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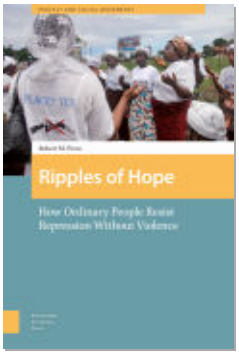
7. Individual Resistance against Repression



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Part three
Kenya

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Figure 11 Human rights activist Rumba Kinuthia, Nairobi, Kenya, 2002

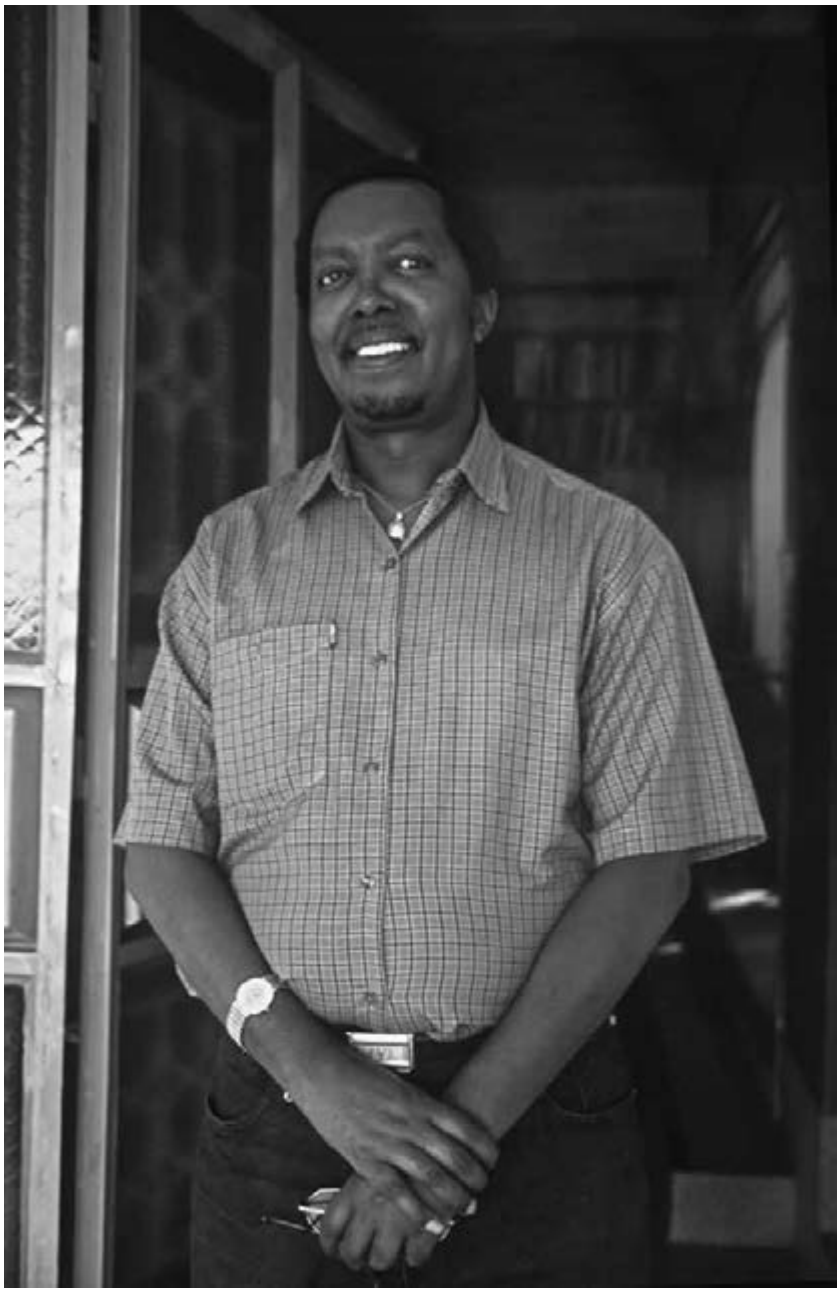

Photo by Betty Press

7 Individual Resistance against Repression

In a repressive setting, a social movement is not comprised solely of people who say they are part of a resistance organization; it also includes individuals and members of small, informal groups who are working for the same aim – regime reform or regime change.

