

The Morality Debate and the Spirit of Capitalism

“It is not from the benevolence (kindness) of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their own interest.”

- Adam Smith: *An Inquiry into the Nature and Causes of the Wealth of Nations*

There is a common position in public debates in many contemporary societies - be it in Uganda, Kenya, Germany, the UK or the [US](#) - that we live in an age of moral decline and moral crisis. Typically, this is a more or less direct commentary on the global system that shapes all of these societies: capitalism. Well-known public commentators and analysts in these countries, such as Will Hutton in the case of Britain, will declare that current capitalism is morally bankrupt. Hutton [writes](#): “‘Modern capitalism’ has arrived at a moral dead end, interested largely in feathering the nests of its leaders while imposing enormous costs on the rest of society and accepting no reciprocal obligations.”

Others refer to capitalism as just plain immoral and evil; or assert that figures such as fraudulent bankers or hard core, ever-profit-maximising speculators, business owners and managers (who lay off thousands of workers, or close entire factories to move to countries with cheaper labour) have lost their moral compass. This is an argument that one comes across regularly when the latest scandals emerge around systemic, high-level, harm-producing fraud and corruption or when heartless profit-making schemes are exposed, with those paying the price for these schemes being the most vulnerable people, including patients, pensioners, children, poor communities or an unsuspecting public.

Often, the terms “greed” or “selfishness” are dropped somewhere in these analyses as well, which implies that the money-minded actors concerned are *immoral* greedsters. Other words one regularly finds in such texts are “shocking”, “disgusting”, “devil”, “soul-less”, “cold-hearted”, “inhumane”, “indifferent”, and the like, signalling a sort of (expressed) moral unease and outrage about the critiqued actors and practices. In society usually certain economic activities, certain ways of earning a living, of making money by some groups, get categorised as immoral by some other group. And when a society experiences the rise or becoming more publicly visible of certain - say, new, more innovative,

blatant, or radical - forms of money-oriented activities or ways of thinking, you will soon find one commentator pulling the analytical card that has “immoral”, or “moral decline” written on it. Representatives of the state (and the political system more broadly), the [church](#), or unions from time to time run this line in one form or another. Of course, when your analysis asserts that morals are at rock bottom, or have been crowded out, then the diagnosis is to inject “more morality”.

Let me then present some examples of this conventional type of reasoning in public debates from the African continent, more specifically South Africa, Kenya, Tanzania, Uganda and Nigeria: *[“Is it that the moral fibre of our society is irrevocably broken...?”](#)*; *[“\[Political leaders have\] largely lost their moral compass”](#)*; *“Our freedom of expression had started eroding our moral fabric”*; *“Poor parenting and moral decay in society are to blame for runaway corruption”*; *[“\[There is now\] capitalism without a soul ... capitalism has lost its moral shine”](#)*; *“Nigeria is gradually moving into the future with greater number of its youths turning into drugs addicts and becoming morally bankrupt”*; *“Only immoral leaders would put politics ahead of Nigeria’s fiscal future”*; *“The loss of moral values threatens our common existence”*; *“Government will introduce an examinable subject in schools to teach students and pupils ethics in order to rebuild the country’s degenerating moral values and make the citizens appreciate honesty.”*; *[“Rampant criminal activities... have been blamed on lapse in moral values.”](#)* And so on and so forth. Our world is full of such statements from public officials, church leaders, artists, scholars and other professional analysts.

Notably, the youth, or groups such as “drug users”, are regularly depicted as having lost their morals. So are categories of people who just go after money, who are just in it for the money, as they say. This debate is, for instance, existent in discussions about young women dating rich and powerful old men or looking for private sponsors/sugar daddies (“transactional sex”; or about the sex-for-university-marks or sex-for-a-job phenomena, be it in [Kenya](#), [Uganda](#), or [Nigeria](#).

This debate came to the fore in Kenya recently when two women, Sharon Otieno and Monica Kimani, were killed mid last year, allegedly because of having sexual affairs with older men. [Al Jazeera](#) later ran an extensive special programme headlined: “Why are Africa’s ‘sugar’ relationships in the spotlight?”, and sub-headlined: “Murder in Kenya fuels conversation about partnerships where money and gifts are traded for sex and companionship.” And, the BBC published a long investigative piece about the phenomenon of sugar-baby-daddy/sponsor/blesser,

titled “Sex and the Sugar Daddy” around the same time. Did at least one of the commentators (in traditional or social media) run the moral decline/immorality argument in this particular case too to discuss the behaviour of the women, and the issue of money and sexual relationships?

Lots of observers and analysts seem to agree then that there is a spreading of immorality - especially in the world of business - and a sort of moral regression across modern society, and that this is the issue that needs sorting. In other words, morals are a good thing (and we need as much of them as possible), and something is attacking these morals, making them diminish. Picture a kind of downward spiral, an eroding kind of trend, a society (or particular groups such as “the youth”, or “bankers”) losing their moral values - something gets thinner by the day, something is in decline. The enemy here is immorality, not morality, or say, a specific type of morality. How easy and clear for an analysis - which one can run year in, year out - without even much need for empirical data to support the claims.

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But is this line of argument perhaps not as useful as it seems, as both diagnosis and prescription? Notably, whatever country you look at, very few commentators or scholars, let alone politicians, ever offer an analysis of capitalism and capitalist society as a moral order itself, as a moral system and moral economy with a moral grammar and all sorts of moral-economic milieus and cultures - across economic sectors, professions, locations. And, very few analysts would argue that what so many observers describe and interpret as a case of moral decline, crisis and bankruptcy, is actually a case or phenomenon of [moral change](#) in society, and what observers diagnose as a problem of immorality (or absence of morality) is actually a [problem of morality](#), i.e. a problem of particular socially dominant and powerful moral cultures, moral milieus and moral economies in a *capitalist* society, of the type of moral views, justifications and priorities, of the type of moral actors that this particular social order - and capitalist polity and political economy - tends to bring about.

That said, to get a different analysis and debate concerning morals in today's society, to move beyond the moral decline thesis and other conventional takes on the matter, three analytical insights or analytical starting points are [crucial](#): capitalism is a moral order; the so-called bad/immoral actors are moral actors too; what is happening in front of our eyes can be treated analytically as cases of moral change, not moral decline or moral bankruptcy.

Capitalism is a moral order

One of the reasons for the popularity of the moral-decline/immorality argument is a particular understanding of morals that is apparently widespread in public discourse. According to this line of reasoning, morals are about being pro-social i.e. being good to other human beings; supporting others to flourish; being altruistic, caring, helpful, honest, selfless; foregoing one's self-interest; not acting on the basis of self-interest; and so on. If one starts with such a notion of morals, then, of course, one might think that fraudsters or the super-rich are immoral or that our world is in moral decline - look at all the fraud, corruption, deception, violence, inequality, egotism, and narcissism in human affairs. And if you look through these analytical lenses at the history of humanity - i.e. at the *actual* practices of human beings and the explicit or implicit logics underpinning them - then you might indeed declare a large chunk of what humans do, of human history, as simply "immoral", i.e. as immoral practice of immoral actors, as immoral decisions, immoral rulers, immoral government, immoral societies and so on.

Human history then in many (not all) aspects looks like a story of moral decline, moral crisis, moral bankruptcy, going on for centuries. Humans inflicting misery and suffering on others, destroying families, villages, cities and countries; using, exploiting and humiliating each other - and destroying the environment and extinguishing species - because of this decline or absence of morals. In other words, all these practices - and respective repercussions for the well-being of others affected by them - exist because of other factors than (i.e. everything but) our morals. They exist not because of the presence of (particular) morals, i.e. not because of the dominance of specific morals over others in society. If you are a morality analyst that adopts this conventional angle - morals are about being pro-social - you can ignore that big chunk of our human history, because all this immoral or amoral stuff has nothing to do with our morals, and our moral order and moral culture more broadly, and the political, economic, social and

psychological factors and conditions that bring these about. To study human morals, it is sufficient then to focus on fair trade, [altruism](#), charity, solidarity, and the like, i.e. the pro-social practices; that is where the music plays.

However, you might take a different, more open, flexible understanding of morals that allows you to, analytically speaking, see morals and moral culture de facto everywhere where humans relate and interact with each other and thus matters of their well-being - and related matters of (in)justice, (un-)fairness, (in-)decency, (in-)authenticity etc. - come into play, are affected, are at stake, or are negotiated. This take would allow [researching](#), [seeing](#), [discussing](#) and critiquing the moral underpinning of the entire spectrum of social practices from good” to “bad”. It would see (as some [movies](#) and [TV series](#) do) the prime sites of fraud, corruption, boardroom sell-outs, violence, humiliation, oppression, and exploitation as moral sites as well, as sites where moral codes, views and priorities operate too just as in the boardroom of the altruists (though arguably different sort of morals). How is that possible, you wonder, to find morals where they are supposedly absent, where people operate who have lost, as we heard, their moral compasses? It really depends on the definition and take on morals one applies.

But note: when I talk of moral order I don't necessarily mean a “good” (just, humane, fair, socially progressive) order. Instead, moral order or moral culture here refers, amongst others, to an order that has a wide range of existent - dominant and non-dominant, complementing, conflicting and competing - moral norms, interpretations, views, beliefs, claims, demands, tensions, contradictions, discourses, imaginations, and so on regarding matters of good/bad, right/wrong, acceptable/unacceptable, [legitimate/illegitimate](#), and so on in social relations and practices, including in the economy. And, in this sense, capitalism, and its different variants from colonial to neoliberal capitalism, is (and has always been) a moral order, culture, system too; with a wide range of moral milieus and moral economies, with a wide mix of notions of right/wrong, good/bad, acceptable/unacceptable, praiseworthy/blameworthy, with various patterns and distributions of benefit and harm, of flourishing and suffering.

Morals don't necessarily mean or imply pro-social practice (i.e. a practice that fosters the flourishing of others, is honest etc.). As human history and research shows, there are operational, actually-existing, on-the-ground morals in particular social settings that prescribe or advance that it is acceptable, right, good, and

necessary to defraud (or intimidate, threaten, evict, exploit, enslave, etc.) and thus harm another human being or social group, for particular reasons. Professionals who work or have worked in fraud-invested companies or organisations at times say – once they face a judge, investigator, or reporter, or blow the whistle – that fraud was the [culture](#) in the place, i.e. that it is/was the tacit or explicit moral culture in the organisation or team to [deceive](#), cook the books, take short cuts, short-change vulnerable customers, and so on so as to meet revenue and profit targets, beat competitors, get bonuses, and keep the job (and thus make family/region/nation proud, send the kids to good schools, save for the future and [old age](#), look after extended family, [etc.](#)).

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That said, let's look at this alternative definition or take on morals in more detail then: Morals, including morals on the ground, as expressed in actual practice, can be understood as being in many ways about how we treat one another (for instance in the economy) and how we deal with matters of (in)justice, (un)fairness, (dis)honesty/authenticity, solidarity, etc. in this context. Morals are about what is regarded as acceptable or unacceptable, as right/wrong, good/bad, proper/improper, legitimate/illegitimate, or praiseworthy/blameworthy. As you can perhaps sense already, in society, in a local market place, in a factory or in an office there are all sorts of views about what constitutes acceptable practice, what or who is moral and immoral, and so on. And you can bet that the ruling classes (the powerful, the dominant, the oppressors and exploiters) in any place have a somewhat different view regarding what is right, good, proper and acceptable than the subaltern classes (the oppressed, exploited, humiliated, beaten-up people). In other words, what different social actors regard as proper or acceptable depends on the actor's power, position in society and economy, experiences in and perspective on life and society, and so on. All this is far more open to people's views and interpretations – hence diverse, variable and changing – than the many voices in public debates want us to believe.

One of the shortest and cleanest formulations of this aspect is one by [Monika Keller](#): moral norms are “standards of interaction concerning others’ welfare”. In this phrasing of what morals are, the emphasis is on how we treat each other (and thus affect the lives of those involved), and what is regarded as normal or acceptable in this regard. Using this angle, the pro-social element (being altruistic, solidaristic etc.) is not a necessary part of the understanding of “morals” anymore. The morals in place could be: your welfare doesn’t matter (too much; or not as much as our welfare anyway), because of x (you are...; we are...; the situation...), hence, we (are justified to) treat you in a particular way (exploit, defraud, torture, kill etc.). Morals are thus also about what are acceptable levels of interpersonal or social harm in various settings, from the battlefields in business to those in wars. With this analytical starting point, one can now begin to search for, analyse, and understand (as well as critique) morals – and moral orders, cultures, climates and economies more broadly – that underpin – i.e. render (sufficiently) acceptable, proper, right, normal, necessary – [exploitation](#), fraud, intimidation, humiliation, violence and trafficking in the economy, or the practice of leaving people who seek refuge/survival/a better life in Europe to drown in the Mediterranean. The analytical and political question then is: what are respective moral climates and moral codes, and what/who (re-) produces them, and why?

