Liberal Democracy and Multiethnic States: A Case Study of Ethnic Politics in Kenya

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ABSTRACT

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The objective of this study is to determine whether or not a liberal form of democracy is appropriate for multiethnic nations, using Kenya’s experience with ethnicity and politics as a case study. This thesis assesses contemporary theories of liberal ideology and ethnic pluralism in political science and analyzes the effects of identity and liberal state-building in the context of liberal democracy in Kenya.

Although the conclusion drawn from this study ultimately sides with liberal critics on the incompatibility of a liberal form of democracy for multiethnic state, this study proposes that liberal criticisms do not fully illustrate the connections between theory and state- and nation-building that can provide for a fuller explain of the tension between liberalism and ethnic pluralism. As such, this study proposes a more encompassing argument against liberalism that incorporates political theories of liberalism and the effects of constitutive ethnic identity in democratic state-building.

Approved: _____________________________________________________________

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To Dad, for being my #1 fan and supporter
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LIST OF ABBREVIATIONS

APP: African People’s Party, one of the first political parties of independent Kenya from 1963-1965

DP: Democratic Party, political party lead by Mwai Kibaki from 1992-2002


FORD-A: Forum for the Restoration of Democracy- Asili, opposition political party from 1992-1996; was re-named FORD-People in 1997

GEMA: Gikuyu Embu Meru Association, multiethnic political association of the 1970s comprising the Kikuyu, Embu and Meru groups of Western Kenya

KADU: Kenya African Democratic Union, one of the first political parties of independent Kenya from 1963-1965


KPU: Kenya People’s Union, political party created and led by former vice-president Oginga Odinga from 1966 to 1969

LDP: Liberal Democratic Party, member of NARC from 2002-2005


NARC: National Alliance Rainbow Coalition, a coalition of political parties lead by Mwai Kibaki from 2002-2005
**NDP:** National Development Party, political party led by Raila Odinga in 1997 election

**ODM:** Orange Democratic Movement, Lead Opposition Party in the 2007 Election

**ODM-K:** Orange Democratic Movement- Kenya, a faction of ODM which split from the main party in summer 2007

**PNU:** Party of National Unity, Incumbent Party of President Kibaki in the 2007 Election

**SDP:** Social Democratic Party, smaller political party in 1997

**YKA:** Young Kikuyu Association, a pre-colonial Kikuyu group credited with leading the fight for independence
CHAPTER 1: LIBERALISM AND THE KENYAN STATE- AN INTRODUCTION

“What we may be witnessing is not just the end of the Cold War, or the passing of a particular period of postwar history, but the end of history as such: that is, the end point of man’s ideological evolution and the universalization of Western liberal democracy as the final form of human government”

- Francis Fukuyama, 1989

At the eve of the Cold War’s end, Francis Fukuyama announced to the world a perspective on governance and democracy that would be a self-realizing prophecy: that liberal democracy was the established standard for terms of governance and social order all over the world. As a type of governing system, liberal democracy has “been one of the sturdiest political systems in the history of the modern West” and is currently “the dominant modern form of democracy” (Barber 3). As a social template, its commitment to “securing individual liberty and human dignity…the guaranty of individual rights and property, and freedom of expression, association, and conscience” has gained wide appeal, especially as the realization of these values “are taken to limit the legitimate use of authority of the state” (Mehta 3). We live in a world entrenched in the universal recognition of individualism and the rights intrinsic therein, and the necessity for “spreading” these values of this particular kind of democracy have stood at the fore of U.S. foreign policy for over 50 years.

Given that intrinsic to the very ideology of liberalism is the idea of universality— that liberalism is meant to be for all and can work for all persons and states equally— advocates of the liberal democratic model rarely step back to analyze whether this assumption is, in fact, valid. Can liberalism really work for all? Is liberalism truly
appropriate for all peoples across all cultures/histories/regions? What is it about liberal democracy that makes it fundamentally universal?

It goes without stating that these very questions have, in fact, been asked many times by many scholars of political theory. Generally, these questions fall within two broad categories: the practicality or what leading African theorist Claude Ake calls the “feasibility” of liberal democracy, and the conceptual limitations or problems of liberal theory. Whether critics or advocates of liberalism, Western or non-Western theorists, these questions have only become more important and relevant since the late 1980s when Fukuyama made his famous statement quoted above.

The recent events in Kenya following the country’s 2007 Presidential and Parliamentary elections invite exactly these questions about the universality of liberal democracy as a relevant and contentious issue for political scientists to debate. On December 26, 2007, almost 70% of Kenya’s 14.2 million registered voters cast their votes in what was said to be the most competitive election in Kenya’s independent history. Only the fourth General Election since multipartyism was reinstated in the early 1990s, this election held particular significance as the newest (and perhaps largest) step in Kenya’s continuing, upward struggle for democracy (Omari). However, only days after the election took place, violence erupted in Nairobi and in the Western provinces of the country following a controversial announcement of election results in which the incumbent, President Mwai Kibaki, was said to have won re-election to the office of the Kenyan Presidency. This announcement was made amidst widespread allegations of ballot box “stuffing”, vote rigging, and corruption by Electoral Commission officials on
behalf of the President’s incumbent party. In the first week following the elections, BBC News reported an estimated 275 people had been killed as a direct result of post-election violence, mostly in Nairobi’s large Kibera slum (“Press”). In the following weeks, reports flooded the international news circuit with stories of children being locked in burning churches, police shooting into protesting crowds with live ammunition, two MPs murdered in their homes under mysterious circumstances, and mass internal displacement throughout the Western part of the country. As of mid-February, post-election violence was recorded at over 1,000 people killed and over 250,000 people displaced (“UN Envoy”). In what was supposed to be a hallmark in Kenya’s continuous journey towards democratization devolved instead into an unprecedented display of political violence in Kenya.

The post-election fallout ultimately brings to the fore questions about the efficacy of Kenya’s system of government. A self-declared democratic republic, Kenya follows an explicitly liberal interpretation of democracy. These liberal components are seen in the fact that Kenya is a constitutional democracy, wherein the Constitution of Kenya specifically outlines the protection and expression of individual rights (rights to individual liberty and dignity) through the sovereign rule of law by a government approved by the people of the republic (Kibwana in Wanjala, et al 147). However, Kenyan society is not typical of the Western liberal societies for which its government is modeled; whereas Western societies are relatively homogenous\(^1\), Kenya is highly multi-

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\(^1\) By “homogenous”, I am referring to the historical homogeneity of Western nations, wherein the political societies (groups with political agency) of these countries were comprised of ethnically- and/or racially-homogenous groups, and the governments and constitutions of Western societies were created for the purpose of serving the interests of a particular group. Today, although the cultural and social diversity of
ethnic in composition and the country’s politics greatly reflect the ethnic cleavages of its society (Bujra 7). As it will be seen later in the discussion of liberal democracy, there is a necessity that the political society for which a constitution or government is created must be homogenous or unified in some meaningful way (i.e. nationally). Both at the start of independence and through to today, Kenyan political society is divided and defined by ethnicity.

The violence following the 2007 election had a distinctive ethnic dimension; the dominant ethnic group of the opposition party, the Luos of the Orange Democratic Party (ODM), were identified as being primarily involved in the violence against the dominant ethnic group of President’s party, the Kikuyus of the Party of National Unity (PNU), of which the re-elected president, Mwai Kibaki, is an ethnic member. Although outright violence between ethnic groups is not typical of Kenya, the importance of ethnicity in Kenyan politics is salient.

Kenya illustrates a very particular, though fundamentally important, perspective in the liberal democracy debate- the issue of multiethnic societies in liberal democracies. As the champion of individual rights and the sovereignty of law, liberalism, as a theory of politics, functions under the assertion of universal equality of all individuals in a society. However, as critics of liberalism aptly point out, what liberalism has not done is account for *groups* in a society. The following chapter will provide an in depth account of the dominant critiques and analysis of liberalism in contemporary discourse. For the purposes of this introduction, it suffices to say that the primary group of our interests—ethnic
groups—are not well accounted for in liberalism. I define “ethnic group” using Swedish political scientist Karolina Hulterstrom’s definition, which is “an ascriptive category dissimilar to others in terms of objective criteria including language, customs, religion or any other category normally acquired at birth or through early socialization” (53). This definition is based on the notion that affiliation with an ethnic group is based on cultural characteristics. An ascriptive group is one in which membership is seen as particularistic, or constitutive, to the identity of the individual and can occur either through socialization or birthright. Ascriptive groups, such as ethnic, racial, or gender groupings, provide a very particular kind of challenge to liberalism, as the only kinds of groups accounted for in classical liberal conceptions of political society are those of civil society (groups of voluntary association within the political sphere of life) (Boyd 61, 97). Because of the way in which politics in Kenya engages ethnicity, it is therefore a state defined by its multiethnic character (Hulterstrom 36). I will therefore treat ethnic groups in this paper as political constituencies or groups of political agency. In the case of Kenya, the broad question to be asked is whether or not liberal forms of democracy can “work” for multiethnic states, while the specific objective of this study is to see whether or not the answers drawn can explain the state of ethnic politics in Kenya and the feasibility of liberal democracy.

This thesis will approach the question of multiethnic societies and liberal democracy from a theoretical perspective that will determine: 1) the theoretical compatibility of a liberal form of democracy for ethnically plural states, 2) the requisites for a functional liberal democracy, and 3) practical implications of liberalism for multi-
ethnic nations. By looking at the specific social dimension defined by ethnic affiliation, this thesis will also draw on theories of identity politics to show the ways in which group identities and prerogatives for national identity in liberal theory conflict.

Kenya is an ideal country to serve as a case study for this topic due to its contemporary significance and history of ethnically-defined politics. When discussing the particular instance of ethnicity in Kenyan politics, there is an ongoing debate on the nature of ethnicity itself. On one hand, it is argued that ethnicity is a deeply engrained facet of everyday life with historical origin (Odhiambo 13-14). On the other hand, ethnicity is portrayed as a social construction and in Kenya has been used as a tool for political manipulation by elites for power and political leverage (R. Smith 32, 53; Nasong’o 110; Odhiambo 32). While the evidence provided in this study certainly sides with the latter argument, it will be argued that ethnicity in Kenya is not merely a tool of political manipulation; the fact that ethnicity can be so readily utilized for political organization is reminiscent of the fact that ethnicity, though socially constructed during colonial and post-independence processes, is a primary force for social organization in Kenyan society and is the foundation for individual identity. Despite its origins, ethnicity is ingrained in the social fabric of Kenyan society and constitutive of the individual and the implications of this ethnicity on identity and state formation will prove contentious for liberalism.

Establishing the role or “salience” of ethnicity and identity claims will serve as the foundation for arguments and conclusions drawn on the central issue for discussion in this study—liberalism and multiethnic states. Drawing from both “Western” and
Africanist writings on political theory and liberalism, this study will analyze and weigh the competing claims made both for and against the pluralist liberal democratic state, and show how these arguments fair in their ability to account for the particularity of ethnic-based pluralism in nations such as Kenya. Although the conclusion drawn in this thesis ultimately sides with critics of liberalism—that liberalism is fundamentally (theoretically and practically) incompatible for multiethnic states—the explanation diverges from contemporary critical liberal discourse and also makes the case that failure of a liberal state is inevitable in a multiethnic society. Whereas the arguments against liberalism currently posed only go so far as to explain challenges for the plural society under liberalism, this thesis will show that such challenges are insurmountable, in that the failure of a liberal state to act accountably and democratically is a reflection of the particularity of African multi-ethnic societies. For this argument, I will incorporate theories of security and group dependency based in identity politics (issue areas that are not currently included in the liberal debates) and show how these particular issues are crucial to the understanding of liberal deficiencies in multiethnic states like Kenya.

The remainder of this chapter will provide a brief outline of Kenya’s political history from colonization until the present. The presentation of this historicity will be thematically-organized according to the central questions of this thesis- the role of ethnicity in Kenyan political processes and the evolution of a liberal state against the background of an ethnically-divided society. The overview of the colonial period will highlight the policies of the colonial government which were instrumental in the creation of a Kenyan ethnic state, while the review of the post-independence period will look at
the ways in which the elites and leaders of independent Kenya both monopolized on existing ethnic divisions, as well as actively worked to create further divisions for political gain.

The remainder of the thesis will proceed as follows. The second chapter will assess the theoretical origins and tenets of liberalism and the contemporary debates surrounding pluralism and liberal forms of democracy. Chapter three will look at theories on the constitutive nature of ethnic identity, the influence of ethnicity and group allegiance to the political individual, and how concepts of identity are central to the feasibility of a liberal democracy. In chapter four, I will cross-analyze the various theories of the contemporary liberal debates in light of the new considerations presented in the review of identity politics and will provide a fuller, more encompassing critique of liberalism for the particular challenge of multiethnic societies. Although my argument is based in the dominant critiques of liberalism reviewed in the second chapter (namely, that liberalism maintains a fundamental incompatibility for plural societies), I argue that such criticisms are lacking, in that they do not fully appreciate the relevance of competing allegiances (allegiance to the group vs. allegiance to the state) as a primary source of tension between liberalism and group-based society, and do not adequately theorize the necessity for the group nor the state- a purpose which will prove to be the lynchpin in explaining the failures of liberalism in multiethnic Kenya. The final chapter will review the main points of this thesis and draw a conclusion to the particular issue of liberalism in Kenya, and to the more general issue of liberal democracy and multiethnic states.
Before providing the historical overview, two last points remain. This study focuses exclusively on the dynamic of ethnicity and is not intended to provide an exhaustive account of all the socio-economic characteristics of society that influence and/or affect the plurality of relationships between individuals and the state. Class and social status are fundamentally important issues affecting politics and the means for political agency in Kenya. As a poor developing country, Kenya is characterized by poverty and extreme inequality; with approximately 60% of the Kenyan population living under the poverty line, it has been reported that the top 10% of the population controls 42 percent of the country’s total wealth, while the bottom 10% control less than 1 percent of total wealth (“Kenya: It’s the Economy”). There is no doubting that such drastic inequality has a role to play in Kenyan political activity. This study simply limits the scope of inquiry by analyzing one social variable—ethnicity—separately from other socio-economic variables that affect politics in Kenya, in so much as such a separation is possible.

Second, it is also not within the scope of this study to theorize an appropriate system of governance for multi-ethnic societies like Kenya; that would require an entirely separate research project. Instead, this thesis serves to address the issues facing multiethnic states with respect to ever-increasing demands by an international society governed by Western ideology for the liberalization of democratic states, as well as to fairly discuss the challenges such societies face in attempting a liberal democracy.
A Historical Overview of Modern Kenya

The focus of this thesis is on the contemporary political system of Kenya. As such, a brief historical analysis of the country will date back only as far as the beginning of colonial administration of the country. The reason for starting at the colonial period, as opposed to independence, is because any descriptive analysis of a political system of a young country or former colony must take into consideration the processes that lead to independence, and the potentially long-lasting effects of such a colonial system in shaping the political landscape that exists today.

The Colonial Period

Establishing Liberalism

Kenya became a protectorate of Great Britain on June 15, 1895 as a result of the partitioning of the African continent by European powers at the 1885 Conference of Berlin (Mungazi 28). Under the status of a protectorate, Kenya was utilized as a means to ensure British economic interests following the end of the slave trade in the 19th century. The important point about the status of protectorate, as opposed to the status of a colony, is that protectorates of Imperial powers do not lay absolute claims to land; in theory (though not always followed in practice), protectorates require the establishment of treaties with the local native populations as a temporary use of land. The British, however, did not seek such treaties uniformly in their acquisition of land; rationalizing the absence of legal land claims by ethnic groups living in Kenya, Crown lawyers authorized colonists to obtain what they considered to be ‘vacant land’ at will (Bennett
8). For peoples that were occupying this ‘vacant land’, the colonists established resettlement schemes which displaced ethnic groups and re-located them to more obscure parts of the country. The majority of these resettlement initiatives occurred during the transition from protectorate status to colonial status in 1905, when the issue of land claims and entitlements for incoming British settlers was challenged by local Kenyan populations. To this end, the Foreign Office of Great Britain (eventually re-named the Colonial Office in Kenya) began to implement a series of land leasing programs for potential British colonists, as well as re-location programs with local populations in the Central Highlands region just north of present-day Nairobi (Bennett 9-10, 17).

The implications of re-settlement were enormous. The Maasai and Nandi experienced the most displacement as a result of colonial settlement in the Nairobi and Rift Valley region. The Nandi, who like the Maasai were nomadic herders, were moved and confined to reserves that separated them from important grazing areas, a move that threatened the wellbeing of the entire group (Klopp 276). The Kikuyu, on the other hand, were not entirely displaced, but were instead placed in reserved areas of the Central highlands, heavily taxed, and brutalized into submission by the colonial authority. (Mungazi 36). For example, in the taxation of ethnic groups, the re-located Maasai in the Rift Valley region were required to pay less than 2% direct taxation in the early years of the hut and poll tax; however the Kikuyu who remained in the Central Highlands were required to pay upwards of 30% (Ochieng 29). For the Kikuyu that were moved to reserves in the Rift Valley, they encountered conflict with existing groups living in the area (Klopp 276). The colonial authority enacted a policy of re-settlement that considered
neither the ethnic group to be moved, nor the groups living in the areas targeted for resettlement. Because resettlement moved entire groups according to ethnicity, it necessarily pitted ethnic groups against one another in conflicts over land through resettlement.

The transition to colonial status also saw the transition to a new liberal model of British governance in Kenya. Functioning previously under a mainly conservative government, the transition to a colony brought in a new government under British leader David Lloyd George which was decisively liberal in nature. This new government functioned on the principle of responding to the needs of the (British) peoples, and through the improvement of the British governing apparatus as a unit accountable to the people, Lloyd helped to establish liberal traditions from Britain into governance in Kenya (Mungazi 33). It will later be shown that this liberal mandate introduced by the British would serve as the backbone to a newly-independent Kenya.

