Emergence of inter-identity alliances in struggles for transformation of the Kenyan constitution

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Abstract

Struggles for transformation of the Kenyan constitution brought into alliances disparate movements from below, sections of middleclass, and factions of political, economic and religious elites, in challenging the government. The emergence of these alliances presents useful cases for examining the dynamic relationship and politics between these movements, and also for probing social movement theory. Specifically, given the centrality of identity consciousness in movements, how were intrinsic class, religious, gender, generational and ethnic identity interests, contestations and cleavages overcome to enable inter-identity alliances in these struggles? More critically, how relevant are the dominant social movement theories in explaining this phenomenon? Is theoretical straightjacketing useful for analysing movements with such diversity? Drawing from in-depth interviews and existing literature on Kenyan constitutional reform struggles, this paper illustrates how alliances between the different identities and movements were forged to allow for a common struggle. The paper further illustrates that while political opportunity structures explain certain aspects of this phenomenon, framing, civic education and community organising strategies were critical enablers for collective identity formation.

Keywords

Constitution reform struggles; inter-class alliance; inter-identity alliance; Political opportunity; framing; Civic Education; Community Organising; Collective identity; Kenya

Introduction

Struggles for transformation of the Kenyan constitution took a series of waves of contention from early 1990s culminating in a new constitution in August 2010. These contentions were characterised by a duality of unity and fragmentation of different actors, resulting in moments of progressive actions but also inertia in addition to political violence, as was the case around the 1992, 1997 and 2007 elections. In moments of unity, these struggles brought into alliances, disparate protest movements of the poor, sections of middleclass, as well as political, economic and religious elites, in pushing for reforms. Such alliances resulted in movements such as Citizens Coalition for Constitutional Change (4Cs), the National Convention Assembly/National Convention Executive Council (NCA/NCEC), and the Ufungamano Initiative, which exhibited both vertical and horizontal networks of relationships between different actors.

Dominant theories of contentious politics presuppose that divergences in the socioeconomic background of the claimants, coupled with their subjective identity consciousness stymies the possibility of inter-identity movements emerging. Moreover, even when alliances between movements from below and those of middle classes emerge, resultant struggles cannot necessarily have a common coherent storyline and are beset with principle-setting challenges. In addition, literature on interclass relations reminds us that alliances between movements from below and middleclass activists are problematic, fragile and mostly short lived (see for example Gurney 1994; Alves 1989; Clark 2004; Mati 2012a; 2012b; 2015).

The fragility of interclass alliances is accentuated by co-optation and patronage and therefore, the neutering of the agenda of the lower classes, or working-class interests are consistent and systematically bypassed or pushed aside by the middle-class in order to maintain a united program and front (Alves 1989). This fragility is further a product of the inconsistency of the attitudes of the middleclass towards the lower classes (Clark 2004; Mati 2015). Specifically, as has been shown in the analysis of the ambiguous relationship of movements from below and middleclass activists in Kenya's constitutional reform struggles, the middleclass leadership of these movements always embraced the less threatening alternatives each time a crisis was created by violent demonstrations in support of calls for reforms (see for example, Mati 2012a; 2012b; 2015; Mutunga 1999). Given these cleavages, participation in social movements mostly 'occurs along homogeneous networks and this tends to reproduce the homogeneity of a movement' and networks of horizontal class-based movements (Clark 2004, p.27).

Against such odds alliances across different ethnic, gender, generational and class identities did emerge and led to the crystallisation of a constitutional reform movement in Kenya from the early 1990s. This movement had extraordinary mass appeal, especially among the urban poor, and a complex politics of inter-ethnic, religious, gender, generational and class relations (Mati 2012a; 2012b). The multiple identity-based alliances in the Kenyan constitution movement presents an interesting case for examining dynamic relationships between the various dimensions of these movements from below and middleclass formations

(sometimes with the support of factions of different elite groups) in these struggles. The empirical questions are: what necessitated these alliances? How did they evolve? Moreover, given the centrality of subjective identity consciousness in movements, how were intrinsic class, ethnic, gender, religious and generational identity interest cleavages overcome to enable alliances between different identities in these struggles?

These alliances also raise pertinent questions for probing social movement theory. Specifically, critics charge that existing social movement theories, being products of Euro-American academies, reflect the sociology of knowledge of wherever they are developed (Buechler 2000). How relevant then are theories rooted in Western social realities in studying African struggles? More so, is theoretical straightjacketing useful for analysing movements with diverse class, ethnic, gender, religious, and generational identities and interests? This paper attempts to answer these questions. Specifically, it aims to trace how alliances between the different actors became a reality. As such, while references will be made to what happened after these alliances were in place, that is not the primary objective.

The paper is part of a larger study on the struggles for constitution reforms in Kenya whose data was collected from several urban and rural sites across Kenya through in-depth interviews, field observations and reviews of mass media reports. The sample for in-depth interviews included civil society activists, politicians, religious leaders, community leaders, community organisers, commissioners and bureaucrats of the constitution review commissions and ordinary citizens involved in the constitution reform contentions. These in-depth interviews and field observations were conducted in three rounds (i.e. September and October 2009; March and April 2010 and finally March and April 2013).