Rumba Kinuthia is a tall man with a deep voice. He first granted me a ten-minute interview in Nairobi, Kenya, but it ended up taking nearly two hours. He recounted how in 1979 when the government barred two leading political activists from running for Parliament,[1] he was president of the Students Organization of Nairobi University (SONU) and organized a mass student protest. Kenyan president Daniel arap Moi, who had succeeded Kenya's first president, Jomo Kenyatta, when Kenyatta died the previous year, was nervous about suspected plots against him. As a result of the protest, the University was closed; Kinuthia was expelled and detained.

> I was mistreated very badly for 38 days. I was denied food [at times] and kept in a water clogged cell. They would keep me in the water for about 3 days, and then remove me and take me to a dry cell. And then I'd stay there for a few days, go for interrogation and then I'd be taken back [to the flooded cell. During the interrogations he was beaten with] whips and wooden planks and belts [He drew out his words with long, hissing s's.]. I would be naked. Stark naked.[2]

Kinuthia is an example of both individual and later small organizational activism that is explored in the two chapters dealing with Kenya. He is also an example of a professional who is drawn into nonviolent resistance to a regime largely out of his commitment to principles of his profession and not as a member of a social movement organization. He began defending political dissidents as Moi, especially after an attempted coup by elements of the air force in 1982, became more paranoid and determined to wipe out any forms of resistance. His legal work was carried out as an individual; at the time, his professional organization, the Law Society of Kenya (LSK), was not politically active. Rather than being cowed into submission, after being

1 Kenyatta's first vice president, Oginga Odinga, and George Anyonya.

2 Rumba Kinuthia, in an interview with the author, August 21, 2002, in Nairobi, Kenya.

tortured, he continued defending political dissidents. In 1990 he helped organize an illegal (in the view of the government) political opposition rally at Kamkunji grounds in Nairobi and was again arrested, tortured, and detained for three years. Still not subdued, he continued his activism and in 1997 ran unsuccessfully for Parliament.[3] When the interview was over, he stood up from behind his desk in his law office and said he enjoyed the conversation. How could he have "enjoyed" telling me about his torture? I got the impression it was the first time he and many other interviewees had ever been asked such detailed questions about their experiences in the resistance.

Where did activists such as these get their resilience, such courage? Who were these individuals who stood up to a repressive regime and lived to tell their stories? How were they part of a nonviolent social movement that helped bring political change to Kenya? David S. Meyer (2002, 20) reminded scholars to not lose track of the dangers activists sometimes face, to remember the people, and not get totally absorbed in abstract theory. I tried to keep this idea in mind as I made my way back and forth across Nairobi, the capital, tracking down former activists, gathering accounts of what they did.

The period I chose to focus on was from the 1980s to 2002[4] when the ruling party for the first time finally lost in a democratic election. Slowly, the outlines of a political resistance social movement began to emerge, one that grew later into a culture of resistance with open and widespread challenges to the regime.[5] It was sketchy at first: there was no unifying account of the various people who had resisted the repression. And the resistance was not the type usually described as a social movement. Instead, it involved both individual and organizational activism, including individual attorneys, writers, academics, clerics, opposition politicians, and others who challenged the regime and its legitimacy using a variety of nonviolent tactics.

When it was too dangerous for open, organized resistance, activists often operated as individuals, staying loosely connected through informal

3 Kinuthia claims he was rigged out in favor of a government-supported candidate.

4 Though there were earlier legal challenges, including by Kinuthia and others, the legal challenge to torture by Kenyan attorney Gibson Kamau Kuria in 1987 that led to his own detention, stirred negative publicity in the US press and may have been an important factor in the state's reduction (but not cessation) of torture of political dissidents.

5 As previously noted, I define a "culture of resistance" as one in which public challenges to the abuse of power by a regime becomes a norm for activists and for a visible segment of the general public.

professional and social ties in a pre-cell phone era. After the regime gave in to growing domestic demands to allow multiparty elections starting in 1992, the resistance shifted from one primarily of individuals and small groups to larger open groups, including opposition political parties and various civil society organizations.

