I see that many of us have had a (negative) change of heart – they are certain that they shall not vote for the same politicians again.¹³⁷

This section has sought to show the ways in which responses of women's organisations to the violence were largely compelled by the unpreparedness and in some contexts, inability of the government to respond to the violence. NGO responses also became intertwined with the imperatives set by funding structures, a fact that reified - among various groups of women affected by violence - perceptions of exploitation, betrayal and alienation from both the state and the women's movement. Should women's organisations have been able to respond differently to the post-conflict situation of women? To what extent can it be argued that the structural limitations on the work of women's organisations (discussed earlier in the chapter), constrain their ability to: i)

¹³³ In-depth interview with Isabela, rape survivor in Kibera, Nairobi on 22/05/2012.

¹³⁴ In-depth interview with Janice, a rape survivor in Kibera, Nairobi on 22/05/2012.

¹³⁵ Raila Odinga was the then Member of Parliament for Kibera.

¹³⁶ Focus group discussion with women rape victims in Kibera, Nairobi on 25/05/2012.

¹³⁷ Focus group discussion with women rape survivors in Kisumu, St. Stephen's Church, on 12/05/2012.

anticipate gendered forms of violence in the eventuality of a violent electoral outcome, given the violent history of multiparty politics in Kenya; and ii) tailor their responses to women affected by violence in ways that factored in the variously classed, gendered, ethnicized positions of women in the political economy? These are questions that remain largely unanswered in the literature, but which are *not unanswerable* through feminist analyses that approach politics from an historical materialist perspective.

7.5. DISCUSSION AND CONCLUSIONS

This chapter has sought to discuss the ways in which women's organisations have reacted to gendered violence in the course of Kenya's multiparty democratization. The analysis has proceeded from an historical perspective of discussing the origins of feminist politics and the routes and strategies through which women have sought to engage both the state and their constituencies in the women's movement. What that discussion showed was the structural limitations imposed on women's organising, and also the limitations engendered by the particular issues - mainly from the institutionalist approaches - that women's organisations and feminists have traditionally championed. Significantly though, we see that the 2007 elections catalysed a 'tipping' point for the women's movement in Kenya (see Hassim 2006); the unprecedented levels of violence in that year engendered a sort of collective feminist consciousness among women, and women's organisations and activists acted in concerted ways to respond to gender questions during and in the post-conflict period. These interventions, however, had mixed - if not contradictory - outcomes that were determined by a variety of factors. Out of this discussion, I have sought to show, in agreement with other scholarship cited, that a political economy approach to women's work in politics is critical if we are to understand and substantively engage with subjective positions of gender, class, ethnicity, and culture that tend to invisibilize the suffering of women in non-normative contexts such as those generated by electioneering violence. Another major objective in this chapter was to critique the nature of electoral violence, and contribute towards an understanding of the nature and role of the State within this violence, and against this critique, to analyse the extent to which responses of women's organisations cohered to the social and political dynamics of violence. In other words, *what questions were women's organisations ultimately responding to?* The last section of the chapter applies discursive means to show how women's organisational efforts were received by various constituencies of women affected by violence, and also how different variables, including the role of external actors, shaped these perceptions. The discussions in this chapter therefore have sought to show the various levels - institutional, state, operational, and local levels - through which women are rendered vulnerable as a result of violent political outcomes. Relating this to the quest

for democracy, the lingering question seems to be whether liberal democratic politics can in fact, minimize such violent outcomes. Or put differently, why does violence and sexual violence in particular, persist in the context of liberal democratic politics? Bearing in mind all the limitations and possibilities so far discussed in this thesis, what then would substantive political emancipation for women entail when sought in the context of a liberal democracy?

CONCLUDING REMARKS

8.1. Introduction

This study sought to draw links between the democratization processes and sexual violence observed against women during electioneering periods in Kenya. The conceptual approach taken was to treat political contestations such as elections as (part of) democratization processes which convey and institutionalize certain gendered, ethnicized, classed and hetero-patriarchal norms at the level of the superstructure, and which in turn bear direct and indirect implications for women's participation in politics. Taking as its base period the post-independence, single-party state, the sum finding of the study was that the reintroduction of multi-party politics in Kenya in 1991 was accompanied by a forceful convergence of diverse groups, who congregated around certain interests, goals and ideas which were not always congruent with ideals of gender equality, and which for reasons owing to women's already existing subordinate status in the postcolonial state, tended to exclude or marginalize feminist interests. The study further showed that sexual violence observed during elections is a manifestation of these tensions, which foment in contexts of political competition such as elections in Kenya. My analysis highlighted the ways in which ethnic politics specifically deploys sexual violence in the electoral context. Furthermore, I have shown that explanations of sexual violence of this nature may be found through an analysis of the complex, historical dialectical processes of women's productive and reproductive roles, and the ways in which these processes articulate with the formation of political ideas and institutions.