Methodologically, the paper employs an eclectic mix of theoretical explanations (including political opportunity, framing, and collective identity theories) for the origins of Kenyan constitutional reform contentions and their inter-identity alliance character. Specifically, it is argued that while the structure of political opportunity and constraints accounts for emergence of these movements, the social construction-inspired framing and collective identity formation approaches explain the emergence of cross-class, ethnic, religious, generational and gender identity alliances in them. Framing, it will be shown, was employed by activists in the Kenyan constitution change struggles through mass civic education and community organising strategies of the 1990s in constructing a social category of state-oppressed citizens (irrespective of social status, gender, religion and ethnicity). This made intelligent connections between disparate struggles, and called for aggregation of resources through alliances to overcome specific identity-based frailties in challenging the state. Nonetheless, framing and community organising, as this case confirms, are conditioned by the prevailing political opportunities as well as by other structural constrains in society. In the Kenyan case, these societal conditioners included ethnic, class, religious, gender and generational cleavages, which, in return, made these alliances fragile (Mati 2012b).

Approaches utilising multiple theoretical explanations have been charged with conceptual poaching.[1] However, the benefits of this approach for the current project are twofold. First, there are multiple limitations of applying any of the approaches separately as none can explain the overall dynamics in the generation of these alliances. At the same time, the dearth of theory from the South, and the allure of some universalism of social theories irrespective of where they are produced, means that creative deployment of certain aspects of theories generated in North American or European academies continues to offer valuable starting points for analysis of social movements in Southern contexts. Indeed, this is a growing feature of scholarship, even in studies of African protest movements (see for example, Mamdani and Wamba-dia-Wamba 1995). This approach challenges straightjacketing of studies of African movements 'within the boundaries of conceptions borrowed from a different context, and thus arrived at in *a priori* fashion' (Mamdani 1995, p.8).

In what follows, I explain how the concept of class is deployed in this paper. This is followed by a sketch of the key theoretical postulations utilised in the paper, beginning with the political opportunity theory. This is followed by an illustration of the limits of the political opportunity theory in explaining the cohering of alliances across different identity groups in these struggles. This limitation, I argue, is redressed by looking at the role played by framing, civic education and community organising in generating alliances between the different struggles.

Class as an identity in Kenyan constitutional reform movement

At the core of the classic Marxist conception of class is the notion of a society stratified through asymmetrical accumulation, and an individual's class is determined by his/her position in the economic production process. In this paper, however, the conception of class is informed by Pierre Bourdieu's (1984) proposition that in contemporary capitalist societies, class is based on differentiations in volume of access to and levels of actors' accumulation of three forms of capital: economic (money capital, commodities), social (social connections), and cultural (education, status, ranks, titles) (Fuchs 2005).

For Bourdieu (1984: 114) the primary differences between major classes 'derive from the overall volume of capital, understood as the set of actually usable resources and powers…' The social position and power of an actor depends on the volume and composition of capital (i.e. the relative relationship of the three forms of capital) that he/she owns and can mobilize. This conception of class allows a fuller understanding of the differentiations of classes (Fuchs 2005), not just on the basis of economic capital, but also social and cultural capital in contemporary Kenya.

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[1] This involves 'appropriating the language and issues of a different paradigm and incorporating them as minor theme in a preexisting paradigm that undergoes no fundamental change in the process' (Buechler 2000, p.53). Since it was first articulated in late 1970s, the political opportunity theory has employed such conceptual poaching in responding to its criticism.

Emergence of Kenyan constitution change struggles: Political opportunity explanation

While different theoretical explanations have been advanced on why and how social movements emerge, the political opportunity model is chosen as the most appropriate theoretical explanation of the emergence of the constitutional change struggles in Kenya because of its state centric nature. Specifically, as was the case in these constitutional reform struggles, the political opportunity model postulates that the state is a movement's primary antagonist. Developed in the American academy, political opportunity theory emphasizes 'opening and closing of political space' in explaining how movements emerge to secure concessions and rights from powerful nation states in democratic contexts (Gamson and Meyer 1996, p.277). Movements, according to this theory, are part of the ever-present political processes and organisations in modern democratic pluralistic societies, which compete over interests in trying to modify political institutions in their favour (Tilly 1984; 1978; McCarthy and Zald 1977; 1973). As such, social movements are extensions of politics by other means (Tilly, 1984).

Political opportunities are conditions in the environment that favour or repress social movement activity. They include the degree of receptivity or vulnerability of the political system to organised protest groups, 'relative accessibility of the political system, the stable or fragmented alignments among elites, the presences of elite allies, and the state's capacity and propensity for repression' (Garrett 2006, p.204). For proponents of this theory, social movements are generated if there is sufficient organisation and mobilisation of resources to utilise existing political opportunities (McAdam 1982; Voss and Williams 2012). Such resources include leadership and other 'capabilities or objects that can be used to enhance or maintain power' (Gamson and Meyer 1996, p.282). Resources intersect with political context and movement's strategic choices (and consequences) in shaping movements.

The political opportunities that ignited contemporary Kenyan state reform movement are traceable to ruling elite fragmentation, which peaked in the early 1990s. Specifically, the Moi/KANU state imploded after a faction of alienated wealthy political elites joined hands with the middleclass groups in calling for reforms to save the country from deepening dictatorship (Mati 2012b). Prior to this, there had been a dominant, albeit fragile, hegemonic elite faction who had ruled Kenya since independence from Britain in 1963. To understand the implosion of this elite faction, I offer below, a recapitulation of political developments in post-colonial Kenya.

The Kenyan anti-colonial struggles, were underwritten by an inter-ethnic, generational and class alliance movement, which exploited existing racial antagonisms to rally African unity against the minority but economically and politically dominant white colonial elite. This movement, however, was plagued by serious contradictions emanating from conflicting visions of the purposes of state power once independence was achieved. The peasant subalterns for example, hoped that their most important grievance – access to land – would be addressed by the post-colonial state. On the other hand, the careerist African elites did not question the structural edifice of colonialism and its domination and hoped to acquire undiluted state power as a means of continued dominance. Notwithstanding these

contradictions, the convergence of various classes and ethnicities into an anticolonial struggle illustrates that identity is both socially constructed and transient.