This chapter focuses mostly on *individual activism* in Kenya primarily from 1987-91, when this kind of resistance was most evident, building on earlier examples. I define individual activism as activism by persons who take part in a resistance without the support (e.g., financial, material, protection) of an organization. This can also include an activist who is a member of an organization too weak to provide such support. The second of two chapters on Kenya focuses mostly on resistance by small, informal groups, starting around 1991 and on mass demonstrations and other forms of public resistance that grew into a culture of resistance during the 1990s, helping bring a change of regime in 2002 when the ruling party was defeated in an election for the first time.[6]

During this first phase (1987-91), there never was a main resistance organization, but there was *organization without organizations.* The nonviolent resistance was fragmented, and diverse throughout this period. Yet like small streams coming together to form strong currents that, as Robert Kennedy (1966) once said, can "sweep down the mightiest walls of oppression," such fragmented currents of resistance helped erode the pillars of power of the authoritarian regime. In a repressive setting, if one follows the energy in the resistance and the purpose of the activists, expanding the focus from primarily formal organizations and how they fit into the political process, one discovers a much broader range of participants in the resistance than most social movement studies detect. Initially the resistance in Kenya involved primarily individual activists unsupported by organizations, a phenomenon generally not included in social movement literature.

This broader range of activists in a repressive setting may include professionals drawn into the resistance not as members of a social movement organization but as individuals carrying out their professional commitments, as happened in Kenya as well as Liberia and Sierra Leone: e.g., attorneys responding to requests for defense from detained political activists and independent writers operating self-financed publications that issue strong critiques of the regime. This and other kinds of individual activism formed

6 There is some overlap between the two periods with a few organizations speaking out in the late 1980s and some individual activism after 1991.

an integral part in the early resistance in Kenya to the repressive regime of Daniel arap Moi, Kinuthia explained. "These were individual initiatives. There was no organized group. Because as you know, at that point, even holding a meeting, for people who were marked like us, was a very risky affair. So these were things which were being done by small groups of individuals."[7]

The resistance in Kenya later included human rights organizations and the first, clandestine stirrings of opposition political parties whose activists organized two illegal mass rallies in 1990 and 1991. In late 1991, after nearly five years of growing domestic and some international pressure, Moi reluctantly agreed to accept multiparty elections starting in 1992. Most of the nearly 70 people interviewed credit acceptance of multiparty politics to first domestic resistance and next international pressures. There was a broad consensus that the domestic nonviolent resistance was what attracted international pressures on the regime. One of the president's closest aides during the most repressive periods of the regime, Bethel Kiplagat, also credits domestic pressure first then international pressure with bringing about the change.

Kiplagat shared this observation in an interview. He greets his visitor on the ground floor of his office in Nairobi, then bounds up the stairs two at a time, to his office, closes the door, blocks his calls, then settles in and offers an insider view of the Moi regime. From 1983 to 1991, years of high levels of abuse of human rights, Kiplagat, a member of President Moi's ethnic grouping, the Kalenjin, served as permanent secretary in the Ministry of Foreign Affairs and International Cooperation. He observed:

> If there is no internal pressure, it is very difficult for the West to put too much pressure. So the idea of having civil society, groups of people, a freer press, developing in a country is very helpful for changes. If you don't have that, it's very hard for foreigners to come in and start saying, you change; you must do this. They will in the end, but it takes longer.[8]

The two Kenya chapters explore activism in Kenya through several theoretical arguments that this book develops. In addition to the ones listed in the chapter on new theoretical perspectives, two minor theories are also introduced in this chapter: activism that depends on a chain of events in most acts of resistance; and the nearly invisible role of minor actors. Both

7 Kinuthia interview.

8 Bethel Kiplagat, in an interview with the author, October 7, 2002, in Nairobi, Kenya.

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elements add to an argument that often social movements are unpredictable because of the unpredictability of the chain of events, which can break at any point, and the unpredictable role of minor actors which is often a spontaneous role.

Professionalism: an Overlooked Entry Path to Activism

An important contribution to nonviolent social movements comes from professionals drawn into an activist role through their profession, even when their own professional organization is not part of a resistance movement and offers little or nothing in the way of support or protection. Some activists self-identify as such and wade into the resistance. Others may have the same commitment toward human rights and democracy but are drawn into the resistance by way of their profession, out of a commitment to the ideals of their profession. Attorneys and journalists were two examples of this in Kenya, something especially clear during the period of 1987-91 when individual activism was at the forefront of the nonviolent resistance.

