

A representative of the people

A review of Dominic Burbidge's *An experiment in devolution: National unity and the deconstruction of the Kenyan state*

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It is a scene so ordinary, so normal, you know. That at a funeral, a political representative - the chief or some other low-level bureaucrat should attend and; sooner or later, as an interlude to an otherwise sombre speech, they will launch into an impassioned digest of what their bosses have been doing or some other drivel. Every once in a while though, if the 'event' is large enough - maybe concerning a *bayati* or *marehemu* rather than a *mwendazake* - then, it attracts quite the shindy. A gaggle of political geese unabashedly having words and setting the political tropology for the next few months; while we - over the noise of the pub, or of the children - raise our fists at the TV at the indignity of it all. If nothing else, at least the bereaved are spared in their preoccupation with grief. This, is us. It has happened to me, maybe to you too, but we have all certainly been witness to it.

This scene, rather an exemplar of it, concludes what has since become my favourite chapter of Dominic Burbidge's *An experiment in devolution*, chapter six. Published by Strathmore University Press in 2019, the 319-page volume is a welcome addition to the growing scholarship on devolution in Kenya.¹ This text, indeed, brings with it a much needed 'empirical grit' to a discourse previously saturated with historically and theoretically derived conjecture. The hallmark of the book is, therefore, this attention to the material, the meticulousness

¹ Dominic Burbidge, *An experiment in devolution: National unity and the deconstruction of the Kenyan state*, Strathmore University Press, Nairobi, 2019.

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with which it relays empirical findings and finally, how the author manages to successfully marry empirical data and theory; resulting in an interesting telling of the story of devolution.

Thus, in chapter six, Burbidge sets out to test the performance of devolution in the counties where it was most predicted to fail: the former Central Province. He investigates how devolution has actually played out in this region; taking into consideration the historically complicated relationship between Mount Kenya and Nairobi and the enduring scepticism as to the compatibility of devolution and the interests of Central Kenya.

Surprisingly, or maybe not, he finds that true to the adage: *kwa ground vitu ni different*. Rather than being simply a massive failure, devolution has actually had a more nuanced, complex reception in Mount Kenya. While the region has politically aligned itself with the centre; at the local level, multiple actors continue to take advantage of the new horizons inaugurated by devolution. So seriously do the people take their vested interests in devolution, that they are not afraid to challenge the county authorities or to sack them at the polls.² By putting to the test preconceived notions on the viability of devolution, Burbidge provides us with a factual starting point in analysing its performance. Thus, it concludes with this gem of an illustration of our very particular way of implementing devolution; endorsing it at a funeral.

This place, in the middle, feels so comfortable and, it holds so much potential. For instance, it is paradigmatic of how devolution, and the Constitution of Kenya (2010 Constitution) as a whole, was born into a particular history and way of doing things. It is also at the centre where people are visible, they appear unburied by abstractions and hypotheses. At this centre, we catch a glimpse of politics as what people do and how they relate to power, how they wield it towards their own pursuits.

But, the limits keep calling to me. It is always the limits with me. The foundations. The question not just of what, when, where, who and how, but of why. The why which precedes and grounds all else. This limit which marks the foundations that make the text intelligible but also enclosure, the distances that it cannot travel. The answers we cannot beseech of it.

² Dominic Burbidge, *An experiment in devolution: National unity and the deconstruction of the Kenyan state*, chapter 6.

The author appears as mere conduit; the text as a mechanism through which the concrete, true story of devolution unveils itself. He presses his ear to the ground until he can faithfully represent the individual-institution coevolution of devolution in Kenya.³ Neo-statist formalism may approach devolution as the distribution of power from the centre to the periphery;⁴ the author, however, posits devolution as the pursuit of something altogether higher than enhanced administrative efficiency. Devolution, he argues, aims at the legitimization of power from the root - the society. The re-construction of the state-society bond. The pursuit of democratic inclusion and national unity.⁵

Here we come to the heart and soul of the text: empirical grit.⁶ Positing society prior to the state; the peoples' sovereignty as the basis of authority. Therefore, letting the ground/people speak in its/their own terms.⁷

This question of speech is quite an interesting one. The enunciative act/moment - that is, to speak - is necessarily preceded by language and a subject capable of speech. The act of speaking may very well be transformative - that is to say that it can enact something new by bringing language to bear upon a particular or singular moment - yet in so doing, it does not exhaust language. That language precedes and exceeds the enunciative act is the very quality that marks its usefulness.