Nonetheless, as has been observed of such interclass alliances elsewhere (cf. Alves 1989; Dwyer & Zeilig, 2012), due to the aforementioned contradictions, the 'peasant-elite alliance outlived its usefulness as soon as it compelled [white] foreigners to hand over dominance to local brokers: the African elite' (Njoya n.d., p.3). Thereafter, intransigence of elite interests resulted in differential benefits of 'independence' for different classes. Further, ideological and later inter-ethnic tensions emerged within the dominant elite group precipitating numerous constitutional changes engineered by President Jomo Kenyatta so as consolidate power and checkmate his deputy, Oginga Odinga, and his allies.

As a result of these developments, instead of transforming the fundamental contradictions of domination embedded in colonialism, decolonisation became a process of supplanting white dominant minority with a minority but dominant African elite. Instead of delivering material and symbolic benefits for the masses, the postcolonial elite who inherited state power resorted to misrule and executive excesses, and irredeemably mutilated the inter-ethnic and class covenant that had underwritten the anticolonial struggle.

Since then, class and ethnic fragmentations and fragility of the dominant Kikuyu and later Kalenjin ethnocracy has been the defining character of post-independent Kenya's socioeconomic and political relations. This fragility was a result of profound disillusionment of the poor masses with the outcomes of independence. Thereafter class and ethnicity became instruments for demobilisation of anticolonial movement by the dominant elite coalition, but also the basis for new mobilisations by those opposed to the dominant Kikuyu ethnocracy. The oppositionist elite faction in Kenya, as elsewhere in Africa, was replete with similar contradictions as the dominant elite coalition; they identified the problems of independence but could not resolve their contradictions. In most instances, they held back the demands of their supporters, often switching popular anger on and off when it suited their interests (Dwyer & Zeilig, 2012).

The fragility of the dominant elite became especially accentuated after Kenyatta (a Kikuyu) died in 1978 and Daniel arap Moi (his deputy, a Kalenjin) took over. The 1980s were characterised by intensification of intra-elite antagonisms fuelled by Moi's attempt to end Kikuyu elite dominance by among other things, undermining their perceived economic hegemony. Moi's tools of trade combined neopatrimonialism, oppression of political competitors and critics, and 'mass line populism' (Currie and Ray 1984, p.570). These threatened to 'erode the financial status of both the middle and lower class' (Press 2004, p.105).

What happened next challenges the structural determinism advanced by political opportunity theory especially its postulation that social movements emerge to take advantage of existing political opportunities within a democratic state (Tilly 1984; McAdam 1982; Goodwin and Jasper 2004). Instead, the Kenyan case illustrates, as among others Gamson and Meyer (1996) Chan and Zhou (2009) and Meyer and Staggenborg (1996) argue, opportunities

can be produced, created or magnified even in restrictive conditions. This depends, as we shall see shortly, on cognitive and interpretative processes.

For the case at hand, resistance led by the student-intelligentsia and movements of the landless masses emerged. The struggles of the landless masses were fuelled by grievances against the regimes' land distribution policy that, through neopatrimonialism, favoured elites and sections of supporters while majority of the masses remained landless (Currie and Ray 1986; 1984; Kanogo 1987; Furedi 1989). Their grievances intensified to a point where in June 1982 some squatters moved to occupy some large farms, in effect, threatening the landed elite interests (Currie and Ray 1986).

On their part, the struggles of the students-intelligentsia were directed against the repressive activities of the government especially after the constitution amendment Act No. 7 of June 9, 1982 that made Kenya a *de jure* one party state. This eroded whatever had remained of basic democratic rights like free speech, assembly and association (Currie and Ray 1986; 1984). A leading Kenyan human rights lawyer reflects on this time:

> The Moi/KANU rule became so brutal that the difference between right and wrong
> was so clear. There was no longer any grey area in between. This was the
> sentiment that the middleclass groups used to mobilise popular opinion on the need
> for reforms so as to curtail the excesses of Moi's absolute and brutal powers.
> (Ndubi, interview 24/09/2009)

Moi's excesses were first tested on August 1, 1982, when a section of the Kenya Air Force with tacit support of University students and the intelligentsia, attempted a coup against his regime, citing deteriorating economy, runaway corruption, and shrinking democratic space (Mbingu 1991). The failed coup had a tremendous effect on the political environment, resulting in constrained opportunities for protest as Moi clamped down on his perceived critics, detaining many without trial while many others fled into exile. Rather than constraining dissent, underground movements of university students and intelligentsia such as Mwakenya emerged. More importantly, the actions of the regime further alienated the middleclass and bred conditions that dispersed discontent to hitherto apolitical classes, especially lawyers and religious leaders.

The legal fraternity, which had thus far maintained studious silence, was unquieted after the regime begun harassing lawyers who dared represent arrested dissidents. In the words of a Kenyan constitutional law scholar turned politician, Kivutha Kibwana, from then on, 'there was no more law to practice' as they became economically and socially vulnerable forcing them to mobilise to oppose these developments. By late 1980s, the Law Society of Kenya (LSK) was not only firmly embedded in the pro-change movement, but also played a key role in diffusion of the change agenda and in catalysing both intra-class and inter-class alliances as well as mobilising across ethnicities and gender. The role played by women lawyers through the Federation of Women Lawyers (FIDA-Kenya) from mid 1980s, as we shall shortly see, exemplifies this.