Human rights attorney Gibson Kamau Kuria is an example of an attorney drawn into activism through his legal work. His most prominent intervention came in 1987 when three detainees subjected to torture retained him. "Gibson at times was purely a lawyer … not an opponent of the government. For him it was really a legal thing," said Kenyan human rights attorney Maina Kiai.[9] Kenyan attorney Martha Koome, who also took up cases of political detainees acknowledged: "There was no strategy that I thought about myself; I just got involved in the normal course of my work as an advocate."[10] One of the leading attorney activists for human rights, Paul Muite, noted that it was natural for some attorneys to wage legal battles against the regime to help strengthen the concept of rule of law which their profession required.[11] Because such activists may not be members of a resistance organization, their contributions to a social movement under repressive conditions may easily be overlooked. In the case of Kenyan attorneys taking part in the nonviolent resistance in the 1980s and early 1990s,

9 Maina Kia, in a telephone interview with the author, September 9, 2003 in the United States. Kia, a former employee of Amnesty International, had started the nongovernment Kenya Human Rights Commission. Under the Kibaki government he was appointed in 2003 to head the government's human rights commission, a job which frequently put him at odds with the new administration.

10 Martha Koome, in an interview with the author, October 29, 2002, in Nairobi, Kenya

11 Paul Muite, in an interview with the author, July 23, 2002, in Nairobi, Kenya.

they operated in contact with each other but without organizational support from their professional body, the Law Society of Kenya (LSK), until it took an activist role starting in 1991 when Muite became its chair.

Resistance despite Repression, Few "Opportunities," Limited Material Resources

As noted in the chapter on theoretical perspectives, most of the nonviolent resistance that took place in the three countries studied took place without major, perceived political opportunities or favorable structural conditions in society. Numerous studies have shown that resistance can take place under repression and some argue that repression actually stimulates more resistance. This study concurs with such findings. It differs from the preponderance of social movement literature in the past several decades, however, which have argued strongly for the presence of structural opportunities or openings in order for a social movement to progress. In Kenya the repression was severe at times, especially in the 1980s. But even by 1997, five years after the regime had permitted a switch to multiparty elections, government security personnel fired live bullets on demonstrators at a public rally in Nairobi, killing several. During the early phase of resistance in Kenya, the kinds of "opportunities" identified in main stream literature were of little use to the movement. Though one could argue that increased international interest and donor pressure (inconsistent and sometimes contradictory pressure) provided activists with external opportunities, it was primarily internal, self-created opportunities by activists themselves that lay behind most of the domestic resistance.

Much of the social movement literature is structural, that is, it focuses on conditions in society beyond the control of activists. It argues that when those conditions or "opportunities" are favorable, movements are more likely to be able to proceed. Although later research has shown this is not always the case, often structural opportunities do seem to enhance movements' ability to proceed. This study highlights activism in three countries where there were seldom obvious "opportunities."

The chapter now turns to exploring these theoretical themes in more depth through a study of the events and of the activists, primarily in the 1980s and early 1990s with some historical notes: (a) early resistance: the colonial era; post-colonial political murders; activism in the 1970s; (b) individual activism, starting mostly in the 1980s by attorneys, independent journalists, and others, including the "chess game" of tactics between attorneys and the regime.

Early Resistance

Kenya's history of resistance dates back at least to the early 1900s with the struggle of the coastal Giriama against colonial British rule. Another example: some two thousand Kamba farmers in 1938 marched from their dry farming area to the capital, Nairobi, in protest of British policies to restrict the number of cattle allowed on their land. The governor agreed to their demands. From 1952 to 1956, in what Miller and Yeager (1994) describe as a "Kikuyu revolt," an estimated sixteen thousand Mau Mau fighters, motivated by loss of land in the central highlands dating back some 30 years, attacked police posts and isolated farms. The British responded by rounding up an estimated one hundred thousand Kenyans in detention camps; another one million were forced into stockade villages and thousands of homes and small villages were destroyed (24-5).[12] Lonsdale, in a foreword to anthropologist Greet Kershaw's book *Mau Mau From Below* (1997, xvi) writes that the Mau Mau involved "tens of thousands of Kikuyu people [who] felt impelled for reasons which remain hotly disputed, to organize and bind together their loyalties in order to undertake possible civil disobedience and even political murder."