That said, from an analytical perspective we can now relate for instance [fraud to morals](#), i.e. to standards of interaction concerning fellow human beings (and their lives and well-being, and related interests) in a specific time-place context. This “standard”, for at least some actors in their respective social settings, could be that under condition x, it is okay, necessary, proper, right, or good to defraud another human being, social group or class, because of z. Or, in case of corruption-infested road construction projects, the standard of those directly or indirectly advancing the deal could be something in the direction of: it’s okay to get some good money (for purpose x, y, z), at the expense of future victims of road accidents due to the resulting poor roads (because part of the money meant for building material etc. was siphoned off). And this shared notion, understanding, norm or “standard” – this action justification – is of course a social phenomenon, i.e. is socially constituted: (re)produced over time by something and someone (beyond the individual fraudster, or group of fraudsters), including global, national and local politics, political economy, religion, you name it. Remember, norms (including moral norms) are “socially constituted action justifications”.

So, the point is to recognise that whatever the social practice in the economy, there is some sort of moral grammar - a notion of how to treat others, what is regarded as acceptable/unacceptable - underpinning it. And these views, understandings and justifications - how to treat others in economic sites ranging from agricultural fields to markets, factories, bank branches, domestic homes and so on - do not fall from the sky but are a product of society, including its history, class and power structure, and its mode of production, as well as, for instance, the global political economy that impacts this society.

We have now arrived at an analytical point where we can shift gear: instead of mainly thinking about whose morals are right and wrong (from whatever political, philosophical standpoint), or what is moral/immoral, other questions to grapple with emerge: what are these specific morals in specific settings that bring about a certain social practice (that conventional analysis declares as immoral, inhumane etc.) and where do these morals come from, what/who (re)produces them, what has it to do with politics and capitalism, and so on. And: how do morals change over time, and why?

With this sort of take on morals, one can now understand better, and claim scientifically, that *a particular set* of morals (whether as an analyst one likes them or not) are actually present in the cases that much of public debate and commentators declare as immoral, amoral, or inhumane: from the cases of fraud, greed, exploitation, humiliation and intimidation in our high-stakes economies (where people relate and interact in order to make a living, survive, keep the job, ensure the bonus, escape poverty, get wealthy, strike riches etc.) to a capitalist economy, culture and society as a whole.

Of course, philosophers of war have for long run the line of argument that under specific conditions, for particular reasons (to protect/advance one's country, king, god, etc.), it is good, necessary, legitimate, proper, or just to kill another human being, to kill (or imprison, torture etc.) others by the hundreds or thousands i.e. to harm others, to lower their welfare levels, to limit their flourishing. If war was one context and site where some scholars could construct an argument about the morals of harming others (aka, Just War) - which was of course not just a desk-based argument but somewhat reflected aspects of the historical situation on the ground where this war-is-moral was one of the existent morals at the time (arguably advanced, then as now, especially by rulers, and profiteers of war) - then the morals-of-harming-others analysis can be [extended](#) to other social sites,

contexts and actor groups i.e. beyond war, soldiers, generals (or nowadays [drone operators](#)), enemies in the battlefield and so on.

Then there is an open analytical pathway, i.e. hope that the scholarly oddity - that we hardly study, let alone gather qualitative data on the morals that underpin the *entire* spectrum of human action (from so-called “good” to “bad” actions), across history - could be addressed, and perhaps amended over time. The oddity that there is so little theory and data on the moral underpinnings of a lot of social practices that humans in the millions and billions have very consistently, for a very long time, shown and opted for in their engagement with each other when matters of livelihood, poverty, survival, wealth, power, prestige, status, privilege, career and so on are on the line: these humans have deceived, exploited, intimidated, bought-off, bullied, defrauded, killed (with ever more effective weaponry), as well as conquered, colonised, enslaved, burned-the-place, and eradicated alternative, resisting, non-compliant cultures. Given the size, significance and importance of the phenomena of concern, it is odd that the (e.g. qualitative) data set about these aspects of the macro and micro moral climates, worlds and milieus of earning a living, of profit-making, of striking riches, of accumulation, of outcompeting others, you name it, is so astonishingly small.

Anyway, once one can hold this analytical point (regarding such a take on morals), one can engage with more unconventional analyses in order to learn something about the entire spectrum of moral orders and morals of human beings. For example, some scientists have explored moral systems and moral subjectivities related to “bad stuff” and “bad actors” outside the economy: cases here range from the mentioned [soldiers and generals in war](#), to [mass murders](#), [terrorists](#), [neighbours-as-killers](#) in heightened social conflicts (in Rwanda, for example), [Nazis](#) and [Nazi Germany](#), and [so on](#). And some scholars have looked at the [“moral worlds” of state institutions](#) too, including police, courts, prison, social services, and mental health facilities, i.e. what some would regard as “bad” actors and practices. But this literature - especially the former that explores morals that prescribe significantly (and routinely) harming others - is generally not used in the scholarship, let alone in our public debates, about the moral order and dynamics in a capitalist economy and society.

Morality and power

Many positions in our public debates about morals in contemporary society are, in

my view, so sterile, so stuck, so analytically flat, because they do not allow us to talk about, and thus understand, the social constitution, including the politics, of these sorts of morals: the morals of the small and large “wrong-doers”, such as the fraudulent (and/or “greedy”) bankers, insurers, industrialists, traders, speculators, tycoons, doctors, lawyers, or politicians, and the moral climate in the organisations and sectors they work and operate in. The debates, as outlined earlier, mostly say: immorality (or, out-of-hand greed, self-interest etc.) is the issue and problem at hand - and this can be cured by *more* morals, including an injecting of more morals into capitalist corporations and sectors. This closes off any engagement and debate with what is in my view the real issue: morals (of treating others, of making money etc., including deceiving, defrauding, taking advantage of, exploiting, and harming others) and moral order in a society shaped by capitalism.

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One more important point: morals - notions of what is acceptable, legitimate, normal, okay or necessary practice - are (i) political i.e. shaped by political and political-economic context, and thus matters of power and conflict, and (ii) co-constituted in a social process by a variety of social actors with different - and often competing and conflicting - moral views and priorities, and of course different and competing economic and political interests. There are always power structures and processes as well as social conflicts (regarding what is right/wrong, acceptable/unacceptable, legit/illegitimate) that underpin any dominant moral order, or specific aspects of that order. As an example: the absence of an effective minimum wage for decades now is a key characteristic of the moral order in neoliberal Uganda, backed, at the minimum, by a range of powerful actors and their moral views and priorities regarding right, good and acceptable and related political and economic interests.

Most public analysts that I read or listened to in our media over the years never

really bothered to deeply analyse this collective nature of our actually existing morals in the economy. For instance, what are the societal processes and structures - and interplay of actors - that produce fraudulent bankers and fraud-invested banks? Crucially, economic activity takes place in an uneven landscape of power and resources in which social actors contest and negotiate over the boundaries of acceptable action. In other words, the moral order, the moral climate in the economy, or in specific sectors (say, maize production and trade in Kenya) is deeply shaped by politics and the political economy. What turns out to be the dominant practice, the dominant norm - i.e. the way things are done - is thus a "function" of power, or more specifically, of power structures and relations in a capitalist society. That basic insight makes the phenomenon and analysis of moral order so political; again, something most public commentators don't recognise or make much of. So next time you are "shocked" about the practices and "immorality" of tycoons, bankers or managers, check out what their morals are and what they have to do with power.

To close the discussion of this point: [according to theoretical and empirical scholarship](#), the current variant of capitalism, neoliberalism, is associated with or puts emphasis on morals (that endorse matters), such as self-interest, individualism (with a focus on individual choice, gain and material success), personal enjoyment and achievement, self-actualisation, a focus on transactions and money, wealth accumulation, consumption, opportunism, cunning, low other-regard and empathy, low regard for the common good, and so on. Does some of this sound familiar when you look at your society, your town, your community? Of course, there is more to neoliberal moral order and neoliberal moral economy than I can outline here but these are some of the issues to start with.

Conclusion

Those who study and emphasise pro-social morals are not wrong, but they only tell a part of the story of the morals of human beings and human society. The economy (or polity for that matter) of your country is full of and overflowing with morals (not all "good" ones, I give you that, but morals still), with millions of actors with morals and moral compasses; even the notorious, hard core fraudster has a compass, a particularly skewed one perhaps but a compass it still is. Try to go through everyday reality and observe fellow human beings and their practices through this lens for a day or two. You might find it insightful.

False Freedom: The Hollow Pillars of Liberal Democracy

Premises

In a now commonly known assessment F. Fukuyama, after 1989 change in world systems, predicted the universalization of Western liberal democracy as the final form of human government. It is the ideal system the African continent is not only looking up to, but also being either encouraged, or, in some instances forced to adopt. Saying liberal democracy, today, means a certain number of things that some people call features of liberal democracy, others call its values, others its characteristics, and so on. They include the rule of law; citizens' rule; majority rule, minorities' rights, individual rights; regular free and fair elections; democratic representation; freedom of speech, freedom of association and pressure groups; pluralism understood as distribution of power between competing groups, i.e. mainly political parties; freedom of religion; equality as equal opportunity to develop potential and equal say in government matters. This long list would be incomplete if it does not state that all this is ensured by constitutionalism understood as the system of checks and balances between State's arms of power drawing up the mechanism of cooperation and consultation between them on the one hand; and on the other between citizens and State institutions.

Those who have demanded periodically "democracy now", in Africa and in other parts of the world, were demanding the system described above. Before them, those who have struggled to overcome the excesses of single party regimes, or even military regimes, sought to embrace liberal democracy.

The above shows how there can hardly be an exhaustive definition of liberal democracy. It is commonly accepted that it relies on classical liberalism which in turn, in simple terms, would mean an ideology concerned with man's freedom from any impositions. It is based upon the principles of liberty and equality. In addition, classical liberalism propounds a system as central to itself: private

property, free market, unhampered by government rule; the rule of law; constitutional guarantee of freedom of the media and religious freedom, as well as peace achieved through trade, both domestically and internationally. If that is what is “liberal” in liberal democracy, what would be the “democracy” part in it? It would be the universal suffrage, a strong middle class, and an active civil society. Moreover, pluralism expressed through political parties is supposed to ensure that alternation in governing is possible since it is assumed that loyal opposition would give voters the chance to get out office individuals or a party that is not performing.

Those who have demanded periodically “democracy now”, in Africa and in other parts of the world, were demanding the system described above. Before them, those who have struggled to overcome the excesses of single party regimes, or even military regimes, sought to embrace liberal democracy. Indeed it appears to create room for the sovereignty of the people to give itself a constitution; to accommodate the representation of large populations with the widest sociological diversity; to ensure the control of government is assured by the division of power with a direct control exercised by parliament, usually a bicameral one; and be open to citizens’ participation as channels for people to organize themselves according to shared opinions and ideologies made possible by political parties. Has it worked? Some say in parts yes, and in parts it is a problem.

PROBLEM IN PRACTICAL TERMS

The problem, however, is that embracing liberal democracy on the African continent has yielded progress, yes but also has created new problems. It would be enough to look at the aftermath of the so-called “Arab Spring” in northern Africa. Moreover, the fact is and remains that the gains of multiparty politics as well as those of the recent revolutions in northern Africa in terms of achievements of social justice and peace are still questionable. Generally, in terms of what can be termed political common good understood as the different social conditions, material and non-material, that allow people as individuals and groups to develop their own potential and that of their community, small and large, liberal democracy hasn’t done much. Instead, new forms of conflicts have sprung up. At times liberal democracy policies and practices have also created social paralysis. In this aspect, one can think of some unsuccessful coalition governments that created endless bickering rather than advance people’s true development.