The Marginalization of Kenyans under British Colonial Rule and the Origins of Political Ethnicity

Under British rule, Kenyan Africans were given no participatory power in the colonial government, nor were they allowed to form political associations in the early years of colonialism for their own representation (Bujra 47). To the contrary, they were ruled over so as to ensure their submission to the colonial authority residing in their country. In 1904, in preparation of the transition to colonial rule, the British Foreign Office introduced a hut and poll tax to the local population without providing them any kind of representation in what would be the Crown Colony’s Legislative Council
The Masters and Servants Ordinance of 1910 institutionalized brutality of locals by colonial police force should they break any colonial laws. As implied in the name, the ordinance attempted to establish a hierarchy of power between the colonists (Masters) and the local Kenyan population (Servants) (Mungazi 36).

The denial of rights to Kenyan Africans to form associations or participate in national governance sets the foundation for a politics based in ethnic groupings. On a practical level, the ethnic group can serve as a source of stability and security in the absence of an accountable governing body. As explained by Professor of Political Science Bruce Berman, “in circumstances of economic and political instability…ethnicity and tradition provide networks of mutual support and trust, defining a political community” (Berman in Berman, et al 48). Therefore, the very uncertainty in land security and wellbeing of Kenyan Africans created by the British Colonial government prompted Kenyans to turn inward to their own communities (in this case, ethnic community) for support and security. This tendency for inward, ethnic-based self governance amongst Kenyan Africans was only reinforced when the Colonial Authority eventually did allow Kenyans to form their own political associations. Restricted to district (regional)-level association, the British necessarily encouraged political groups amongst Kenyan natives to be ethnically-based (Hulterstrom 25).

The regionally-focused strategy was based out of the ‘divide-and-rule’ policy of the colonial government to contribute to the “social fragmentation” of society. It was ultimately to the colonial government’s benefit that the native populations be fragmented along ethnic lines, as it is much easier to rule a divided territory than a uniform (and
potentially powerful) territory of peoples (Bujra 47). Therefore, upon receiving
independence from the colonial authority, Kenya inherited a country divided along ethnic
and regional lines.

**Mau Mau and the Importance of the Kikuyu**

It is therefore not surprising that, amongst growing conditions of oppression and
recognition of exploitation, ethnic groups began to mobilize against the British Colonial
authority. Even less surprising is the fact that the first group to mobilize—the Kikuyu of
the Central Highlands—was also the most directly oppressed and brutalized by the
Colonial authority. In 1919, Kikuyu chiefs around the Central Highlands near Nairobi
formed the Kikuyu Association, whose primary purpose was to prevent the further lose of
land to British colonists. In 1921, this organization was turned into the Young Kikuyu
Association (YKA). The primary focus of the YKA was to create a “better system of
communication and understanding” between the Kikuyu and the colonial government,
wherein the YKA expressed their grievances on behalf of the Kikuyu group to the
Colonial Office. The YKA was able to obtain some legitimacy with the Colonial
government when it obtained the support of missionary organizations operating in the
Highlands (Mungazi 39).

The YKA eventually became the representative of all African Kenyans oppressed
by colonial rule, particularly in matters relating to land use and allocation. In 1931, the
organization again changed its name to the Kikuyu Loyal Patriots and brought increasing
pressure to the colonial government against pursuing further land policies (Mungazi 40).
Recognizing the threat that African Kenyans posed to the land interests of the British
throughout East Africa, the British Labour Party in 1931 supported a policy that would provide some form of representation to Africans in Kenya. It wasn’t until 1944, however, that such a policy came to realization— that year, the Colonial government’s Legislative Council nominated their first African member, a Kikuyu educator named Wambui Mathu (Mungazi 44).

Although the Kikuyu were viewed as the “representatives” of all oppressed Kenyan Africans under colonial rule, ethnicity played a tremendous factor in the preparations for independent rule and in the fight for freedom. The Mau Mau insurgency, launched in 1952 and fought primarily by the Kikuyu, was an anti-settler and anti-colonial revolt which signaled the beginning of the end of British Colonial rule. Although most Kenyan Africans were against the existence of colonial rule, the concerns of land tenure for the post-independence period absent of colonial enforcement led to ethnic-based alliances both with and against the colonists. Referring back to the previous discussion on re-settlement during the early colonial period, the anti-colonial movement amongst Kikuyu saw independence from the British not only in terms of sovereignty and the opportunity for self-governance, but also as the means for retrieving their lost land, while also obtaining rights to existing points of re-settlement. This Kikuyu ambition for land was in direct conflict to both the British settler desires, who hoped to maintain their land in spite of independence, as well as minority ethnic communities in the Rift Valley and Coastal areas where Kikuyu had been relocated and squatted during colonialism. Working together and calling themselves the “majimboists” of colonial Kenya, the British settler-Kenyan minority groups’ alliance advocated for maintenance of colonially-
defined regions under a kind of federalist government system (Klopp 272). Although these regions had, due to re-settlement, resulted in an intermingling of ethnic groups throughout regions, the notion of enforcing colonial-bounded regions would provide precedence for historical groups to make these land claims. For the minority ethnic groups of the Rift Valley and Coastal region, which included the Kalenjin, Maasai, and Luhya, this entailed protecting their land from the larger Kikuyu community. For the settlers, this entailed keeping land rights to the Central region, the historical homeland of the Kikuyu. Therefore, despite their fundamental opposition to outside colonial rule, the minority groups of the Rift Valley and Coastal region chose to support initiatives of the Colonial Authority regarding land in order to secure the interests of their particular ethnic group.

It must be noted that, despite this alliance with colonial settlers, all Kenyan Africans were in favor of independence. It was only against the backdrop of the inevitability of independence, and the desire to secure land claims, that the colonists even engaged in majimboism. To reiterate, majimboism was a push for a particular form of government for the independent Kenyan state, based upon a federalism that used the colonial-defined regional boundaries. However, due to the ascension of Jomo Kenyatta, a Kikuyu leader, to power over a free Kenya, majimboism became unnecessary to the colonial cause of maintaining their interests in Kenya.

Kenya received independence on December 12, 1963. In the same year, three political parties—the Kenya African National Union (KANU), Kenya African Democratic Union (KADU), and the African People’s Party (APP)—ran for the
government of the coming independent Kenyan state in elections monitored by the British. Jomo Kenyatta was elected to the position of Prime Minister, and his political party, KANU (a party which stemmed from the Kikuyu organizations previously mentioned during colonialism and included members of the next largest ethnic group, the Luo), won an overwhelming majority in the Parliament. When Kenya became a republic in 1964, Kenyatta became the country’s first president (Mungazi 46).

Independent Kenya to Present: Why Ethnicity Matters

Jomo Kenyatta and the Consolidation of the Ethnic Kenyan State

Upon taking the role as President, Jomo Kenyatta faced the task of building a new country. At independence, Kenya inherited a system of government and institutions structured by the Colonial Government. For example, the Kenyan Parliament was based off the Colonial Legislative Authority; in all reality, the only difference between the two legislative bodies was the replacement of white Europeans with black Africans. Kenya’s Constitution (which was created and negotiated in London by Britain’s Parliament and not by Kenyans), is reminiscent of British liberal understandings of rights and emphasizes the sovereignty of law (Ochieng 204). To quote Professor Bujra, a scholar of Kenyan political history, the new Kenyan state was “simply an expanded form of the colonial state” (16).

While adopting a foreign model of governance is not in and of itself problematic, it does pose particular challenges for post-colonial societies. Due to the salience of ethnic group affiliations as pre-political authorities amongst Kenyan Africans, the independent
Kenyan state was strongly divided according to ethnic and regional lines. As such, in order to create a unified nation, it would be necessary for the first independent government of Kenya to embark on an intensive nation-building strategy that emphasized national unity and the creation of a national identity that supplanted the importance of loyalty to one’s ethnic group to that of loyalty to the nation.

Kenyatta, however, did not have nation-building on his agenda for a newly-independent Kenya. His primary initiative revolved around building Kenya into a strong economic power. This decision to focus on the economy was not merely for the outward purpose of “making Kenya strong”, but also served two of Kenyatta’s primary personal interests: to maintain close connections to the Western powers, as well as enable the use of ethnicity and his position as a leader of the Kikuyu community to further his ambition to consolidate power.

The primary argument proposed by scholars of Kenyan politics as to why Kenyatta focused on the economy over nation-building in his construction plans for independent Kenya is two-fold; first, he himself was educated in Great Britain, and had adopted an ideological viewpoint committed to the tenets of Western styles of democracy and economics, and second, because of his primary interest in building Kenya’s economy and his values of Western economics (namely, capitalism), Kenyatta strove to maintain close economic ties with Western powers (Ochieng 204-208). Therefore, keeping Kenya under a Western model of liberal democratic rule was both strategic as well as ideologically sound. This point will be relevant in later discussion on the multi-ethnic state and liberalism in Kenya.
There is also an argument that, because of his education in and association with Great Britain, Kenyatta was hand-picked by the outgoing colonial government so as to ensure their interests following the transition to independence (Odhiambo 26; Bujra 17). According to this line of argument, the colonial authority used the prospect of obtaining power over Kenya in exchange for Kenyatta’s cooperation in honoring their property rights. Wanting to maintain a close relationship with the British and Western powers anyways, Kenyatta agreed to respect the settlers land requests and granted them full land rights in August 1963 (Odhiambo 27). This argument therefore proposes the Kenyatta was more like a puppet of the outgoing colonial government, and his maintenance of the liberal British state in Kenya is therefore justified. Whether because of ideological cohesion or because of an indulgence in a colonial bribe, Jomo Kenyatta chose to rule Kenya under the same liberal institutions established by the British.

Kenyatta’s pro-Western, conservative sentiment proved to be a major point of tension in Kenya’s evolving political scene. Although many members of the KANU elite tended to agree with Kenyatta, there were several “radical” non-elite party members who did not. To the contrary, these radicals saw this adherence to Western capitalist economic ventures and the British governance model as a form of disloyalty to African values and ways of life (Ochieng 206). However, the two primary opposition parties in Parliament, KADU and APP, were markedly conservative themselves, and therefore when these two parties were eventually absorbed into KANU in the immediate years following independence, the conservative, pro-Western ideology reigned supreme (207).
Although Kenyatta can be credited with maintaining liberalism in Kenya, he is most often regarded as the one who institutionalized the practice of using ethnicity for political gain in Kenya (Muigai in Berman, et al 200). At the outset of independence, Kenyatta headed the KANU party, which at the time was dominated by the two largest ethnic groups in Kenya, the Kikuyu and the Luo. However, it wasn’t long until the party began to break down, and when it did, it devolved into ethnic rivalry.

In 1966, Kenyatta’s vice-president, Oginga Odinga (a Luo) left KANU to form his own party, the Kenya People’s Union (KPU). The basis for the separation was on the grounds that Oginga wanted to take Kenya in the direction of socialism, whereas Kenyatta wanted to pursue a liberal, capitalist orientation for politics and the economy (Hulterstrom 26). In 1969, Kenyatta banned the KPU party, justifying the ban by characterizing the KPU as a “Luo party” and demonized any Kikuyu supporters of KPU as “traitors” and “sell-outs of the Kikuyu cause” (Nasong’o 111). This ban, characterized using ethnic language, made Kenya a de facto one-party state, and began a Kikuyu-Luo rivalry that would re-emerged throughout subsequent elections in Kenya’s future.

Kenyatta’s use of ethnic rhetoric is telling of a recognition for the salience of ethnic affiliations coming into the independence period. As explained earlier, in the absence of a colonial government accountable to Kenyan Africans, Kenyans necessarily turned inward for support and security according to traditional kin lines. Kenyatta, himself a member of the Kikuyu group, recognized the salience of ethnicity as a post-colonial construction, and chose to ostracize the opposition from within his own party
according to differing ethnic affiliations in order to justify, as well as garner support for, his political ambitions.

Throughout his presidency, Kenyatta showed particular favoritism to the Kikuyu at the expense of marginalization of other ethnic groups. In Kenyatta’s 15 years in power, more than half of Kenya’s developmental resources were allocated to Kenyatta’s home ethnic region (Nasong’o 102). Kenyatta appointed elites of the Kikuyu group to the highest positions in his government, mandated special land rights to Kikuyus and essentially granted them special status in Kenyan society (Odhiambo in Berman, et al 176). The rise and dominance of the Kikuyu elites during Kenyatta’s reign was responsive to the fact that his ethnic group was his primary constituency for political support.

Kenyatta also set a precedence in creating alliances across ethnic groups for the consolidation of political power. In the early 1970s, Kenyatta formed the Gikuyu Embu Meru Association (GEMA), which comprised members of the Kikuyu ethnic group, as well as its ‘kin’ (cousin) ethnic groups from the central and western areas of Kenya, the Embu and the Meru. By the mid-1970s, GEMA held informal control in the highest positions of government, namely the parliament, the President’s cabinet, and the judiciary (Nasong’o 21). GEMA provided Kenyatta the multi-ethnic base necessary to combat persistent challenges from the marginalized ethnic groups making claims to power in this time period.

According to the information about Kenyatta provided above, it would appear that Kenyatta was little more than a political opportunist, monopolizing on existing social
cleavages for state power. Indeed, while many authors of Kenyan politics would support this claim, there are also some that argue that Kenyatta was actually a conflicted leader with competing obligations, trying to do what he thought to be right. Githu Muigai portrays Kenyatta as a leader with two constituencies; on one hand, he was the leader and revolutionist for a free Kenya, and on the other hand, he was the leader of the Kikuyu, a group that had been oppressed in recent decades under colonial rule. According to Muigai, in order to fulfill his obligations as a member of an ethnic group (based in an assumption wherein one’s loyalty to their ethnic group is superior to any other claims of duty or loyalty), it was imperative for Kenyatta to address the needs of his fellow Kikuyu. This obligation, however, conflicted with his obligations as a state leader. Kenyatta’s presidency can then be seen as an attempt to reconcile being both a “tribal chief” and the president of a nation simultaneously, and not necessarily as a concerted effort to divide the nation for political gains (Muigai 201).

Whether a brilliant politician who monopolized social cleavages for political gain, or a distraught leader with conflicting duties, Kenyatta nonetheless deepened ethnic divides and created an enduring legacy of intertwining appeals to ethnicity in politics. Or, as stated by Kenyan scholar E.S. Atieno-Odhiambo, under Kenyatta “the treatment of political power as an ethnic resource became legitimized as a practice of politics” (32).

Following his death in August 1978, Jomo Kenyatta was succeeded by his vice-president, Daniel arap Moi. Moi, a Kalenjin from the Rift Valley region, was also an original member of the majimboism movement at the end of colonialism. It is popularly speculated that Moi became Kenyatta’s vice-president in 1967 as a result of yet another
ethnic alliance—the ‘Kikuyu-Kalenjin’ alliance—of the mid-1960s, to allow Kikuyu to settle in the Rift Valley Highlands in the mist of continuing *majimboism* efforts to keep the landless Kikuyu out (Odhiambo 29). However, following Kenyatta’s death, it was the Kikuyu who experienced marginalization under Moi (Mwakikagile 128).

Moi is infamously known as one of Africa’s most notorious and brutal dictators of the twentieth century. In 1982, Moi mandated the arrest of any persons who expressed discontent with his government (Ochieng 209). Several months later, there was an attempted coup on Moi’s government, to which Moi quickly and brutally suppressed. Following the coup attempt in the same year, Moi pushed through Parliament an amendment to the Kenyan Constitution officially declaring Kenya a *de jure* one-party state. This amendment just passed as Odinga Oginga was preparing to register an opposition party against the dominant KANU party (Nasong’o 22).

**Ethnicity and the Newly-Democratic Kenya**

The 1990s marked a period of significant change in Kenyan politics. Starting in 1990, Moi began to experience increasing pressure to legalize multipartyism. External actors, mainly consisting of powerful bilateral donors, such as the United States, and international funding institutions, such as the World Bank, put pressure on Moi in the form of withholding aid. Working together, these multilateral agencies and governments suspended $350 million USD in non-humanitarian balance of payment support to Kenya in November 1991. The suspension was set to last for 6 months. With the support of the external environment, local and national civil society organizations began to grow and also brought pressure internally on the Moi government by holding rallies and
demonstrations throughout Nairobi. Whether because of threats from powerful partners like the United States to withhold aid funding until democracy is re-installed, or because of the rising influence of civil society (or perhaps because of both), Moi agreed to a Constitutional amendment in December 1991 to make Kenya once again a multiparty democracy (Klopp 272).

Kenya held its first multiparty democratic elections in December 1992. As a result of the 1991 amendment, the entire composition of political and social activism in Kenya evolved and changed. Political opposition groups exploded onto the political scene. Despite this newfound energy in Kenya’s political scene, Moi and his party, KANU, were re-elected to their positions in the presidency and Parliament in the 1992 elections. The primary reason cited for this seeming phenomenon was the fact that the elections and the political parties themselves were entrenched in ethnic considerations.

At the end of 1991, there were three major political parties that held viable chances for obtaining power in the 1992 elections. The first was Kenya’s long-time KANU party, then headed by President Moi (Kalenjin), the second was the Forum for Restoration of Democracy (FORD) led by former vice president Oginga Odinga (Luo) and businessman Kenneth Matiba (Kikuyu) in conjunction with Luhya politicians, and finally the Democratic Party (DP), led by Mwai Kibaki (Kikuyu). At the outset, it appeared that FORD would be a strong contender to KANU. However, as the 1992 elections became more promising to occur, FORD split into two camps—FORD-Asili lead by Matiba and FORD-Kenya lead by Odinga. The primary reason for the split is said
to have been due to growing tensions between the ethnic factions within the party over power (Nasong’o 108).

Besides the fractionalization of the opposition parties, Moi attempted to further insure the weakness of the opposition by instigating ethnic violence between his own Kalenjin group against targeted ethnic groups in his own ethno region, the Rift Valley. Through the organization of Kalenjin politicians, the members of Moi’s ethnic group called for a revival of *majimboism*, so that the Rift Valley would be purged of “foreigners” to the area (in the context of the election, this implied an opposition-free KANU zone). The cleansing was initiated after voter registration, which was strategic in that the targets of the neo-*majimboist* movement were all opposition sympathizers. As a result, tens of thousands of peoples in the Rift Valley were displaced (comprising the Kikuyu, Luo, Luhya, and Kisii ethnic groups) and politically marginalized (Nasong’o 113-114).