The theoretical debates in the thesis traced the historical trajectory of democratic politics in Kenya through an analysis grounded in women's material and lived realities, demonstrating through various arguments that the most promising path towards deriving a feminist emancipatory position lies in examining the localized contexts of women's political struggles and the dynamics that influence these struggles. I have shown these dynamics as being largely influenced in the first instance by the capitalist interests vested in the colonial state and its imperative to exploit labouring women; secondly, in the nature of the postcolonial state and politics largely captured by ethnic, bourgeois class interests; and in the third instance, influenced by neoliberal political ideology that has remained largely disconnected from women's structural positions in Kenyan society. From a feminist epistemological position, I put forward arguments explaining these three factors as the main reasons why feminist engagements with the democratizing state have so far failed to engender substantive spaces for women's political participation. Through a feminist historical materialist reading of democratic politics in Kenya, I have sought to respond to the overarching question in the thesis: that is, why does gendered and sexual violence persist in spite of democratization, which is

valorised as being able to stabilize politics? I locate my analysis in the context of Kenya's multiparty democratic elections, which have produced generalised violence and gendered forms of violence at every five-year electoral cycle since the restoration of multiparty politics in 1992.

The electioneering violence observed in Kenya since 1992 has been interpreted as being primarily a question of politicized ethnicity and elite manipulation of a marginalized and impoverished electorate, both male and female. Such generalised conclusions, however, do not explain the differential ways in which men and women have experienced democratic politics, nor why one set of women experience democratic politics differently from another set of women. Put differently, the intersections between gender, class, and ethnicity are not adequately explained by a phenomenological account of violence. Rather, I have sought to explain these intersections through an historical reading of gender politics within the colonial state, highlighting the gendered and violent exclusions engendered by state policies back then. I have further sought to show continuities of gendered violence in the postcolonial state, which I contend, have persisted in the democratization period.

In this concluding chapter, I argue that understanding the promise of liberalism - equality, justice, representation - lies not in the normative interpretation of liberal democratic politics as has been the thrust of women's rights struggles in Kenya, but rather in a critique of the structural dynamics that have shaped women's experiences of democratic politics. In this regard, I explain the persistence of gendered violence in the context of democratization as causally linked to the nature of democratic politics which in Kenya is based upon a conservative liberal ideology that is fundamentally unable to respond to the structural needs and locations of women. I begin by reflecting on the major findings of the thesis and their significance, before turning to a discussion of the contradictions and limitations that liberal democratic politics impose upon a feminist emancipatory politics. I end with some reflections on the notion of violence, and future feminist research directions in this regard.

8.2. Major findings of the study

The primary objective of this study was to undertake a feminist critique of democratic politics in Kenya by examining various trajectories and outcomes of women's political participation in the colonial and postcolonial democratizing state. A review of Kenya's colonial history revealed a close link between colonial rule, women's societal roles, and women's political struggles. Women reacted progressively in opposition to colonial exploitation of their work, and this was the primary means through which they developed political consciousness, and which created the conditions that allowed them to renegotiate their statuses in the latter part of colonialism. The historical materialist

analysis of colonialism also revealed the ways in which colonial administrative practices normatively influenced female gender constructions: the colonial government's reaction against the *Mau Mau* movement was achieved in part by imposing the (re)construction of gender function, which served to alienate women from men and significantly redefined women's political roles. Despite evidence to the contrary, the colonial administration's interpretation of women's role in the *Mau Mau* struggle and broader nationalist movements was aimed at minimising the political relevance of the various forms of resistance deployed by women – and embedded within women's productive and reproductive roles – which contributed to the anti-colonialist struggle. These colonial interventions and reinterpretations of women's political struggles are shown to have both succeeded in limiting and transforming women's participation in shaping the 'nation', and stood as a precursor of the ways in which women would transition into the post-independence state.