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The previous contribution to this publication alluded to the fact that liberal democracy conceptually promotes individualism which is in stark contrast with the basics of the African society based upon solidarity and hospitality. This is due to its major principles of absolute freedom and equality, which remain theoretical and impossible to translate into tangible response to people's needs. In a bid to emulate developed societies' life style, or rather liberal democracies' life style for example, urban Africa is living some kind of a proxy life characterized by a growing individualism, with no other duties than seeking to maximize individual wellbeing through pronounced materialism, as well as a series of subjective rights. Why call it proxy life? On the one hand because so few have the means to actualize it. And on the other, because a much and far bigger number, on the continent, is still living very far below such standards, a fact that makes it impossible to unleash a critical mass of a middle class with decent income necessary for a stable democracy.

When it claims to be the rule of the majority, even in developed societies, including the United States of America, it often is the case that from the business world, to political institutions and municipalities, the will of the majority can find itself under a fierce control of just a few, normally a very restricted economic elite. In Western societies, the participation in political processes is similar to the law of the jungle: the survival of the fittest. The fittest here being the one with the money. Ordinary people do not see the difference their vote can make where financial power rules politics, which explains, in part, the declining number of those who actually vote. The case of recent general elections in France is an illustration of this. The same could be said of the shrinking power of organisations that used to represent ordinary people such as unions, which weakened the workers in the face of corporate power; a panorama suggesting that liberal democracy is a political system in which the free market rules. Consequently, at least in the west, the ordinary citizen looks like he is left aside. Such situation has forced even liberals like Mrs. Clinton to use, in her recent campaign, such concepts as inclusive capitalism instead; or the likes of Sen. Bernie Sanders to campaign against "Wall Street".

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The system is a problem if money controls politics, or if corporations control political agenda as well as the media. The resulting disenchantment is that elected political office holders do not represent the voters, they represent the interests of those who fund them. In Africa this is double jeopardy, as those who fund politicians could be, not just a small financial elite in any given country, but also foreign donors with special interests, far removed from the needs of the voters. The problem as it appears in practical terms demands that the tenets of liberal democracy be interrogated. Such an interrogation must first posit the problem in theoretical terms.

THE PROBLEM IN THEORETICAL TERMS

Asked recently about what has just started to go wrong in liberal democracies, Fukuyama said: “Well, there are several things. So one is just the fate of globalization, which actually worked very well in the aggregate. But it didn’t benefit everybody equally. You know, we’re now more than a generation away from the collapse of communism. And in a way, everybody now takes democracy for granted. And they’re very unhappy with the way that their institutions are performing, I think, both in the United States and in Europe”[\[1\]](#). In the West, the reaction against globalization stems from the fact that huge swathe of the working population feels that the free market tied to the liberal democracy hasn’t worked for them at all. It has increased the power of a small financial elite to decide the fate of a political system everyone else should put up with even if it is not working for them. That is what makes the illustrious Fukuyama say that people feel the pull of taking part in tribal societies instead.

Talking about tribal societies, in Africa, we never departed from our tribal societies. There is never a need to shun one’s tribe as it does form part of one’s identity. Trouble started when channeling political pluralism in terms of political parties. In most African countries, multiparty politics drew up those political mechanisms of seizing and retaining power along tribal lines, perverting the tribe into tribalism. This permeated the only instance of political participation, i.e. elections, with the consequences known to all. The aggravating circumstance that

goes with it is the sheer number of individuals that are far from being members of the so-called middle class. One could even say that what is called “middle class” in a number of African countries is the “indebted class” whose home is mortgaged, the car is on loan, school fees are on loan and, even sometimes, the furniture is on loan, etc...

However, it can't be said that what is wrong with liberal democracy should be reduced to the social ills of where it is to be implemented. This is because, liberal democracy is also flawed conceptually. Its flaws can be summarized in the following points, proving that its main pillars are rather hollow. Coming to terms with such a reality could push the debate to seek some corrective measures, in the African context, in some of our traditional understanding of the art of government as based upon wisdom. Which pillars appear to be hollow?

1. The principle of liberty and equality

When liberal democracy is touted as the most adequate system of government, it is assumed that it is because, through the distribution and control of power, it offers greater guarantee against arbitrariness and oppression. On such ground it defends its foundational principle of liberty and equality by presenting greater protection to individual liberty and respect for human rights, which are the expression of equality. In virtue of equality all can participate in democratic governance, because all are free and equal. However, political power cannot really be exercised by all. It is necessary to hand it to someone: that is what elections do. Hence the reason why for some, with elections the purpose of public governance is achieved. This means that the purpose of the political community is to give to the individual his rights and consequently the political community has no value in itself. It is an instrument for individual interest. Here is a major characteristic of the liberal tradition, in contrast with the republican tradition. The distinction between these two should be the object of a different issue.

However, political power cannot really be exercised by all. It is necessary to hand it to someone: that is what elections do. Hence the reason why for some, with elections the purpose of public governance is achieved.

Considering the community as a mere instrument at the service of individual liberties, easily morphed into individual interests where free market reigns, is the surest way of emptying the concept of individual liberty of its content. This is

because individual liberty exists within an order of liberties[2]. Individual liberty cannot be absolute as liberal democracy has made it to be. It needs a measure, without which it can become a means of violence against other people's liberties. When individual liberty is absolute, it can easily create fertile ground for conflict of "us" against "them", or, as it has been the case in totalitarian regimes, a case of conflict of all against all.

What is the right content of individual liberty then? It could have two meanings: fundamental human rights and prosperity for all as well as the good of each citizen. Such content refers directly to the common good, a concept that has not found room in liberal democracies, where it's all about interests. This demonstrates further why a true content for the idea of equality cannot be found either. Indeed human beings are different. We can't put the same value on the opinion of educated people and uneducated ones, wise elders and ignorant people, law abiding citizens and criminals, etc. More importantly those upon whom power is invested, in order to be free and equal, must recognize their own good in the common good of the people they lead. This fact clashes, once again, against the wall of individual interests be they of the few or of corporations within a liberal democracy.

The discussion of what is lacking under the pillars of liberty and equality in liberal democracy indicates or gives rise to questioning its understanding of another of its seeming pillar: the idea of what is just.

2. The idea of what is just

In liberal democracy, there is a tension between the idea of freedom, as the form of democratic life, and the idea of what is just and what is right as its content[3]. Observing today's trends, it can be easily seen that the emphasis is always on freedom, while what is just and good remain secondary matters and, in some instances, they appear in third, fourth or even fifth place in the debate, in the name of the fact that no one wants the State to shape their idea of what is just and/or good. This position is even pronounced when there is need to understand what is just in the light of the truth. The liberal tradition does not believe that truth, especially truth about what is good and just can be known at the level of the community or in the public sphere. Liberals firmly believe that truth belongs to the realm of the private sphere. Thinking about what is truly just and truly good for all is practically un-democratic. So the question is, what is then the

foundation of liberal democracy's claim for social justice if there is no hint of a publicly, or commonly understood truth about what is just, not only for a ruling class but also for an ordinary citizen? Social justice appears then to be another hollow tenet of liberal democracy. The absence of a universal understanding of the truth not only about what is just but also about what is good, for the leader and the citizens, is one of the reasons why a number of thinkers are of the opinion that liberal democracy relies on relativism as another pillar for it as a system

3. The principle of relativism underlying the majority rule

The fact that liberal democracy relies on relativism is a contradiction in principles. This is because democracy is perceived to be the best guarantee of inviolable rights. Indeed, depriving others of their rights cannot be the content of justice and liberty. In fact it is core idea that points towards the ethical dimension that democracy can't really renounce. However, if democracy cannot accommodate a truly universal and unchangeable idea of freedom as limited by the order of freedoms -the idea of good as personal good and common good and the concept of the truth- it remains without any other reference for political decision except the principle of majority rule. In the political arena, relativism as a pillar of liberal democracy has substituted the truth by the majority rule. And justice is left to be determined by the law, meaning what the competent organs say, even if they could declare something wrong to be just. Here is why liberal democracy has come to be defined by the rules of the game which consists in forming majorities for the transmission and alternation of power. It is no longer about the common good of those who elect the leaders that count!

Liberals firmly believe that truth belongs to the realm of the private sphere. Thinking about what is truly just and truly good for all is practically undemocratic.

The consequences of such relativism cover a wide range of facts such as populism that operates with opinion polls, when it is clear that popularity cannot be synonymous with right; partisan divides with consequent partisan legislation never meant to really achieve the common good but rather serve partisan interests; corruption in the form of clientelism where lobbies and corporations pay for favours in the form of policies; entitlements; formal and informal complex systems of non-accountability etc.

Unmasking the hollow principles of liberal democracy is a duty, if a way to solve such problems is to be found. In summary, the quick diagnosis above shows that, only a return to the ethical dimension of democracy would pave the way to solutions. However, consideration on this needs a greater elaboration which must start from the truth about the nature of political society in order to restore the true meaning of freedom and equality. Such an elaboration would also need to include: a) a discussion on the true meaning and role of “civil society”; b) an analysis of the distinction between metaphysical liberalism and political liberalism, which would also indicate a mention of c) the distinction between the liberal democracy tradition and the republican tradition.

[1]

<http://www.npr.org/2017/04/04/522554630/francis-fukuyama-on-why-liberal-democracy-is-in-trouble>

[2] Ratzinger, J. (2006), Truth, values and power, Rialp, 6th ed., Madrid, p. 82. (in Spanish)

[3] Ibidem, p.83.

Frantz Fanon the Philosopher

High and Low or Light and Dark: The Illumination of Northern

Kenya and the New Digital Divide

High and Low, or Down and Out?

Writing in *The East African* back in 1997, John Githongo described a visit to Mathare Valley. The tour began with the stone structures bordering Juja Road housing and proceeded to pass through successive strata of wood, iron sheet, and finally composite scrap and plastic houses. The number of *changaas* dens, incidents of criminal activity, and the flow of effluent and filth increased on the way down, directing Mr Githongo to graphically describe the descending levels of the settlement as a *de facto* class system.

The same relationship between elevation and socio-economic class also holds across most of the countryside. Remove several geographic zones like the narrow coastal fringe between Malindi and Diani, add the linked variable of distance from the 'centre' and we have a spatial equation that accurately predicts the socioeconomic status of most Kenyans. Two factors, altitude and proximity to the capital, account for why the material conditions of the country's rural dwellers become incrementally meaner as one moves down and away from Nairobi.

This allows us to assume with a reasonable degree of confidence that indicators like economic opportunity, household income, educational standards, access to social services, environmental vulnerability, daily calorie intake, access to electricity, and other factors like insecurity will correlate inversely as one moves away from the center and down the country's ecological gradient.

For example: we can expect people in Machakos to be better off than those in Mbeere, that farm incomes are likely to be higher around Nyahururu than Siaya; and that households in Trans-Nzoia or Chavakali will be wealthier than those on similar-sized farms in Voi. When altitude is similar, distance from the centre comes into play. This indicates conditions in Vanga should be marginally better than in Kiunga while residents of Wundanyi are most likely better off than those in Marsabit although both are high altitude (2300 meters) settlements.

Two factors, altitude and proximity to the capital, account for why the material conditions of the country's rural dwellers become incrementally meaner as one moves down and away from Nairobi.

The interactive effect of these variables intensifies upon passing the extended arc demarcating Kenya's highland-lowland interface. The lowlands are often called 'Kenya B' due to their isolation. In Africa, spatial separation was a condition to be avoided at all costs. In many societies, banishment from the group, not execution, was the ultimate punishment. Although Westerners may go to great lengths to seek it out - in Africa, there is no splendour in isolation: spatial separation incubates vulnerability in the face of unpredictable dangers and environmental risk while increasing transaction costs.

Yet this was precisely the sentence meted out to the inhabitants of Kenya's rangelands at the onset of colonialism. The colonial regime erected administrative and economic barriers that transformed spatial separation into a *de jure* state of economic seclusion.

It is otherwise logical to assume that lower and less predictable rainfall is the single-most important determinant explaining conditions on *both* sides of the arc. Insofar as rural productive output is largely a function of rainfall, it forms a co-linear relationship with the altitude variable in our equation. But this was not exactly the case before; higher returns to labor made pastoraists the masters of the precolonial economy. As subsequent developments illustrated, in the regions beyond the zones of rain-fed agriculture, state policy became the more critical factor, adding a third independent variable to the equation.

Kenya's Sessional Paper No. 10 directed the newly independent government to focus investment in high potential areas. The policy framework predictably widened the socio-economic gap between agricultural and pastoral communities created by decades of colonial era spatial separation. Post-independence policy biases soon morphed into a recipe for social exclusion. The rangelands came to be regarded as economically peripheral to the national interest.