Although ethnicity is the central cause for the lack of opposition unity against KANU, the depth of ethnicity in Kenyan politics is better portrayed by the voting trends of Kenyan citizens along ethnic lines. According to a 2004 study, Karolina Hulterstrom determined that almost 80% of the Kenyan population belonging to a major ethnic group (Kikuyu, Luo, Luhya, Kalenjin, and Kisii) voted for the political party whose Presidential candidate was a member of their own ethnic group in 1992 (85). The Kikuyu and their ‘kin’ groups (the Embu, Meru, and Kamba) all “bloc voted” for Kibaki of the DP party\(^2\) (87); in total, the DP party garnered 74% of their votes from the Kikuyu region (98). The

\(^2\) Although the overwhelming majority of Kikuyu voted for Kibaki’s Democratic Party, the existence of another Kikuyu-lead group, FORD-A under Matiba, was said to “split” the Kikuyu vote to the extent that Kibaki was not able to garner the necessary votes to win (Hulterstrom 87).
Luo bloc voted for FORD-K under Odinga, of which the Luo vote comprised 68.5% of the total FORD-K support. The Luhyas also overwhelmingly voted for FORD-K, as Odinga ran with the support of significant Luhya politicians from the Luhya homeland in the Western region. Finally, the Kalenjin, along with their ‘kin’ groups (Turkana, Mijikenda, and Maasai), all voted for KANU, wherein the bulk of KANU’s support came from these ethnic groups’ home areas in the North-Eastern and Rift Valley regions (98).

The 1997 elections follow a similar storyline, in which Moi once again achieved re-election to the presidency. Once again, Moi engaged members of his supporting ethnic groups to engage in violent ethnic cleansing initiatives against non-KANU supporters in predominantly KANU districts (such as the Rift Valley), while simultaneously infiltrating the judicial system to turn down petitions made against his party and monopolizing the use of violence in all other sectors of political life (Munene 28). Despite their experiences in the 1992 election and the added pressures of Moi’s violent opposition-purging activities, the opposition parties again failed to unite in 1997 in order to pose a credible threat to Moi.

For the 1997 elections, there were four primary viable political parties—KANU under Moi; the DP under Kibaki; FORD-K under a new leader, Michael Wamalwa (Luhya); and the National Development Party (NDP), lead by Oginga Odinga’s son, Raila Odinga (Luo). Again, the voter results show a heavy trend toward bloc voting (around 79%) by ethnic affiliation for a candidate of the same ethnic group: The Kikuyu and their ‘kin’ (ancestrally-related ethnic groups) bloc voted for the Democratic Party under Kibaki; the Luo bloc voted for the NDP under Odinga; the Luhya bloc voted for
FORD-K under Wamalwa, while the Kalenjin and their ‘kin’ bloc voted for KANU (Hulterstrom 90-91). In this instance, there were too many political parties and too few ethnic alliances within the parties. Although the Kikuyu bloc voted for Kibaki, their ‘kin’ group—the Kamba—bloc voted for a smaller political party, the Social Democratic Party (SDP) (a party commonly associated with the Kamba), thus fragmenting Kibaki’s support base. The NDP was a split party from FORD-K, and as a result, split the Luo and Luhya vote between two parties and candidates. The only party with enough of a broad, multiethnic base was KANU, and (despite the allegations of vote rigging and political intimidation) it is therefore unsurprising that KANU won the necessary votes across the minimum 5 of the 8 regions to win the presidency.

A Constitutional limit on the number of Presidential terms prohibited Moi from running in the 2002 Presidential elections. Yet, the 2002 elections were significant in more ways than simply ushering in a new presidential era. In the first elections judged as “free and fair” by international observers, Mwai Kibaki of the National Rainbow Coalition (NARC) won the presidency with a landslide 61% of the presidential votes over his opponent in the KANU party, Uhuru Kenyatta (son of Jomo Kenyatta and Moi’s handpicked successor) (Ndegwa 145). For the Parliamentary vote, the NARC party successfully took over control from KANU, winning 125 seats to KANUs 64 (148). For the first time in Kenya’s history, KANU was not the dominant authority in Kenya’s government; it appeared that for the first time, Kenya was a government truly reflective of a multiparty, democratic system.
Interestingly, unlike the past two elections in which opposition fragmentation was the cause for KANU’s ability to continue in power, for this election it was the fragmentation of KANU that led to its downfall. Recognizing the importance of ethnic alliances and having a broad ethnic base in elections, Moi sought Raila Odinga and the NDP to join KANU so as to bring the Luo vote to KANU (Steeves 200). In response, the opposition parties—Mwai Kibaki’s DP and Michael Wamalwa of FORD-K—joined forces to create a new party, the National Alliance of Kenya (NAK). This alliance brought together the Kikuyu and Luhya vote (201).

Fragmentation within KANU began immediately following Moi’s designation of Uhuru Kenyatta as the KANU presidential candidate. This announcement came to the complete shock to Odinga, who anticipated himself becoming the KANU candidate. Therefore, KANU split into two factions: ‘Project Uhuru’, which supported Moi and Kenyatta, and the Rainbow Alliance, which supported Odinga and other lead members of KANU who opposed the Moi/Kenyatta decision (Steeves 201). It is therefore unsurprising that KANU eventually split along the lines of these two alliances.

Shortly after the split, the Rainbow Alliance joined the small Liberal Democratic Party (LDP), which then joined with Kibaki’s NAK. Together they formed the National Alliance Rainbow Coalition (NARC). NARC possessed an incredible ethnic base—with its presidential nominee, Mwai Kibaki from the Kikuyu group, supported by Raila Odinga, a popular Luo leader, in a coalition comprising powerful politicians from the
Luhya, Kamba, and Mijikenda, NARC far outweighed KANU in terms of possessing a multi ethnic support base\(^3\) (Steeves 202).

In 2005, Kenya held a Constitutional Referendum to propose a new Constitution to replace the current Constitution authored by the British in 1960. A primary issue at stake in drafting the Constitution was to create a solution for land tenure issues which have been the source for regional instability and local conflict since colonial times. However, the contentious issue in the drafting process laid in the question of how much power ought to be vested in the Presidency. The original draft of the Constitution, known as the Bomas draft, recommended a power-sharing situation between the President and a Prime Minister, yet the final draft, known as the Wako draft, presented for vote gave the Presidency stronger powers with a weak prime minister (Lynch 240). As a result, two camps evolved- the pro-Constitution camp, known as “Banana\(^4\)” backed by President Kibaki, and the anti-proposed Constitution camp, known as “Orange”, whose main backers consisted of Uhuru Kenyatta and Raila Odinga. The vote was held on November 21, 2005, and the proposed Constitution was turned down with 58% of the votes (Steeves 208).

Due to the fact that this was not a typical election in which members of ethnic groups could be voted for, the Referendum nonetheless took on an ethnic character. The division between Oranges and Bananas took on ethnic characters; the Kikuyu were

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\(^3\) Although Uhuru Kenyatta of KANU was a Kikuyu, he did not garner significant Kikuyu support for two reasons: 1) he was the handpicked successor of Moi, a very unpopular president with the Kikuyu, and 2) the Kikuyu had experienced marginalization and inequality under the KANU government since Moi’s ascendance to power (Steeves 202). It is therefore unsurprisingly that Kikuyu support went to Kibaki within a new political party.

\(^4\) The two camps had fruit nicknames as such because each campaigned using the respective fruits as their symbol.
quickly identified with the banana camp (in support of Kibaki), while the Luos were of the orange camp (in support of Odinga) (Lynch 233). While no group was decidedly 100% orange or banana, voting in each leader’s respective ethno region lends credence to the ethnic composition of the Referendum. In Kibaki’s home region in the Central Province, the ‘yes’/Banana received 36,000 vote to the ‘No’/Orange vote of just over 300. Similarly, in Odinga’s home region within the Nyanza Province, ‘No’/Orange received 28,000 votes to the ‘Yes’/Banana’s 300 votes (Lynch 234).

The “Orange” campaign was viewed by many as the future of change in Kenyan politics. Running an incredibly efficient and successful campaign against the pro-Constitution, the Orange campaign eventually evolved into a political party. The Orange Democratic Movement emerged as the primary opposition party in the recent 2007 Presidential and Parliamentary elections. Boasting a collaboration of some of Kenya’s most popular social and political figures—including Raila Odinga, the son and political activist of Kenya’s first vice president, Oginga Odinga—there was no doubt that ODM would be an incredible force. Interestingly, ODM almost didn’t succeed in its quest for political recognition- in the summer of 2007, only months before the election, tensions evolved between high-ranking members within ODM over the nomination of the front running candidate, and resulted in the split of ODM into ODM and ODM-Kenya (ODM-K). This split and internal tensions are reminiscent of the fate of Kenyan opposition parties during the 1992 and 1997 elections. Fortunately, unlike their 1990s counterparts, the leaders of the ODM factions were able to agree upon a frontrunner (a decision based
upon popular support and public interest), and ODM proved to be a formidable force in the 2007 elections with Raila Odinga as their candidate.

The violence and uncertainty following the controversial re-election of Mwai Kibaki appears to have reached a resolution (albeit temporary) that has put an end to violence for the time being. On February 28, 2008, President Kibaki and Raila Odinga came to a power-sharing agreement, in which Odinga will serve as Prime Minister and the two leaders respective parties—ODM and the PNU—will share cabinet positions (“First”). Whether or not this agreement is lasting or successful will depend upon a number of factors, the first of which requires a new Constitution that reflects the power-sharing agreement. However, if and when such a Constitution is designed, it must reflect the interests and will of Kenyans, and ideally, their rights and interests as ethnic groups.
CHAPTER 2: THEORIES OF LIBERALISM AND PLURALITY

The central objective of this paper is to determine the viability or appropriateness of a liberal form of democracy for Kenya, as the country has experienced democracy since independence. The specific question of liberalism in Kenya is squarely located within a larger debate in the political science community which looks at the problem of pluralism for liberal conceptions of political society. As a society defined by its multiethnic character, it is only appropriate to analyze Kenyan ethnic politics within the framework of the contemporary dialogue on liberalism and pluralist societies. To this end, I will start with an overview of liberal theory and the tenets for a liberal democracy, and then discuss the varying theories in contemporary political discourse which criticizes liberalism for its failure to adequately account for pluralist societies. I will then provide the counter-discussion in the liberal-pluralism debate provided by contemporary “multicultural” or “multinational” liberals who argue for the possibility of an inclusive and pluralist liberalism.

Traditional Liberalism and the Liberal Democratic Society

Classical liberalism has served as the foundation theory for modern political values and democratic practice. Modern political thought dates back to 17th and 18th century Western Europe, when “classical” political theories of individual rights and autonomy, freedoms of choice and thought, liberty, and equality were first espoused in response to an environment of enlightenment, revolution, and persecution. Although
liberalism has been discussed, theorized, and reconceived in a variety of capacities and changes in political society over the last 400 years, the basic principles of liberalism articulated hundreds of years ago continue to serve as the foundation for contemporary discussions and practices of liberal democracy. To that end, it is worthwhile to review the basic tenets and conceptions of traditional liberalism for democracy, both as they exist in classical liberal thought as well as contemporary interpretations.

There is no one single definition of “liberalism”; it is more common that theorists or critics of liberalism focus on a particular aspect of liberal ideology and/or practice in a democratic setting. Generally speaking, liberalism defines a particular kind of relationship between the state and society, defined by the democratic requirement of state responsiveness to society’s needs. From an institutional perspective, liberalism in modern times can be defined as a “belief in the ideals and methods of constitutional democracy” (Watkins 238). For many, liberalism is discussed in terms of rights and guarantees. Michael Sandel, for example, asserts that “notions of justice, fairness, and individual rights play a central role” in liberal political philosophy (1). In essence, liberalism is a complex normative theory of state-society relations whose complexity has lent itself to multiple but interrelated components and interpretations.

The first and most definitive commitment of liberalism is the centrality of the individual. The individual is the primary political actor in a liberal society; rights (to freedom, autonomy, liberty, etc.) are conceptualized in terms of the individual and the rule of law which governs society is formulated for the protection of the rights of the individual. As such, any theory of a liberal society is essentially a theory has as its
foundation the relationship between the individual and the state. The nature of this relationship and how it shapes the expectations of individual responsibilities is a central question in liberal thought.

In the “classical” liberal theories of political society, the foundation for political society was conceived of as a contractual relationship, wherein the relationship between the individual (as a citizen) within society (the sovereign) to the state (governing body) was a contract based on consent. There are three primary theorists who are recognized as the “fathers” of this liberal contract theory—Thomas Hobbes, John Locke and Jean-Jacque Rousseau. For each of these theorists, reasoned consent is foundational to the creation of their respective political societies.

Much can be said about the liberal requisites of consent and reason; indeed, some of the most noteworthy criticisms of traditional liberalism take issue with the reality of consent as simply tacit consent in modern society and with the problems of qualifying “reason” in plural societies. However, for the discussion here, the primary interest with consent and reason is the way in which these shape the traditional liberal conception of the individual as a member of society and the relationship to central values and rights in liberalism. Beginning with the latter point, the notion of a right to consent (having a right to contribute to the terms and conditions of one’s political society) is based in the liberal notion of equality. Before coming together in society, contract theorists hold that individuals lived independently in a state of absolute freedom called the state of nature. Implicit to the state of nature is the idea that everyone within it is equal, and it is only through this equality that these individuals come together for their mutual protection and
are able to equally agree to form a political society which limits their freedoms and liberties in exchange for protection (Locke in Macpherson 8-9, 16; Hobbes in Wootton 187-189; Rousseau in Wootton 470-473). Therefore, the very foundation and origin of liberal society is based on the notion that all people consent in an equal capacity because they are all equals in the state of nature. What is interesting about the transition from the state of nature to civil political society is the desire to maintain what was inherent about individuals in the state of nature (freedom, liberty, and equality), but transform them into “rights”, which are limited for the sake of the mutual protection of rights. Rousseau calls this a transition from “natural freedoms” to “civil freedoms” (in Wootton 472-473).

Reason, as a corollary and requisite to consent, serves a more constitutive function as it relates to the individual. For Locke, reason is the way in which individuals discover moral truths that make it possible for men to peacefully live together (in Macpherson 9, 16). For Rousseau, reason is informed by compassion, which compels one to place the interests of the collective above selfish interests in the political realm (in Wootton 470-471). For John Rawls, whose contemporary theory of justice and liberalism will be discussed later, reason informs rational choice and freedom, which is the foundation for justice (7, 11). Therefore, in a variety of ways, reason serves to inform the function and improvement of the liberal citizen, while also providing the conceptual basis for fundamental rights such as freedom and liberty to be realized.

Freedom, liberty, and equality are central characteristics of the liberal society, and consent functions both in the way it recognizes initial equality in the state of nature and as the mechanism (consent of every individual) for continuing equality in the civil
political state. But, if freedom and liberty were “absolute” in the state of nature, what
does freedom and liberty look like in the contractual liberal state? What does “equality”
actually mean? This is a very important point for the discussion of liberal rights, because
not only are these rights defined in terms of their political function, but also because they
are consistent throughout traditional theory, whether contractual or non-contractual,
classical or contemporary. Freedom, in liberal theory, is the realization of a natural right
to the freedom of thought and choice in the political realm. Again, implicit to the notion
of freedom is this idea of voluntary selection. Liberty enables the expression of such
freedoms among equal citizens. Therefore, the primary duties of the liberal state are to
protect and ensure the freedom and liberty of individuals within its society.

Having established the central values and tenets of liberalism, the next important
issue in liberal theories of society is how the relationship between the liberal state and the
liberal individual exists. This is perhaps the most contentious and diverse point of
discussion throughout traditional liberal thought. From one perspective, liberal society
can be conceived of in terms of the nature and limitations of the power of society over the
individual. J.S. Mill, a highly revered classical (though non-contract) theorist, proposed a
principle for liberal governance known as the Harm Principle. At the center of Mill’s
thought is the individual’s inalienable right to liberty and freedom of choice, which
serves what Mill considers the individual’s primary objective of achieving the “good
life”. Freedom, as the right which enables one to choose for oneself what constitutes “the
good life”, is central to the individual’s existence in society, and men exercise this right
through liberty and sovereignty over the self. Mill limits this free exercise of liberty
according to the Harm Principle, which states that one can exercise their liberty only in so much as it doesn’t impede upon the liberty of others (Mill in Wootton 610-611). This Harm Principle is essentially the idea of mutual protection of rights which forms the basis for contract theories of liberal society, but avoids the explanation of a state of nature and the process of transitioning to civil political society. Nonetheless, Mill’s principle has served as the foundational standard for the rule of law and social interaction in liberal democratic thought and practice.

Rousseau’s theory of society is based in the belief of universal, inalienable rights of freedom and equality, but is predominately a theory of what the sovereign (society of free individuals) looks like and their obligations in a liberal society. For Rousseau, the foundation of governance and structure of the liberal state is the recognition of the general will, which in the political realm informs the “common good” of the collective sovereign. The theory of the general will informs all aspects of Rousseau’s liberal state; from the establishment of laws, the commitment of legitimate government to the mutual protection of individual rights, to the creation of institutions of governance, the interests of the common good specify the limits of sovereign power for a given society based on its particular conception of the general will.

Rousseau’s general will is commonly misunderstood as a submission of individual particular interests for the greater good of society. Above all, the objective of Rousseau’s political society is to create an environment wherein individuals able to realize their freedom as equal citizens. However, Rousseau doesn’t conceive of the citizen as an atomized individual living in a vacuum of particular wills and interests; to
the contrary, interdependence is a fact of political society, and in becoming interdependent, citizens make meaningful attachments to the community which works to influence individual conceptions of the ‘good life’ and particularized interests. Rightly understood, the particular will is the general will, in that the general will is the realization of a particular will that is common with all other particular wills.