A further aspect revealed by a feminist analysis of this colonial history was the structurally defined nature of women's political struggles, highlighting the fact that women's reaction against colonial repression had started with their defiance against the exploitation of their labour. Women's strategies of resistance and the deepening of political consciousness developed as a result of their protests against the forcible appropriation of their productive labour by the Europeans, and is what they subsequently expressed in political organising directed towards resistance of colonial rule. The labour question is of particular interest for the purposes of this study, as it fundamentally ties questions of women's productive and reproductive roles to broader societal dynamics that impact on these roles. In other words, it highlights the dialectics through which feminists sought to assert the personal as being political. Two questions therefore guided my enquiries in this regard, that is: what possibilities exist for waging radical feminist politics without taking direct interest in issues of economic empowerment and equitable development? What interests and ideological motives were masked by the colonial administration's deliberate attempts to undermine women's socially embedded political struggles?

I have shown how the colonial government sought to entrench this separation of women's political activities from their economic and livelihood practices in order to pave the way for the exploitation of women's labour. Women's labour was exploited to deny the guerillas access to the villages, and directed towards a myriad of functions that were fundamental to processes of primitive accumulation. The hardship of labour that women were subjected to was a punitive measure whose aim was also to repress the *Mau Mau* insurgency. And while the colonial administration sought to construct women as being only a 'passive wing' of the *Mau Mau*, the administration's actions towards women betrayed a much greater fear of the active political and social roles that women

were playing during the struggle. Colonialists applied a variety of violent tactics towards ensuring the neutralisation of women's political agency. As successive colonial policies had already alienated the Kikuyu peasantry from their land and from producing for the local markets, the Kikuyu were restricted to subsistence production in the reserves and forced to work free of charge on non-productive work. Women shouldered the bulk of this coercive, strenuous and unpleasant work since most of the men had become more and more dependent upon wage labour on the colonial plantations.

Colonial rulers in Kenya, faced with contradictions regarding how to treat women - either as dangerous enemies or as passive victims of male rebellion - also resorted to constructing various abject identities around women's work, which functioned to further suppress women's autonomous expression, physical mobility and self-expression as valid political subjects. By requiring women to carry identification documents and passbooks showing 'gainful employment', the administration narrowed the definitional boundaries of what could be considered as 'work'. There were dual implications here; that women required protection, and the negation of the political nature of women's involvement in the struggle. This deliberate misrepresentation and interpretation of women's roles in the Mau Mau movement on the part of colonial administrators served the practical purpose of stymieing women's political agency and installing a reactionary status on women in relation to the rebellions that were burgeoning for land and freedom. The channels through which women could have, and in reality *did accumulate value*, were deliberately obscured by the colonial regime. And while women significantly contributed towards the struggles for freedom, these contributions were defined around general issues rather than specific gender questions. The major contribution of this feminist historical critique is therefore, to show the violent exclusions and erasure of women's political agency under colonialism, and how these conditions manifested in the postcolonial period. These exclusions were not only political, but depended critically on the alteration of women's economic activities, their alienation from land and landed resources, and the subsequent informalization and commodification of their labour, which significantly altered women's citizenship status and their relationship to the state. The female subject that entered into the post-independence political space was even less equipped to make sense of, let alone counter, various forms of repression – including violence - which were even more nuanced under the economic and political liberalisation that ushered in democratization in Kenya.

Outlining (in Chapter 5) the first major theme in the thesis, I relate these initial arguments to questions of women's political participation in the post-independence democratizing state. Here, my main contribution is to show the ways in which discursive forms of power which operate in

different (civic and state) contexts of Kenya's democratic elections delimit women's democratic choices and become productive of violence in general and gendered/sexual violence in particular. A key contribution of Chapter 5 is to examine the ways in which female politicians have been able to access and experience electoral politics. I examine, through a review of secondary data, a number of issues including: the salience of women as a voting constituency – that is, how effective women are as a voting constituency – and the extent to which Kenyan women have institutionalised a presence for themselves as legitimate competitors for the popular vote and for women's issues as legitimate matters for public debate. I also examine various factors that have influenced women's performance at the polls, focusing on party politics. Relating these concerns to gender violence, I sought to explain electioneering violence through a dialectical critique of gender, class and ethnicity.