Political opportunity in the form of elite fragmentation was also aided by the structural conditions of austerity of the structural adjustment programmes from late 1980s which reduced resources available for maintaining patronage leaving the regime more vulnerable. Moi resorted to giving his political clients excised public land, forests and road reserves. Nonetheless these measures were inadequate to arrest the increasing tide of precarity and the destruction of the middleclass who resorted to fighting these threatening developments. In addition, as if on cue, subaltern groups started encroaching into the very public land that Moi was dishing out. This put the legal value of land title deeds under threat. To guarantee returns to political cronies, the regime resorted to forceful eviction of squatters.

While some discontented groups of the poor utilised their grievances to mobilise against the Moi/KANU state, others took advantage of opportunities offered by the existing patronage system of the single party era. Specifically, the labour used in these evictions was provided by poor urban youth who had been recruited into militias such as KANU youth wingers that had become the 'single most important "security organ" for the party, working alongside the formal state security' (Kanyinga and Njoka 2002, p.90). While the KANU youth wingers were segmented along class lines, a majority were school drops outs, sons and daughters of rural peasants, of homeless, landless slum dwelling squatters who were unemployed and subsisting on 3D jobs (dirty, degrading and dangerous jobs). They took their youth winger jobs in order to appease their patrons to guarantee continued favour. The other end of the KANU youth wingers spectrum were the elite entrepreneurial young men eager to use the state to accumulate wealth and political power. This elite wing later constituted the Youth for KANU (YK '92), which became singularly instrumental in the disbursement of patronage resources to mobilise support for President Moi and KANU in general in the 1992 elections after the re-introduction of multi-partyism (Kanyinga and Njoka 2002, p.90). Among the rewards for these petty bourgeoisie cronies were state land, most of it already occupied by landless squatters, further aggravating tensions due to continued evictions.

The anger of the urban landless masses against widespread evictions and systematically corrupt and exclusionary land distribution policies led to the emergence of Muungano wa Wanavijiji in mid 1990s as a movement of dwellers of the burgeoning informal settlements in Nairobi. One of Muungano wa Wanavijiji's founding leaders explained the conditions that led to its emergence:

> The small businesses we run here [Toy-Kibera] were always exploited by the
> provincial [public] administration officers …. The land where our business stalls
> are built was said to be owned by a private individual and there were evictions
> happening every time. Even when the president gave order for some public land to
> be given to hawkers for the construction of the Kibera Hawkers Market, the
> allocations were done by the provincial administration in a very corrupt manner.
> We mobilised ourselves, to resist the evictions and such corruption (Rema,
> interview 22/03/2010).

Despite the emergence of opposition from as early as the 1980s, struggles against the state (arguably, with exception of the student and intelligentsia whose mobilisations cut across ethnic, gender and class lines) remained divided between everyday bread and butter

existential struggles of the poor masses and those of the middleclass that centred on challenging the rule of the game to ensure even access to state power by wider elites and middleclass. Moreover, different social formations and ethnicities continued to organise separately and their interests seemed contradictory. For many the wounds of the post-independence betrayal of the masses by political elites remained raw, stymieing possibilities of inter-class alliances. The critical question is: at what point did the different struggles start forming alliances? Moreover, when did they transform into a constitutional reform struggle?

Re-emergence of inter-class alliances

The moment for inter-class alliances arrived in late 1980s to early 1990s centred on a 'cult of the individual' within the emergent genre of human rights that was heavily supported by Western donors who started pegging aid to political values of individual rights, defence of human dignity, good governance and rule of law. This opened political opportunities for emergent state oppositionists. This moment had several simultaneous interactive processes between struggles of the middleclass and the poor that enabled not just inter-class but also inter-ethnic, gender and generational alliances to become a reality. According to Ouma in an interview, the moment was foregrounded by activities of FIDA-Kenya, which was formed during the 1985 Nairobi United Nations (UN) Women Conference by women lawyers to fight against patriarchy and women's oppression.

The reminiscences of Ouma, a key civil society leader privy to these developments, after the UN conference, FIDA-Kenya organised the Nairobi Women Non-governmental organisations (NGOs) forum to explore possibilities for linking their middleclass women struggles with the experiences of the *wananchi* (ordinary citizens/masses) which begun emerging as a useful category in their struggles. This was born out of the realisation of the need to move away from specific constituency-based grievances to confronting larger societal challenges because the repressive state affected more than just middleclass women, and that to succeed, an alliance between different struggles was needed. The decision to reach out to poor rural women was further informed by prior experiences of middleclass women who, through the National Council of the Women of Kenya, had started working with rural subaltern women leading to the birth of the Green Belt Movement in 1977. Such alliances, Polletta and Jasper (2001, p.289) argue, can 'supply the solidary incentives that encourage movement participation, but they also represent a "free space" in which people can develop counterhegemonic ideas and oppositional identities'. In the Kenyan case, the Green Belt Movement quickly morphed into women's empowerment and advocacy organising, working by utilising women's agency to challenge their political, economic, and environmental circumstances instead of limiting themselves to addressing the existential threats rural women faced due to environmental degradation as it had been set to do[2].