Two important implications (or legacies) of Rousseau’s general will is the way in which it has informed conceptions of justice in liberal society and how it has served as the functional mechanism for governance. The general will creates a society that is unified through a mutual interest and allows for the equal distribution of rights and protections under law. This is creates a plane of equality for the individuals of its society to experience and realize their equal rights and protections, while similarly creating the conditions for the equal application of law and judgment.

It is clear how such a conception of society informs liberal governance. When societies are conceived of in terms of responsibilities to the collective, it makes the establishment of law and governance (and by extension, the limits of state power over the sovereign) easier to delineate, for when the individuals of society remove the particularities of individual interests out of the realm for governance, then the state is able to be responsive to the collective (as a collective) and create laws made in the interests of the collective but enforceable at the individual level.

Although Rousseau is the only classical theorist who explicitly discusses the need for a common good, or a singular conception of political society for a given state, the idea of equality commonly employed today is based on the notion of individuals on a “plane
of equality”. Equality and law, as discussed by Rousseau, has greatly informed the last principle of liberal democratic society to be discussed- justice. Justice, as a social principle equivalent to “fairness”, is easily one of the most widely valued principles in contemporary liberal society. Although much has been written on justice, particularly in the 20th century, I will refer primarily to the work of John Rawls, who is the foremost contemporary traditional liberal theorist on the centrality of justice to a liberal democratic society.

For Rawls, justice is the first and foundational virtue of political society; it is the value upon which society ought to be structured and guided, and ensures equality in the distribution of rights in a society (Rawls 7). As such, Rawls defines justice specifically as “the role of its principles in assigning rights and duties and defining the appropriate division of social advantages”, or more generally as fairness (10). Emphasizing the importance of objectivity in matters of justice, Rawls advances the theory of an original position, wherein matters of justice and equality are arbitrated according to an abstract, initial situation of fairness (17, 19, 141). Idealizing a state of justice as fairness, the original position can best be explained according to its two primary assumptions- the veil of ignorance and the recognition of primary goods. In order for individuals to objectively and fairly arbitrate issues of justice, they cannot be influenced by any preconceived notions or opinions about theirs or others’ situations in society. Therefore, individuals, when standing in the original position, ought to act as if they had no knowledge or understanding about themselves that might influence their decisions about society, namely, they should not know their social status, their race, sex, natural abilities, etc.
Acting from this ‘veil of ignorance’, bias is decreased or eliminated, and the principles which dictate justice will be determined under conditions of genuine fairness (Rawls 136-137, 139). However, Rawls does recognize that there must be something common about individuals within the veil of ignorance in order for them to make decisions that will truly be for the common good. For this, Rawls allows that such ‘veiled’ individuals have knowledge of primary social goods, such as rights, liberty, wealth, etc. that all would want and benefit from in society (Rawls 92-95).

It is clear from his use of the ‘original position’ that Rawls fits squarely within traditional liberal theories of society. The centrality of justice is based on the all-important liberal value of equality, and Rawls’ justice is a template for ensuring equality in political society through mechanisms which ensure. The concept of recognizing primary social goods directly descends from Rousseau’s necessary recognition of a general will; just as the general will has a conception of what is good for the common, Rawls recognizes that there are certain things in society that everyone wants. Rawls invokes classical liberal appeals to reason to justify primary goods, being “things which it is supposed a rational man wants whatever else he wants” (Rawls 92). Despite his contemporary spin, Rawls is true to traditional liberal tenets.

The final issue for this section of discussion is about the “universal” characteristic inherent to the theory of liberalism itself. As mentioned in the first chapter, this universalism invokes the notion that liberalism, as a governing philosophy for a democratic society, is desired and good for all. Democracy is a conception of society wherein political legitimacy ultimately derives from the authority of the people. Liberal
conceptions of democracy, invoking the central values of individual freedom and autonomy, hold that governments will be most responsive to their people (most democratic) when such governments guarantee the universal individual rights of freedom and liberty. Essentially, liberalism best informs the processes which achieve democracy (rule by the people). By extension, then, liberalism is not only inherently desirable, but also universal, for all people have “universal” or “natural” rights centrally valued by liberal ideology.

Yet the example of Kenya seems to challenge the universal appeal of liberalism. Traditional liberal theorists might argue that Kenya’s struggles with liberal democracy are due to failures of Kenyan society itself. For Rousseau, the inability of Kenyan citizens to establish a universally recognizable “common good” when they prioritize ethnic group interests above a general will would be an obvious impediment for a liberal democracy. Another perspective might say that Kenyans do not take the importance of universal rights seriously, and that there is a missing conception of justice that inhibits the realization of equality of Kenyan citizens’ rights. No matter what the argument, if a liberal form of democracy is truly “universal”, then the failures or shortcomings experienced in a liberal society must be the fault of the members of the political society.

Traditional theories of liberalism have come under attack in contemporary political discourse for the variety of issues and values in liberalism just described. However, a key area of criticism—and the particular area of liberal theory and practice with which this paper is concerned—has to do with the role of groups in theories of liberal society. The “problem of pluralism” addressed by liberal critics generally look at
the ways in which the values under girding liberal conceptions of society—such as the centrality of the individual, the commitment to liberal “universalism”, etc.—clashes with the reality of group association in pluralist societies. Because this paper looks at the issue of ethnicity in Kenyan politics, critical literature on the relationship of liberalism and groups as it relates to multiethnic societies is of primary interest.

The Problems of Pluralism and the Contemporary Environment of Liberal Political Thought

The authors and arguments reviewed in this section reflect the themes that are persuasive in criticisms of liberalism in contemporary political thought. Though many of the criticisms draw on multiple issues inherent to liberal theory with regard to the problem posed by pluralism, for the purpose of organization, I have divided the arguments according to the particular liberal tenet or value the given critique addresses. These critiques will inform subsequent discussion on the place of liberalism in Kenya’s multiethnic society.

The Notion of ‘Consent’ and the Problem of Ascriptive Groups

In Uncivil Society: The Perils of Pluralism and the Making of Modern Liberalism, Richard Boyd addresses the overarching question of liberal critical theory: “is there an inherent tension between liberalism and pluralism?” (Boyd 3). What Boyd presents in relation to this question is a systematic review of dominant, traditional liberals’ conceptions of society and the role of groups. For the purposes of this paper, it is Boyd’s
analysis of Locke that is most poignant, as he correlates the foundational liberal requisite of voluntary consent to the problem of constitutive, or ascriptive, groups.

As discussed earlier, the defining principle of Locke’s political society is the notion of consent, based in the recognized assumption of the individual’s freedom of autonomy and liberty. Because the primary reason for voluntarily consent into a political society is for the protection of one’s such freedoms and inalienable rights, it necessarily follows that, in order to ensure the centrality of individual freedom and autonomy throughout societal life, all social relationships in Locke’s political society ought to be based on voluntary consent as well. Stated differently, Locke’s model for political society informs his model for all human relationships (Boyd 97). In this understanding of Locke, civil society groups (civic associations, political parties, volunteer associations, etc.) find tremendous support. Ascriptive groups, however, pose a particular problem for Locke’s society, as such groups, by definition, are not based on voluntary or chosen membership, but rather are group-based affiliations to which one is either born or ‘naturally’ associated. In the next chapter, we will look more closely at the issue of “ascriptive” or constitutive group association and determine precisely why it is not a “voluntary” group. For the time being, it will suffice to say that, because ethnic groups qualify as a particular kind of ascriptive group, Locke (and contract theories more generally) and the issue of consent for liberal society poses a challenge to multiethnic societies.

It is worthwhile to also briefly review Boyd’s analysis of Hobbes, for although Hobbes’s disdain for group associational life is not directly rooted in an adherence to choice or voluntary consent, his fear of groups is reminiscent of the general liberal “fear”
of pluralism. Hobbes has a far greater (and more overt) dislike of groups of any kind than does Locke, because at the center of Hobbes’ theory of political society is the necessity of order (Boyd 59). Based on Hobbes’ negative conception of the nature of man (wherein the man is defined by his “darker properties”), Hobbes sees a collective of such men as a threat; therefore, Hobbes fears groups for his political society (Boyd 56). With the exception of the family, Hobbes denies any “natural” existence of groups in political society, for the individual is the basis both for ensuring order as well as protection or rights (Boyd 65).

Equality as “Sameness” and the Rejection of Difference

The liberal construction of society as a relationship between individuals and the state is based squarely within the value of equality; namely, that all individuals have equality in capacity and in rights within a political society. However, liberal equality qualifies a particular conception of the liberal individual. Namely, that all individuals within a liberal society must have the same conception of rights and society in order to be equal. Ultimately, a standard of sameness is necessary for a liberal system based on equality to function.

In her assessment of liberalism and the “politics of presence”, Anne Phillips describes how “difference” is qualified in liberalism as merely a difference in political ideas and beliefs, or what she calls a “politics of ideas”. According to Phillips, the only “diversity” most liberals think of is “cerebral”, a “diversity of beliefs, opinions, experiences, preferences, and goals, all of which stem from the variety of experience, but are considered as in principle detachable from this” (Phillips in Benhabib, 140).
Therefore, although individuals have the freedom (diversity) of thought and opinion, the differences amongst people based in experiences of social groupings (namely, differences based on constitutive associations) are not accounted for in a liberal society. Essentially, “what is to be represented…takes priority over who does the representation” (emphasis mine) (141). As a result, a standard of homogeneity is implicit to a functioning liberal society, and those who sit outside the “norm” for equality face possible exclusion from the democratic process.

The most comprehensive analysis of the requisite of liberal homogeneity and the effects of exclusion come from Iris Marion Young’s *Justice and the Politics of Difference*. In arguing for a re-conception of social justice, Young analyzes the various ways in which liberalism undermines group differences and pluralism in society and ultimately works to the oppression and exclusion of such groups. The basis of her argument lies in here analysis of the liberal requisite of impartiality as an ideal governing justice and society. Although Young does not explicitly link impartiality to the value of liberal equality, her argument informs our understanding of sameness implicit to the value of equality.

Young takes issue with the liberal discourse of rights and justice, in which she argues that when liberals describe justice as “objectivity” and the need for a unified recognition of public interests for the sake of equality, this is, in actuality, arguing for little more than impartiality. The ideal of impartiality “expresses a logic of identity that seeks to reduce differences to unity” (Young 97). The key word here is “identity”, which Young mobilizes in terms of individual “particularities” of different people’s needs and
modes of expression (96). Liberalism, when it attempts to remove difference for the sake of unity (or for creating the “plane of equality”), creates a standard for sameness to which all in liberal society must adhere. Young provides the example of the liberal ideal of justice, which in its attempt for “objectivity” advocates for a “transcendence of group difference” (157). However, Young argues that this “transcendence” is another word for “assimilation”.

The result of impartiality or “transcendence” is the necessary exclusion of groups. On one hand, if and when there are individuals that do not “fit” into the recognized “universal category” of the impartial society, then exclusion of those who are different results (102). On the other hand, when the public is conceived so as to exclude the “most particular aspects of persons” (that is, their particularistic identity and experiences which informs their needs), then such persons will not be able to find meaningful political inclusion (120). Therefore, liberalism has an inherent exclusionary, non-pluralistic character that equates political inclusion (political equality) to impartiality of differences (sameness).

*The Centrality of the Individual and the Conflict of Pluralism*

The discussion of liberal equality as sameness has a direct result on the central and supreme governing value of all traditional liberal theories of society—the importance of the individual. With regards to sameness, the liberal individual is constructed in such a manner that not only works to erase differences, but also requires the exclusion of individuals not fitting the sameness ‘standard’ for equality.
The most obvious works which proscribe a “de-individualized” liberal individual occurs in the formation of Rousseau’s “general will” and Rawls’ original position. For Rousseau, the purpose for creating and consenting into a political society is for the protection and free expression of rights and for living the “good life” according to one’s own interests (Rousseau in Wootton 470-471). As such, Rousseau recognizes the importance of individual needs and interests, but allocates the expression of such interests exclusively to the private realm (475). In public, the arena which constitutes political society, one can never be an individual; only “a part of the whole”. The individual is the central actor in a liberal political society, but is only a citizen when he acts in concordance with the sovereign as a whole. As such, Rousseau is very explicit on the need for uniformity and the denial of difference for political society. The primary implication to this uniformity is in the fact that, if Young is correct in her assessment, such individuals will only exist in the private realm and therefore face exclusion in the public realm—the realm where inclusion in political processes and the protection of rights occur. The next chapter will look at this issue of the salience of difference and the role it plays in constituting the citizen in order to justify the claim that Rousseau’s society is exclusionary of groups. For the time being, it is clear that there is no room for any conception of “difference” or plurality in the political realm of society.

In his critique of A Theory of Justice, Michael Sandel shows how Rawls’ conceptions of the original position and the veil of ignorance similarly work not only to the exclusion of groups, but also creates an atomized individual. In order for an individual to act from the veil of ignorance for the purpose of rendering decisions about
justice and society from an original position, Rawls requires individuals to detach themselves from those things which inform both his conception of the self and his interests, “I must be a subject whose identity is given independently of the things I have, independently, that is, of my interests and ends and my relations with others” (Sandel 55). Not only is such abstract detachment, in reality, impossible, but to advocate for such a detached individual would advocate for a society of persons “without character, without moral depth” (Sandel 179). Hence, in conceptualizing his ideal liberal citizen, Sandel criticizes Rawls’ individuals as “incapable of constitutive attachments”, making group life impossible.

Although the motivation for Sandel’s criticism was to show the empirical impossibility of realizing a Rawlsian conception of justice (because of the fact that individuals do have constitutive attachments that contribute to defining the individual in his life), Sandel’s argument closely aligns with Young’s critique of liberal impartiality in the way he shows how Rawls, and any liberal conception of justice that requires individuals to be “objective”, is inherently exclusionary of groups. Therefore, it is not simply that liberalism holds the individual as central in its theory of society, but it is specifically what it requires of the individual when acting in political society. When any theory of liberal society is based on impartiality of the individual, then such societies cannot take into account the particularities of needs and experiences of groups (or individuals within groups) in pluralist societies.
“Universalism” and Exclusion

Up to this point, each of the liberal critics examined have drawn some conclusion on the “exclusionary” characteristics of liberalism in regards to groups. Young was perhaps the most vocal, whose purpose for advancing the ideal of impartiality in liberalism was based on its function towards advancing liberal exclusion of groups. However, this tendency toward exclusion only occurs through the identification of the “universal” norm of society; for Young, the hierarchical structure of liberal society based on the dominant groups’ conception of the “universal” sets the boundaries for inclusion and exclusion (Young 97). Therefore, this section will look at the quality of “universality” inherent to liberal theory and the many ways in which such a universalism works to the exclusion of groups and pluralist societies.

Turning again to Anne Phillips, her critique of liberal exclusion in Engendering Democracy shows how the universality of liberalism functions both in the ways that it defines the individual and also in that it is self-legitimizing. In the context of liberalism, universality refers, in part, to the individual within society. Although the individual is prior to society, there is something binding about the individual that grounds him to society (in contract theory, this is the point that defines the grounds for equality as sameness and common interest). Therefore, the individual in society is representative of the essential person that is then entailed to rights (Phillips 53). Society and the rule of law are then constructed around the ideal of the universal individual. Phillips specifically cites John Rawls’ ‘veil of ignorance’ as an example of liberal processes which construct law and society as a reflection of the common universal individual (54).
In attempting to put all of society on an equal playing field from an original position of the ‘veil’, liberal democracy inherently ignores particularities or differences amongst people in society because according to “liberal canon…differences between us should not matter” (Phillips 151). Phillips shows how this view is both naïve and impractical, for to deny the very real differences that exist between and amongst individuals and groups in society (whether they be social, economic, or for our purposes, ascriptive) will naturally deny the ability for everyone to be treated the same (53). As Phillips so eloquently states “No democracy can claim to be equal while it pretends away what are major and continuing divides” (8).

In feminist dialogue, the issue of the universal individual necessarily means the universal man, for the experiences of the liberal citizen—namely, experiences with oppression and autocracy which result in the desire for consent and freedom that are central universal values to the universal individual—are grounded in the experiences of the male (Phillips 35). Anne Phillips argues for what she identifies as a historically engendered democracy, or the idea that democracy has, in its various forms and practices, a distinctly gendered bias (3). Although this study is interested in ethnic groups, the arguments of feminist theorists like Phillips which speak to the existence of a “universal” liberal man finds broader application to the discussion of groups in society, as these arguments show that there is an exclusionary standard for liberal citizenship.

In a similar vein, the argument put forth by Phillips regarding the specified universal man in liberal society is widely used in race-based critiques of liberal society. In his assessment of what he identifies as an unspoken ‘racial contract’, Charles Mills
argues that, through the evolution of political society wherein racism has been institutionalized through the establishment of race as a kind of group identity, the white race is the norm, and therefore the white man is the universal man (Mills 62). The result is that non-white peoples are necessarily the peculiar, and therefore face the dilemmas of inequality and exclusion that face those who sit outside the liberal universal.

The final point on the capacity of liberal exclusion involves analysis on the qualifications for liberal inclusion into a political society. Drawing primarily from Uday Singh Mehta’s analysis of traditional liberalism in *Liberalism and Empire*, Mehta shows how traditional theories of liberal society necessitate specific preliminary conditions for the realization of supposed “natural” rights and for inclusion into civil and politics society. For this, Mehta looks primarily at Locke’s conception of man, and how the “all men” in Locke’s state of nature and in civil society are actually particular men of certain quality and character.

Looking first to Locke’s concept of universal human equality, every individual is born with the same capacities (equality, freedom, liberty, etc.). However, there is a specific set of social conditions that must exist in order for each person to realize these capacities. As Mehta reveals, “Concealed behind the endorsement of these universal capacities are the specific cultural and psychological conditions that are woven in as preconditions for the actualization of these capacities” (Mehta 49). Stated simply, liberalism (at least Locke’s version of it) doesn’t apply, if at all, to all cultures and societies. Specifically, “liberal exclusion works by modulating the distance between the
interstices of human capacities and the conditions for their political effectivity” (Mehta 49).