One key finding in Chapter 5 is with regards to the dynamics at play during electoral periods when unprecedented numbers of women have successfully vied for parliamentary seats, such as the 2007 electoral outcome in Rift Valley Province. I argued the fallacy of celebrating these women's unprecedented success as a 'gender revolution', showing such a verdict to be a misreading of the confluence of factors that led to the successful candidature of these female politicians, and arguing instead that ethnic patronage, patriarchy and kinship should be key to our understanding of Rift Valley's 'gender revolution'. A gender revolution would suggest that maturing multiparty politics in Kenya is creating a level playing field and liberated spaces for greater or more substantive participation of women in politics. Yet this is a tenuous conclusion to draw, given the contradictory circumstances and outcomes which marked the 2007/2008 electioneering period: that is, that while the outcome for one set of women was unprecedented success at the polls, for another set of (land poor, working class) women, the outcome of that election was sexual and physical violence, and material losses.

Another key finding brings into focus the role of the organic feminist constituencies in deepening women's substantive engagement with democratic politics. I interrogated the extent to which female politicians can influence state policies on gender-progressive terms by articulating the desires and needs of a broader constituency of women - poor, sexually violated, ethnically marginalised, uneducated - and not just the desires of those elite women considered by the party as being important for its own internal logics or strategic voter mobilization. My review of the literature revealed the paradoxical erosion under multiparty politics, of the organic, rural bases of the women's movement in Kenya, and the challenges this poses to an increasingly urban-based political elite of female politicians whose influence has not transcended enclaves of ethnic influence to embrace a more clearly feminist emancipatory politics. For instance, the women's movement that

was forcefully thrust back into civil society after the Moi-regime broke rank with it in the early 1990s was a thoroughly depoliticized movement that retained the deep patronage linkages it had earlier thrived under. It is a women's movement that would fail to gather legitimacy among its more radical peers in civil society that was agitating for radical democratic reforms beginning in the late 1980s. Patronage politics ironically favoured women's associational life, yet at the same time severely repressed the organic emergence of a women's movement that could champion a feminist agenda within the budding civil society of the early 1990s. The evidence suggests that feminist questions were never seriously taken up among the urban-based, radical intellectuals that were active in civil society at the time. Rather, women's issues were autonomously taken up by non-governmental organisations that pushed for gender inclusion within the constitutional review processes and other avenues opened up by multiparty politics. The point I sought to emphasize through these arguments was that the extent to which the women's movement can influence the democratic space, inflect feminist claims within it, and in that sense, *radicalize* democratic politics is - as the Kenyan case illustrates - largely determined by the ability of the women's movement to nurture and draw upon organic, rural-urban linkages between women. The (Kenyan) women's movement that arrived at the 'negotiating table' without the backing of its rural constituencies invariably wound up representing interests that did not always approximate the particular desires of the broader female electorate – in other words, disarticulated women's lived realities from (feminist) sites of political negotiations.

The second major theme explored in the thesis was how various civil society groups have jostled to represent various constituencies in the democratization process. In particular I focused (in Chapter 6) on the ways in which religio-political organisations and mainstream religious organisations represented their claims towards the state, and how these competing sets of claims affected women. Radicalized groups such as the *Mungiki* made claims that were essentially tied to economic and social dispossession by the state. And even though these anti-capitalist issues might have resonated with women, *Mungiki* at the same time embraced deeply anti-feminist traditional norms that functioned to exclude women from the militia's ranks – a militia that was also directly implicated in the generalised and gender violence perpetrated in the electoral context. Again, I turn to a historical explanation of the link between religion, violence and politics, reflecting on materialist claims and ethnic alliances that complicate the outlook of civil society as a neutral space mediating democratic politics. I showed women as being trapped between *Mungiki*'s militancy and violent outlet of political and social frustrations, and Kenya's mainstream churches which have turned gradually to embrace a *depoliticized* form of ethnic politics. In my arguments, I viewed this outcome as being critical for our understanding of the ways in which women, largely congregated within the