The opportunity for solidarity and alliance building further developed in early 1991. It sprouted directly from the Moi/state actions of detaining critics, many who were from the student-intelligentsia middleclass and a few estranged elites. Utilising the increasing vulnerability of the state after the Paris Club of creditors in November 1990 warned that they

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[2] The Green Belt, http://www.greenbeltmovement.org/who-we-are/our-history

would suspend aid unless Moi instituted wide-ranging political and economic changes, some mothers of political detainees and other family members saw an opportunity to demand the release of their sons and started mobilising for action. As documented by Aluanga (2011) mobilisation reached across ethnic and generational gaps.[3]

On February 28, 1991 the mothers of political prisoners, who were ordinary rural peasants with the support of some middleclass women, most notable, Professor Wangari Maathai founder of the Green Belt Movement, delivered a memorandum of demands for unconditional release of their sons to the Attorney General. Thereafter, they staged a public protest at Uhuru Park. The action of the Mothers of Political Prisoners triggered moral shock, sympathy and inter-class, gender, ethnic, religious and generational solidarity, especially after they were violently attacked by police and they responded by stripping naked (a powerful cultural form of protest by elderly women in Kenya). After the attack, they took refuge at the All Saints Cathedral from where they continued their protest, resorting to hunger strike and prayer vigils until January 19, 1993 when all political detainees were released (Maathai 2006). For these mothers and their supporters, democracy offered hope that their sons would not be arbitrarily detained by the regime due to their political viewpoints.

The critical question then is why and at what point does the constitution become an important issue for such ordinary rural peasants such as the Mothers of Political Prisoners or Muungano wa Wanavijiji? As illustrated below, the answer lies in the intersection of experiences and perceptions of grievances, commonly referred in social movement studies as insurgent consciousness, which is crucial in framing solutions. Insurgent consciousness is a collective sense of injustice felt by certain members of society that they are mistreated or that somehow, the system is unjust and with it, a sense of 'cognitive liberation' (Piven and Cloward 1977; McAdam 1982), i.e. a sense of optimism that by 'acting collectively, they can redress the problem' (McAdam, McCarthy and Zald 1996, p.5). For McAdam (1982), insurgent consciousness is a key determinant for 'whether or not groups can take advantage of …political openings' (McAdam quoted in Voss and Williams 2012, p.356). Scholars such as Snow and Benford (1988), Benford and Snow (2000) as well as Snow et al (1986), Keck and Sikkink (1998), have reinterpreted 'cognitive liberation' as 'framing' of shared feelings of grievance or outrage that prompts people to form collectives (see Voss and Williams 2012). In the Kenyan case, framing was carried out under the auspices of community organising and involved conscious construction of collective action identity.

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[3] For some illustrations of how this mobilisation cut across ethnic and generational lines, see Lillian Aluanga (2011) "Veronica Wambui Nduthu: Why did they kill my son?" in the *Standard* October 22 2011 (https://www.standardmedia.co.ke/article/2000045325/veronica-wambui-nduthu-why-did-they-kill-my-son). Aulanga who profiles the reflections Veronica Wambui Nduthu, mother of Karimi Nduthu (Kikuyu) a university student leader arrested and jailed during the crackdown of Mwakenya activists in 1986, writes of what Mrs. Nduthu told her: '"One of my sons in Nairobi wrote me a letter saying I had to go to Freedom Corner because it was important," …About 10 days later Nduthu set off for the capital to represent her 'two' sons Karimi and his friend Tirop Kitur [a Kalenjin and also a student leader political prisoner]…"Tirop's mother was far and couldn't afford the fare to Nairobi. But our sons were friends and therefore Tirop was also my son".'

Framing, Civic Education and Community Organising

Framing and collective action identity construction are relatively neglected aspects in a movement's emergence in political opportunity theory which privileges the nature of state structure in its conception of political opportunity (Goodwin and Jasper 1999). The neglect of interpretive processes in the cognition and utilisation of opportunity is criticized by symbolic interactionists and social constructionists who argue that grievances and opportunities do not always lead to movements. This is because 'meanings do not automatically or naturally attach themselves to the objects, events, or experiences we encounter, but often arise, instead, through interactively based interpretive processes' called framing (Snow 2004, p.384). Framing is therefore useful in the identification, utilisation and even expansion of political opportunities.

Framing is a fluid and variable process in social construction of grievances. It involves 'interactive, collective ways that movement actors assign meanings to their activities', events and conditions (Buechler 2000, p.41). Framing is therefore important in linking the individual's conditions and experiences with those of the collective (Della Porta and Diani, 2006). Framing is further important in the construction of 'injustice, agency, and identity frames', which are the foundations of collective action and solidarity (Della Porta and Diani 2006, p.79; Polleta and Jasper 2001). It has diagnostic, prognostic, and motivational dimensions (Benford and Snow 2000; Della Porta and Diani, 2006). Diagnostic framing involves 'problem identification and attributions' (Benford and Snow 2000, p.615). Prognostic framing has strong utopian imagination and involves proposing a 'solution to the problem, or at least a plan of attack, and the strategies for carrying out the plan' (Benford and Snow 2000, p.616). By so doing, prognostic framing opens new spaces and prospects for collective action because 'concepts and perspectives, which might otherwise have remained marginal, are disseminated in society' (Della Porta and Diani 2006, p.77). Motivational framing strongly connects with identity building (Della Porta and Diani 2006). Here, activists 'employ an opportunistic rhetoric of change … to convince potential challengers that action leading to change is possible and desirable' (Gamson and Meyer 1996, p.286).

Framing is therefore responsible for arousing insurgent consciousness that the system is unjust. Framing further arouses cognitive liberation, which is a sense among insurgents that their condition is mutable. Cognitive liberation is vital in the construction of shared feelings of grievance or outrage that prompts people to form collectives to challenge those that they identify as the creators of their condition (Snow and Benford 1988; Benford and Snow 2000; Piven and Cloward 1977).