For decades, the ingrained perception that 'we are high and you are low' defined the natural *status quo*.

This structural bifurcation still drives perceptions of the country's expansive lowland landscapes as a breeding ground for livestock rustlers, bandits, and other anti-progressive forces—even while the tourist industry banks on the images of colourful tribesmen, the north's dramatic landscapes, and pockets of abundant wildlife. While such conditions came to describe the prevailing state of affairs in

the north, this was not always the case.

The colonial regime erected administrative and economic barriers that transformed spatial separation into a de jure state of economic seclusion.

The region's livestock specialists were the premier risk takers of the pre-colonial era. Domesticated animals were both the main repository of agricultural surplus and regional currency of exchange. As the bankers of the regional economy, like the capitalist elite of our times, they may have been proud, aloof and possessed of strong predatory instincts. But they were not separate and independent of their agricultural neighbors. Rather, access to agricultural produce was also a *sine qua non* for the emergence of pure pastoralism. Dietary driven demand for carbohydrates in the form of grain and the social status associated with owning livestock linked herders and farmers together. Exchange based on niche production drove the expansion of the trade networks across Kenya's interior prior to colonization.

The acquisition of cattle and the adoption of herders' military institutions allowed agriculturalists occupying ecologically stable highland zones to expand territorially. During the latter decades of the 19th century they integrated many Maasai, Samburu, and hunter-gather refugees created by conflicts and environmental crisis, tilting the demographic balance towards the highlands on the eve of European intervention.

The *Pax Britannica* subsequently froze ethnic identities and short-circuited the dynamics of ecozone symbioses. A century of change conditioned by the altitude-spatial model subsequently inverted the pre-colonial dynamic.

Now the equation is again undergoing change. The discovery of oil in Turkana and Marsabit, the LAPSSET mega-project, and the presence of various extractable resources are now conditioning the notion that the former Northern Frontier District will be the pivot point for Kenya's next phase of economic expansion. The region's proposed contribution to the national economic equation presents a mix of cautionary opportunities and potential dangers for the northerners.

Drivers of Kenya's Top-Down Development Revisited

Around a decade ago a meeting outside Kinna called 'the University in the Bush'

brought together a collection of pastoralist political leaders, researchers, and civil society actors. During one of the informal evening sessions on the banks of the Bisanadi River, one of the MPs present summed up the discussion of imminent developments by warning, “capitalism is coming!”

The region’s livestock specialists were the premier risk takers of the pre-colonial era. Domesticated animals were both the main repository of agricultural surplus and regional currency of exchange.

He was referring to the planned infrastructural projects, investment in natural resource exploitation, and the accompanying influx of warm bodies that will swamp local communities. The group commiserated over the prospects of the impending changes overwhelming the region’s distinctive way of life.

During the previous decades Kenya’s top-down development had relegated the region’s pastoralists to the bottom rung of the country’s economic pyramid, but had left them in control of most of their economic resources while reinforcing their cultural autonomy. Now both are under threat.

The baraza on the Bisanadi also saw the penetration of capital as hardening the marginalisation and spatial isolation of the rangelands into the same kind of class system Githongo observed on the slopes of Mathare Valley.

This discussion, it should be noted, took place at a time when the constitutional reform process had generated the unwieldy Bomas draft. The draft constitution became mired in repetitive cycles of partisan obstruction and political revisionism. The problems, however, were eventually sorted out. Kenyans approved a new and more elegant constitutional dispensation, and its provisions for devolution in the form of counties based on Kenya’s original forty-seven districts came into effect following the 2013 national elections.

Even though the county governments are still young and frequently beset with internal wrangling, they have provided a platform for contesting the imposition of developmental schemes and budgetary decisions by the national government and external investors. Kenya’s national elite, in contrast, retain their old school mentality in regard to their sense of entitlement and their central planning mentality.

The prime exhibit of the latter is Vision 2030. Kenya's blueprint for joining the ranks of emerging economies, is a pre-devolution document that highlights the role of LAPSSET for opening up remote areas of the coast and northern Kenya for development.

LAPSSET is a US\$25 billion fantasy scheme drawn up by planners in Nairobi, and a potentially attractive honey pot for international investors. The original scheme focusing on the Magogoni port and accompanying facilities and infrastructure was first offered to the Qatari royal family as the Roola Project. The exceedingly generous Memorandum of Understanding involved a 30 year B-O-T (build, operate, and turn-over) project tender that even ceded the control of labor hired to build and man the project to the investor. Some 200,000 hectares of prime Tana Delta land were included as a sweetener.

The Pax Britannica subsequently froze ethnic identities and short-circuited the dynamics of ecozone symbioses.

The Roola MoU became a casualty of the 2007 post election violence and Raila Odinga's inclusion in the new coalition government. The Prime Minister was interested in selling an expanded version of the project that would include, among other things, a network of roads, railways, and pipelines extending into South Sudan and Ethiopia. It also included 'state of the art' tourist cities in Lamu and Isiolo and a new international airports. Governments in Asia and Europe and a number of private sector parties expressed their interest in the project.

The Chinese are now funding the new port while other components of the scheme are awaiting external finance. But the prospects of LAPSSET lifting off as planned are diminishing because funding LAPSSET is actually contingent on oil and other forms of energy generation, like the Lamu coal generation plant, wrapped in an investor-friendly package.

As the people of Lamu and Kenya's north are discovering, the inhabitants of the areas affected are expected to be passive spectators until that time when they will be allowed to queue up for jobs consistent with their skills and educational background. They are also finding out that implementation of constitutional provisions for community land and redressing historical injustices, along with the new bill of rights, have been put on the back burner.

The Energy Boom Conundrum

Many observers believe that oil, renewable energy resources, and extractive industries will unlock the region's economic potential. Unfortunately, bringing extractive industries and other capital-intensive ventures like large-scale agribusiness industries into a region undergoing socioeconomic transition often ends up creating what the French analyst, Alain de Janvry, defined as disarticulated economies. Where de Janvry's critique focused on the role of large estates in South America, the same functional dualism is emerging in the north and areas of Ethiopia where local households subsidize the external investors by absorbing the cost of maintaining and reproducing the labor force.

During the previous decades Kenya's top-down development had relegated the region's pastoralists to the bottom rung of the country's economic pyramid, but had left them in control of most of their economic resources while reinforcing their cultural autonomy. Now both are under threat.

For many locals, this form of subsidization still may be preferable to hordes of outsiders snapping most of the jobs and small-scale business opportunities that will come with the new investments. In Africa, the dilemma extends to the creation of economic enclaves in general. The unrelenting cycle of conflict and criminality in the Niger delta illustrates the longer term impact of such disarticulated regional economy; the current conflict in Laikipia represents another variation.

The short but convoluted history of the Turkana wind farm is a case study directly relevant to the high and low thesis. The land for the wind farm was procured through an agreement formed between county council and local investors fronting for a consortium of international companies. The shadowy deal was brokered by the MP for Laisamis and reportedly involved 'bonuses' for Marsabit's county councilors that if once attractive now look like a pittance. The 310 MW wind farm and support facilities are constructed on forty thousand hectares but some 125,000 were allocated to the project. The deal by-passed the standard land board review, and there was no formal contract or MOU catering for the interests of residents and local government alike.

The prospect of inexpensive or subsidized lighting for the locals may have compensated for the arrangements shrouded in darkness. But although the Kenya

government is legally committed to purchasing the electricity—there is no provision or contract catering to inhabitants' access to the electricity generated. The same problem followed construction of the Turkwell Dam, where local Turkana and Pokot children study by lantern light while the highpower lines overhead deliver power to downcountry consumers.

The excuse in both of these cases is that the energy producer is contracted to deliver their power to the national grid. The Lake Turkana Wind Power project web page says locals will be able access the power insofar as the electricity contributes to the supply being tapped by the government's Rural Electrification Authority. In other words, the herders displaced by the project are supposed to take the pens and notebooks provided to local schools by the project's corporate responsibility programme, and to keep quiet.

LAPSSET is a US\$25 billion fantasy scheme drawn up by planners in Nairobi, and a potentially attractive honey pot for international investors.

The area's MP reportedly told his disgruntled constituents, 'if the donkeys make too much noise, predators will come to eat them'.

In the meantime 98 per cent of the County's inhabitants depend on wood and charcoal for fuel, with attendant environmental consequences. In addition to the loss of community land and the corresponding ecological stress, pastoralist hopes of reaping direct benefits beyond the counties' statutory share of profits from Kenya's energy boom are probably a mirage.

Even if Turkana Governor Joseph Nanok succeeds in his legal battle to up counties' share of proceeds to 10 per cent, it is naive to think oil will redefine local counties' developmental trajectory for the better. The likelihood of a national level oil export boom is also not good in light of the reduced long-term value of crude and the billions required to build the requisite export infrastructure. Oil is no longer the black gold of the past. Some observers see oil recovering from the current glut and sustaining prices in the range of \$70 per barrel for another two decades; many believe it will continue to slip, and is unlikely to rise above \$25 per barrel after 2025.

The age of carbon has peaked and is being displaced by the new electric economy. Renewable energy sources and power storage technologies transforming the

international energy industry have reduced the world's spending on oil by US\$2 trillion over the past decade. The auto industry is another harbinger of things to come. Today's electric vehicles halve the maintenance costs of petrol and diesel vehicles because their engines and drivetrains use 200 parts where internal combustion engines have 2,000; the expected lifespan of the typical electric car is 800,000 kilometres compared to 250,000 for your average Toyota Probox. And this is just the beginning.

Electrifying the Future

There are several important variables underpinning the shifts we can anticipate during the transition from Kenya's Vision 2030 to the real world Kenya of the year 2030. The expansion of transport and communication infrastructure will gather speed, attracting a diversified portfolio of external and domestic investment that goes beyond the rent and resource capture focus discussed above. There is no guarantee that socioeconomic conditions in the north will be amenable to such projections. Cultivating an active culture of constitutionalism is essential if the new legal framework is to translate into adaptive governance—a prerequisite for levelling differentials arising out of a century of high-and-low state policy.

The region's leaders and brain trust are going to have to take the lead in sorting its internal problems. The formation of the Frontier Counties Development Council (FCDC) is a promising development on this front. It also follows that a more peaceful Horn of Africa region and stabilization of cross-border regions are equally essential for rangeland progress. The expansion of the CEWARN cross-border conflict early warning system and related peace infrastructure initiatives taking root on the ground are also promising developments that will help counter the spatial divide and support more participatory democracy.

They are also finding out that implementation of constitutional provisions for community land and redressing historical injustices, along with the new bill of rights, have been put on the back burner.

There are two other forces that make conventional assumptions about the futurology of northern Kenya a precarious proposition. One is the nation's unprecedented demographic surge. Rangeland districts hosted the highest birthrates tabulated in the 2009 census and this demographic bulge is driving a socioeconomic de-coupling from the pattern of incremental change on the

national scale. The usual measures for alleviating marginal areas' post independence malaise will not get the job done for the current generation coming of age on the periphery.

Technological change is the real game changer now. But the potential impact of developments in this domain remains problematic, especially for low-tech regions where the digital divide is replacing longstanding spatial and policy-based determinants of inequality. Those who think the often-uncomfortable implications of artificial intelligence, automation, and other avatars of technological efficiency for employment and society in general are limited to the industrial West are sorely deluded.

We are witnessing only the early manifestations of the data-driven technological revolution that include machine learning, cognitive computing, and a range of other more basic technological applications that are reaching into virtually every niche and crevice of economic activity. Technological innovation will be equally critical for enhancing traditional pastoralist livestock production, the management of water, animal health, and conserving the natural resource base. Most importantly are the implications of the information economy and new educational and training methodologies for the unleashing the potential of the human population.

Twenty years after John Githongo's perceptive observations on the relationship between altitude and class in Kenya, the *Digital Divide* is the new *High and Low*. Or, as one sectoral expert recently observed, before the most basic requirement for human existence used to be food and water; now it is food, water, and electricity.

The same problem followed construction of the Turkwell Dam, where local Turkana and Pokot children study by lantern light while the highpower lines overhead deliver power to downcountry consumers.

For the frontier counties, access to electricity is key to harnessing fast moving developments in the field of information and data based technologies. Even the oil industry now employs more data scientists than geologists. The electricity economy is consumer and environmental friendly, increasingly decentralized, and can integrate many different large and small sources of power into highly reliable power grids.