mainstream churches, became casualties of electoral violence. Through a discussion that sought to critically analyse the dynamics that have defined the actions of both militias and mainstream religious groups in the context of democratic politics, I explored questions such as: what motivates rape, when is it sanctioned, when is it restricted, what purposes does it serve? I ultimately sought to argue that the liminal space in which Kenyan women have historically found themselves - alienated from the state and co-opted within (themselves co-opted) mainstream religious formations - has rendered women more vulnerable to gendered violence in the context of electoral politics in Kenya. The third major theme examined in this thesis (see Chapter 7) relates to the role played by women's organisations and feminist organising in mediating democratic politics, and in particular, the extent to which feminist politics in Kenya has been able to read and sufficiently respond to the demands and contradictions posed by the violent trajectory of Kenya's multiparty politics. The discussion interrogated the extent to which feminists in Kenya have been able to turn political presence into political leverage, with the finding that various factors have undermined this possibility. These factors included the failure of the women's movement to maximize its potential gains at critical moments when it could have become a major player in negotiating favourable power sharing arrangements (within political parties) for women. Women's weak party positioning was a reflection of a lack of consensus among (elite) women regarding a minimum gender agenda articulating a cross-section of feminist interests and expectation in the democratic process. Another factor is that the brief coalitions formed by women have been towards satisfying short-term interests which seem to have eclipsed any great consideration of substantive gender questions. A third factor delimiting women's organisations in the civic space is the lack of heterogeneous representation of women's interests in the organisational and party structures, meaning that women's subjective positions of class, ethnic, educational background, sexuality, geographical location and so on, failed to gain substantive consideration within civic education programs, and as a result, invisibilised the diverse claims of a majority of Kenyan women. In short, the formal, institutionalist approaches adopted by women's organisations towards democratic politics by and large lacked the logic of women's material locations in the political economy, and could therefore not be expected to adequately respond to ordinary women's claims in the eventuality of violent political contestations. These concerns were confirmed by the constitutional review process from 2003, in which women's organisations and feminists were not able to push for the substantive inclusion of women's structural concerns beyond guaranteeing women formal political rights. This again recalls the dilemma outlined throughout the thesis regarding the various ways in which the struggles for democracy in Kenya have had the (perhaps inadvertent) effect of separating women's political claims from their economic demands - the divergence between women's lived realities and the objective demands represented on their behalf in the public domain of democratization.

In my findings, this disarticulation between the political and the social is key to our understanding of the nature and limitations of women's organisational responses to gendered violence in the post-election period. I have argued that women's responses to electoral violence are in one sense, circumscribed by the networks and institutional frameworks within which the feminist struggle has historically been waged: that feminist strategies set the parameters for feminist responses to violence. In the context of Kenya's elections/post-election violence, we see that the focus of civic education undertaken by women's organisations is largely removed from an analysis of the dialectics of state power and historical rearrangements of power in Kenya generated through electoral processes. Furthermore, the materialist nature of demands voiced by women affected by violence betray the limitations of normative human/women's rights approaches which tend to assume that rights guarantee women's ability assert their claims towards the state and get redress. The case studies in Chapter 7 show that far from this, the reality of women's abject positioning in the political economy becomes especially apparent in the post-conflict period where women are not able to access state institutions for medical care, let alone assert material claims on the state and on women's organisations.

In view of these findings, I now turn to a brief outline of what I consider to be the primary significance of my study. I focus on the contributions that this study makes both to feminist theorizations of violence and democratization, and how the narratives of rape might have helped in drawing these conclusions in the study. I also focus on contributions made towards shedding more light on the paradoxical nature of feminist politics in the liberal democratic context.

8.3. Significance of the research

The primary contribution that this research makes is towards the debate about democratization, through an analysis of gendered and sexual violence observed in the electioneering context in Kenya. By approaching sexual violence - and gender violence more generally - as a structural problem whose explanation is to be found in the political economy, the study broadens the analysis of sexual violence to show in more concrete terms how violence becomes manifested in a variety of sites and is perpetrated by a variety of actors. Given that sexual violence has predominantly been theorized in the context of protracted violence or war, this study extends the insights that have emerged from those existing studies by showing how sexual violence occurring in contexts of non-protracted conflicts may be understood.

8.3.1. Feminist emancipatory politics under liberal democracy

Sexual violence or gender violence is broadly understood as a violation of the rights of women. Yet the institutionalisation of human rights or women's rights alone does not guarantee redress. Rather, what this study has shown is that rights only make sense when viewed within a broad(er) context that is influenced by political, social, as well as cultural and economic dynamics. The political economy within which rights are institutionalised tends to impose limits on the extent to which women can claim, let alone realise their rights. Focusing on constitutionalism, rights and liberties of groups while neglecting economic demands of those groups poses specific problems for the realisation of rights. For as the discussion of women's organisational responses to gender violence showed in Chapter 7, the demands of victims and the responses of organisations were often inimical: the former set of claims was based upon economic and social needs, while the latter set of responses were geared towards satisfying political and civic imperatives. As such, it may be argued that women's organisations' approaches to human rights have tended to mask particular interests or ideological motives when demanded in situations that foreground women's structural marginalisation. I showed the ways in which the responses of women's organisations to victims of electoral violence were at times undermined by the influence of donors.