To highlight this assertion, Mehta turns to the centrality of conventions in Locke’s thought. Conventions and structures (as personifications of the social contract) are necessary as a moderating force for those dissenters in society (those whom in the state of nature may initiate a state of war). However, such conventions are effective, in Mehta’s argument, only by the “tacit allegiance to a particular ordering of society” (Mehta 58). Historically, we have seen this ordering in practices of feudalism and even in imperialism. Essentially, while equality is universal, “conventions and manners” are not. Liberal exclusion, then, justifiably functions on the notion that while all individuals are born free in the State of Nature, social and political institutions, being that they are constructed and not born, are not required to honor that freedom (Mehta 48).

Although Mehta centers his analysis on particular traditional liberal theorists, his arguments can easily be extended to the whole of traditional liberalism, in so much as “requisites”, or defining characteristics, of individuals for inclusion in political society exist, and that such theories do not account for the inherent inequalities born of actual society.

*The Africanist Perspective: Liberalism as Historically- and Culturally- Specified*

Because this paper is looking at the application of liberal theory and related criticisms to the particular case of Kenya, it is worthwhile to look at Africanist perspectives on the role of liberal political theory and the African experience. Although
there is a large variety of argumentation, I have chosen to present the works of three distinguished African political theorists. Their criticisms against liberalism look at the specificities of Western circumstances that inform and maintain liberal theories of democratic society. Broadly defined, these arguments assess the socio-economic, historical, and culturally-specificity of liberal theory.

The first argument, proposed by Africanist theorist Claude Ake, looks at the requirements of a liberal society and how the origin of liberal theory is Western-specific. Ake argues that liberal democracy is essentially a historical product; it evolved out of the perceived needs of a changing society, and thus molded to accommodate a historically and socially/culturally specific society. Ake questions just how Africa is supposed to “operationalize the principles and values of democracy in historical conditions that are markedly different from those of the established liberal democracies” (Ake 30). Relating this question to the larger sphere of globalization and the liberal international system of governance, Ake presents the dilemmas of pushing or “transplanting” liberal democracy without customizing it to the socio-historical specificities of a given state.

One of the primary historical specificities of liberal democracy is the fact that it developed in Europe alongside the development of industrial capitalism (Ake 21). As such, liberalism maintains certain core values that are parallel to market values: individualism (in liberalism, it is supremacy of rights of individual; in market, it is the pursuit of self-interests in commodity production and exchange), property (law and rights in liberalism aimed to protect individual’s property, whether it be material or of themselves; the market functions as a relation between property owners), freedom
(freedom in market as freedom in exchange), and equality (equality of rights in political society and equality of commodity bearers in exchange) (Ake 165). Whether or not such a parallel necessarily requires the prerequisite of an established capitalist market for the realization of liberal democracy is debatable. What is clear, however, is that this shared system of values becomes divorced from the considerations of the collective and instead values market society wherein individuals, egoism, and “interests in conflict” reign supreme. As Ake states “it is not the economy that gets politicized, it is the polity that gets economized”, and thus the value system that results is “the antithesis of politics” (Ake 25).

African societies do not share the same historical experience of industrialization that he argues shaped the values of the liberal democratic structure of governance that evolved in tandem. To ignore the historical qualification of industrialization and the relevance of capitalist values and structure in the creation and maintenance of liberal values in a liberal democratic state is to the detriment of political societies which do not share such a history. Thus, African states created in the pre- and post-colonial period on the foundations of a liberal political value system are states which today are faced with the struggle of functioning in an entirely inappropriate and incompatible political system.

The second argument, which looks at the cultural implications of liberal theory, is advanced by Daniel Osabu-Kle. Addressing the specific problems of democratic transitions in post-independence African states, Osabu-Kle argues that these ills are the result of “transplanting” Western-style democratic practices to Africa, where fundamental cultural differences make liberal political practices impossible to hold. Osabu-Kle argues
that not only will a transplanted democracy fail and result in lasting negative consequences, but also that, fundamentally, certain democratic ideals cannot translate across nations and cultures. Osabu-Kle argues for ‘compatible cultural democracy’, a political system which takes into consideration the historical and cultural aspects of the environment in which it is to be made effective.

Osabu-Kle argues that African countries are failing in democracy because African countries had Western democracy forced onto them in the wake of post-colonial independence. Whether African nations adopted the weak liberal political institutions left by the colonial authority or formatted their governments around the Western model, Osabu-Kle asserts that such decisions on governmental structure were ultimately decisions of coercion and are responsible for the political instability and failure of political and economic development across African countries.

Osabu-Kle argues that the concept of partisan politics is alien to African culture, because the characteristics of political competition and opposition contradict the underlying African values of “unity of purpose and action” (Osabu-Kle 18). African culture is based on ideals of co-operation and compromise, whereas European culture is related to competition, in which partisan political structures with opposing political parties and competitive elections is entirely suitable (74). Therefore, when partisanism was introduced into newly independent political systems, it created divisions both within the larger population, and between the population and those in power (21). Osabu-Kle relates his argument to the Kenyan situation, arguing that when partisanism was introduced in Kenya as a means to represent and unite the various ethnic groups under
one democratic cause, partisan politics instead deepened ethnic tensions, divided social and political relations across ethnic lines and allowed corruption under Moi to occur for decades (161).

Closely tied to the problem of partisanism is the problem of liberal individualism. The basic structure of Western democracy itself lies in the interests of the individual; the basic tenets of Western laws are designed to protect individuals in society, judicial systems are set up to hold individuals responsible for their actions, etc. African cultures, however, are notoriously collective or communally based. A liberal system of democracy therefore makes it impossible to translate collective interests without fundamentally altering the structure itself. (Osabu-Kle 183).

Finally, Tukumbi Lumumba-Kasongo looks at the contemporary problems of African political experiences with democracy and identifies the theoretical base of liberal ideology as the cause for what he describes as the failure of liberal democracy in Africa. The primary issue is the liberal centrality of the individual. Individualism, as an invention of Western society, plays a dual role in liberalism; not only is it the cornerstone upon which liberal democratic practices function, but the concept of individualism is self-promoting as a normative value, or what Lumumba-Kasongo calls a “divine right” (15). This has two major implications for the African experience with democracy. First, individualism is not a function of social construction in African societies, as they are monistic and characterized by “the principle of collective existence” (16). As such, the African situation necessarily denies the universal value of individualism. While this assertion plays to the claim that liberalism is simply a culturally incompatible foundation
for governance in Africa, as is advanced by Osabu-Kle, it has much larger implications for the status of Africa in a global liberal area. By denying the salience of an ideology that has attained the status of being considered “normatively good” and has structured the very foundations of international organizations and international relations, Africa is necessarily viewed as the peculiar, a status that encourages the all-too-common pictoralization of “backwardness” and “primitiveness”, to borrow descriptions used by traditional liberal theorists of the unfamiliar. On the effect of the universal individual within society, Lumumba-Kasongo shows how, in concurrence with Western critics of liberal exclusion, all groups in society that fall outside the definition of the universal are discriminated against. According to Kasongo, liberalism is “based on extreme individualism…[and] is founded on a bias against the masses, the poor, women, and other social groups perceived as followers” (19). Thus, an individualism that cannot, or will not, respect or recognize the differences of its members is not a suitable ideological structure of governance for a plural society.

Defenses for a Liberal Pluralist States

On the other side of the liberal vs. group pluralism debates are contemporary liberal theorists who attempt to re-conceive liberal rights and values so as to show that groups can be accounted for within a liberal framework of democratic society and that group recognition is important for a liberal society. There are two perspectives from which group-based conceptions of liberalism are formed- “multicultural” theories of liberalism and “multinational” theories of liberalism. The multicultural theorists base
their arguments on the assumption that culture is an implicit factor of human society and organization, and therefore, cultural groups must be recognized with group-differentiated rights. Contrary to liberal critics, however, these theorists argue that a liberal democratic society is the most appropriate for ensuring group rights, namely, because the liberal commitment to autonomy not only allows for group expression and recognition, but actually needs such diversity in order to make liberal membership meaningful. The multinational theorists address the tension between liberal and nationalist conceptions of the individual, but argue that such ‘tension’ is manufactured, and that multiple nationalisms can find full expression within a liberal framework of society. The primary difference between these two “approaches” is the use of terminology (culture vs. nationality; groups vs. nationalism, etc.) and the meanings they attach to peoples in society.

Towards a “Multicultural” Liberal State

When it comes to valuing culture, multicultural liberals and certain liberal critics, such as Young and Sandel, are on the same side. Both groups assert the relevance of particularities evolving from group identity as constitutive attachments of the individual. Both recognize that groups need rights and specific protections. Therefore, unlike past theories of liberalism, multicultural liberals take culture and constitutive cultural attachments seriously. Where these multicultural liberals do divide, however, from Young and Sandel, is on the point that liberalism is somehow incapable of accounting for groups. Because these theories look at the ways in which culture constitutes the individual, they maintain the distinctly liberal value in which the individual is the central
actor in political society. As such, liberal democracy thrives on group diversity, because such diversity brings meaning to the individual in a liberal society. This argument turns criticisms of liberalism on its head; although liberalism may not explicitly appeal to group pluralism in society, a liberal democracy ultimately needs group pluralism in order to maintain the individual, and therefore a liberal form of democracy is best suited for pluralist societies.

Will Kymlicka, perhaps the most well known multicultural theorist, places his argument on the need for group-differentiated rights for the purposes of minority cultures. In *Multicultural Citizenship*, Kymlicka reviews the historical relationship between liberalism and minority groups, and makes an appeal for a liberal re-conception of group rights. To this end, he first and foremost differentiates between different kinds of minority groups, because the origin of groups (immigrants or forced migration, “polyethnic” groups or “multination” groups) matters significantly for the kinds of liberal rights and freedoms that such groups can express. Kymlicka ultimately asserts that, despite the historical inequalities and difficulties minority groups (of all kinds) have faced in American and Canadian societies, liberalism does, in fact, have a place for group-based rights. Essentially, liberal societies have been doing it wrong; this approach of “benign neglect” on the part of liberal societies toward minority groups is a “new arrival” to liberal practice. Nonetheless, Kymlicka asserts that there is a place for groups in liberal theory and advocates for group-differentiated rights to be practiced.

In justifying this claim, Kymlicka re-evaluates traditional liberal values of freedom and equality in relation to the individual. At the basis of the liberal value of
individual freedom is the necessity of choice; choice, which is synonymous with “autonomy”, is a central commitment of the liberal democratic state (Kymlicka 80-81). Departing from traditional liberals, Kymlicka asserts that choice cannot be formed in a vacuum of thought; interests and needs which inform choice is “dependent on the presence of a societal culture” (76). As such, individual freedom is tied in a fundamental way to membership of a societal or national group. To that end, liberalism is “not only consistent with, but requires, a concern with cultural membership”, and therefore “liberal goals are achieved in and through a liberalized societal culture” (93).

Expanding beyond the particular group difficulties faced by minority groups, Kymlicka provides a more expansive argument on the possibility of an all-inclusive, multicultural liberalism in Liberalism, Community, and Culture. Looking more broadly at the expansive literature of liberalism, Kymlicka directly attacks both contemporary liberal theorists and critics alike for their inaccurate interpretations of traditional liberal values tied to the liberal centrality of the individual. Kymlicka argues that, for the most part, liberalism has been interpreted as “abstract individualism” and “moral skepticism” (Kymlicka, 1989, 18). Taking the liberal values of civil and political freedoms seriously (freedom and autonomy of choice, in particular), Kymlicka argues that the primary interest of a liberal political theory is to create an environment in which the individual’s ability to make choices and thereby actively exercise their freedoms is enabled. The opportunity for making choice must occur within a realm of options, or different views. This realm is the social realm of culture: “Individuals must have the cultural and conditions conducive to acquiring an awareness of different views about the good life,
and to acquiring an ability to intelligently examine and re-examine these views” (13). In essence, the purpose individual liberties, such as the freedom of expression and the press, “enable us to judge what is valuable in life in the only way we can judge such things—i.e. by exploring different aspects of our collective cultural heritage” (13). Therefore, criticisms which label liberalism as “abstract individualism” do not recognize the value of culture and community implicit to any liberal theory of individual freedom and liberty. It is to this that Kymlicka formulates his portrayal of a liberalism that can “accommodate respect for cultural membership” (220).

Joseph Raz follows Kymlicka’s sentiment that the liberal value of autonomy must necessarily include group rights. Raz diverges from Kymlicka, however, on the requisites for liberal membership. Kymlicka, whose theory of group-differentiated rights and individual autonomy apart from the state, ultimately promotes an assumption of neutrality on behalf of the liberal state in its acceptance of pluralism. Raz, on the other hand, denies that a liberal state can be so neutral. To the contrary, Raz “recognizes that liberalism itself constitutes a distinctive cultural community” (Baumeister 121). As such, Raz recognizes the implicit restrictions that cultural communities will face within a liberal society, namely that they will only receive recognition so long as such communities always prioritize the autonomy of their members above all other concerns of the community. This individual autonomy also encompasses the right to choose the continuation of membership to that cultural community. Nonetheless, Raz is optimistic that cultural communities can find expression in a liberal society for two reason: one, tolerance, as guiding value for a multicultural society, will ensure the respect of differing
cultures necessary for their full expression, and two, because cultural communities are ultimately members of one political society, they have enough in common that valuing tolerance and the expression of other communities will be universally supported (Baumeister 121).

Nationalism and the Liberal State

The “multinational” liberals advance arguments for the place of group rights in liberal theories and societies in terms of nationalism, wherein the place for multiple appeals to nationality may exist within the boundaries of one liberal state. “Nationality”, at its most basic definition, is an “imagined political community” (Spinner 27). Tamir is quick to point out that this “imagined” aspect is not to ascribe a false sense of reality, but imagined in the sense that “the nation exists only when its members consciously conceive themselves as distinct from members of other groups (Tamir 8). The primary reason for creating a dialogue between liberalism and nationalism evolves out of perceived tensions that an individual must face in choosing between its liberal values and nationalistic priorities. As a result of this tension, liberalism portrays appeals to the cultural national group as emotional (not based in reason), whereas one’s liberal values reflect a rational thought process (Tamir 5). Therefore, the aspects of challenge in liberalism the multinational theorists face are a bit different than that of the multiculturalists. Nonetheless, the two approaches a united not only on their arguments for the possibilities of a more inclusive liberalism, but also on the values implicit to each perspective.
In *Liberal Nationalism*, Yael Tamir takes on the claim of liberal disdain for nationalism and attempts to draw out that such a disdain is misplaced. Although not necessarily arguing that national communities are inherent to the functioning of a liberal society (as the multicultural claim about cultural groups in liberalism), Tamir looks to instead show how both national groups and liberal societies can mutually benefit from the other. The central values of nationalism encompass “belonging, loyalty, and solidarity” do not have to stand in direct opposition to traditional liberal values, such as autonomy and choice. To the contrary, Tamir argues that “liberals can acknowledge the importance to belonging, membership, and cultural affiliations, as well as the particular moral commitments that follow from them” while “nationalists can appreciate the value of personal autonomy and individual rights…and sustain a commitment for social justice both between and within nations” (6). Tamir supports the possibility of “mutual benefit” on two grounds. First, because of the importance of individual rights is central to both theories. The multinationalists ultimately value the primacy of individual autonomy of choice, interests, and opinions; however, they (like the multicultural liberals) believe that the community is central to giving an individual context for choice. “Affections, loyalties, and social ties are constitutive factors of individual identity” (19). As such, nationalism is “a way of thinking about human nature and about a world order”, of which traditional liberal societies can greatly benefit. The second reason is closely tied to the first, in that one’s cultural membership, and the national identity that emerges from this membership, cannot be wished away as liberals like to believe. According to Tamir, “cultural choices, like religious ones, belong in the category of constitutive choice” (41).
However, “cultural membership [itself] is not beyond choice”, because of the way in which the individual is constituted by its community (7).

In *The Boundaries of Citizenship*, Jeff Spinner also attempts to create a place for liberal acceptance of pluralism through his argument of “pluralistic integration”. I have placed Spinner in the “multinational liberal” camp because he explicitly outlines the particular challenges national groups face compared to other groups in a liberal society. However, he also directly addresses the plight of ethnic group affiliation, and therefore advocates an all-encompassing inclusive prescription for liberalism.

‘Pluralistic integration’ is essentially the argument that the liberal citizenship that binds people together does not require the complete “obliteration” of all group-based ties; for this definition, Spinner directly addresses ties to the ethnic group (73). To this end, Spinner argues for a more tolerant conception of ‘integration’, in which integration is perceived more as “acceptance” than as “assimilation”. Spinner does not thoroughly explain why acceptance is a necessary attitude for liberal citizenship, but only alludes to the idea that acceptance is somehow connected to the realization of liberal values when he says “citizens have to learn to accept or ignore the practices of others if they do not wish to violate liberal values” (74). Nonetheless, Spinner makes clear that his belief in the possibility of pluralistic integration for a liberal society is intrinsically based on the non-qualification of citizenship. In essence, “liberal citizenship is not predicated on Christianity, or white skin, or European ancestry” (75). As such, there is no one “universal” conception of citizenship, and therefore nationalistic or ethnic-based national
identities can be accounted for in a liberal society which such societies orient their citizens to be mindful of acceptance of others (73).

The main issues tying together multicultural and multinational claims of liberal society as the foundational value of tolerance and the importance of the individual as evolving from a human or cultural community. Tolerance, defined in terms of respect for others according to multicultural and multinational liberals, is never explicitly discussed in traditional theories of liberalism; while it could be argued, on one hand, that the liberal objectives of justice and protection of individual autonomy were aimed to prevent acts of intolerance against one another, or that, on the other, tolerance is implicit in liberal theory in order for people of diverging interests to come together in society, it is never clearly expressed in liberal dialogue. Multicultural multinational theories of liberalism, however, are grounded in the necessity of tolerance as respect, for groups, no matter how necessary they are to the construction of the political individual, cannot have protection of their rights in society unless mutual respect amongst liberal citizens and groups is centrally valued (Tamir 11; Kymlicka 1989, 10; Raz- 121).