This is to say that even the most unique, authentic and/or concrete of expression is still mediated through language. A fact rather unsuited to the objectivity claims of the empiricist. There is no transparence without the glass; no speech without language; no content without form. This mediation may be somewhat clearer in the social science, what with its concern with the complex, messy world of human actions. Yet, even for those 'pure' sciences, there can be no measurement without metric. We do all, indeed, see through a glass, darkly.

My interest here is in a latent contradiction in this 'empirical grit': the possibility of a *pure* representation. The claim that the author can relay 'the people's' speech without, in the process (a process whose very existence implies a difference in audience; since, why would 'the people' require to be told of their own actions?), either adding something to it - a heresy to empiricism - or more fundamentally; shaping the form of that speech. The question posed to 'the

³ Burbidge, *An experiment in devolution*, 41.

⁴ Burbidge, *An experiment in devolution*, 4-6.

⁵ Burbidge, *An experiment in devolution*, 6 and 67.

⁶ Burbidge, *An experiment in devolution*, 36 and 233.

⁷ Burbidge, *An experiment in devolution*, 36.

people,' the answer recorded, what is included in the final draft and how it is all arranged into a coherent narrative; all these necessarily mould, and inevitably alter, ostensibly 'authentic' phenomena.

This is no controversial claim. If it were, this book would, at best, be a random amalgamation of data - numbers and words. Thus, as it should be, Burbidge sets up the frame for the book from the beginning and continually refers back to it.

His very interesting story is, thus, encased in the mould of what has been an enduring anti-statism in his general oeuvre.⁸ This time beginning from Max Weber and his undue extension, he chides the near obsession with formal statehood that has plagued political science in the contemporary age; and which has consequently been 'applied to Africa.'⁹ Rather than that stale concern with force as the defining feature of statehood, he instead posits politics as essentially a question of democratic collective action.¹⁰ Political institutions should, therefore, be analysed by the degree to which they include and unite 'the people.'¹¹ Thus, the light turns away from the bureaucratic-force machine to the complex fabric of society.

This 'society,' however, does not receive any concrete definition. Maybe the latent diffuseness of society - its connotations of multitude, multiplicity and discontinuity - warrants this reticence. However, the *concept* of society does require explication. To whom does it refer? Who does it include? Who does it exclude? And on what basis: territory, class, race, sex ...? Such clarification is more-so necessary precisely because this concept so easily lends itself to an immediate yet elusive intelligibility in discourse.

Who, exactly, is this society?

But, against the Weberian state form, 'society' will do just fine. As amorphous as it is singular, it manages to hold on to coherency as well as contradiction, making it as arbitrary and idealist¹² as the state it seeks to efface. Indeed, this 'society' can refer to the 'old world' (the colonial metropole); the 'new world' (the

⁸ See for instance Dominic Burbidge, 'Connecting African jurisprudence to universal jurisprudence through a shared understanding of contract' in Oche Onazi (ed) *African legal theory and contemporary legal problems: Critical essays*, Springer, New York, 2014.

⁹ Burbidge, *An experiment in devolution*, 1-2.

¹⁰ Burbidge, *An experiment in devolution*, 28-31, 66-67.

¹¹ Burbidge, *An experiment in devolution*, 46.

¹² Burbidge, *An experiment in devolution*, 38.

colonial outpost)¹³ and the post colony¹⁴ in an equivalent contemplation of the state-society connection. As if these old and new 'worlds' - in their debates on community, identity and politics - were not borne on the backs of the colonised. Predicated on the disruption, oppression and near eradication of those very communities. As if the colonial event was *mere* event, of equal consequence to the colonised and the coloniser alike.