Feminist political theorists have offered some explanations regarding why rights tend to function this way in liberal contexts. Brown (1995) asserts that those concerned with emancipatory political practices confront a set of paradoxes, the central one being that the question of the liberatory or egalitarian force of rights is always historically and culturally circumscribed; rights have no inherent political semiotic, no innate capacity either to advance or impede radical democratic ideals. Yet rights necessarily operate in and as an ahistorical, acultural, and acontextual idiom (Brown 1995: 97). In other words, through the objectivist pursuit of a discourse of universality, rights undermine the postcolonial project that seeks to engage with particular legacies of colonialism, imperialism, and neocolonialism; the normative application of rights, lacking as it does in historical and social specificity can address itself to no more than a generalized account of the social realities present in different political and economic contexts.

Another critique offered by Williams (1991) is that human rights impose an artificial barrier of progress/unprogress, righted/wronged, legitimate/illegitimate: they maintain illogical barriers between that which is to be hallowed and that which needs rescuing. Again as can be read from the responses of women's organisations to violence in the aftermath of electoral violence, there are clear demarcations between women as 'victims' and women as 'rescuers'. The analysis in Chapter 7 shows how these hierarchies between women foster resentment and undermine organisational responses to violence - in effect resulting in a feminist backlash. What does the insistence on rights articulated in

the liberal tradition, therefore, portend for an egalitarian feminist politics? Could we imagine human rights/women's rights functioning any differently when they are not nominally ascribed, but rather, emerge and gain relevance in response to women's particular and contextual demands?

These critiques regarding the ways in which rights tend to function in contexts marked by scarcity, are also a critique of neoliberal capitalism, which has imposed upon developing economies conditions upon which development and “freedom” are to be measured. This democratization agenda includes such measures as: structural adjustment programmes, privatization schemes, trade liberalization, and entrenchment of the human rights regime. A wealth of feminist theory since the 1980s has shown the debilitating impacts of SAPs, privatisation, and trade liberalization on the livelihoods of women, particularly women in the Global South. This period has ironically also been marked by the intensified demand for human rights and women's rights. Not surprisingly, the most entrenched of these rights have been civil and political liberties for women, and not economic and social rights, which are much harder to actualize in contexts where state and market policies function to deepen the economic and social dispossession of women.

Still on the question of freedom is the concern that when normatively embraced, ‘freedom’ actually becomes an abstraction from struggles of emancipation, rather than their resolution. The formal attainment of women’s rights through laws, however progressive, and policies might serve to silence, demobilise, or paralyse the pursuit and attainment of true freedom. There is a paradox here, which Nietzsche exposes in *Twilight of the Idols*: “For what is freedom,” but “that one has the will to assume responsibility for oneself” (1954: 542). Freedom, Brown (1995) argues, is a project suffused not just with ambivalence but with anxiety, because it is flanked by the problem of power on all sides: the powers against which it arrays itself as well as the power it must claim to enact itself. Against the liberal presumption that freedom transpires where power leaves off, Brown insists that freedom neither overcomes nor eludes power: rather, it requires for its sustenance that we take the full measure of power’s range and appearances – the powers that situate, constrain, and produce subjects, as well as the will to power entailed in practicing freedom. Here again, freedom emerges as that which is never achieved; instead, it is a permanent struggle against what will otherwise be done to and for us (1995: 25): “How is freedom measured in individuals and peoples?” Nietzsche asks, and answers, “according to the resistance which must be overcome, according to the exertion required, to remain on top... The free man is a warrior” (Nietzsche 1954). As such, while the law as a battlefield for articulating feminist desires for justice and freedom and for redress is valuable, laws as human rights instruments and tools for feminist struggle once attained, are assumed to resolve the particular injury for which they were created and as such are no longer

necessary or available as *tools of struggle*.¹³⁸ On the contrary, if freedom is understood as a condition that women never actually conquer – for this would imply an unchanging world and the resolution of all forms of oppression that subjugate women – then the notion of freedom as a space of small victories and *constant* struggle would appear to contradict the power of human rights to guarantee women freedom from injury. Yet in a liberal domain of rights that is stripped of the semiotics of history, culture and the political, liberty and freedom are deemed as conquerable. The persistence of rape in the liberal democratic state then might also be understood as being a consequence of the institutionalisation of rape responses, and its invisibilization from the dynamic politics and economies which reproduce violence in the electoral contexts – in states which often times are vested with interests whose logics may not immediately be transparent to the logics of formal law.