The catch-up strategy for Kenya's marginalised lowlands and coastal counties will arguably require the overhauling of the rigid education system and remaking it in line with a well-informed curriculum relevant to contemporary issues. But the provision of electricity is the essential enabling factor for the education sector and other local developmental priorities.

If electrifying the rangelands is a test case for the larger region's process of highland-lowland integration, the current prospects are not encouraging. Kenya Power and Electric Company's Last Mile Connectivity Project will connect some 312,500 households to the grid, but mainly in peri-urban and other densely populated areas in all counties. European donor funding will help connect another 296,647 households. The company has also subsidized connections for close to 800,000 low-income residents in informal settlements.

Expanding the consumer base and finding markets for the increasing supply is critical for the profitability of the majority state-owned corporation. With new energy generation projects coming on line across the region, the capital-intensive infrastructure for delivering the electricity is a significant constraint. The scale of front-end investment required to expand the national grid partially explains why Nairobi still accounts for 50 per cent of Kenya's electricity consumption.

The expanding rate of connections is still modest compared to the country's population growth rate. Kenya has a comprehensive energy sector road map but political interests unfortunately take precedence over technocratic implementation. Supplying outlying regions will be a slow process despite the importance of access to electricity for rectifying historical inequalities dividing the nation.

The absence of meaningful consultation and provisions for at least some local distribution of the power generated are primary reasons why the Lake Turkana Wind Farm is turning out to be a backhanded example of how *not* to go about closing the gap.

Renewable energy initially seemed to be a win-win proposition, but examples like the Marsabit problem illustrate why its proving more complicated. Technical and economic challenges have dominated the movement towards the planet's renewable energy future. Local opposition in areas across Europe, the USA, and developing areas now underscore why project planners need to direct equal

attention to public attitudes, local benefits, interference with established lifestyles, and impacts on the landscapes affected.

The absence of meaningful consultation and provisions for at least some local distribution of the power generated are primary reasons why the Lake Turkana Wind Farm is turning out to be a backhanded example of how not to go about closing the gap.

The ticket for illuminating much of Africa instead lies with a new crop of creative off-grid options for the region's low density and scattered population. Methods allowing households to divert money spent on kerosene and candles to purchase solar panels is a major factor behind the spread of [innovative start-ups based on a range of adaptive micro-level methods](#) now delivering power to many poorer households.

The problem is not just about catching-up. The former Northern Frontier District, or the New Frontier for Development according to switched-on young northerners, is together with adjacent areas of Ethiopia and South Sudan home to the world's most diverse collection of indigenous peoples. Empowering these communities will bring a new set of problem-solving energies, social values, and fresh ideas to the region's stale developmental model with its inherited legacy of class, conflict, marginalization, and social exclusion.

This article appeared in the second issue of [The Northerner](#).

Who's Laughing Now? Satire as a Form of Social Protest

Those of you who are my age or older might remember when the musician Eric Wainaina came onto the scene in the late nineties with his song "[Nchi ya kitu kidogo](#)." For those of you who might not know the song, it was an attack against corruption in the civil service and a lament about the lack of public social services

for ordinary wananchi. The song was a play on Kenyan code words for theft of public resources, namely “chai” (tea) and “kitu kidogo” (something small). In the song, the singer tells a woman, “Ukitaka chai ewe mama, nunua Ketepa (If you want tea, buy Ketepa [a famous local tea brand]), and tells someone else, “Ukitaka chai ewe ndungu, nenda Limuru” (If you want tea, go to Limuru [one of the tea-growing areas in Kenya]). The singer also boldly says to a policeman, “Ukitaka soda ewe inspekta, burudika na Fanta” (If you want soda, refresh yourself with Fanta).

The song was fun to sing, because of its benga beat, and the fact that its theme was close to Kenyans’ hearts. The rhyming in Kiswahili (mama/Ketepa, ndungu/Limuru, inspekta/Fanta), made the song even more enjoyable. Not surprisingly, while the song was a popular hit among the people, it was not popular among politicians. In 2001, the [BBC reported](#) that Eric was almost prevented from performing the song at an event attended by the then vice president George Saitoti, but the public prevailed.

Later, I read an interview in which Eric recounted a true story about the impact of his song. There was a bus with high school students that was stopped on the road by the police, and the students began to sing “Ukitaka soda ewe inspekta, burudika na Fanta.” The police officers were infuriated, and promptly arrested the students who spent the night at the local police station.

Great satire often arises during times of great repression or moral decadence. The satirist is said to be disturbed by the contradictions between ideals and morality, on the one hand, and the reality of political and moral decadence, on the other.

The second funny element of Eric Wainana’s song that I’d like to mention is the comedy group Redykyulass, which performed some pieces in Eric’s album “Sawa Sawa” in which the song “Nchi ya kitu kidogo” appeared. I will never forget what an impression Redykyulass made on us when it burst onto the scene in the nineties, with comedian Walter “Nyambane” Mongare doing his classical performance of President Daniel arap Moi, with lines like “na hiyo, ni maendeleo” (and this, is development).

Nyambane’s imitation of Moi has remained as fresh as ever. He is so good at parodying Moi that even less than a year ago, the [Churchill](#) and [Jeff Koinange](#) TV

shows in Kenya and even government officials in charge of entertainment for the [national celebrations](#), pulled him out of his posh Nairobi County communication director's job to perform parodies of Moi, who has been out of power for almost fifteen years.

For me, these opportunities for Nyambane to still perform his Moi routine are interesting, not least because there is now a generation of Kenyans that does not remember, or has not experienced, the significance of Moi in Kenya's public consciousness. And yet, Nyambane's parody still has appeal.

Moi has been succeeded by two presidents. During their tenure, we have gone through major pleasant and unpleasant landmarks. We have had post-election violence and a government with a prime minister. We have had a new constitution that has given us counties and devolution, with a president who is still trying to run a tight hold on governors the way his mentor, Moi, held a tight grip on MPs and politicians. Many of the children who were born in the last decade of Moi's rule are now over twenty. Laughing at a Nyambane routine today is like Americans laughing at Bill Clinton when there's Donald Trump today, and George W. Bush and Obama in-between.

...while the catharsis of satire can soothe the pain of the audience, it often runs the danger of just providing catharsis without spurring the politicians or society to change their ways.

So why does Nyambane's Moi routine still have a soft spot in our hearts? Why do we have no memorable equivalent today for Uhuru Kenyatta, for example? The answer to this question is tied to the nature of politics and satire. Before I get to that, I'd just like to go over a few basics about satire.

Basics of satire

Satire is a very delicate genre. What may make people laugh today may not make them laugh tomorrow if the social living conditions have changed. In fact, scholarship avoids discussing satire because the genre is very difficult to pin down.

Satire tells a story as an analogy, and through that analogy, the audience is supposed to understand that the satirist is referring to a particular element in

real life. For instance, when all the NASA politicians portrayed on the [XYZ show](#) decide in which rooms of the house they will sleep, the analogy becomes a reflection of the intricate agreements that the principals negotiated to come up with a flag bearer. Because of its component of analogy, satire often doesn't appeal to people outside the community who may not be familiar with the analogy.

Great satire often arises during times of great repression or moral decadence. The satirist is said to be disturbed by the contradictions between ideals and morality, on the one hand, and the reality of political and moral decadence, on the other. The satirist who uses humour to ridicule and criticise society or those in power is holding up a mirror to society to provoke it to change the situation. This means that the satirist must experience a level of indignation and moral impatience with the subject he or she chooses to satirise. We see this especially in Patrick Gathara's and Godfrey Mwampembwa (better known as Gado)'s cartoons.

By laughing at parodies of Moi, we were able to distance ourselves from the man who had imposed himself on our lives.

Because satire attacks indirectly, the humour provoked by satire provides a way out for both the audience and the artist. When the audience laughs, it experiences relief, otherwise known as catharsis, which gives it a break from the pain of the absurdity of the oppression it deals with in real life. For the artists, satire provides a convenient cover in case they are attacked by the real-life targets of their ridicule. The artist can say to the target: "It was not about you; it was just a story."

But the escape route that satire provides is a double edged sword; while the catharsis of satire can soothe the pain of the audience, it often runs the danger of just providing catharsis without spurring the politicians or society to change their ways. In other words, people can take refuge in satire to avoid demanding social change. When they laugh, they feel better, but they go straight back into the lion's den for another bashing before they seek the next shot of relief through satire.

Although satire often does not provoke social change, politicians still fear it. For example, in the case of Ezekiel Mutua's evident pain about being satirised in his fight to install a censorship bill, we have seen that the political class is definitely

uncomfortable about satire. And people in power do have a reason to fear satire, because satire warns people of social rot or impending danger, keeps the people vigilant about those in power, and makes people ask questions. Satire also provides a sense of moral superiority, because those who laugh at satire feel morally superior to the leaders who oppress them.

We need to understand these elements of satire to grasp why the satire about the Moi era (or error) is still quite funny for us older folk.

Why satirising Moi was funny

Moi was our president for 24 years, so he left an indelible mark on an entire generation. More importantly, Moi was omnipresent in Kenyans' lives. He was on the news every day; every news bulletin began with "*Mtukufu, rais Daniel arap Moi, leo*" (Today President Daniel arap Moi...). Moi's inescapable presence in our lives also meant that we had time to master his accent, his famous phrases and his mannerisms. So when Nyambane performed, there was an element of familiarity with the subject, and most of all, a shared communal experience. Nyambane's routine provided us with an opportunity to reminisce collectively about a difficult period in Kenya's history. But our laughter was also full sadness for the people who suffered under Moi's regime.

Kenyan artists need to be wary about comedy that purports to fulfil the functions of satire. In fact, the expanded freedoms we earned from the struggles of the nineties have resulted in less sophisticated forms of satire. But does this limited form of satire mean that there is no repression, no exploitation, and no one to mock and ridicule?

As I've already indicated, the media contributed to Moi's notoriety. It was not simply that Moi dominated the news bulletin on VoK (Voice of Kenya, which later became Kenya Broadcasting Corporation or KBC), but also that for most of the time that he was president, we had only one media channel. Unlike my generation, children today have not experienced a time when there was only one broadcast channel that went on air from 4pm to 11 pm during the week, and from 2pm to midnight over the weekends, with a brief shutdown in the afternoon. Moi was in our faces and ears all the time. We not only heard about him, we also sang songs about him like "*Tawala Kenya tawala*" ("Rule Kenya rule"). By laughing at parodies of Moi, we were able to distance ourselves from the man who had

imposed himself on our lives.

Most important of all, making fun of Moi gave us a break from the repression of his regime, which was tangible. When Nyambane performed in the nineties, our laughter was more nervous than it is today. We knew that for having an opinion other than what Moi allowed, people could be assassinated, detained, tortured in the Nyayo House chambers or sent into exile.

One of the victims of that regime included columnist Wahome Mutahi, also known as Whispers, who was picked up from the Nation newspaper's offices and detained for "whispering too loudly". Laughing at Moi was a cardinal sin with life and death repercussions. So when we laughed at Redykyulass, or when we sang "*Nchi ya kitu kidogo*," we were releasing decades of repression. It was relief, or catharsis, for us. And even now when I watch Redykyulass, I still feel that catharsis. Because the memory of that oppression remains very fresh for me.

Changing times

The Redykyulass model of humour, which even Daniel "Churchill" Ndambuki admits is the model adopted by Kenya's comedy performances today, arose in specific times that have now radically changed. We now have the Internet and access to literally limitless media. We have a new constitution and more freedoms. We can criticise the president in public, and even to his face, and still go home and eat and drink with our families the same evening. And most of all, we don't have a president for longer than ten years, so thankfully, we will never be as familiar with another Kenyan president as we were with Moi.

And yet Kenyan satire, for the most part, hasn't changed. We are still mimicking politicians and the quiriness of Kenyan society. Thankfully, comedians are now working on using less ethnic stereotypes than they did ten years ago, but there is still too much reliance on ethnic particularities for humour. And today, politicians are no longer as present on the live comedy stage. Even when they do appear, the comedy is based on mere imitation of the political personalities, but without an analogy of real, complex and disturbing socio-political issues.

I must admit that my knowledge of Kenyan comedy is scanty, but I have not seen, for example, good satire on marginalisation or gender discrimination in Kenya. I'm thinking of, for example, a skit on "mansplaining" that was done by [Jimmy Kimmel](#) and then presidential candidate Hillary Clinton that mocked the

condescending attitudes towards women. Kimmel's enactment of sexism impressively captured the impossible standards that women are subjected to. But that kind of performance requires an intricate understanding of the issues that women face.