The Africanist is akin to those learning a foreign language who must translate every new word back into their mother tongue, in the process missing precisely what is new in a new experience¹⁵

But, again, against a fossilised state-centric discourse, this faux radicalism - this recognition of the (post)colonial subject as having a life of his own - reads as revolutionary. Well, in the world we live in, researching and publishing a book *about* Kenya in Kenya is laudable as the maintenance of 'a permanent connection to the place under study.'¹⁶

This subject, now conferred with a capacity for speech, must employ it to absolve his recogniser. For, this subject is not just *now* recognised as such. Rather, he is assumed to have always been sovereign. It is of this subject then, that it can be said that 'in the pre-independence period' (read: colonial) he enjoyed 'something of a more participatory history of local government'¹⁷ (read: prefectorial chiefs who pulled the queen's trigger for her, locally). I need not remind you of prefects and their noise-maker lists to show just how 'democratic' that system is. It is for this sovereign subject, that post- independence recentralisation of power can register as a regression.¹⁸ For him too, devolution is the *re-establishment* of a local social contract with power.¹⁹ When did the Kenyan social contract ever exist?

Even this subject's conduct today - his worship of wealth and power and its pursuit by any means, and his split allegiance between *huko reserve* (the village) and town - is entirely attributed to him. An apparent continuity in his culture of 'self-mastery'²⁰ and 'localised self-sufficiency.'²¹ Even the rallying cry of struggle

¹³ Burbidge, *An experiment in devolution*, 32-33.

¹⁴ Burbidge, *An experiment in devolution*, 46.

¹⁵ Mahmood Mamdani, *Citizen and subject: Contemporary Africa and the legacy of late colonialism*, Princeton University Press, New Jersey, 1996, 17.

¹⁶ Burbidge, *An experiment in devolution*, 41.

¹⁷ Burbidge, *An experiment in devolution*, 9.

¹⁸ Burbidge, *An experiment in devolution*, 9.

¹⁹ Burbidge, *An experiment in devolution*, 18.

²⁰ Burbidge, *An experiment in devolution*, 122.

²¹ Burbidge, *An experiment in devolution*, 132.

- *būrūri na wiatbi* - is not, as Frantz Fanon would have us believe, that we revolt not for any particular culture, but that for many reasons it becomes impossible to breathe.²² Instead, it is heard here as a continuation in Gikuyu philosophy/culture of self-mastery.

For this subject to speak, he must shed those colonially-derived complexes, dispositions and drives that underpin his life today. He must disavow the impact of the colonial, move on, it's all in the past anyway. Only then can he speak, be heard and be represented.

It is in this representative address that we encounter the author on the very first page. He speaks of the shortcomings of *our* discipline. Of where *we* have gone astray and how *we* should hereafter proceed. It is here where he offers up the experiment as that which may rekindle *our* theory.

As one reads, one encounters that curious 'we' ... constituted without reference to one's own being. A 'we' made impossible by me²³

If one is a reader like me, one feels - in the author's 'we' and 'our,' the claims to community and ownership - an incongruence. A falling out of address.

Here, the text becomes opaque. It is not, as the author claimed, a 'faithful representation' in which devolution reveals its own progress in its own terms. Rather, in this address - in which one is the object rather than the addressed - another form of representation slips through. Re-presentation as the portrayal, the renegotiation of political science discourse on the concepts of statehood, politics and unity. It is in this discourse that Kenya's devolution figures as experiment, a case study, that age-old role in which 'Africa' has been the star. Africa as anthropological fodder, the testing ground for western theory. Of course, then, he begins with Weber.

It is at this interstice between the texts apparently transparent methodology - empirical grit/letting the ground speak - and the sublation of this 'ground' to his political science theory (ideology?); that the central theoretical proposition of the text emerges. Politics as a quest for democratic unity.

True to method, he begins with a real (historical) account of the political

²² Frantz Fanon, *Black skins, white masks*, Pluto Press, London, 2008, 176.

²³ Dionne Brand, 'An autobiography of the autobiography of reading' Presented at Canadian Literature Centre Kreisel Lecture, University of Alberta Campus, Alberta, 16 April 2019, available on YouTube at time mark 1:01:30 - 1:02:30, <<https://www.youtube.com/watch?v=sc6hhrTcPw>> on 12 January 2021.

deliberations on national unity in Kenya since independence.²⁴ The concerns regarding the colours of the flag, its display and the use of other national emblems leads the author to conclude that 'there is something of a fixation on unity in Kenya.'²⁵ This fixation, he continues is not just Kenyan. Indeed, it is nearly, if not completely, universal. An 'essential element of politics.'²⁶ With this, Kenya is written into the story of the universal theory of political science.