The feminist predicament here is generated by a number of contradictions raised in the preceding discussion: 1) that the popular democracy inaugurated through multiparty politics in Kenya runs the risk, in seeking to include everybody, of actually universalising identities so much as to invisibilize differentiations among them; 2) that *particular* injuries suffered by individuals and groups based on their class, racial, gender or ethnic subjections are no longer transparent – when examined within the very structures (of liberal human rights discourses) that reproduces them as injuries; and 3) that lacking logic of the ways in which class, gender, race, or ethnicity function to subordinate women, women's rights that historically originate from within this liberal discourse of human rights, therefore, function normatively to maintain women within these same oppressive structures. The point here is not to dismiss the pursuit of human rights as a feminist emancipatory concern. Rather, it is to expose certain limitations inherent in the liberal construction of rights, and how these limitations structure *violent* power – or power *as* violence – within 'democratic' institutions of the neoliberal state.

Lastly, the ways in which the liberal rights discourse interacts with politicized identities raises important questions in the study regarding the ability for human/women's rights to redress historical oppressions that are the result of political, economic and social exclusion of women. For example, on the potential of women's rights, Brown poses a set of critical questions: when does identity articulated through rights become production and regulation of identity through law and bureaucracy? When does legal recognition become an instrument of regulation, and political

¹³⁸ Kenya's Sexual Offences Bill is just one illustration of this observation. There is little evidence that patterns of sexual violence have significantly changed in the period since its ratification.

recognition become an instrument of subordination?¹³⁹ Further, in reflecting on what it means for [women] to turn to the state for emancipation, Brown poses the following question: How does the nature of the political state transform one's social identity when one turns to the state for political resolution of one's subordination, exclusion, or suffering? What kind of subject is being held out to the state for what kind of redress or redemption (1995: 101)? In other words, do women implicitly accept their subordinate status, and in fact reinscribe it, by turning to the state for redress? How much fairness can women expect from a capitalist, patriarchal, 'masculine' and ethnicized state? How do feminist demands couched in the language of rights reinscribe class, gender and ethnic marginality to the extent that rights are ontologically constructed by assumptions regarding the inferiority/superiority of one class over another, of one gender over another, of one ethnic community over another? Who is to decide the point at which equality is deemed to have been achieved, and *whose* conception of equality prevails? And if, as the preceding discussion argues, rights tend to universalise difference, then does it invariably become the case that the identity politics engendered under the rubric of women's rights might surface a new kind of subordinate position for women that is based solely upon their gender – an identity politics that claims women are oppressed by their gender – eschewing analysis of the ways in which gender intersects with oppressions based on women's varying identities of class, ethnicity, race, or sexual orientation?

The feminist historical materialist analysis of gender violence in this thesis, served to expose the limitations for a feminist emancipatory politics in states such as Kenya that not only came into being through violent means, but at every epoch of its formation, including the current period of democratization, has been marked by gendered and ethnicized forms of violence. The violence against women is a mirror reflection of the violence of the state itself. Electoral violence appears in this analysis as a microcosm of the ongoing, generalised violence and abjection in society affecting both women and men. The significance of my study in this regard then has been in constructing a narrative of political violence that is distinctly feminist in that it: a) examines society from the point of view of women; b) critiques the notion of democracy from within this feminist ontology, and therefore offers the possibility of imagining what a more radical democracy would look like from the point of view of women; and c) has sought to examine society and women's condition within it as *it really exists*, and not as it is said to exist. In order to do so, the study did away with any metanarrative of Kenyan women's structural positions or struggles for freedom, but instead undertook to discover the differences, nuances, and particular characteristics of women's struggles

¹³⁹ The law is, for example, able to construct sexual violence as being an act of 'barbarism' while ignoring the violent political/economic conditions that give rise to such violence.

through a situated and historical analysis. While many questions remain unanswered, the placing of gendered violence in its historical contexts has offered some possibilities for beginning to understand the motives of violence as experienced by women - and in this sense, a concrete ontology of thinking through violence and feminist struggles and activism towards confronting violence against women.