On one side of the argument, there is the multitude of liberal criticism that argue against the ability of a democratic society based on classical liberal conceptions of society and values to effectively account for pluralism. The other side provides the counter-argument to the liberal critics, who recognize many of the deficiencies of practices in liberal societies but defend the possibility and integrity of a pluralist society by taking culture and nationalistic identifications seriously. The question for us, then, is
who is right with respect to Kenya? Which side (or which argument) best helps us to understand the state of liberal political society and ethnicity in Kenya?

Before going into this area, there is one very important issue implicit to this discussion that has only minimally been discussed thus far—identity. Young argues that liberalism reduces difference to impartiality because it cannot adequately recognize or appreciate the importance of identity to the individual. Sandel similarly discusses the importance of “constitutive attachments” and the way they contribute to the formation of an individual’s identity. Even when Kymlicka or Tamir discuss the importance of one’s cultural or national affiliation (or Spinner, who directly addresses the specific affiliation of ethnic community), these are ultimately issues of the individual’s identity. Identity, or more specifically, the relationship between conceptions of individual identity, the group, and the effect on status in the liberal society, becomes a central issue in this debate.
CHAPTER 3: ETHNICITY, IDENTITY, AND KENYA’S POLITICAL SOCIETY

In chapter two, for every explanation of groups in society there was a clear differentiation made between voluntary and “ascriptive” groups. For critical liberal theorists, the assumption that some groups are ascriptive/constitutive provides the foundation for arguments that there is a tension between pluralism and liberalism. Contemporary defenses of multicultural liberalism similarly recognize that some groups are ascriptive, and argue that they are necessary in liberal society for the particular ways in which they affect the individual; namely, the way in which cultural/group membership constitutes the individual’s identity. Therefore, contemporary liberalism, while rooted in “abstract” individualism, makes assumptions about group membership and individual identity.

What contemporary liberal discourse fails to do (for the most part), however, is provide critical analysis on the foundation of group identity and why it matters for politics. Liberal critics and defenders alike tell us that ascriptive group affiliation is important to the political individual, but what is it about the ascriptive group that makes it constitutive to one’s identity? How exactly does identity function in one’s political orientation or participation? What is unique about ethnic groups, as a particular ascriptive grouping, and what makes ethnicity constitutive? What do these questions mean in the Kenyan context? On these points, contemporary liberal discourse is lacking. It is therefore the objective of this chapter to provide an in-depth account of identity and the constitutive qualities of ethnic group association, with an eye to exploring how theories and understandings of identity can better help us to understand both liberalism and
multiethnic societies, as well as the relationship between identity (ethnic)-based groupings and the liberal state.

Identity and Ethnicity: The Origins of Political Constitutive Association

Discourse on the ethnic community generally describes ethnic groups in terms of the similarities between and amongst members of the group. From one perspective, ethnic community is a matter of shared characteristics, such as common ancestry, shared culture, an attachment to a specific territory, sense of attachment to others within their group (Smith in Guibernau 27; Brown in Guibernau 81-82). From another, the ethnic group is little more that a shared “subjective belief” or imagined sense of common descent (Weber in Guibernau 18). Nonetheless, the group as a collective body has to do with a sense of commonality.

Conversely, the discussion of ethnicity as the consciousness of one’s ethnic identity (Hulterstrom 54) and the issue of multiple ethnic groups in a society are almost exclusively discussed in terms of difference. Anthropologist Thomas Eriksen advances a simplistic definition of ethnicity as “relationships between groups whose members consider themselves distinctive” and that although such groups and identities have “developed in mutual contact rather than in isolation”, the establishment of ethnicity ultimately requires “the establishment of both Us-They contrasts (dichotomization) and a shared field of interethnic discourse” (Eriksen 7, 11, 29). Similarly, Hulterstrom argues that the similarities which define an ‘ethnic group’ are established and mutually recognized only out of the need for one group to distinguish itself from another, “ethnic
group refers to an ascriptive category dissimilar to other in terms of objective criteria including language, customs, religion or any other category normally acquired at birth or through early socialization” (Hulterstrom 53).

The purpose for distinguishing between an inward conception of the ‘ethnic group’ based on similarities and relationships between ethnic groups as outward perceptions of difference has to do with the way in which this differentiation improves our understanding of the relationship between ethnic identity and political conflict in Kenya. The individual’s constitutive attachment to the group is based in the individual’s feeling of commonality with its group members. However, the individual’s ethnicity, a primary form of self-identification realized in the sphere of public life through interaction with members of other groups, can only be defined in terms of opposition and perceptions of difference. As such, the very nature of ethnic relationship in a political society is defined by the need for differentiation between and amongst individuals. David Horowitz points out that depending upon the environment of a state’s ethnic cleavages (if “severely divided” or harmoniously interdependent), ethnicity can easily become the foundation for exclusionary politics, as “ethnic identity provides clear lines to determine who will be included and who will be excluded” (in Diamond and Platter 35). The issue of ethnic exclusion in Kenya will be addressed later in the chapter; for now, it is the nature of ethnicity as difference that is of most interest.

There are obvious implications that a ‘necessary differentiation’ claim has on the broader discussion of liberalism and multiethnic Kenya. Before delving into this discussion, however, it is necessary to discuss in greater detail the nature of ethnic
identity and the origin(s) of the ethnic group. The following section will provide a clearer understanding as to why ethnicity as a group-based identity is not only constitutive, but significant to the individual as a political actor in society. Further, the role that politics plays in the creation and maintenance of ethnicity will also be seen. This will provide the foundation for later discussion explaining the role and function of ethnicity in Kenyan politics, as well as the limitations of both liberal theory and contemporary discourse on liberalism with regards to ethnic pluralism.

Arguments on the Nature and Origin of Ethnic Identity and Affiliation

Early literature on the nature of ethnicity was based on primordial conceptions of group affiliation. Primordialism is a perspective on pluralism holds that there is something inherent (whether biological, genetic, or psychological) to the human condition which requires a continuation and reinforcement of distinctive groupings throughout time. From a biological perspective, primordialism assumes that there are genetic differences between groups, and these groups are maintained by a “survival of the fittest” mentality, in which individuals within groups ensure the survival of their own genetic material through alliances with their kin and through competition with other groups over the resources necessary for survival (Van der Berghe 18-21). In modern social science (particularly political science), the biological argument for ethnicity is not widely accepted. However, the idea that modern ethnic groups are primordial legacies of past (primitive) cultural groupings is nonetheless entertained (Wilmsen 2).
Contemporary assessments of the nature and origin of modern ethnicity can be seen as responses in direct refutation to the primordial argument. In a collection of essays from Africanist scholars in *Ethnicity and Democracy in Africa*, editors Bruce Berman, Dickson Eyoh, and Will Kymlicka come to the conclusion that on the issue of ethnic origins, the book’s featured scholars unanimously agree that “Contemporary African ethnicities are modern, not primordial survivals of some primitive tribal past…they are relatively recent and dynamic responses to the political, economic and cultural forces of Western modernity” (317). In particular, the editors recognize the central importance of European colonialism as the introductory force of Western modernity.

The idea that colonialism somehow contributed to the modern construction of ethnicity can be placed into a larger group on ethnic origins discourse which looks at the historical and/or social construction of identity. This is a significant area of identity theorization. The basic argument for the social construction of identity is the idea that “groups and the social [identity] roles they open up are not naturally part of the world” (Spinner 17). In Spinner’s assessment, social construction occurs because words such as ‘ethnicity’ and the way in which they are defined is entirely dependent upon the circumstances of a particular society; not only does this imply that differences between cultures and the role of ethnicity is situated (a ‘cultural relativity’ of ethnicity), but also that changes that occur over time influence or change conceptions of ethnicity from one generation to the next. Essentially, because it is socially constructed, “the meaning and importance of ethnic identity has changed considerably over the past few decades” (17).
Like the editors of *Ethnicity and Democracy in Africa*, Eriksen similarly holds that ethnic organizations and related identities are largely “reactions to processes of modernization” (Eriksen 86). However, what is particularly interesting about Eriksen’s study is the way in which he categorizes ethnic relations that occur in plural societies. Whereas Berman, Eyoh, and Kymlicka agree that modern ethnicity are themselves constructions or reactions to European colonialism, Eriksen argues that the term ‘plural society’ itself “usually designates colonially created states with culturally heterogeneous populations” of which Kenya is a typical example (15). Although this explanation of plural society clearly has its limitations (i.e. - lacks consideration of contemporary immigration) it is an interesting perspective from which to assert the central importance of the colonial experience in shaping modern conceptions (and even groups) of ethnicity.

Within each of these perspectives on the social or historical construction of ethnicity, the importance of ethnicity is never underestimated; to the contrary, each author makes it a primary objective to show that, despite the idea that ethnicity is “artificially constructed”, ethnicity is nonetheless an important factor to both the individual’s identity and the organization of society. According to Spinner, “ethnicity can be crucial to someone’s identity for cultural reasons” (25), because ultimately, conceptions of a particular society about ethnic affiliation or race or nationality are based in the “standards of mainstream culture” (26-27). When such affiliations or identifications are recognized as an important, constitutive aspect of human social organization, then ethnic (or even racial) identity cannot be “chosen”.
It is from this perspective that Wilmsen similarly asserts the fundamental “legitimacy” of ethnicity. The motivation for Wilmsen’s analysis of ethnicity as processes of social construction is based in his objective to discount the primordial theories of ethnicity and identity for their “doctrine of ineradicable difference” and “mandate for eugenic and/or eusocial policies” (21). Wilmsen instead explains ethnicity as “constituted phenomenon”, wherein ethnicity and identity are “diametrically opposite processes of locating individuals within a social formation…the framework of class struggle” (6). Though this is certainly a more radical approach to the social construction argument, the purpose for Wilmsen is to show that, in opposition to the primordial theorists, ethnicity and related identities, are, in fact, artificially constructed, but this does not “give us license to dismiss it [ethnicity] as illegitimate” (3). In the end, ethnicity matters, both to individuals and to social organization, and not because it is some remnant of a static historical nationalism.

In sum, I believe Hulterstrom’s definition of the ‘ethnic group’ encompasses the variety of issues and dynamic power of ethnicity advanced by the social/historical constructivists. Her definition assumes that, on one hand, ethnic identity is tied to processes of socialization, but at the same time, one is born into their ethnic identity. Ethnicity, then, becomes a fixed characteristic of an individual when it is based in the cultural environment that makes ethnicity important to the ordering of society and to the individual. Despite the origin or construction of one’s ethnic group, the processes of societal construction which makes the group the basis for public self-identification makes such ethnic identity constitutive of the individual and the group itself ascriptive (Eriksen
12). Here we find the missing justification for contemporary liberal assertions for the importance of group-based identity and the individual in society.

There is yet one more perspective on the origin and nature of identity that is particularly relevant to political studies of society—the role of power in the construction of identity. Not denying the idea that ethnicity is in some respect constructed, theorists of power and identity argue that the reason for particular conceptions of groups and social organization ultimately derive from struggles over power and interests. Abner Cohen portrays ethnicity as an “instrument for the competition over scarce resources”, which is based in his argument that ethnicity can only be viable and maintained if there is a “practical function” or utility to the association to an ethnic group. In the world of politics and the competition over resources, ethnic affiliation provides the means for individual survival through the group, making ethnicity a very powerful ascriptive feature of the individual (qtd. in Eriksen 44-45). Indeed, the relationship between identity and resource competition is the foundation for any study of identity politics.

Perhaps the most powerful argument on the nature of power and identity formation comes from the work of Rogers Smith, whose work in *Stories of Peoplehood* shows how the construction and manipulation of identities and group affiliation occurred in the sphere of exercises for power. Smith’s work provides a detailed analysis of how and why “political peoples” come to exist in groups and social formations in the way they do and why such political peoples are “maintained” or “transformed” over time (4). Smith’s conception of “political peoples” and the identity of group membership that evolves is essentially constructivist, in that Smith wholly embraces the notion that no
political peoples are natural or primordial, and that ascriptive identities are themselves humanly constructed (32). However, the construction of peoples, which Smith calls ‘people projects’, is driven entirely by political interests of power by elites/leaders throughout history, thus making people projects “elements in broader political projects of “people-formation”, projects that aim to construct communities that are also enduring structures of political power” (41).

This understanding of “peoplehood” though explicitly making claims on the political nature of all human social organization, also implicitly assumes that any institutional construction of power (i.e.- projects of nation-building or state-building) necessarily requires a complementary construction of a political people. Identifying state-building and people-building as requisite components of “processes of constructing systems of power” Smith concludes that ““state-building” still will not be effective in the long run unless “the state” engages in some successful “people-building”” (52).

According to Smith, there are two requisites for creating and maintaining a viable political people (and by extension, a viable state)- political trust and worth. Trust, which Smith defines as “the belief that the leaders and members of a particular community are relatively likely to seek to advance some of one’s important values or interests” provides the basis for which peoples come together under a common leadership (59). Worth, or the sense of value that individuals feel for the political membership, is the reason that political communities stay together or fall apart (58-59). Therefore, if the success or failure of a state is based on the political trust and sense of worth amongst members of a particular political society, then the primary objective of any means or strategy for
people-building must necessarily inspire trust and worth. Interestingly, trust and worth as requisites for a functioning political society are absent in most theoretical discourse on the liberal democratic state. In the next chapter, we will see how this deficiency, particularly on the issue of political trust, greatly informs the broader discussion on the efficacy of a liberal state for a multi-ethnic society.

Smith describes the means by which political peoples are created as “stories”, the rhetoric/accounts/appeals that political leaders and elites make to inspire membership or unity to a political community. There are three kinds of people-building stories: economic stories, wherein leaders use the economic interests of individuals as the basis for group membership; political stories, which appeal to individuals’ security needs and protections for the basis of group allegiance; and ethically constitutive stories (60-64). Although Smith concedes that leaders of any “successful” state should invoked all three types of stories in state-building, it is the ethically constitutive stories (ECS) that Smith focuses his study. ECS are “a wide variety of accounts that present membership in a particular people as somehow intrinsic to who its members really are, because of traits that are imbued with ethical significance (64). Unlike any other kind of appeal to membership, ECS inspires a sense of identity to the individual in the strongest sense, wherein membership is more than affiliation but is rather constitutive and intrinsic to the individual’s sense of existence (98). Dealing with issues such as one’s culture, religion, ethnicity, race, etc., ECS “proclaim that…such factors are constitutive of their very identities as persons, in ways that both affirm their worth and delineate their obligations”
and the ethically constitutive identity that evolves “not only defines who a person is, but who her ancestors have been and who her children will be” (64-65).

The Case for Constitutive Political Ethnicity in Kenya

In light of the multiplicity of perspectives presented on the nature of modern identities, it becomes much clearer precisely what factors or processes contributed to the nature of constitutive ethnicity in Kenya today. Referring back to the historical overview of ethnicity in Kenya presented in chapter one, there are definitive moments of ethnic construction. During the colonial period, colonial authorities in Nairobi created re-location plans based entirely on ethnic groupings; as such, group dependency evolved along ethnic lines in opposition to the colonial government. In this way, affiliation to one’s ethnic group was made meaningful both in the socio-political environment of the colonial state as well as to the individuals for whom group-based protection became necessary. Therefore, although ethnic groupings by colonial authorities were based on primordial understandings of Kenyan African groups, the resulting dynamic of ethnicity as constitutive and salient to members of particular groups was nonetheless a result of political construction.

Similarly, Smith’s explanation for the need to incorporate programs for “people-building” in conjunction with “state-building” initiatives can explain why Kenyatta’s failure to engage in nation-building in the immediate post-independence period laid the foundation for ethnic cleavages to remain a defining factor of Kenyan political society: in the absence of state leadership to promote a sense of trust between and amongst its
members and its inability to invoke a sense of worth for having a national identity, the established system of ethnic group identification and reliance remained. To quote Nasong’o, “just like colonialism had promoted ethnicity in its unequal development approach to governance, the Kenyatta regime further politicized ethnicity” (111).

The continuance of ethnic-based political parties in Kenya is an example of peoplehood “maintenance” that Smith discusses, in that once the salience of the ethnic group as a constituent feature of the individual political citizen was established and reinforced over a period of decades, ethnicity becomes a clear rallying point for political elites to monopolize upon and manipulate. As such, the constant creation and degradation of political parties based upon ethnic alliance and mobilization is yet another process which serves to reinforce the constitutive nature of ethnicity while also drawing its strength from the pre-existing processes which brought ethnicity to its current role in political society. Therefore, although ethnicity is essentially a social construction resulting from experiences with colonialism, state-building and power struggle, ethnicity is nonetheless a primary factor in one’s identity. Ethnicity and the affiliation to the ethnic group are salient and meaningful constituents of the Kenyan citizenry.

Perhaps the most important point to be drawn from this particular interpretation of the evolutionary role of constitutive ethnicity in Kenyan society is the fact that ethnicity and the political arena cannot be seen as separable or mutually exclusive components of individual livelihood; to the contrary, ethnic identity is intrinsic to the political person, and the political society of Kenya is based upon the constitutive nature of ethnicity. Ethnicity as it exists and is valued in Kenya evolved in reaction to and as a direct result of
the very same processes that created Kenya’s institutional structures of power (i.e.-political society). Whether it was the establishment of cities and territorial boundaries based upon ethnic re-location during colonialism, or the precedence of ethnic mobilization for multipartyism and platforms during elections, ethnicity is not merely a component of one’s political identity because it is seen as meaningful to individual sentiments, but the very understanding of ethnicity in Kenya is historically political and is therefore defined as a political identity by its experience with the evolution of politics in Kenya.

For classical liberal theorists, the idea that individual markers of identity such as ethnicity can be political is contrary to the foundational divide between the public and private spheres of life. In short, a classical liberal conception of society has two spheres within which the individual acts: the public and private. In the public sphere (the sphere of politics) individuals exist in a collective capacity on a plane of equality (sameness) living under an institutional environment of general and abstract laws. In the private realm (the realm of the home, the personal) unique individuals may express the particularities of their own interests and existence, such as one’s culture, tastes, ethnic affiliation, personal identity, and ideas about the ‘good life’. Although multicultural liberals may argue that such a societal divide is not a necessary feature of liberal society, it is quite explicit in the writings of some classical liberals (especially Rousseau) and is a central point of contention for many critics of liberalism. Therefore, in order to illustrate that ethnicity in Kenya is a political identity, I will refer to an area of Africanist theory on
group obligation and political practice to illustrate how ethnicity can be both political and intrinsic to the political public realm.