"Incredulously, while we cartoonists struggled to bash politicians in the Kanu era, we've found criticising today's political leaders tricky because they always rush to court. It's a bit like they are the ones who are supposed to be the sole beneficiaries of today's freedoms. They have discovered that they can sue."

In the Kenyan context, for example, we do not have enough comic performances that capture intricate social issues that require commentary, partly because dominant public discourses in Kenya reduce artistic skill to raw talent. An exception is the [XYZ show](#), which performed a brilliant skit satirising the racial [politics of conservation](#) by presenting a Maasai who settles in the UK to save British wildlife.

Without similar insights into the intricacy of social issues, the comedy that is now dominant in Kenyan entertainment will inevitably equate stupidity with ethnic peculiarities. And the comedy will rarely be satire, because the goal of the performance is simply to entertain and make people laugh, rather than to point out our moral weaknesses or political mistakes.

In other words, Kenyan artists need to be wary about comedy that purports to fulfil the functions of satire. In fact, the expanded freedoms we earned from the struggles of the nineties have resulted in less sophisticated forms of satire. But does this limited form of satire mean that there is no repression, no exploitation, and no one to mock and ridicule?

This question has actually become more prominent in the United States, especially with the election of Donald Trump. The comedy programmes mocking Trump have increased, and now America is experiencing the threat of comedy [overthrowing](#) authentic political discussion and engagement. And yet, [comedy](#) is part of what got Trump into power in the first place. A few years ago, John Oliver thought that the idea of Trump running for president [was so ridiculous](#) that he offered to campaign for Trump. The media gave Trump free airtime because he was [funny and entertaining](#). By the time the media and comedians realised what they'd done, Trump was on his way to becoming president.

And in the shock and despair, the American media has raised the amount of comedy on the airwaves. Even respectable channels like CNN have resorted to drama - bantering between the left and the right - as a form of political commentary. The problem is that comedy and melodrama do not engage citizens in authentic political discussions about their country.

For this reason, observers have started to ask whether mimicking and mocking Trump serves the social good any more. A few months ago, [Emma Burnell](#) wrote a piece in the British newspaper, *The Independent*, titled "Traditional political satire is dead - the people, not politicians, should be the butt of our jokes now." She argued that political satire no longer challenges the establishment. Like in the case of Kenya, mocking politicians no longer has the shock effect it used to. Politicians are now more attentive to the people because they can be fired by the vote. Burnell argues that maybe it's the people, not their leaders, who need to be mocked.

From Trump to Uhuru to Sonko, politicians tell us that they are the victims of oppression by the media, the international community or the government, and because we used to be the victims of the same, we believe we're in the same boat as these politicians. But in reality, they're screwing our hospitals and schools as they seek treatment abroad and send their kids to private schools.

I disagree with Burnell because I believe that satire should be reserved for those in power. Nevertheless, I concede her point that we the people are complicit in the current decay in our countries. But in Kenya, wananchi are complicit in this decay as victims, not as perpetrators. More than that, the fact remains that oppression has not disappeared; it has simply morphed. We have a president who is privatising our health care and education, who is destroying institutions by underfunding them and making professionalism almost impossible, and who is sustaining criminal impunity by subverting judicial processes and by allowing thieves of public funds to run for public office. The national debt has shot through the roof over a project whose value to Kenya is not evident. Surely satire should have something to say about these serious issues.

However, satirising these issues is not so easy because the oppression has become more subtle, even though it is more viscous. Oppression is now embedded in law and policy, while, ironically, politicians speak freedom using the metaphors

of the poor. Take, for instance, politician Mike Sonko, who talks as if he is more oppressed than the regular Kenyan, and who takes his fight for the people to the streets through personalised rescue missions, rather than to through the corridors of legislature where he was elected to represent the people's interests.

In an interview with Kimani wa Wanjiru a few years ago, the cartoonist Paul Kelemba, popularly known as [Maddo](#), captured the irony of the powerful claiming the position of the oppressed and explained its direct implication for satirists. Despite the increased liberties, said Kelemba, satirising is actually more difficult today for Kenyan artists than it was during Moi's days. "Incredulously, while we cartoonists struggled to bash politicians in the Kanu era, we've found criticising today's political leaders tricky because they always rush to court. It's a bit like they are the ones who are supposed to be the sole beneficiaries of today's freedoms. They have discovered that they can sue."

Maddo highlights an interesting phenomenon of this neoliberal era: the politicians have now become the oppressed fighting for freedom. They join us on the streets, they come to hospitals to pay for the treatment of our wounds caused by the government, they intervene in distress, and they complain that the government is oppressing them. From Trump to Uhuru to Sonko, politicians tell us that they are the victims of oppression by the media, the international community or the government, and because we used to be the victims of the same, we believe we're in the same boat as these politicians. But in reality, they're screwing our hospitals and schools as they seek treatment abroad and send their kids to private schools.

Another example is that of the current reforms in education, which are so problematic. Until recently, the education cabinet secretary Fred Matiang'i could do no wrong because of his yet-to-be-explained purge of cheating in national examinations. It is, therefore, very difficult for Kenyans to complain about the education reforms, and it does not help that every time he speaks, he seems to be enforcing efficiency in the education system. However, listening to him, it's very difficult to notice that actually, the cabinet secretary does not say much that is substantial. For instance, at the launch of the piloting of the new school curriculum, he used all the necessary buzz words about supporting schools and holding consultations on the reforms, but in fact, he never got to actually spell out what the reforms were. It is very difficult to point out these gaps without having to deal with accusations of being so "negative" and of refusing to support a hardworking minister. But in the midst of my struggles to explain why the reforms

must be opposed, [Gado](#), in a single cartoon, explained everything I had been trying to say.

It is clear that oppression has not reduced; it is simply wrapped in a new garment. This reality suggests that we must change the way we satirise. We can no longer rely on just mimicking politicians. So in these changing times, how can we satirise? How do we make fun of policy, or expose political wolves in sheepskin? How do we: 1) warn the people; 2) keep the people always vigilant against those in power; 3) make people ask questions; and 4) give people a sense of encouragement? These are the questions that satirists today have a difficult job answering, especially because they can no longer answer these questions in the same way that Nyambane did.

Nyayo House: Unravelling the Architecture and Aesthetics of Torture

“I’m conflicted. Sometimes I want them to just tear it down. But it’s also part of our history. If we don’t deal with the legacy of that past then we are likely to repeat the same mistakes”.

Wachira Waheire spends several of the first minutes of our interview sizing me up. As he shares this observation with me, he is guarded and measured, uncertain that he will collaborate with me until he establishes who I am and why I need to speak to him. It is Saturday morning in the Kenyan capital Nairobi and the museum coffee shop where we are meeting is buzzing. Only when I show him samples of my previous writing on my phone does he begin to relax and speak a little more freely. “You know this story is very traumatising,” he tells me. “Every time a journalist asks me to talk about it, I give a piece of myself away. I relive the experience again. It’s very hard.”

Waheire was bundled back into the vehicle and driven around for hours before

he was dropped off in the bowels of a building he didn't recognise. "I was promised a short questioning - I ended up in prison for four years. But had I not been so young and healthy I'm not sure I would even be here today," he says, laughing mirthlessly.

This story is the 17 days Waheire spent in the tower looming over us during our interview, days in which he was beaten, tortured and interrogated before he was finally transferred to a maximum security prison, where he was held in solitary confinement for four years. In 1986, Waheire was 25 and two years out from university when Kenyan Special Branch officers showed up at his office and asked him to follow them. The officers calmly escorted him to the back of a four-wheel-drive vehicle and took him to his home. There, they found a political poster featuring an ear of corn and an AK-47 that stated that food insecurity was the root of revolution. The officers argued that that was enough to charge him with sedition. Suddenly the mood shifted.

Waheire was bundled back into the vehicle and driven around for hours before he was dropped off in the bowels of a building he didn't recognise. "I was promised a short questioning - I ended up in prison for four years. But had I not been so young and healthy I'm not sure I would even be here today," he says, laughing mirthlessly.

The building where Waheire was held is Nyayo House, once the Nairobi provincial headquarters and administrative heart of the city. Commissioned in 1973 by the Ministry of Works, it was initially planned as the 14-storey "Nairobi House". In 1979, a year after he assumed office following the death of his predecessor Jomo Kenyatta, President Daniel arap Moi, also known by the sobriquet Nyayo, renamed the project Nyayo House. In a 2003 interview, the then chief government architect, the late A. A. Ngotho, said that by the time they broke ground, the decision to use the building for Special Branch offices as well as other government ministries had been taken.

Nyayo House is loaded with symbols of the relationship between the two presidents. It was for several years the second tallest building after the Kenyatta International Conference Centre, a nod to the way Moi, who served as vice president under Kenyatta, always positioned himself as secondary to his predecessor. Indeed, the word "Nyayo" is Kiswahili for footsteps - a nickname

that Moi gave himself and his political philosophy to indicate that he would follow in the footsteps of his predecessor. Thus the building initially conceived as Nairobi House became Nyayo House on completion, and for almost 22 years, Nairobi's big men symbolically presided over the capital city until Times Tower was completed in 1995.

Both Nyayo House and Nyati House were at the heart of the Moi regime's torture network, and Kenyans who remember the 1986 to 1992 period still associate the two buildings with arbitrary arrests, detentions and disappearances. Growing up in Nairobi, we avoided walking past Nyati House, especially because of rumours that you could be arrested and held incommunicado for simply looking at the building in the wrong way.

The Moi regime was on shaky grounds from the beginning, but its most severe challenge was an attempted coup by the air force in 1982 that triggered a wave of punitive repression that arguably didn't end until the Moi regime itself ended and reached its apogee in sites like Nyayo House. Between 1982 and 1985, after the building had been finished, the government architects who oversaw the project were asked by the Special Branch to make several alterations to the original planning that would turn an office block in the heart of a major city into one of the most secretive and notorious prisons in the country. Twelve strong rooms in the basement were turned into pitch black holding cells and concrete slabs blocked elevator access to all but five floors. Access to the top three floors was blocked almost entirely, except through a single door.

In a 2003 interview with a local paper, the then police commissioner Bernard Njiinu argued that even he didn't have a sense of the full scope of what was happening in the building. "I knew what I read in the newspapers like anybody elsewhere," he told journalists, even though he was building a picture of his own from titbits of information he gathered independently.

Waheire gives credence to this argument. "It used to be a very busy government office," he recalls, "but we were always brought in at night, and they made it so that the office workers never knew what was happening in the basement." Thus, while by day bureaucrats pushed paper and traded water cooler banter, by night hundreds of political prisoners were held incommunicado in the basement, shuffled to the rooftop for painful beating and interrogation sessions, and then

shuffled back downstairs for more torture in the form of sensory deprivation and environmental manipulation. Those in the offices may not have known the particulars, but certainly most of Nairobi suspected that all was not well within the building. There were too many “suicides” off the top floor. There were too many armed police officers milling about in the corridors and at the entrances, shouting at civilians to stay away from the staircases.

The scale of the operation was eventually so large that it couldn't be contained completely and locals would swear that even the air around the building was sodden with the stench of death. The fear and paranoia it triggered is still reflected in the way Nairobians who remember that time navigate the city, leaving a wide berth around Nyayo House even if it is the shortest route to their destination. It is seared in the collective memory of the city.

Do buildings have memory? The phrase “institutional memory” generally refers to the way ideas get preserved and transmitted across a network over time. But there isn't really a word to describe the ways in which negative energies become indelibly associated with buildings or constructed artefacts that have been used to violent ends. Yet violence like torture marks buildings not least with the physical debris of damaged human bodies: blood stains the walls and floors and soaks into the concrete; human waste in substantial quantities festers in poorly ventilated spaces.

Walking through such spaces, especially when these spaces have been built or altered to accommodate such uses, one often gets a sense of claustrophobia. Spiritualists may argue that this is the weight of tormented spirits that succumbed to unnatural deaths in these spaces, but non-spiritualists would probably observe that our perception of physical spaces is altered by the uses we associate with them.