Kenya became independent in 1963 with Jomo Kenyatta as the first president. Although he promised a democratic, African socialist state, within a few years he had become "authoritarian" (Ochieng' 1989, 94). Several prominent political figures were murdered with suspicion focusing on the Kenyatta regime.[13] Even so, there was some resistance to the government in Parliament itself where a group of parliamentarians dubbed "the seven bearded sisters" did their best to oppose the majority.[14]

12 It was not until 2013 that the British government acknowledged responsibility for the deaths of "many thousands of Mau Mau members" as well as the "torture and other forms of ill treatment at the hands of the colonial administration." The government agreed to pay 5,228 claimants a total of £19.9 million and to help pay for a monument in Nairobi in memory of "the victims of torture and ill-treatment during the colonial era." The British foreign secretary, William Hague, also identified the Mau Mau insurgency period as 1952-63 and claimed "the Mau Mau themselves were responsible for the deaths of over two thousand people including 200 casualties among the British regiments and police (Hague 2013).

13 These included Pio da Gama Pinto, a Goan, in 1965; popular labor leader and cabinet minister Tom Mboya, a Luo who was gunned down in Nairobi in 1969; and popular assistant minister and leader of the National Youth Service J.M. Kariuki, a Kikuyu, in 1975.

14 The seven "Bearded Sisters" included: Abuya Abuya, Onyano Midika, Moshengu wa Mwachofi, James Orengo, Lawrence Sifuna, Dr. Chibule wa Tsuma, and Koigi wa Wamwere. One account (Schmidt and Kibara 2002, 10) includes George Anyona instead of Abuya Abuya.

In 1978, President Kenyatta died in office and was succeeded by his vice president, Daniel arap Moi, a Kalenjin. Moi stated in September 1978 that all Kenyans were answerable to him and he was answerable only to God.[15] Moi released political prisoners the same year but soon began cracking down on dissenters. Among academics in the opposition at the time were Katama Mkanga, Mukaru Ng'ang'a, Peter Anyang' Nyong'o, Micere Mugo, Atieno Odhiambo, Shadrack Gutto, Willy Mutunga, and Gibson Kamau Kuria, many of whom were inspired by a Marxist philosophy (Ogot 1995, 197-8).[16] Jaramogi Oginga Odinga and George Anyona attempted to form an opposition political party but the government registrar of societies refused. Shortly after that, in June 1982, Parliament quickly passed a constitutional amendment making Kenya an one-party state *de jure*; it already was one de facto. Less than two months later, on August 1, 1982, elements of the air force attempted a coup d'état. "The coup attempt transformed Kenya's political scene" leaving Moi "[s]everely shaken" (Throup and Hornsby 1998, 31). It was in the 1980s that he began cracking down hard on suspected opponents to the regime, including those suspected of being in one of the underground organizations, especially Mwakenya.

Hiding in a Charcoal Truck to Run for Parliament

Some stories are worth telling because they show a larger point. The following account illustrates several points: (1) the stubborn and courageous determination of some Kenyans to resist an increasingly authoritarian regime in the 1980s; (2) the equally stubborn and dangerous determination of the regime to prevent such challenges; (3) the regime's charade of legitimacy of such state institutions as the courts and elections. The human rights attorney involved, Mirugi Kariuki, symbolizes dramatic accounts that marked pivotal points in the resistance.

He was one of the independent-minded politicians who still wanted to win a seat in Parliament as a member of the sole party, the Kenya African National Union (KANU) but found it to be nearly impossible. Kariuki nevertheless vied in a by-election in 1982 for a seat vacated when dissident

15 Kenya historian Macharia Munene called the author's attention to this quote which he said appeared in in the *Sunday Nation*, September 17, 1978, pages 1 and 3.