He thereafter proceeds to evaluate the various 'disunities' (the Northern Frontier District situation; Coastal secessionist challenges among others) as a failure of a trigger-happy central government to deliver on this goal of national unity and inclusion.²⁷ Devolution, thus, offers a possible remedy in that, by localising power it will include all, leading to unity.²⁸

This is not a controversial argument. In fact, it is insightful. However, to attribute it to this supposed nationwide anxiety about unity and the possible breakdown of the state is rather tendentious. If anything, unity in this country - a sense of togetherness, that we ought to care for Kenya as a country - is something we are still trying to build from zero. It has been said enough times but it begs repeating here: we are - like other African states whose various nations were bound together by some arbitrary lines on a map in Berlin, 1885 - a state struggling to become a nation. I would think our trepidation lies more in the failure of this nation-building process rather than in the tumbling over of the façade of unity.

When 'society' remains so malleable a concept as it is in this text, just about anything can fit that mould. Thus, the intrigues of the political class - their trite deployment of 'unity' counts as a fixation of the entire populace. And it is upon this symbolological machination - the flag, manifestos and emblems - that the thesis of unity is based. Nowhere is this disconnect more apparent than in a parliamentary debate in which Jomo Kenyatta, then Prime Minister, argues for the restriction of the use of the symbols of national unity (including the word *harambee*) to the political class, lest the commoners cheapen it.²⁹ Whose unity is this if it must be guarded against the people?

A distinction needs to be made between the rhetorical ploys of the political class and the interests of the general populace. So vapid is this political concern

²⁴ Burbidge, *An experiment in devolution*, chapter 3.

²⁵ Burbidge, *An experiment in devolution*, 46.

²⁶ Burbidge, *An experiment in devolution*, 46.

²⁷ Burbidge, *An experiment in devolution*, 56-65.

²⁸ Burbidge, *An experiment in devolution*, 67.

²⁹ Burbidge, *An experiment in devolution*, 46-47.

with unity that the Building Bridges Initiative (BBI) - the ongoing attempt at killing our ten-year-old 2010 Constitution - appeals to unity as a goal. In fact, the attempted Executive recentralisation - in the creation the Office of the Prime Minister - speaks of inclusivity and the role of the president as 'the central symbol of national unity.'³⁰

But, then again, for the author's addressees, this distinction matters as little as the definition of society does. The text, thus, manages to maintain the appearance of a faithful representation of politics as what people do, without telling us who exactly these people are; and how they wield power, without considering how they themselves are constituted through that power. All this, furthermore, is contained within this experiment, a re-presentation of (anti-) Weberian political theory.

Do you now see why I like the middle? It *is* a lot more comfortable. I have no intention of writing against this state of affairs. Not here at least. No desire to cry injustice! I do not know how long that would take having scarcely touched on the geopolitical academic economy that has me, here, reviewing this text. Of the research capacity of local universities, funding and the poor 'luck' (lack) of those of us in the so-called Global South.

Nothing is quite as futile as trying to occupy or reclaim a negating space³¹

But do not tire of me just yet, for my peroration is now beginning. Dear reader, I would say to you, if you have a keen eye and a tactical mind, then you can discern something to keep from even the most negating of texts. You can listen in on conversations in which you appear as object and learn something. Like the good lord, you can separate the chaff from the wheat. In the chaff - because the wheat was not grown for you, not intended for you - you might find something of use. In fact, in this text you will find a lot of use in the middle(s). A world of information, your world, that but for your lack, you could not afford to put together yourself. My intention here then, has been to tease out the foundations of this text so that in your reading, you may not be carried off by the sweet weaving of the story. I concede that may have leaned towards the pedantic but trust that I have been charitable where such charity was due.

³⁰ The report by the presidential taskforce on building bridges to unity advisory, 23 October 2019, 9-11.

³¹ Keguro Macharia, 'On being area-studied: A litany of complaint' 22(2) *GLQ: A Journal of Lesbian and Gay Studies*, 2016, 183-189.