Moreover, there's the more ethereal sense of oppression that lingers even after the torture. Walking through such spaces, especially when these spaces have been built or altered to accommodate such uses, one often gets a sense of claustrophobia. Spiritualists may argue that this is the weight of tormented spirits that succumbed to unnatural deaths in these spaces, but non-spiritualists would probably observe that our perception of physical spaces is altered by the uses we associate with them. The philosopher Saul Fisher argues in the Stanford

Encyclopedia of philosophy that beyond aesthetics or beauty, our experience of the built environment contributes to our state of mind – “the ways we experience architectural objects may contribute to how we comprehend, and interact with, those objects.” So an ugly building used as a space to save lives will evoke an entirely different emotion from a beautiful building used for torture.

The experience – even if second hand – of associating a building with torture, or even with deep uncertainty that is amplified by watching others’ anxieties around such buildings, shapes the way we experience these buildings. You feel it when walking through the basement of Elmina Castle in Ghana, a major stopover for the transatlantic slave trade, where hundreds of thousands of slaves were held in near complete darkness before being shipped off to slavery between 1637 and the abolition of slavery in 1814. It is present in the small rooms of Tuol Sleng prison in Phnom Penh, Cambodia, where almost 20,000 Cambodians were tortured and killed during Pol Pot’s regime. Long after the blood stains have dried and the smell of decaying flesh has wafted, the weight of history hangs in the air in these places, altering our experience of even the most banal bureaucratic artefacts.

But does it persist forever?

Certainly, a collective memory of oppression changes the way people interact with buildings and constructed artefacts: a step is just a step until a parent tells you that it is the “naughty step” where you’re expected to wait out a time out. But buildings like Nyayo House in Nairobi or John Vorster Square (Johannesburg Central Police Station) in Johannesburg, which both remain in quotidian use, raise the question of whether the legacy of torture is imprinted indelibly into the structures’ DNA. Like Nyayo House, John Vorster Square was at the heart of a violently oppressive state in which political prisoners were arbitrarily detained, tortured and killed. The similarities don’t end there; John Vorster Square is also an architecturally uninspiring building that would be left out of any city tour of Johannesburg were it not the site of so much of the apartheid state’s machinery of murder. As with Nyayo House, none of this is a secret, but governments continue to use these buildings.

It’s been 25 years since the last confirmed incident of torture at Nyayo House, and in the lead-up to the International Day in Support of Victims of Torture, the city has still not resolved what to do with the building. The Truth Justice and Reconciliation Commission (TJRC) convened in 2008 and suggested that it should

be turned into a museum, a move that Waheire - who worked with the commission - supports. "It's a symbol of unfinished business because it remains there and it remains in use," Waheire reflects. Yet, Waheire isn't convinced that demolishing the building would give victims the closure that they need. "It should remain," he tells me, "and they should retain the name to retain the essence. If they change the name they can change everything. It should remain Nyayo House so that the history is encapsulated."

Memory is an idea that Waheire obsesses over, especially as he watches the state erase the truth about Nyayo House torture from the minds of younger generations by leaving it out of the current school curriculum. In other countries, such buildings are decommissioned and turned into museums - spaces where a community can reckon with an ugly chapter of its history. But Nyayo House is a staggeringly tall tower in the heart of a city struggling for space. There simply aren't enough artefacts from the 12-room cell below and the three stories at the top to fill every space of the building as a museum.

Waheire sees a compromise, arguing that the basement alone should be turned into a museum, instead of its current use as a storage space and dumpsite for office waste from above. "The government hasn't accepted the idea [of Nyayo House as a historical site] so they are attempting to delete that history. It's filthy. It is a dumpsite. It was cleaned in 2013 during the [TJRC] hearings but since then ..." he trails off. Preserving the memory of these dark years is Waheire's main work that he does as a volunteer, pushing for the public to rally and protect this memory so that it may never happen again.

Nyayo House is one of a pair of buildings in downtown Nairobi indelibly marked by a legacy of torture, the other being Nyati House, a squat and architecturally uninspiring stack of gray concrete that once served as the headquarters of the dreaded Special Branch, a clandestine arm of the police force that was instrumental in arresting, detaining and torturing real or imagined dissidents during the Moi era. In a 2012 interview with a local newspaper Wanyiri Kihoro, a former detainee, observed of Nyati House that "people would get shivers just from passing by the building's entrance. It was shrouded in so much mystery that it would seem your own personal demons came alive with each step towards it."

Over time, stories began to leak, especially when it became impossible to ignore the sheer number of "suicides" reported at Nyayo House. It seemed

strange that while no one was allowed access to the top three floors of the building, and at a time when suicide was technically illegal in Kenya, a dead body having allegedly jumped off the top floor would show up every few days. Growing up in Nairobi in the 1990s, I remember being advised to walk past the building quickly in case a body was falling.

Nyayo House, on the other hand, has at least some architectural merit. The dull orange exterior dominates the intersection of two of Nairobi's main thoroughfares - the Uhuru Highway and Kenyatta Avenue - and its phallic symbolism is all the more prominent as it towers past the trees of the three parks that comprise the southern boundary of the central business district.

Although fundamentally an archetype of the sterile brutalism of Nairobi in the 1980s, it is not an entirely uninspiring example. Rather than a solid rectangular shape, it has a doubled-H shape, and is essentially three towers connected by a corridor. The orange of the two outer towers contrasts slightly with the dull brown of the core tower, and its corners are rounded where other towers have sharp edges. Combined with the flamboyant two-tone colour, the structure of the building adds a touch of quirkiness to the austere design.

In 1985, when it was opened, Nyayo House reflected a style that was perceptively different from the city's Kenyatta International Convention Centre (KICC). The latter conformed to the flamboyance of the African modernist frenzy of the 1960s and 70s - the euphoria of the independence era leading to fanciful, extravagant designs that birthed a rotating restaurant flaring from the ceiling of a tower like an elaborate head dress, while a squat plenary hall echoing the lines of a traditional hut sits nearby. Nyayo House, on the other hand, was a concession to the pragmatism of the economic austerity of the 1980s - clean, tame lines with only the smallest concessions to artistic flare.

Both Nyayo House and Nyati House were at the heart of the Moi regime's torture network, and Kenyans who remember the 1986 to 1992 period still associate the two buildings with arbitrary arrests, detentions and disappearances. Growing up in Nairobi, we avoided walking past Nyati House, especially because of rumours that you could be arrested and held incommunicado for simply looking at the building in the wrong way. In a 2014 interview with the local press, John Ng'aari, a pro-democracy activist in the 1980s, said that he still felt an urge to urinate in

fear whenever he walked past Nyati House and that “seeing it evokes memories of the old terror days when speaking out was a crime. Amongst our prayer items in those days was ‘may God save us from Nyati House’”.

Waheire’s ambiguous position on Nyayo House is indicative of the less categorical perspective that Nairobians have towards Nyayo House compared to Nyati House. Unlike Nyati House, which is still used as a police building, and is therefore, closed to the public and shrouded in secrecy, Nyayo House has always been a mixed-purpose building. Since 1983 when the building was completed, it has been home to the Department of Immigration, the provincial administration where Nairobi residents applied for various permits and official documents, as well as the head office for the first privately owned television station in the country’s history, the Kenya Television Network (KTN). Given this expansive use, it has always been and remains one of the busiest buildings in the country, with queues for new passports and permits often snaking around the parking lot and into the street. All of this went on even while people like Waheire were moaning in misery – beaten, deprived of food, sleep and water – in the basement below.

Buildings like Nyayo House are integral to the process of administrative massacres because they allow authorities to bureaucratise the process of torture and killing and to normalise the process as a function of the state.

Ngotho, in the *Saturday Nation* of 5 May 2012, insisted that Nyayo House was not deliberately built for torture, but testimony given at the Kenya Truth, Justice and Reconciliation Commission argued otherwise. In their summary findings, the commission argued that “the infamous Nyayo House torture chambers were designed and built [...] specifically for the purpose of terrorising those who were critical of, or perceived to be critical of, the established regime.” Waheire concurs. “After the 2002 change of government,” he tells me, “they tried very hard to destroy evidence of all the torture that had happened but when they tried to demolish the torture chambers, the architects told them that if they did that it would undermine the structural integrity of the whole building. That suggests that the torture chambers were part of the structure from the beginning.”

Ngotho argued otherwise. He told a newspaper in 2003 that the sound- and waterproof rooms that would become the main torture chambers were designed as strong rooms for the storage of important documents produced by the

government officers upstairs. They were poorly ventilated because people were not expected to spend extended periods of time there, he insisted. Similarly, the elevators to the basement only served certain floors because only the occupants of those floors required access to the money and the secret documents kept in the basement at any time.

Another architect working on the project concurred with Ngotho. Gideon Mutemi Mulyungi told the TJRC that the rooms were initially designed to store cash and sensitive and valuable government documents, and that they were built with reinforced concrete so that they would be fire resistant, and that because of the lack of natural ventilation, air was piped in through special air vents in the roof and walls to assist in climate control.

Still, Ngotho conceded that the Special Branch did, in fact, have a hand in the final design of the building. He recalled that two senior Special Branch officers and a British national, a “Mr. Parkins”, regularly briefed his team on changes that needed to be incorporated into the structure. And to make the situation really work, the building’s administrators put in place several restrictions on the structure’s use. For instance, the original elevators to the basement only served five of the 27 floors: “those government offices that really needed them”, recalled Ngotho. When public elevators were made available, civilians were prohibited from using the staircases even to the first floor, meaning that the lifts at Nyayo House were always crowded. Eventually, the flow of everything from people to recycled air was structured around restricting access to the extremities of the building.

Eventually, the building could no longer contain its secrets. Over time, stories began to leak, especially when it became impossible to ignore the sheer number of “suicides” reported at Nyayo House. It seemed strange that while no one was allowed access to the top three floors of the building, and at a time when suicide was technically illegal in Kenya, a dead body having allegedly jumped off the top floor would show up every few days. Growing up in Nairobi in the 1990s, I remember being advised to walk past the building quickly in case a body was falling. The suicide theory held up only as long as the autocratic regime remained in power. Soon after the democratic vote in 2002, survivors and security officers who had worked in Nyayo House confirmed that those who died during the torture would be thrown off the top of the building to mask the extent of their injuries.

In a 1995 article for the *University of Pennsylvania Law Review*, law professor Mark Osiel defined an administrative massacre as “large scale violations of basic human rights to life and liberty by the central state in a systematic and organised fashion, often against its own citizens.” An administrative massacre is particularly horrifying because it involves building a bureaucracy around human rights violations in order to sanitise them and create an illusion of legality. The political theorist Hannah Arendt first used the term to describe the horrors of British colonialism, especially in India, when colonial administrators would justify widespread murders and deportations of locals in the most sterile bureaucratic terms, a practice that extended to Nazi Germany, where SS officials kept meticulous records of the machine they built to exterminate Jews, Romas, homosexuals and other groups deemed “undesirable and irredeemable”.

Architecture is an integral part of an administrative massacre, particularly where the state in question wants a visible monument to both contain the horror and make an example of those who endure it. Buildings like Nyayo House that are geared primarily to this purpose are not designed to horrify - a remarkable building that stood out from the rest of the architecture would quickly become a focal point for protest and possibly revolt. Rather, the more banal and routine the exterior, the more citizens are likely to accept that what goes on within is a normal part of state function - even if this banality is a function of how quickly the buildings are put together by an autocratic state.

Examples of this type of building can be found on every continent. Many have been turned into museums, like Tuol Sleng in Phnom Penh and the Stasi prison in Berlin. Some are still in continuous use, like John Vorseter Square. The US government’s Guantanamo Bay detention camp in Cuba is the most notable addition to the list, although similar smaller sites, like Richmond Hill prison in Grenada, also exist. Oftentimes buildings that facilitate administrative massacres are modified from other functions, but rarely are they as architecturally striking as the Escuela de Mecanica de la Armada in Buenos Aires - the largest detention centre used during Argentina’s Dirty War from 1976 to 1983. Even though it was an educational facility like Tuol Sleng, this classical revivalist building, with its four imposing pillars, looks more like a museum than any of the other buildings on this list, and so the transition into a museum of the period was perhaps smoother.

Nyayo House was part of the administrative massacre of Kenyans in the 1980s.

Unlike generalised violence in neighbouring countries like Uganda and Somalia, it percolated slowly and relied on the acquiescence of the public rather than on widespread demonstrations of force. It focused on fear as a method of control rather than outright destruction, and caused significant physical harm to a few in order to impose psychological control over the majority. It also altered the character of the city significantly - until the mid-2000s, pedestrian traffic around Loita Street was uncharacteristically light for a bustling African city, as civilians avoided walking past both Nyayo House and Nyati House in order to avoid getting caught in the dragnet of a paranoid state.

