

THE LOCALIST PARADIGM AND THE KENYAN CONSTITUTIONAL REVIEW DEBATE

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We, the people of Kenya, gathered here at Ufungamano House in Nairobi under the stewardship of the religious community, do hereby launch the Constitution of Kenya Review Process by the People of Kenya.

-Ugenya MP James Orenge
-*Sunday Standard*, December 19, 1999,
(emphasis added)

[Mr. Raila] Odinga says that his committee [the Parliamentary Select Committee] is following the letter of the law and has the force of **Parliamentary Support**.

-*Sunday Nation*, January 30, 2000
(emphasis added)

Introduction: A Historical Overview

The Constitution of Kenya Review Act, 1997, received presidential assent on 7 November, 1997. Its specific objectives as an Act of Parliament were (*Kenya Gazette Supplement No. 73, p. 539*):

- to facilitate the comprehensive review of the Constitution by the people of Kenya and its eventual alteration by Parliament;
- to provide for the establishment, powers and functions of the commission, District Constitutional Forums and the National Constitutional Consultative Forum, and for connected purposes.

As soon as there were attempts to launch the Review, bitter disagreement emerged between the ruling party, KANU, and some like-thinking opposition parties on the one hand, and the mainstream church organizations and the larger body of opposition parties on the other.

The main bone of contention had to do with the composition of the commission, especially, item 3(b), which said that, among other groups, the commission would consist of “thirteen persons nominated by the political parties represented in Inter-Parties Parliamentary Committee of whom at least two shall be women.” Earlier, in 1997, it was the work of the Inter-Parties (sic) Parliamentary Committee that had created some semblance of peace in Kenya, making it possible to hold the General Elections. It had been hoped that, after the elections, the new Parliament would amicably implement the recommendations of the Constitution of Kenya Review Act, 1997 (hereinafter, the Review Act). But that was an unrealistic hope.

As soon as the efforts to implement the Review Act started, representatives of the various political parties disagreed bitterly on the formula for sharing the thirteen places on the Review Commission allocated to political parties.

Various attempts to have a peaceful resolution of the stalemate failed. Two camps emerged with different ideas about

how to deal with the problem. The Sunday Standard, December 19, 1999 summarized the positions as follows:

Parliament, or KANU and its affiliate parties on one side, is adamant that the review will start by way of a select committee which will revive the stalled process. The religious Ufungamano House group and main opposition parties have taken a hard-line to oppose the move and have instituted a parallel review.

In public parlance, the dichotomy has been reduced to that between a **people-driven** and a **Parliament-driven** approach, associated with the Ufungamano group and the Parliament group, respectively. It is generally assumed that the metaphor of **driving** as used in this dichotomy is clear enough to form the basis of a rational national debate. This paper demonstrates that this assumption could benefit from a semantic analysis.

Placing the Debate within the Localist Paradigm

The basic thesis of the Localists (see, e.g. Lyons 1977: 15.7) is that locational concepts are the primary concepts from which most other concepts are figuratively derived. Such a localist conception of the world is evident in the Kenyan Constitutional Review debate. The exercise is viewed as a journey between the current constitutional status quo (Location 1) and the desired new constitution (Location 2).

The review process is regarded as a vehicle (more technically, a path) by which Kenyans are to get from Loc(ation), to Loc(action)2. The controversy is on the means of making the vehicle go from Loc1 to Loc2. The rival positions are (for the Ufungamano group) that (i) the vehicle

should be driven by a category of Kenyans called the 'people', and (ii) the vehicle should be driven by parliament.

The intriguing question concerns what the metaphor of driving the Constitutional Review Process implies. An examination of this question reveals that the driving metaphor may be given two or more different readings depending on what we regard as the ground of the metaphor. Concerning the idea of 'ground' and other components of a metaphor, as an aspect of figurative language, Taylor (1981: 165-166) has the following explanation:

In technical discussions of figurative language the first image or idea (that which arises from the subject matter) is called tenor, the relationship is the ground, and the second image (that which is brought in for the sake of comparison) is the vehicle.