Moral Ethnicity & Political Tribalism- The African Experience with Political Ethnicity

The concepts of moral ethnicity and political tribalism are widely-recognized terms in Africanist explanations for the nature and function of ethnic politics. There are two aspects, or “dimensions”, of ethnicity that the African individual exercises in society—an internal dimension of contestation, known as “moral ethnicity” and an external dimension of confrontation, known as “political tribalism”. Together, these two competing publics create a particular pattern of state-society linkages that clearly show how ethnicity is inextricably political and informs the understanding of political obligation and action of the individual living within an ethnicized political society.

In “Moral & Political Argument in Kenya”, John Lonsdale assesses the issues of moral ethnicity and political tribalism as they relate specifically to the Kenyan experience. According to Lonsdale, moral ethnicity is simply the process of ‘ourselves-ing’, arising out of internal discourses of social responsibility, and is distinguished by the fact that moral ethnicity doesn’t demand a state of its own; community is the only necessary construction. Political tribalism, on the other hand, is the process of ‘othering’, determining how ‘we’ behave in relation to ‘others’ in the multi-ethnic state. Political tribalism serves as the impetus for ethnic rivalry and inspires the platform of political elites against the emergence of a “nationally critical public” (in Berman, et al 76). Thus, there is a natural tension that evolves between the two publics, both within and among.
Internally, moral ethnicity brings about questioning from within regarding issues of ‘ethnic patriotism’ as it conflicts with the pressing campaign for national patriotism from without. Political tribalism, however, brings competing values of moral ethnicity between ethnic groups to the forefront, thus being the obverse side of moral ethnicity (79).

The main point in Lonsdale’s article uses this internal-external competition between the two publics of moral ethnicity and political tribalism to determine its role in political reform in Kenya. His contention is quite interesting, because while the competition between and amongst ethnic groups has more often than not resulted in negative, socially counter-productive consequences, Lonsdale argues that such intense political engagement by Kenyans, despite its ethnic foundations, is itself a fruitful source of nationally active citizenship, and perhaps the hub for political reform (75). Lonsdale relates the tension between moral ethnicity and political tribalism as indicators of popular participation in politics, a key component for democracy. He argues that despite the deep divisions between ethnic groups as a result of the rise of political tribalism over the past few decades, ethnic groups in Kenya are beginning to rise up together against the distrustful state and its elites which are maintained by that very political tribalism. He doesn’t anticipate the disappearance of ethnic divisions, however, in this process, but instead believes that moral ethnicity as a value has recently been elevated to the national level, as groups are calling for social contracts and accountability from the state, and thus overshadowing the pressing role of political tribalism (83). Therefore, whether ethnicity devolves into political conflict or inspires democratic reform, it is nonetheless intrinsic to and based in the political institutions and environment of Kenya.
The theory of “moral ethnicity” brings up an important dynamic of ethnicity not typically discussed in the contemporary debates of liberalism vs. pluralism- the implications of group allegiance and reciprocal obligation that comes from ascriptive group membership. The beginning of this chapter’s discussion on ethnicity explained the difference between a group members’ perception of their role in the group (based on attachment through perceived similarities) vs. how they identify themselves ethnically in society (through us-them differentiation). The theories of moral ethnicity and political tribalism clearly follow this framework of differentiation; moral ethnicity is the process of ‘ourselves-ing’ while political tribalism is the process of ‘othering’ in the public sphere. However, moral ethnicity provides a much deeper account of ethnic self-identification by showing that embedded in the membership to a constitutive ethnic identity carries with it an implicit sense of allegiance to the group and necessitates obligations on the behalf of its members. Moreover, the strength of constitutive ethnic attachment as a political identity is founded on two important values- security and trust.

Security and Trust- The Basis for Politically Ethnic Identity

In “Individuals’ Basic Security Needs & the Limits of Democratization in Africa”, Peter Ekeh looks specifically to the issue of security as a fundamental determinate in the relationship between the state and society (28). In relating this theory of what he calls the “Hobbesian complex” of African ethnic societies, Ekeh manages to convincingly describe the relationship of individuals’ insecurities and state formation as the foundational purpose for the creation of kinships. According to his thesis, the
individual African has historically had a difficult relationship with the colonial state, referring to the eras of domination during the slave trade and colonialism. By mere virtue of its domination, the imperial state did not provide any kind of security to the African people. Thus, kinship systems evolved amongst historically bound groups in order to provide protection to individuals that the imperial state could not provide (29). Kinships and the subsequent evolution of political ethnicity seen today are the result of a kind of unionized support group amongst the oppressed to provide protection for one another. Within these kinships, the idea of reciprocal duties and obligations to the community necessarily evolve (i.e. - moral ethnicity) (35). When individuals form a sense of allegiance to the group, any sense of allegiance or citizen-based obligations to the state become inconsequential; when the ethnic group provides for the individual’s security needs and interests while the state (historically) has not, then ethnic identity will certainly be more valued and valuable than any kind of identification (i.e. - citizenship) to the state.

Like Ekeh, Bruce Berman recognizes how ethnic bonds became the primary source for mutual support and trust in times of economic and political instability in African societies during the colonial era (48). In “Ethnicity, Bureaucracy & Democracy”, Berman shows how the experience of insecurity and limits of sovereignty amongst Africans under colonial rule lead to the creation of a ‘self-help’ system of patron-client networks. Although patron-clientalism itself signifies a type of relationship between colonial authorities and African beneficiaries (or “agents”) of the colonial state, the networks themselves were “largely contained within emergent ethnic communities” (46). That is, clientalistic operations were formed around, and aimed for the benefit of, ethnic
groups. It is out of these ethnically-based patron-client networks that moral ethnicity evolved, for as a result of membership to an ethnic group involved in the network, “ethnicity provided individuals and groups with their most important political resources in the competition for the scarce goods of modernity” (46). Not only did this signal the importance of ethnic group membership, but the very reliance on the ethnic group for security needs reciprocally allowed for state to become unaccountable to its members. In decreasing the responsibilities and functions of the state, patron-client networks and the bureaucratic apparatus were able to flourish while simultaneously reinforcing the dual processes of ethnic affiliation and differentiation (47).

Central to Berman’s theory of the evolution and salience of moral ethnicity and group allegiance is the issue of trust. In accordance with Smith’s argument, Berman asserts that trust is the fundamental determinant for the legitimacy of authorities, institutions and political agency; without it, accountable, transparent governance doesn’t exist (43). Following the same line of analysis as Ekeh, Berman identifies this pervasive lack of trust amongst African citizens to the state as it relates to the colonial legacy and ethnic kinship relations. In his own words “The colonial state in Africa was an authoritarian bureaucratic apparatus, not a school for democracy…colonialism in Africa rested largely on the institutionalization of ‘Big Man-Small Boy’ politics” (45). Berman directly attributes this lack of democratic institutionalization during colonial rule and the resulting patron-client networks as the cause for the creation of the “fragmented plurality of communities of trust” that exist today (47).
This chapter brought to the fore a multiplicity of issues regarding the salience of ethnic identity in the political sphere that are fundamental to understanding not only the feasibility of liberal democracy, but the possibilities for state-building generally. Firstly, ethnicity in Kenya is fundamentally a political identity, realized in conjunction with the same political processes that create the particular systems of power relations and institutions that exist today. As such, ethnicity in Kenya is a political component of the individual’s existence in the public realm of society. The origin of this political ethnicity originates from the feelings of insecurity towards the (colonial) state that prompted dependence on the group for political needs and security interests. The experience with ethnic group dependence has come to define the particular kind of state-society relationship that exists in Kenya today.

In light of this discussion, it is clear that multiethnic states have certain political particularities that make it a unique area of study within the broader discussion of liberalism and group pluralism. Therefore, the question of liberalism for Kenya must integrate not only theories and critiques of liberal universalism and individualism, but also the deeper issues of group-based allegiance, security, and trust as they relate to the possibilities for liberal nation building. In essence, the question can no longer be “can liberalism overcome ethnic differences”, but what are the implications of a constitutive, political ethnicity for liberalism? Can liberalism overcome the competing obligations of allegiance (moral ethnicity) that comes with a constitutive ethnic identity?
CHAPTER 4: “OVERCOMING” ETHNICITY- A DIFFERENT PERSPECTIVE OF LIBERALISM IN KENYA

The last chapter brought forth the conclusion that liberalism in Kenya must be tailored to accommodate the particularities of ethnic pluralism, namely in the way that ethnicity constitutes a political identity and thereby conceptualizes political obligations on behalf of the individual outside of the state. The general discussion of liberalism vs. pluralism is not sufficient, as it stands, to account for the particularities of ethnic pluralism in Kenya. Therefore, it is useful to review how liberals, both classical and contemporary, might interpret the situation in Kenya in light of the revelations of constitutive ethnic identity presented in the last chapter. The classical liberal interpretation of the Kenya would point to the failures or shortcomings of the Kenyan citizenry and their inability—or perhaps refusal—to come together under a conception of the common good for mutual security. Rousseau would identify the absence of a recognized general will as the source of difficulty with liberalism in Kenya, which itself reflects a failure on behalf of individuals to realize their particularized (group) interests within a conception of the common good. Locke would argue that Kenyans never actually entered into a social contract, for ethnic-based claims to power and sovereignty over the claims of other groups can be seen as a failure to realize the inherent equality of all persons under a system of voluntary consent and restricted freedom. Even Rawls would say that the refusal to act objectively (i.e. - from an original position) as individual citizens in political affairs is the foundation for difficulty with their liberal democracy. In essence, the struggle with liberalism in Kenya is not the fault of the theory or efficacy of
liberalism itself; it is the failure of Kenyans to embrace their liberal virtues and instead cling to an atomized conception of group sovereignty and particular interests.

Of course, the multicultural and multinational liberals would not be so harsh on the Kenyan citizenry with regards to their role in the experience with liberal democracy. Indeed, they would argue that the constitutive attachments which influence group membership are a benefit to the liberal state that simply has not been properly realized. According to Kymlicka’s description of groups and group-differentiated rights, Kenya qualifies as a multinational state; as such, Kenya should establish a system of self-government rights that recognize the claims of national minority groups (30). Seeing that Kenya is basically a collection of national groups, a series of rights that recognize the particularistic needs of each group working within the larger domain of a liberal democracy can ensure both the justice and equality needed for legitimate political society to function while still respecting the inherent value of cultural attachments. To the opposition of liberal critics, both Raz and Kymlicka argue that this organization of a liberal society is possible because of the intrinsic liberal commitment to neutrality. The multinational liberals would similarly lend support to Kenyan ethnicity, because nationalistic values ("belonging, loyalty, and solidarity") can work quite harmoniously within a liberal state that values autonomy and justice (Tamir 6). It appears, then, that although Kenyans have struggled with liberal democracy, the impossibility of a liberal state in Kenya is not, in fact, impossible; the difficulty up to now can be attributed to a lack of imagination in creating a ‘customized’ liberal state that takes groups rights seriously. So although the multicultural/multinational liberals emphasize the importance
of constitutive attachments and group identity, they can still find blame on behalf of the Kenyan society for not making liberal democracy their own.

As we can see from the above discussion, the classical liberal position, even if entertaining the notion that ethnicity can be political, nonetheless maintains the position of liberal universality. The historical struggle with liberal democracy in Kenya is not the fault of liberalism, but the fault of Kenyans; in order for Kenyans to get the most out of liberalism, they need to overcome their supposed ‘dependence’ on the group and instead realize their autonomy through the state. In arguing for the benefit of prioritizing obligations and allegiance to the state over the group in contemporary times, it can be inferred that the classical liberal argument would go something like this: The threat to individual security and personal autonomy (i.e. - colonialism) no longer exists; therefore, the justification for group dependence is nonexistent. According to liberals, individual security needs and interests are best realized through the liberal state, and to appeal to the ethnic group as a political resource not only inhibits the full realization of individual needs and desires, but only invites group-inspired conflict.

Therefore, the question is not simply “can liberalism work in multiethnic states”, but can ethnicity be “overcome”, as liberals implicitly believe? This was the question left at the end of the last chapter. The purpose of this chapter is to determine conclusively whether or not the conditions and implications of ethnicity as a constitutive political identity can, in fact, be overcome” and whether or not liberalism is “right" for Kenya. The conclusions drawn will ultimately affect the universality claim of liberal ideology
and provide broader insight on the question of liberal democracy for any state in which ethnicity or group-based claims are salient to political identity and participation.

“Overcoming” Ethnicity

The belief of liberal theorists that ethnicity can be ‘overcome’ is founded on the fact that in order for liberals to assert the universality claim for Kenya, even in spite of constitutive political ethnic identity, they must first prove that ethnicity can, even in the smallest sense, be overcome or made neutral in the political sphere. This section will look first at why ethnicity hasn’t already been ‘overcome’ even when the immediate threat of colonialism ended and whether or not ethnicity can or should be ‘overcome’ for the sake of liberal democracy.

There are three primary reasons why ethnicity has remained a central factor of Kenyan political life despite the establishment of a constitutional liberal democracy in 1963. The first reason draws on the last chapter’s discussion of state-society linkages and the creation of a particular kind of state. The experience with colonialism lead to the construction of a particular kind of state-society relationship, patron-clientalism. Evolving in tandem with the establishment of colonial policies which defined ethnic communities, the system of patron-client networks were similarly based out of the ethnic group, and the relationship that evolved between the individual (identified by ethnic affiliation) and the (colonial) state was a relationship of material interest and opportunism, founded on feelings of mutual distrust and skepticism. The ethnic group
necessarily became the source for protection and the realm of political agency. It is thus clear how and why political sovereignty became conceptualized (and exercised) at the group level (Berman 46-47).

The salience of the ethnic group as a medium for political activity continued into the independence period primarily as a result of two policy failures. The first is the failure or refusal of Kenyatta to engage in any sort of nation-building to complement the efforts toward liberal state-building. As Smith explained in his discussion of power and people-building “‘state-building’…will not be effective in the long run unless “the state” engages in some successful “people-building’” (52). If liberalism is defined by the particular kind of relationship of the state to the individual, then in situations in which that relationship has not previously existed an effort towards nation-building is necessary. Nation-building provides the incentive for individuals to not only learn about and participate in the new structure of governance, but is the stimulus for individuals to begin the process of separating their political agency from their constitutive group identification. The second policy failure was Kenyatta’s use (manipulation) of ethnicity for political gain, which not only set precedence for the use of ethnicity as a political tool but further institutionalized the centrality of ethnicity in politics. In any exercise of power politics, politicians will use any resource that will result in constituent support and political leverage. Coming out of the colonial period, the ethnic group was the most powerful tool for political mobilization, for individuals were deeply attached to their ethnic group. Under the stipulations of the constitution, individuals—not groups—are the primary unit to which the state is accountable. Therefore, the best way to reach the
individual was to appeal to the ethnic group. Kenyatta’s use of ethnicity in political activity, though morally contemptuous, was resourceful and successful, and set the precedence for the common place use of ethnic-based campaigning strategies in Kenya. In conjunction with the absence of nation-building, the use of ethnicity as a ground for political activity in the early independence period only strengthened pre-existing conceptions of the salience of the group and the importance of group-based affiliation.

The second issue has to do with the centrality of trust in liberal state-building (Berman 42). In order for a liberal democracy to effectively function, it first needs to establish its specified form of state-society relationships. Trust is the key to this relationship, for it is only through instilling a sense of trust in the individual toward the state that liberalism can draw them into the kind of state-society relationship it requires. For liberalism in Kenya, this trust in the state must be greater than the sense of trust that individuals hold toward their group via their constitutive attachment. Only by swaying individual allegiance from the group to the state can liberalism achieve its particular state-society relationship. Berman distinguishes between two types of trust: civic trust and social trust. Civic trust is trust of the political realm that exists between the liberal state and the individual. The most important characteristic of this civic trust is the fact that it is trust “in the abstract”, as it conceptualizes a relationship between the individual and a series of “impersonal” institutions (47). The impersonal nature of liberal institutions derives from the liberal commitment to neutrality (or as Young calls it, impartiality), and the trust is a belief or hope that these institutions, and the political processes they regulate, will be the best means for realizing individual needs and interests
Social trust, on the other hand, is the kind of trust established within the community, based on personal interaction and experiences with others within the group. Unlike civic trust which exists abstractly at the state level, social trust is “largely contained within ethnic communities and imbedded in the personalistic ties of patron-client networks” (47). Here the problem of liberal impartiality is most significant, for it is the very nature of liberal neutrality (which is strongly supported by both classical and multicultural liberals) that inhibits the incentive for individuals to ‘overcome’ their ethnicity and group-based political reliance. When compared to the ethnic group, the liberal state has little to offer; whereas the ethnic group is personal, the state is abstract and “disinterested”. Whereas salient ethnic bonds are created through personal experiences of group support and security, state bonds rely solely on the rhetoric of liberal universality. In this way, “abstract trust” will always be “undermined by particularistic ties of individuals and factions in politics and the state apparatus” (Berman 44) and in the presence of pre-existing social networks that have proven to be an invaluable source for obtaining resources and security, there is “little basis for the development of impersonal, systemic civic trust in the state as an impersonal arbiter of conflict or an honest and disinterested distributor of public resources” (47).

This brings us to the third issue of competing allegiances, or the theory that liberalism cannot function in a society wherein there are political obligations that exist outside of the state. The division of public and private spheres in a liberal society was created to deal with the issue of particular interests; in private, we are free to express our individual wills in whatever manner we choose, so long as it does not impede upon the
freedoms of others. However, in the public sphere, we are political actors who realize our particularized interests through adherence to the general interest or common good and act within the bounds of abstract and impartial laws that are believed to provide the only means for political equality. In this sense, the separate spheres are functional institutions which serve the liberal desire to be “neutral” in political life. In actuality, this division reflects the inability of liberalism to accommodate differences between individuals in the public political sphere, and the common good upon which laws are created are embodiments of liberal aversion to political difference.