The Kenyan case illustrates the relationship between construction of meaning, collective identity, and mobilization. This is because framing occurred through mass civic education programmes carried out by emergent middleclass human rights civil society organisations such as FIDA-Kenya and the Green Belt Movement. Besides generating widespread awareness of rights, civic education greatly influenced struggles of the lower classes by making them aware that the problems they confronted were rooted in a bad constitution. In line with prognostic framing, the widespread awareness made the masses

exercise agency in resisting exploitation and yearn for reforms as a corrective to their situation, according to Wadenya (interviewed 09/04/2010). Thereafter, when middleclass-led movements like NCEC made calls for ameliorative collective action to push the state to acquiescence to a new constitution as the solution to Kenya's problems, the masses poured into the streets in support.

Clearly, civic education served the empowerment and framing goals that played a crucial role in raising insurgent consciousness and collective action. One of the leaders behind the Muungano wa Wanavijiji illustrates both insurgent consciousness and the role agency of the oppressed, excluded, or exploited people in making their own history when he stated that they realised that to be effective, they needed to organise and be conversant with the fundamentals of the constitution after they had been sensitized on these matters:

> Social struggles are fought by individuals directly affected by injustices. At first we did not have any formal organisation uniting us. But a few of us realised that the problems we were facing were not limited to Kibera alone. It was the same story in all slums… We realised that we needed to get organised… start a strong movement to raise alarm on the problems of eviction of the poor and grabbing of public land. Therefore, we started organising … with support of NGOs such as Mazingira Institute, Action Aid, Kituo Cha Sheria, ANPPCAN etc. we formed the Community Against Forced Eviction and Land Grabbing, the predecessor to Muungano wa Wanavijiji. We then started educating ourselves on the constitution, we realised that the document did not protect us but only the wealthy and corrupt leaders who had Title Deeds to the land we squatted on in the slums. Then we started educating other people in the slums (Rema, interviewed 22/03/2010).

Rema's narrative of the emergence of Muungano wa Wanavijiji is corroborated by Mwachofi (interviewed 27/09/2009) who was among the community organisers who mobilised residents of 82 different slums into forming Muungano wa Wanavijiji as well as other grassroots movements like ILISHE in Mombasa and SEMA in Taita Taveta. All these grassroots groups were involved in conscientization of the masses through civic education. Thereafter, ordinary people who were victims of evictions mobilised protest against these actions. Overtime, these protests became sustained and organised crystallising in Muungano wa Wanavijiji as a grassroots slum dwellers movement[4].

The emergence of Muungano wa Wanavijiji and the connections between its struggles and those of the middleclass is also illustrative of the role of grievances in the social production of collective identity –a process where 'individual and/or collective actors, in interaction with other social actors, attribute a specific meaning to their traits, their life occurrences, and the systems of social relations in which they are embedded' (Della Porta and Diani 2006, p.92). This is because middleclass professionals, drawn from the Catholic Church lay leaders and clergy, and human rights and social justice civil society organisations were also crucial actors in the social construction of an identity of dispossessed slum dwellers

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[4] Exodus-Kutoka Network, http://www.kutokanet.com/evictions/evictions.html; Similar narratives of unfair allocation of resources abound throughout the country (author interviews: Rema 22/03/200; K'otieno, 07/04/2010; Ong'ong'a, 26/03/2010; Mwachofi, 27/09/2009; Mwanyumba, 07/04/2010).

as well as in the emergence and building Muungano wa Wanavijiji through issue framing in the civic education activities they carried out. These middleclass civic educators linked the problems of the urban landless to a bad constitution.

Even then, framing became a useful strategy for connecting struggles of the middleclass and those of the lower classes only after President Moi questioned who the middleclass civil society groups challenging him for comprehensive change of the constitution represented. The answer to Moi's question, according to Ouma, came in the form of 'subaltern struggles being asked to get expression in the constitutional reform movement'. This framing by one of the leading social justice and human rights activists in Kenya illustrates contradictory attitudes of the middleclass and their utilitarian solidarities with the lower classes.

The actual alliance in Kenya took a long and winding process of strategic use of framing to assign common meanings to different experiences, which also helped create a collective identity category of state-oppressed citizens. Ouma described how the middleclass human rights civil society organisations behind these mass civic education programmes developed a master frame that reduced a series of disparate social phenomena (the deepening despotism, the law that allowed detention without trial, restricted the freedom of association, the land problems facing squatters, and the dwindling economic opportunities) to a single problem- a dictatorial state buttressed by a constitution that allowed for concentration of power in the presidency. The process also involved 'negotiating' a stake in the resultant struggles. These negotiations were not without conflicts, especially because of the different interests of the actors as Mati (2012b) explains.

After this, the constitution became the bearer of all the evil in Kenyans lives. The middleclass went further to envision an alternative and how an alliance that aggregated interests would be useful in a struggle to overhaul the constitution and the state. A new social contract in the form of a constitution to replace the irreparable *uhuru* (independence) covenant, it was argued by these middleclass actors, was inevitable, and inter-class alliances would be key in forcing this.

Dreiling (2001, p.6) argues that alliances 'are most likely to occur if the coalition is more likely to achieve goals or lead to a larger resource base'. In this regard, incentives for alliances came in the form of support (especially financial resources and *pro-bono* legal assistance) that middleclass-led civil society organisations gave to struggles of the lower classes. This was significant not only for diagnostic framing, but it also convinced and reassured the masses of the value of their protests to the larger middleclass defined goal– reform of the constitution reform. This is well captured in the words of one of Muungano wa Wanavijiji's leaders:

> There were many restrictions, which made our work difficult. But the support we
> got from NGOs helped us. We did not have wealth, but we had good
> imagination…. We joined these struggles because we wanted our voices as
> ordinary citizens to also be heard alongside others agitating for change in the
> country… their struggles resonated with our struggles. We helped them build their

legitimacy because they had people and movements like ours in them. (Rema, interviewed 22/03/2010).