The only kind of figurative expression where all the three parts (tenor, ground, and vehicle) usually come out clearly is the simile, e.g.

| | | |
|-----------|---------------|---------|
| My friend | is as slow as | a snail |
| TENOR | GROUND | VEHICLE |

It should be clear that the term 'vehicle' as a component of a figurative expression is different from our idea of 'vehicle' in localism, where it is seen as the means of getting from Loc1 to Loc2 and as in figurative 'journey' perceived in localist terms.

Concerning the driving metaphor in 'people-driven' and 'parliament-driven' in the context of the Kenyan Constitutional Review debate, we can observe that its figurative nature fits the characteristic attributes of figurative language as defined by Taylor (1981:165) in the following words:

...the statement or idea expressed does not make sense on the surface level, and, since literal meaning is denied, an act of imagination is required before the intended meaning becomes clear. The sense must be inferred from some naturally relevant association, comparison, substitution, contrast or inversion of image and idea.

If we abstract away from ‘people’ and ‘parliament’ in the Constitutional Review debate, we can have the general expression X-driven in which ‘X’ is a variable, capable of taking different lexical values: people, parliament, issue, self, community, need, et cetera.

In such expressions, as in all figurative expressions, Taylor (op.cit.) says:

The point most often being emphasized ...is the common factor or relationship which exists between the images involved, that quality or attribute which they have or do not have in common.

Thus, in all expressions of the general Schema, X-driven (e.g. people-driven), the question is: in what way is the role of X in the relevant activity like that of something we know which usually drives something else? In the case of the Kenyan Constitutional Review, the Review is compared to a vehicle (in the sense of a means of transport) which is driven from Loc1 to Loc2 by some entity (human or non-human) designated X. When X is given a specific value (e.g. people) but the vehicle remains a figurative one, e.g. the Constitutional Review Process, we understand with Taylor (ibid.) that “literal meaning is denied, an act of imagination is required before the intended meaning becomes clear.”

We, therefore, have to ask ourselves the question: in what way is the role of X in the Constitutional Review Process comparable to that of an entity (human or non-human) that can occupy the slot of X in the expression ‘X-driven’ when what is being driven is a vehicle in the literal sense of the word (i.e. a true means of transport)? What we are suggesting here is that when a word such as ‘people’ occupies the slot of X, it stands in a paradigmatic relationship with an indefinite number to other lexical values of X (i.e. other words which may occupy the slot of X).

For the purposes of this paper, the paradigm contains two significant possibilities, namely:

- 1 Njiru-driven (Patrick Njiru is a Kenyan Rally Driver)
- 2 Steam-driven

Possibility (1) places X in the driver’s compartment, steering (controlling and directing) the vehicle; possibility (2) places X inside the engine of the vehicle, providing the energy for its operations (including movement).

For the sake of convenience, let us refer to (1) and its attendant properties as the Njiru Model of driving the Constitutional Review Process, and to (2) and its attendant properties as the Steam Model of driving the Constitutional Review Process.

In the following sections below, we shall examine the implications of these two models for the Kenyan Constitutional Review debate.

People vs Parliament in the Constitutional Review Debate

The Kenyan Constitutional Review Debate has created a dichotomous opposition between the people of Kenya and their parliament.

The Webster's Encyclopedic Unabridged Dictionary of the English Language (1989 Edition) lists the following meanings of the word people (as a noun):

1. the whole body of persons consisting a community, tribe, race, or nation because of a common culture, history, religion, or the like: the people of Australia; the Jewish people.
2. the persons of any particular group, company, or number: the people of a parish.
3. persons in relation to a ruler, leader, employer, etc.: the King and his people.
4. a person's family or relatives: he took me to meet his people.
5. the members of any group or number to which one belongs.
6. the body of enfranchised citizens of a state: representatives chosen by the people.
7. the ordinary persons, as distinguished from those who have wealth, rank, etc.: a man of the people.
8. persons indefinitely, whether men to women: People may say what they please.
9. human beings, as distinguished from animals.
10. animals of a specific kind: the monkey people of the forest.