The liberal conception of the “citizen” is a kind of political identity that creates a sense of unity between and amongst citizens via engagement with the state. It is through this unity that liberalism can find its ground of commonality and neutrality, and more importantly, specify the roles and obligations of the individual citizen. Therefore, a system of liberal democracy can only function when citizenship, conceptualized as an abstract, detached political identity with specified obligations, is the primary identity in the political sphere.

The political dynamic of ethnicity in Kenya clearly violates the liberal requirement of one overarching political identity tied to the state. However, it is the problem of competition over loyalties and allegiance that is most threatening to the function of a liberal democratic state. Moral ethnicity proscribes the necessity of reciprocal duties and obligations as a condition of group membership, which can easily come into direct conflict with the duties or obligations of state citizenship. While the potential for conflict between the state and groups is reason enough for liberal concern,
the likelihood that, if faced with the decision to choose the group or the state, in the case of Kenya wherein the individual can find trust and security in group allegiance, it is likely that the group will win. Of course, there is no reason to assume that a government and an ethnic group are doomed to conflict because of the nature of constitutive group attachment. However, in a liberal government, conflict of this nature is more likely occur, for liberal indifference to group particularities and the role that ethnicity plays in the political sphere makes for a situation in which liberal democracy can neither tolerate nor coexist with a society defined by ethnic attachment or allegiances.

The three issues discussed here—state-society linkages as patron-clientalism, abstract trust, and competing allegiances—account for the historical inability of liberalism to function effectively in Kenya. But, does this mean that it is impossible for liberalism to ever overcome and/or reconcile with the supposedly conflicting elements of constitutive ethnicity? Drawing on the dominant liberal criticisms reviewed in chapter two and incorporating issues on the nature of power and trust in group allegiance and state-building, it is not only unlikely that liberalism will ever function according to its own mandate in Kenya, but that liberalism in Kenya is actually the very reason for its own failure.

The Irony of Liberal Democratic Performance in Kenya

When a liberal democracy is theoretically incompatible and historically inappropriate for a given society, it functions in a manner that is both self-defeating and counter-productive to its goals for society. The basis for liberal legitimacy lies in its accountability to the members of the state; only in being receptive and responsive to the
needs and interests of the citizenry can liberalism have any value. Accountability is founded upon liberalism’s specified relationship between the state and the individual. Absent of this relationship, which is dependent upon the creation of a sense of citizenship and identity to the state, liberalism acts exactly opposite to its intentions: instead of being accountable to the people, the liberal state becomes a function of political elite interests. The political manipulation of ethnicity in times of election is an example of this point.

Liberalism cannot create that specified state-society relationship in Kenya because of its inability to offer a meaningful sense of trust. Whereas the ethnic group gains the individual’s trust (and by extension, allegiance) based on personal experiences within the group, liberal neutrality creates a sense of abstract trust that is in no way comparable to trust in the group. This is essentially Young’s theory of liberal impartiality but applied to the empirical difficulties of liberal nation-building in plural societies. Ironically, at the same time that liberal neutrality provides the justification for liberal universalism, it is also the reason for liberalism’s failure to create the kind of trust necessary for a state-society relationship.

This absence of trust directly relates to the feelings of insecurity that prompted the initial dependence on the group during colonialism. If individuals cannot trust the state to provide them with their individual needs and political protections, then they will necessarily turn inward to the group for support. On one hand, this is a failure of liberalism to appreciate the implications of Kenya’s historical experience with colonialism. Following Ake’s argument, the problem of liberal universality is that it is based upon a very specific historical experience of Western capitalism and
enlightenment. By not accounting for the particular experience of colonialism and how it informs both historical and contemporary feelings of mistrust toward the state, liberalism actually acts to reinforce the salience of the ethnic group as a primary source for political agency and access to resources while inhibiting the possibilities for accountable liberal governance. The great irony of liberalism in Kenya, then, is the fact that while liberalism is supposed to promote sameness for the sake of equality amongst its citizens, in multi-ethnic societies for which political and social identity is based in the group, liberalism only acts to reinforce those group-based identities and dependencies.

Even if liberalism were to figure out a way to gain social trust and become an accountable state that provides individuals their security needs and interests, the fact of ethnic political identity is an insurmountable problem for liberal democracy. The continuous processes (historically and presently) that consistently re-create and reinforce ethnicity have occurred (and still occur) in tandem with political activity. Therefore, one’s ethnic-based interests cannot be separated from their political interests. In Kenya, it is impossible to delineate distinctive public and private spheres, because the so-called “private” ethnic identity is constructed via the same processes that construct and constitute political agency and interest. As previously stated, liberalism cannot function in a political arena of competing political allegiances and obligations. This is a fact that the multicultural liberals cannot overcome; short of eliminating the two spheres of liberal life (which Kymlicka and Raz do not), multicultural liberalism needs some conception of a public citizen that is separate from culture. This is a significant weakness in the multicultural liberal argument with respect to multiethnic states.
The most important contribution that the multicultural liberals have provided this debate is acknowledging the substantial importance of cultural membership and constitutive attachment. Beyond this, the multicultural liberal position has done little to sway the debate to favor the possibility of liberalism in multiethnic societies. Of the two theorists, Raz’s theory is by far the weakest. Firstly, he bases his argument of the possibility for multicultural liberal citizenship on the value of liberal tolerance, which defines as liberal respect for culture. However, as Baumeister reveals, this tolerance is “highly conditional”, for multicultural liberalism “only respects cultures in so far as their continued existence fulfills liberal purposes” (Baumeister 121). This inevitably leads to conflicting terms of membership, for while Raz’s liberal can exercise their culturally-specific group rights, the extent of such rights will always be conditional and limited. Baumeister believes that this inevitably leads to assimilation and reduces the ability for cultural minorities to exercise their cultural autonomy (Baumeister 122).

Kymlicka provides a thorough defense of his argument, and his solution to liberal tendencies for group-based exclusion through a series of liberal-friendly group-differentiated rights is certainly interesting. However, there is a fundamental limitation in Kymlicka’s argument that render it inapplicable to the Kenyan situation. For this argument, I will draw again on Ake’s main criticism of liberal democracy and the problem of “transferability”. The issue of minority group exclusion that Kymlicka addresses is based on the specific experiences of minority groups in North America. Taking into account the historical phenomenon of immigration and its effect on constructions of social perceptions of difference, Kymlicka’s theory and solution is
predicated upon a very historically- and culturally-specific experience and conception of pluralism. Although Kymlicka can try to make the argument that immigration is a worldwide occurrence and his theory therefore has broader applicability, his theory simply cannot account for countries with a colonial history. The conceptions of the ethnic group that were constructed through the experiences under a colonial authority are nowhere near comparable to the origin of social perceptions of minority groups based upon some other historical interaction, such as migration.

The multinational argument is perhaps more useful to the liberal defense for multiethnic Kenya, because implicit to the supposed ‘conflict’ between nationalism and liberalism is the problem of competing allegiances. However, any theory of multinational liberalism still requires the creation of some overarching identity for the public political sphere, which directly ignores the salience of constitutive ethnicity as the primary form of political identity in Kenya. To review, Spinner’s pluralistic integration is the idea that liberal citizenship does not require the complete “obliteration” of ethnic group-based ties. However, pluralistic integration is entirely dependent on the flexibility of culture to change and adapt in the presence of liberalism “liberal citizenship…reduces the importance of ethnicity. When liberal citizenship is successfully granted to ethnics, they are no longer restricted to certain occupations [roles in society]” (64). Spinner does not in the least appreciate the constitutive element of ethnic identity; instead of arguing for a liberal democracy that embraces the benefits of constitutive ethnic attachments in social interaction, he attempts to show how ethnicity is flexible and therefore should be the one to bend in the relationship with liberalism. Spinner’s multinational liberalism is little
more than classical liberalism that acknowledges the existence of (and little else about) salient ethnic identities, though he does nothing to ensure the existence of those particular identities and attachments beyond integration into liberal society.

Unlike Spinner, Tamir is entirely sensitive to the particularities of constitutive attachment afforded by national membership, and he provides the groundwork for why liberalism and multinational states can theoretically get along. However, he doesn’t provide any solution or perspective on what a multinational liberal state would actually look like. His theory, though encouraging, is incomplete; without a theory of the state, there is little that his theory can provide to the discussion of the feasibility of a functioning liberal democracy for multiethnic states.

In conclusion, the multicultural and multinational liberals are not able to convincingly create a liberal theory of plural society in the context of multiethnic states with an historical experience with colonialism. To the credit of the liberal critics, their arguments that the fundamental liberal value of neutrality/impartiality and erroneous claims to universality proved to be insurmountable for the multicultural/multinational liberals. However, if there is any conclusion to be drawn from the “irony of liberalism”, it is that no argument about the efficacy or feasibility of liberal democracy for a given society can be complete without deeper analysis into the issues central to nation-building and the way in which the political individual’s agency and identity is shaped by their historical experiences and social organization.

So what happens to Kenya? Coming to the conclusion that a liberal form of democracy is not “right” for multiethnic states generally and Kenya specifically may
fulfill the immediate research inquiry of this paper, but leaves the question of Kenya’s future with democracy hanging in the balance. The final chapter will provide some final thoughts on democracy and the future of ethnicity in Kenya.
To say as I and many critics of liberalism have that a liberal form of democracy isn’t right for Kenya has its uses. For one, in this study it has helped to explain the dynamic and salience of ethnicity in Kenyan politics. Refuting common ethnocentric characterizations of ethnic politics as mere “tribalism”, one of the hopes of this study was to portray the occurrence of ethnic politics in Kenya as grounded in meaningful social attachments (constitutive ethnicity) that informs individual political interests and mediums for political agency. Although under an inappropriate system of liberalism ethnicity in political activities has resulted in political conflict and, more recently, in widespread violence, it would be a mistake to simply write off the importance of ethnicity. To the contrary, ethnicity can be a valuable and peaceful tool for political engagement and democratic participation if it is mobilized within an institutional setting that recognizes and values groups as a kind of political agent unto itself.

The Case for Democracy

Considering the experiences that Kenyans have encountered with post-colonial democracy may lead to questioning whether or not any kind of democracy (liberal or otherwise) is even worthwhile. Although liberal democracy is inappropriate to the particular social context of Kenya, what liberal democracy values (if only in theory) in terms of equal political inclusion, justice and state responsiveness are qualities that are
foundational to any conception and structure of democracy. Yet, if a liberal democracy, which is so supremely valued throughout the world, can fail so miserably in realizing these values in Kenya, then what is to say that democracy of any kind can hold any real hope for participation and legitimate governance in Kenya?

In her article “Democracy, Philosophy, and Justification”, Amy Gutmann explores the very question as to why democracy is justified in light of its uncertainties. Like the incessant generalized praises of liberal democracy by Western advocates, contemporary studies of democracy tend to assume that democracy is inherently valuable or good, taking for granted the most basic questioning of democracy itself. This is particularly problematic because in practice, democracies are not systems in which short-term gains or immediate successes occur. As Gutmann points out “the short-run economic benefits of democracy have been conspicuous by their absence…long-term benefits may be there; yet without the basic liberties that democracy brings, those benefits would be insufficient to justify non-ideal democracies to people here and now” (Gutmann in Benhabib 342). In the 45 years of Kenyan “democracy”, the non-elite have experienced precisely this disappointment- appeals to the long-run value of their system at the short-term (and even long-term) expense of poverty and inequality. There should be little reason that anyone, much less Kenyans, ought to have any faith in the possibilities of democratic liberty.

Yet Kenyans are more passionate about democracy than ever. Voter turnout in the last three major national elections hovers near 80%, an average far more impressive than voter turnout rates in U.S. federal elections, where turnout has not exceeded 55% since
1970 (“National Voter Turnout”). On December 30, the day following the 2007 Presidential and Parliamentary election, Kenyans rioted in the streets in what media reported as a response “in protest at the blatant stealing of an election” (Stopsky). Obviously, faith in democracy exists and the desire to fight for such a democracy has been shown even in violent form.

Even in the face of poverty and helplessness against government corruption, Kenyans, like many in the world, still believe in democracy. Gutmann explains this seeming phenomenon on that fact that even in poor democracies, the value that democracy can inspire in one’s life is just as important as any other necessity for living:

*Were it not the case that the civil and political liberties of a democratic society are as real as economic benefits, the belief in [democracy] would be considerably less defensible. Although liberties are inedible and untouchable, they are not always overlooked by people who are struggling to survive. An appreciation of basic freedoms and their centrality to human dignity, self-respect, and well-being often makes nonideal democracy both apparently and really better than its alternatives*” (Gutmann in Benhabib 342-343).

Using a language similar to that of identity, the kinds of liberties afforded by democracy, even in the most minimal or “non-ideal” democracies that Gutmann describes, are meaningful to individuals in society; they are constitutive to a person’s sense of value and worth. Therefore, although experiences with particular kinds of democracy may have been less than ideal, if not outright negative, this is not a reason to give up hope on democracy itself. Democracy is an ideal, and it should inform the kinds of governing structures that a society creates for itself. What Kenya needs is less liberalism and more democracy.
Ethnicity as a Political Resource for a Democratic Kenya

The pursuit of democracy in Kenya must take the ethnic dimension of society as a primary consideration in creating institutions and structures of governance. As we have seen in this thesis, ethnic identity is fundamentally a political identity, and it is not the problem of ethnicity itself in Kenya that has lead to the failure of liberal democracy; rather it is failure of the liberal part of democracy to adequately deal with the social dimensions of Kenyan society that has compromised legitimate governance and allowed for the manipulation of ethnicity. There is no basis for fearing or abandoning ethnicity; although ethnicity may have (wrongly) been blamed for political woes in Kenya, it can be an incredible resource in democratic enterprise.

The greatest impediment to the realization and practice of widespread, accountable democracy has been the corruptive practices of elites, a situation facilitated by the post-colonial liberal democratic structure. As Rawlinson explains in her study “The Political Manipulation of Ethnicity in Africa”, it is the political class’s “instrumental use of ethnicity [that] dominates political contestation at the expense of other cleavages, and undermines efforts at nation-building” (1). Providing complementary argumentation to that presented in this paper, it is the processes of elite manipulation of ethnicity that enforce and constitute ethnic allegiances and the political roles they play. However, Rawlinson takes her argument further to claim that the consistent empowerment of strong ethnic allegiances “dilutes national identification”, the key objective for any nation-building scheme (3). Therefore, the objective in creating a specific democracy for Kenya lies in taking opportunistic political elites out of the state-
building equation. The best means for doing so is to eliminate the conditions which elites access to manipulate ethnicity for personal political gain.

As explained in chapters three and four, the ethnic group becomes a political resource for mobilization when such groups have a basis for conflict and competition. Following a Rogers Smith line of reasoning, Rawlinson attributes such division to the fundamental competition over power and resources, “so long as resources are scarce, there will be tensions between groups competing for a share of them” (Rawlinson 6). The appeal of a political elite, then, is as that individual with the power and ability to obtain scarce resources and thereby fulfill the needs of the group from which he/she is looking to obtain political support. Only through the creation of a state which ensures the equal distribution of resources across political actors (including ethnic groups) as well as equality in access can there be any hope for undercutting the source for power and corruption among political elites.

Establishing the salience of ethnicity as a value foundational to Kenyan democracy is necessary not only for the fact that creating such a democracy would limit the power and manipulative opportunities of elites, but also because ethnicity, as a political identity and median for political agency, can provide significant benefits to a democracy that liberalism cannot and nor ever will. In the spirit of the multicultural theorists, pluralism of any kind is a social benefit, in that the experience of interaction with difference is invaluable to the development of the individual as a social being (Kymlicka 13). As such, a society founded on the need for difference is one that fosters a positive sense of membership and society. On a functional level, Young explains how a
democracy which institutionalizes the need and observance of difference inevitably advances the cause of widespread participation and inclusion, because in order to have political dialogue between citizens, “a plurality of perspectives…and ways of expressing the particularity of social situation” is necessary (Young in Benhabib 132).

A political recognition of ethnicity can also be the means for achieving a productive and non-oppressive sense of nationalism. Using Rawlinson’s logic, once we eliminate the threat of ethnic cleavage, then we can work toward nation-building. This nation-building should encompass the creation of a sense of nationalism or national identity, but not under the assumption that such an identity must replace constitutive group identity or personalistic attachments. To the contrary, an identification to the state does not need to be stronger than that to the group in order to foster a sense of worth or value in the state. If the national identity is formulated with a value for difference and the expression of one’s constitutive affections, then it can lead individuals to find greater value and worth in their state for respecting and protecting their constitutive attachments. Therefore, the sense of citizenship and relationship to the state that makes political inclusion and democracy both effective and possible is fulfilled. At the same time, this nationalism, in valuing ethnicity and difference, eliminates the perceptions of inferiority (inequality) between ethnic groups that elites create and emphasize in the pursuit of personal political gain (i.e.- it reduces opportunities for political tribalism by recognizing the importance of moral ethnicity).

How such a democracy actually looks is unclear, for if it is successful, then it will be entirely unique to Kenya. Of course, there are existing models and theories of non-
liberal forms of democracy that could possibly serve as a template. There is the consociational model of democracy, a system of federalism in which the subunits of government are determined with consideration to social cleavages, such as ethnic groupings, as opposed to geography alone (Lijphart 26). Or perhaps Barber’s proposal for a strong democracy is more amenable, in that the institutional set-up is created to accommodate local forums for discussion and participation in every aspect of the governmental process (Barber 118). For as many political theorists there are writing on democracy, there is a model for consideration. Whatever the decision, the need for institutional democratic reform in Kenya is necessary, and when it does occur, Kenyans ought to take heed of Osabu-Kle’s advice that, whatever the kind of democracy, it should be adapted and constructed with the particularities of the society’s culture and values in mind (Osabu-Kle 26).
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