Although the Truth, Justice and Reconciliation Commission (TJRC) recommended that the Nyayo House torture chambers be converted into a museum, the government has so far resisted this recommendation for many reasons. Quite simply, the state refuses to acknowledge the magnitude of the suffering it inflicted on its citizens.

Buildings like Nyayo House are integral to the process of administrative massacres because they allow authorities to bureaucratise the process of torture and killing and to normalise the process as a function of the state. It is, therefore, almost predictable that the most banal exterior should house a bloody history of violence because the form of a building that truly manifested the function of such buildings might prove too grotesque to contemplate. Similarly, the decision to use buildings close to the proximity of the city centre serves not only to speed up the process of arbitrary arrest and detention, but also serves as a visual reminder of what the state is doing. An administrative massacre relieves the perpetrator of the need to entirely mask what they're doing: they need the public to suspect just enough so as to incite paranoia and paralysing fear.

Although the Truth, Justice and Reconciliation Commission recommended that the Nyayo House torture chambers be converted into a museum, the government has so far resisted this recommendation for many reasons. Quite simply, the state refuses to acknowledge the magnitude of the suffering it inflicted on its citizens. Many of those who ended up in office after the end of the authoritarian Moi regime had served under that regime. Mwai Kibaki, the president who set up the TJRC, was once vice president under Moi and also served as chair of the National Security Committee that oversaw internal security at the time that the Nyayo House machine was being deployed. Beyond having knowledge, it is possible to

infer that he was complicit, and thus had no incentive to adopt the recommendations of the commission. Kibaki's successor Uhuru Kenyatta, who received the final report of the TJRC in 2013, has also failed to adopt the commission's recommendations.

This leaves survivors like Waheire in limbo. On the one hand, they have been financially compensated following prosecutions against the state in the days after Moi left office, but, on the other hand, they sense that without a physical monument to their suffering their place in history is being systematically erased. Kenya is a young country with an average age of 18.1 years, meaning that an entire generation has already emerged since the last prisoner left Nyayo House: an entire generation that doesn't know why people walk quickly and look up when passing Nyayo House.

Waheire believes that such collective amnesia is disrespectful and undermines the stability of the country in general. As a founding member of the Nyayo House Torture Survivors Association, he battles the state on preserving the memory of the era. (The organisation remains unregistered because the state said its mission was prejudicial to national security.) Waheire volunteers to keep information archived and organised, sharing the Kenyan story at regional and international meetings of torture survivors but is pushing back against apathy from other survivors who, once compensated, argue that the past is better buried.

The sole "good" dimension of the administrative massacre is the meticulous record-keeping that makes such memory projects possible. "We have all the information we need," Waheire tells me. "We know 98 per cent of the names of the people who were held there and my long-term goal is at least to be able to memorialise them in a plaque or statue of some kind."

Until then, the tower remembers for everyone. The torture cells below can be buried underneath reams of waste paper but they cannot be detached from the building, which also means that they cannot be physically erased from our collective memories.

This article was initially published in Disegno Magazine, #15, June - August 2017.

Random Election: Kenya Needs a Better System for Picking Its Leaders

Kenya is today truly in the grip of election fever. Political temperatures are rising, the economy is at a standstill as votes are counted and tallied. Politicians bicker over announced results and shenanigans at the Independent Elections and Boundaries Commission are causing severe headaches and divisive and online hate is still inducing nausea.

It begs the question of why we voluntarily put ourselves through this every five years. And whether the experience needs to be as terrible as it usually is.

And let's not kid ourselves. Elections have historically been traumatic events for Kenya. They are largely responsible for the fact that since independence, the country's economy has never had more than five years of consecutive growth above five percent. This trend has been [particularly evident](#) since the return of competitive, multi-party politics in 1992.

Although the 2013 election was considered to be peaceful, nonetheless over 150 people died in violence in the months before the poll, the vast majority in raids in Tana River which some blamed on politicians seeking office.

Further, the worst cases of communal violence always happen around polling day, from the infamous "land clashes" that preceded the 1992 to the fighting in Likoni and elsewhere prior the 1997 polls, to the post-election violence of 2008. Between 1991 and 1997, election-related violence killed at least 2,000 people and displaced 400,000 more. A further at least 1300 were killed and 600,000 displaced by the 2008 violence.

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Tana River which [some blamed on politicians seeking office](#). On voting day, 13 people, including 6 policemen and an election official, were killed in [attacks at the coast](#) and at least [another 5 died in protests](#) following the Supreme Court ruling that bequeathed Uhuru Kenyatta the Presidency.

Basically, sortition is the way democracy was run over 3,000 years ago when the Athenians invented it

So why do we do this? What is the value of elections? Across the world, many are losing faith in elections as a system of selecting leaders. In [an article in The Elephant](#), Dr Seema Shah writes that governing elites have so gerrymandered the rules governing elections that power has effectively been transferred from voters to candidates. This has “gradually distanced electoral processes from the people, and ... created electoral contests that hinge on little more than big money and elite strategy.” It is thus no accident that in one of the global studies she cites, less than half of respondents think elections are an essential characteristic of democracy. Others see elections as an aristocratic device meant to stop rather than enhance democracy. One such is [Flemish historian and writer David Van Reybrouck](#) who asserts that “the person who casts his or her vote, casts it away”. They propose doing away with elections and career politicians and simply regularly and randomly selecting citizens to run government. It is called sortition and is [not as loony as it may at first sound](#).

Basically, sortition is the way democracy was run over 3,000 years ago when the Athenians invented it (It wasn't an idea peculiar to democracies. In the Bible's Old Testament, various offices and functions in the temple were also determined by casting lots). The ancient Greeks saw elections as an aristocratic device, one designed to limit rather than enable democracy. In Politics, Aristotle states: “it is thought to be democratic for the offices [of constitutional government] to be assigned by lot, for them to be elected oligarchic”. According to [a paper by Bret Hennig of the Sortition Foundation](#), “it was well understood thousands of years ago that elections are aristocratic devices; ‘elite’ and ‘elect’, after all, share the same etymological root.”

But if our representatives should be people who are like us, then elections are a really bad way to go about choosing them. “It is impossible by elections to choose normal people,” Yoram Gat, an Israeli software engineer told The Daily

Beast.

At the heart of sortition is a deep question regarding representation, which is the engine of representative democracy. Since it would be impossible to find a table big enough to sit 20 million adult Kenyans, and also because many of us have a life, it makes sense to select representatives to articulate our positions in forums like Parliament.

But if our representatives should be people who are like us, then elections are a really bad way to go about choosing them. "It is impossible by elections to choose normal people," Yoram Gat, an Israeli software engineer told *The Daily Beast*. "Normal people are kind of anonymous." Professional politicians, on the other hand, are anything but anonymous or normal. Just look at the characters in the Kenyan Parliament.

In fact, across the world, political representatives are nothing like the people they are meant to represent. They tend to be richer and better educated. Parliaments almost never reflect the ethnic, gender and other characteristics of the societies that elected them. Further, elections tend to reinforce and reproduce social hierarchies -and generate ruling classes. They are today mainly contestations between and about elites. And since, even when well-run, they are easily gamed by the rich and influential, they give rise to hereditary political dynasties. Thus elections can both legitimize and facilitate the concentration of political power within and among a small group of families across several generations.

Sortition presents few such problems. Random sampling will, on average, produce parliaments that are pretty accurate reflections of society. It is why, in countries like the US where they have a jury system, jury members are essentially picked by lot to represent the judgement of society. Further, chance being inherently incorruptible, it matters not how much money is spent on campaigns. In fact, there would be no point in campaigning except to influence, not who is picked, but the issues they would prioritize in their tenure.

It is, of course, no panacea to political problems (such as ensuring, for example, that smaller groupings within society do not get ignored) but sorting has the added advantage of getting rid of career politicians -which, I'm sure, few would mourn. It would also eliminate dynastic politics of the sort we in Kenya have been historically treated to.

However, for the foreseeable future at least, elections -problematic as they may be- will remain a crucial component of democracy. They will continue to offer citizens symbolic occasions to renew and legitimize their governance system, to hold public officials to account, to debate differing visions of the future and review options for the deployment of their collective resources. However, a major problem is that in much of the world -and Kenya is a prime example of this- elections have become the only opportunity for citizens to do any of this.

Every five years, we are harangued into registering for the vote and into casting our ballots on voting day. Many commentators go so far as to declare your vote to be your voice and that a failure to vote is an abdication of the right to complain about government policy. In fact, President Kenyatta was fond of telling opposition supporters to stop complaining about his government and to wait for elections where they could do something about it. "You had your chance to lead. Now it's our turn," [his deputy, William Ruto, said](#) in response to sustained criticism from opposition leader, Raila Odinga. "Let us do our jobs. Help us, but give us room to do what we were elected to do. In a few years there'll be another election." In this formulation, there is the idea that in order to "do what it was elected to do" the government must be spared criticism.

Voting is just one of the many mechanisms democracy should afford the people to partake in governance. In fact, it is not the casting of a ballot once every five years that is the crucial characteristic of democracy; many authoritarian systems feature elections.

It is all hogwash. Voting is just one of the many mechanisms democracy should afford the people to partake in governance. In fact, it is not the casting of a ballot once every five years that is the crucial characteristic of democracy; many authoritarian systems feature elections. Rather, it is popular participation in everyday governance -in enforcing accountability and influencing the decisions government makes in between elections- that marks a system out as a democracy.

Elections only gain life and death importance when all other paths to accountability and participation are blocked. And given the way their rules have been fixed, electoral contests have become more about legitimizing elite ambitions rather than solving the people's problems. Campaign manifestos illustrate this, focused as they are on highfalutin visions rather than fixing

mundane, everyday problems.

This sets us up for a horrible cycle. Because there is no accountability and minimal participation of the voting public in governance after the election, politicians will promise anything knowing they do not need to deliver it. Voters, also knowing this, will prioritize what they can get during campaigns since there is no way of guaranteeing that you will get anything after. Thus voter bribery and improbable manifesto promises.

It also incentivizes corruption. For the candidates, there are incentives to spend huge amounts of money getting elected because it opens the gates to a world of looting and self-enrichment through corrupt contracting. And the more one can steal, the more largess one has to bribe the public at the next election, and so on.

Further, regardless of the nature of the system, there is little recognition of the fact that not voting remains a legitimate choice. One may either not wish to legitimize the outcome of an obviously flawed process or may prefer to participate in other ways. Just as voting should not be construed as the end of democratic participation, not voting should not be seen as surrendering all rights to other forms of democratic participation including complaining about the way leaders elected by others govern.

Instead of a ballot box fetish, our focus should be on participation after the vote. We should examine the many ways our system makes it difficult for ordinary people to participate in lawmaking or express their opinions and easy for the government to ignore them when they do. We should be concerned when peaceful protesters are beaten down, or online activism is disparaged and when MPs, under the pretense of giving effect to the constitutional right of recall, pass a law that makes it well-nigh impossible for their constituents to recall them.

In what is perhaps the most memorable phrase in his famous address at Gettysburg in the aftermath of the US Civil War, President Abraham Lincoln defined democracy as “government of the people, by the people, for the people”. A democratic government is not about replacing the people with rulers. But rather about enabling citizens to participate in their own governance and that means it is always accountable to them.

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Which raises another set of fundamental questions that we need to grapple with. Are the people who are elected representatives or delegates? Are they there to faithfully reflect the wishes of their constituents or are they essentially given the authority to implement their own particular views?

During election campaigns, competing candidates and parties try to sell their solutions to the problems they identify. Those who are then elected can thereafter claim a mandate to implement those solutions. However, it goes beyond that. They will obviously, in their tenures, face issues and challenges that were not in their manifestos. How should they address them?

This creates a dilemma. Given that most citizens have neither the resources nor the inclination to delve into the intricacies of policy making, it is not at all clear whether it would be altogether effective or desirable to subject every decision to a referendum or opinion poll. So whoever is elected must have some latitude to make decisions while still being ultimately accountable for them. But on what basis would a presumably uninformed electorate hold elected officials to account?

Resolving this dilemma is critical to ensuring electoral choices do not simply become forums for inaugurating unaccountable governments. There is simply no escape from the burden of citizenship. The expectation of good government must be accompanied with a determination to participate, to understand and try and influence policy decisions.

If this becomes the case in Kenya, then elections need not make us sick.

The Ideology of Uthamaki

Watch: Kenya on the Edge

Kenya on the Edge