Of the ten definitions of people given by Webster's it would seem that (2), (4), (8), (9) and (10) are obviously out as possible meanings the word as used in the Kenyan Constitutional Review Debate (henceforth, the Debate). Of the possible ones, (5) is the most trivial: suggesting perhaps that only those who belong to the Ufungamano persuasion are called 'people' in the Debate. This is unlikely, but one cannot rule out such simple-mindedness in political discourse. Definition (6) would make more sense than (5), but there is no indication in the Debate (as reported in

the Kenyan mass media) that participation in the Constitutional Review may be limited to enfranchised persons. Even the controversial *The Constitution of Kenya Review Act, 1997* mentions "the people of Kenya" without any qualification (e.g. 2C (a), 2C(b)(ii) and 2C (c)). Definition (7) bears the usual political meaning of the "the people," but the group of opposition politicians and religious leaders involved in the Constitutional Review Process outside the ambit of Parliament would certainly not qualify to be called 'people' by this definition. Definition (3) is another common political meaning of "the people," but, in the Debate, it would suggest that Parliament is the powerful entity against which 'people' is defined. This is awkward, considering the fact that the Ufungamano group includes a large member of (opposition) Members of Parliament. It is only a possible meaning of 'people' in the Debate if those Ufungamano Members of Parliament are treated as rebels from the group of rulers—not an unlikely possibility. Definition (1) would be the most sensible meaning of 'people' in the context of a Constitutional Review. It is clearly what 'people' means in references to "the people of Kenya" in *The Constitution of Kenya Review Act, 1997*. In this context, Parliament is seen merely as an institution that performs legislative activities on behalf of the people.

Whoever we believe the people are in the Debate, we can safely assume that they are not part of Parliament in what is contained in the expression 'Parliament-driven.' The question is whether their role in the Constitutional Review Process is irreconcilable with that of Parliament. That is, are Parliament and 'people' rivals in the Review Process? Can they possibly work together and, if they can, in what arrangement? Such are the questions to which we shall now turn our attention in the next section.

Driving Models and the Constitutional Review Debate

In Section 2, we formulated two models of the driving metaphor in the context of the Review Debate, i.e. (1) the Njiru Model, and (2) the Steam Model. Let us now examine each of these models and try to relate them to the Review Debate to a more detailed extent.

The Njiru Model

As we pointed out in Section 2, the Njiru model places X, in the expression X-driven, in the driver's compartment. In this position X has the role of steering the Constitutional Review vehicle: starting, controlling, directing it, and performing other activities consistent with the work of a driver. Thus, in the driver's role, one would be expected to perform activities such as the following in relation to the Constitutional Review:

- put in place the necessary ground rules for carrying out the Review;
- put in place the necessary mechanisms and procedures for ensuring that the review goes smoothly and achieves its goals;
- devise ways and means of resourcing the review; and
- do any other thing necessary to ensure that the review meets the aspirations of the citizens.

It looks clear that Parliament is the best placed national institution to 'drive' the Review Process within the Njiru model of the driving metaphor.

The Steam Model

The steam model places X in the engine, where X's main function is to provide the essential energy for the movement and other engine controlled operations of the

vehicle. With regard to the Constitutional Review Process, the role of X within the steam model would be:

- to provide the information regarding those aspects of the Constitution that may need to be altered (by amendment, replacement, or removal);
- to provide the reasoning for re-shaping the Constitution in one way or another; and
- generally, to be the source of the ideas that determine the actual shape of the new Constitution.

It is arguable that this should be the role of the people of Kenya working outside the institution of Parliament.

Summary and Conclusion

Having examined the implications of the metaphor of driving within the Kenyan Constitutional Review Debate, it is clear to me that one can work with different models of driving. In this paper, I have suggested two models that look relevant to the Kenyan Debate: the Njiru model, which puts the participants in the driver's compartment; and the Steam model, which places the participants in the engine of the Constitutional Review vehicle.

It is evident that Njiru (Parliament) and Steam (the Kenyan people) cannot be rivals because they have different, equally important, roles to play in making the Constitutional Review Vehicle work successfully. One cannot place Njiru in the engine compartment.

More importantly, neither of them can work without the other: the Kenyan Constitutional Review Process needs both Parliament and the People, driving it in different senses. The presentation of these two entities as rivals is unfortunate

because their roles in the Review are essentially complementary. The rivalry is based on the false belief the metaphor of driving has only one position for the entity

that does the driving in the expression X-driven. This is unfortunate and expensive in all considerations for the people of Kenya.

Notes and References

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