It therefore seems that these poor activists were acutely aware of the limits of these alliances, while also alive to the fact that they lacked some of the forms of capital necessary to successfully take on a powerful state without them. It is this awareness together with the assurance that their everyday struggles would find solutions in a better constitution that made the offer of an alliance with middleclass struggles attractive. According to Rema, further, solidarity and civic education interventions of these NGOs (through for instance, participation in joint demonstrations), helped build confidence of grassroots struggles to join mainstream struggles for constitutional reforms.

Civic education was further useful for what Keck and Skikkink (1998) call 'accountability politics' involving activist attempts to expose the difference between the talk and the walk of their targets. In this regard, a Muungano wa Wanavijiji leader stated:

> We got skills that we used to create more awareness for people and tell them this is what the constitution of Kenya says about land. We were able to talk confidently in our forums. If it is on issue of housing, it was very clear international treaties have been signed by government; we were able to know that there is a convention where the government committed themselves to what they would deliver, but were not delivering. Such knowledge added force to our struggle. In that process we were also able to interact with many powerful people who helped us by participating in our demonstrations. When we wanted to demonstrate, you see we would have an MP in the protest. It was then not easy for a policeman to just start shooting or doing anything. They would start negotiating with us to stop protest. Then it was easy to engage them and get our voices as ordinary citizens to be also heard and amplified. (Rema, interviewed 22/03/2010)

Undeniably, this points to some gains for the lower classes. However, these alliances also arrested the militancy of the lower classes by channelling protests though peaceful means. Indeed, rarely have the middleclass in Kenya taken part in demonstrations unless they know they are peaceful and their security not threatened. One therefore wonders what the hidden costs of these human rights civic education programmes were. In many instances, human rights education programs delivered by NGOs, while appearing to incite revolutionary impulses among the masses, they also can have the effect of containing the desires and energies of people profoundly excluded from the nation's wealth. Such programs are not infrequently tolerated by ruling elites as they can constrain and direct potentially revolutionary energies into much less threatening reformist directions[5]. Kenya is replete with examples of radical militant movements and armed revolutionary uprisings including the Mau Mau, the Sabaoti land Defence Force, Mungiki, Mombasa Republican Council etc. It is not improbable that movements such as Muungano wa Wanavijiji would have gone the same route had it not been for these middleclass interventions.

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[5] I am grateful to one of the anonymous reviewers for pointing this out to me.

Civic education and framing should also be viewed with concomitant community organising, which was going on in Kenya. Like framing, community organising is a neglected variable in the political opportunity theory (Voss and Williams 2012). By neglecting community organising, political opportunity theory overlooks questions of agency, especially of local initiatives (Flacks 2004). With regards to Kenya, community organising was a key dimension for incubating movements and alliances in these struggles. Specifically, community organising helped establish the structures for mobilisation that enabled individuals to engage in collective action, and also in the cohering of various middleclass and subaltern struggles into struggles into a constitution reform movement.

In this regard, mainstream churches and earlier mentioned human rights NGOs were the key agents. The Catholic Church, for example, in partnership with the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) introduced formal courses in community organising whose primary beneficiaries were the poor slum dwellers. Parishes of the Catholic Church in the slums further formed the Exodus-Kutoka Network that was involved in transformative framing of routine grievances against evictions into injustices around which they mobilized, and built enduring community organisations to fight against the same.

In the end, framing, civic education, and community organising midwifed the development of solidarities and alliances between middleclass and lower class struggles which was particularly instrumental in helping middleclass struggles build their own legitimacy in answering Moi's question because they had ordinary people's movements like Muungano wa Wanavijiji in or with them. Further, despite the contradictions, this helped in validating the claim of resultant middleclass-led alliances as representing a diversity of Kenyans yearning for change, who included the masses, a claim not altogether substantiated because the masses were by no means submissive partners in the formation of these alliances.

The middleclass leaders of the resultant movements presented their relationship with lower class struggles as one of solidarity and interdependence. However, missing in such framing was the question of how to cure the fundamental contradictions of identity-based interests in such alliances and how these new formations might affect the direction of transformations. Della Porta and Diani (2006, p.112) argue that cross-identity movements have to produce collective identity, which is,

> sufficiently specific to provide the foundations for the diversity of the movement in relation to its adversaries; but at the same time, sufficiently close to traditional collective identities in order to make it possible for movement actors to communicate with those who continue to recognize themselves in consolidated identities.

The relevant question here is, what was the nature of resultant movements? Were they defined by the dominant identity cleavages or was there sufficient alignment to ensure various social groups' interests were reflected? Moreover, did the leaderships in resultant movements like NCEC or Ufungamano Initiative reflect interests of the different social groups? Among others, Mati (2012b), has dealt with these questions in a comprehensive

manner and for want of space, they do not warrant a fuller treatment here. Nonetheless, it suffices to say that while the demands of the resultant movements were not exclusively middleclass centred, it was the middleclass who controlled organizational resources in the ensuing movements, imbuing them with a set of values and goals that emphasised new forms of hierarchical structure and rationality (Mati 2012b).