16 In 1980, after student riots at the University of Nairobi following a banning of outside speakers, the government seized the passports of twelve lecturers who were considered critical of the government, including Micere Mugo, Ooko Ombaka, Michael Chege, Mukaru Ng'ang'a, Okoth Ogendo, Atieno Odhiambo, Peter Anyang' Nyong'o and Shadrack Gutto (Ogot 1995, 199).

politician Koigi Wamwere was detained in the aftermath of the attempted coup that year. Kariuki faced obstacles set by a government wary of his previous defense of a Kenyan friend suspected of possessing antigovernment literature. President Moi even warned him publicly that he should not run for Parliament. But Moi, even at that early date, was intent on keeping the outward trappings of legitimacy of state institutions and elections. So rather than simply bar Kariuki from running, they put roadblocks in his way, literally.

> I said that that my first priority will be to fight for the human rights of the detained persons. And I'll be calling on the government to release all political detainees. So that was my agenda in the by-election. So Moi talks about it and he said he's warning me, if I repeat it now, I'll face the consequences. This is in an Uhuru Park [the main one in Nairobi] meeting. He's addressing the whole nation and calling me names.[17]

In those days, a would-be candidate had to do two things to run: (a) obtain a clearance paper from the government; (2) present the nomination paper later, in person, by a deadline. When Kariuki was handed his clearance paper, he noticed it was not signed by the president. When he questioned this, he was given a signed one but only after being warned that he should not criticize the government. A friend of his in the national Special Branch (security) office warned him of plans to detain him. Alerted, he was able to climb over a wall of his home compound when agents arrived to arrest him.

He still wanted to present his nomination papers. But the day they were due, police had blocked access roads to the office. His friends hid him in a charcoal truck and approached the barricades. "I was under a tent with the bags of charcoal. So they said, they told police – because there was a police dragnet there, we couldn't pass through – they said, 'Oh, we're just delivering charcoal, here at the blood donor [office].' They allowed; they didn't suspect anything." The truck was backed up to another part of the building and he snuck out, passed through several doors, and, to the bewilderment of election officials, suddenly burst in the back door of the election office and slapped his nomination papers on the table. The intelligence officer who had tipped him off about a pending arrest was in the room and told the election officer that since Kariuki had personally presented his papers the office had to register him as a candidate. So he ran, but he lost to a nephew of the president in what Kariuki claims was almost certainly a rigged election.

17 Mirugi Kariuki, in an interview with the author, August 12, 2002, in Nairobi, Kenya.

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Growing Resistance

Others in the early 1980s tried a variety of resistance tactics, some openly, others covertly, "Throughout the 1980s, various groups opposed the one-party rule using different strategies. This included academics from the University of Nairobi and Kenyatta University; an attempted coup by junior Air Force officers [1982]; and underground movements such as Mwakenya, Umoja, Kenya Patriotic Front, Kenya Revolutionary Movement and the December Twelve Movement" (Ogot 1995, 197,199). Maina wa Kinyatti, a former historian at Kenyatta University was imprisoned under harsh conditions from 1982-88, accused of being part of the underground opposition. "There was a lot of fear, nobody could say anything. We went underground because of that." In an interview with the author he described his motivation as based on "patriotism; love for our country."[18] After the attempted coup in August 1982, Moi cracked down even more severely on suspected dissidents, especially from 1986 to 1988 with numerous detentions and torture, forcing the opposition almost entirely underground.

In 1988, another part of the resistance social movement emerged out of a professional commitment to ethical reporting. The resistance involved a magazine expose of government fraud and a journalist, Bedan Mbugua, who soon became a rallying point for growing popular dissatisfaction with the regime. In an election in 1988 Moi ordered a system of open voting known as queuing where voters stand in public lines at the polling stations behind the candidate of their choice. Even though the candidates were all from the ruling KANU party, some candidates were more popular with the people than others. Mbugua, as editor of the magazine *Beyond*, published by the National Council of Churches of Kenya (NCCK), exposed government fraud in the voting. It was likely not the first time there was a fraudulent election. "What made this rigging different was that ordinary voters had seen with their own eyes how candidates with short lines, if favored by the government, won over candidates with longer lines in polling place after polling place," Mbugua recalled.[19]