8.3.2. Feminist theorizations of sexual violence

Finally, how then are we to understand the nature of violence critiqued in this thesis? While a full response to this question would go beyond the scope of the thesis, I want to highlight certain perspectives that I have found persuasive with regards to my own ways of thinking through the violence I critique here. One perspective is that held by Sexton, who sets out a pedagogical challenge regarding ways of thinking about violence – as something other than violent *acts*. To Sexton, regarding violence as violent acts is a circumscription that leads us to the notion of the police state under contemporary visions of the state. The challenge, thus, is being able to move an understanding of violence from one that looks exclusively at violent acts narrowly defined, towards a conception of structural violence, which interrogates how it is we understand the objective violence of structures, of conditions, and of institutions. Sexton, nonetheless, concedes that the everyday language of violence has no equivalent for structure the way that it does for acts, and thus the quick move into the default setting whenever we try to talk of violence as such in a structural mode.

Has (forthcoming) too, holds out a similar perspective in arguing that an ontology of violence that does assume an anti-essentialist stance, and seeks to broaden the definition of violence beyond the common framework which sees violence only where bodily security is at risk, are often dismissed, as they are accused of obfuscating the meaning of violence and thereby obstructing democratic efforts to grapple with violence in human life. As a result, the dominant concept of violence today remains the subjectivist one that basically reduces the concept of human violence to that of aggression. Has, in this regard, sees the differentiation of the concept of violence from aggression as the key to demystifying or understanding the nature of violence. The dominant reductionist conceptual framework concerning violence, he argues, comes at the cost of an impoverished understanding of the nature of violence and its crucial role in human existence, and therefore also of a deficient idea of what human responsibility with respect to violence involves. Furthermore, by limiting the range of violence to physical acts and effects, and defining it exclusively as a negative or undesirable phenomenon, this reductionist framework blocks genuinely transformative democratic political projects. In his view, a proper examination of violence, which radically breaks

with our common subjectivist conception of human violence, demands a historico-ontological perspective.

In partial favour of these two positions, the thrust of this thesis has been to re-conceptualize gendered violence and to explain it within the structures, conditions and historical circumstances that have themselves been rendered visible through acts of violence. In other words, to think through gendered violence beyond its physical manifestation, towards a conceptualization of gendered violence in the context of Kenyan elections as structural violence, or as violence of exclusion. It also argues for the idea that for women, violence begins long before the actual act of aggression (if any) takes shape, and is catalyzed, or assumes a varied form subsequent to the act of aggression. The point I seek to make here is that from an activist, feminist emancipatory position, the physical manifestation of violence through acts of aggression (contra Sexton and Has) remains absolutely necessary as a starting point for understanding the nature and dynamics of violence surrounding women's lives. My use of rape as a discursive tool for analysis throughout this thesis - rape as an act of aggression through a critique of which I was able to provide an alternative ontological perspective of gendered violence observed in the particular context of elections - served precisely this catalytic purpose. It is my belief that through further development of such a methodological approach, feminist theorists can derive greater understanding regarding the nature of gendered violence observed in different social and political contexts.

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ANNEX

PARTICIPANT CONSENT FORM

Dear Participant,

I wish to invite you to participate in a research study that I am conducting. The purpose for the study is to collect data for my doctoral dissertation which seeks to investigate the relationship between Kenyan women and the post-independence democratizing state by examining sexual violence occurring in contexts of electioneering violence.

Kindly note that your participation in the interview is **voluntary** and your refusal to participate will involve no penalty or loss of benefits to you. You may discontinue participation at any time during the interview without penalty or loss of benefits.

Should you be willing to take part in the study you shall be expected share with me (the researcher) your experiences and opinions on the topic of study. The interview shall be in the format of a conversation, and will be conducted semi-formally. Kindly feel free to ask me any questions in the course of the interview, and should you at any time object to my recording the interview, I shall be happy turn off the recorder.

I am aware that some of the questions asked may provoke extreme emotions and discomfort, and shall at all times during the interviews observe utmost ethical standards in consideration of you the participant.

I anticipate that the study shall have far-reaching impact in creating awareness and prevention of sexual violence in Kenya and beyond.

Sincerely,

Marilyn Ossome

Participant's consent:

I..... have read the above information and willingly consent to participating in the research. I also understand that the information I give is not in exchange for any treatment or remuneration.