The middleclass activists played down the inherent contradictions in the ensuing alliances, yet class, ethnic, and religious-based identity and interests had led to the collapse of the first inter-class alliance immediately after independence. Would this not result in similar failures? This question, though pertinent, is beyond the purview of the present paper. Nonetheless, one can say here, as has been argued elsewhere, that class, religious and ethnic cleavages played a crucial role in the collapse and ultimate abortion of the constitution reform project in the 2005 constitution referendum (Mati 2012a; 2012b; 2013). The tools that destroyed these alliances had class, generational as well as gender dimensions and came to be displayed at different times in the constitution reform contentions. In this regard, Mati (2012b), for instance, records many class, generational and gender cleavages in within the Ufungamano Initiative[6]. In these instances, the whims of the upper classes always held sway. Discontents over these developments were directly behind the rejection of the 2005 constitution draft, and two years later, ignited the post-election violence. As such, while community organising was a powerful tool in achieving certain transformations, it is essential to question whether it did contribute anything in the progressive transformation of Kenya given its inadequacies in addressing structural roots of ethnic, class, gender and even religious divides.

This illustrates contradictions of these middleclass NGO interventions that, as Barker et al. (2013. p.22) observe, can 'simultaneously both challenge and support broader sets of exploitative and repressive social relations – and to fashion strategies for opening up the opportunities that such contradictory forms contain'. Along the same lines, Alves (1998) notes a contradiction of popular power of movements, which makes them powerful but also feared by the middleclass, who, when they feel threatened by popular pressures, abandon the masses and concentrate on negotiating less threatening alternatives with those in power. The 1997 political elite bargain under the infamous Inter-Parliamentary Parties Group (IPPG) agreement at the peak of the NCEC engineered crisis, as does the merger of the Ufungamano Initiative with the state process despite fierce opposition from the lower classes are exemplars of such moments when the middleclass used the threatening power of social movements to benefit disproportionately from inter-class alliances as they negotiate for positions with the state in the official process. In addition, middleclass and elite factions in Kenya have used

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[6] For instance, the leader of Kenya Women Political Caucus, Phoebe Asiyo, despite positioning herself and the group she led as a sympathiser of the Ufungamano Initiative, jumped ship and joined the rival government-led process as a Commissioner. Critics charged this was influenced by her ethnic affinity to Raila Odinga, the leader of the government-led process (Waruku, author interview 29/09/2009). Another example was during the merger process between the Ufungamano Initiative's commission with and the government-led one. Youth participants in the Ufungamano Initiative felt that Rev. Mutava Musyimi who led the movement auctioned it to government as elite and middleclass participants dismissed the youth's opposition to the merger as daydreaming naivety (*Daily Nation* 22/03/2001).

'political ethnicity/tribalism' to whip up ethnic support in what is arguably an intra-elite competition (Omolo 2002; Kloop 2002; Lonsdale 1994).

In the Kenyan constitutional reform movement, class cleavages were further exacerbated by a lack of internal deliberative democracy, which stifled progress and led to the demise of the movement and the rejection of the draft constitution in the 2005 referendum. Moreover, even when the stalled constitutional reform project was restarted and succeeded after the 2007 post-election violence, the resultant constitution reflects bargains around elite interests than the distribution concerns that activists from the lower classes had been pushing for (Murunga 2014; Mati 2013). Moreover, given the lack of genuine exchange, while the interactions between different classes suggest some inter-class interdependence in these struggles, it also points to what Gould (1998) calls networks of patronage where middleclass activists and their organisations act as patrons to their lower class clients (Polletta and Jasper 2001, p.288). This is especially so as the movement of the poor masses in the Kenyan case, it seems, was basically shepherded towards constitutional movement through patronage, tutelage, manipulation and imposition.

Conclusion

The emergence of inter-identity alliances in contentions for Kenyan constitutional reforms is a complex narrative of relationships between state and society, and between different social classes, ethnicities, gender and generations in Kenya. The rise of these movements and their alliances cannot be explained by a single factor or theory. The political opportunity model may explain the emergence of social struggles against the state. However, its neglect of community organizing renders it less useful in helping us understand the role of the agency of the poor as well as middleclass activists in germinating some aspects of these struggles as well as in incubating the alliance between the different struggles into a movement for constitutional reforms. In addition, the structural deterministic nature of the political opportunity model render it less useful in accounting for emergence of social movements under restrictive political conditions as was the case in Kenya. The political opportunity model is also less useful in helping us analyse how existing cleavages arising from multiplicity of actors and competing interests were negotiated in the process of forming these alliances. Additionally, as the Kenyan case demonstrates, political opportunities can be produced and magnified. But the recognition and creation of opportunities requires insurgent consciousness, which is cultivated through framing.

Such framing, the Kenyan case shows, involved movement activists making strategic choices in recognising and creating opportunities that they used in incubating these movements as well as alliances between different classes. Specifically, the alliance became a reality through civic education, framing and community organizing processes. These alliances in the Kenyan struggles suggest that while identity differences are enduring, differences can be overcome through careful framing and community organising. The Kenyan case further illustrates that assumed theoretical tensions from a multiplicity of identity-based consciousness and interests are insufficient in preventing cooperative alliances in a common struggle.

The Kenyan story confirms that there is a need for research on collective action to go beyond straightjacketed applications of theory if we are to explain the different aspects of these struggles. But this is not a peculiarly African problem in the study of social movements. Indeed 'conceptual poaching' has been useful in the evolution of different paradigms of social movement theory. There is, therefore, a need to heed Lofland's (1993) call for '"answer improving" over "theory bashing"' (cited in Buechler 2000, p.55) because different models have strengths that can be applied in understanding African protest movements. What is needed to make movement theory to reflect African contexts, to borrow from Voss and Williams (2012), is for them to reflect on community organising and framing. It is these that produced long-term alliances in Kenya. The most important factor in stimulating cooperation is effective issue framing and representative claim making.

Acknowledgements

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