The magazine sold out quickly as Kenyans not used to seeing government fraud so boldly exposed rushed to grab even the additional copies printed before the government banned the sale later the day of publication. "Many

18 Maina wa Kinyatti, in a telephone interview with the author in the United States, March 2004.

19 Bidan Mbugua, in an interview with the author, August 13, 2002, in Nairobi, Kenya. People lined up to vote behind the representative of their preferred candidate.

were being arrested for carrying the *Beyond* magazine. So it was a big, big – the magazine created a very big crisis in the country. And with that reaction, it's like the tide [of resistance to the regime] that you could not stop was born." Mbugua was arrested, but then he was brought to the president's office where he was offered a deal by two presidential aides. He would be freed if he wrote a public apology saying that it was the NCCK and the Church of the Province of Kenya (CPK)[20] that pushed him to write the expose.

There is a certain stubbornness about many of the human rights activists interviewed for this book: they stand up for freedom despite the dangers. They refused to be intimidated and even to turn down good treatment if they give up their principles. Mbugua refused the offer:

> I said I was very happy to be invited to State House because not many Kenyans go to State House. And secondly, I said I was very patriotic, but patriotism, which is deep love for your country, also impelled one to speak about – to speak truth about the same country. I was not pushed to write by the NCCK and CPK. I was the Editor-in-Chief. I made the decision. They had never seen anything like that.[21]

He was quickly judged in a Moi court and imprisoned.[22] The head of the NCCK made a statement that it was Mbugua, not the NCCK that was responsible for the expose. Mbugua says the statement was probably written to prevent the government from banning the NCCK as a legal organization. But the day Mbugua was tried, a huge crowd gathered outside the courthouse in his support. It was another crack in the wall of fear surrounding many Kenyans at the time to stand up against the regime.

Freedom Corner: Early Cracks in the Wall of Fear

In downtown Nairobi, Uhuru (Kiswahili for "freedom") Park is a busy place most hours of the day. It is located directly across from the tall government building where much of the torture of political detainees took place in the 1980s. People hurry through the park on their way to

20 Bishop David Gitari of CPK had begun criticizing the regime in some of his sermons.

21 Mbugua interview.

22 In 2013 Kenya's High Court (equivalent to a federal court in the US) awarded Mbugua and Gitobu Imanyara (see below) compensation for unlawful imprisonment in the late 1980s in connection with their human rights work (*Standard* newspaper, Nairobi, Kenya, by Wahome Thuku 2013).

work, or relax on the grass during lunchtime, or play with their children on a weekend. But the park would not be there today except for the protest of Kenya's Nobel Peace Prize winner (2004), environmentalist Dr. Wangari Maathai. With some organizational support, she initiated a peaceful protest to block a plan by President Moi to build a six story statue of himself and a sixty-two-story office building for his ruling party. When she wrote the president an open, published letter in 1989 calling for a halt in his plans to usurp much of the park for his party headquarters and his statute, she was writing as the chairman of the National Council of Women, and coordinator of the Green Belt Movement which had organized women around the country to plant trees and do other environmental projects.[23] The association of architects, a private organization, took out a full page ad in a local newspaper criticizing the planned construction. But essentially, it quickly became a one-woman contest of wills that got very personal and helped break the public fear of speaking out against the regime.

> The most significant impact of that action was the empowerment it gave to ordinary people who had come to believe that the ruling party was immovable; it could not be touched; it was like a rock; *it had so entrenched itself.* It was like a wall that could not come down. So it [her save-the-park campaign] gave people courage and they said: "*Ahhh! It can be done!*" It proved that this apparently immovable rock can be cracked. It has been cracked by this woman.[24]

"This woman," as President Moi would refer to her in public statements, should, he said, stay out of politics and had no basis for challenging the authority of the state. He even insulted her publicly by referring to her negatively as a divorced woman. The implied threats to her safety were meant to silence her. But in her political activism, she was always her most determined in the face of such pressure. "My best safety net [is]: I don't see fear." Instead, she responded to the threats with a light but serious touch.

> I told them, essentially: Don't come talking to me about my womanhood because I'm not interested in your manhood … I think the most important

23 The Council expressed support by mail but did not demonstrate publicly; Green Belt Movement kept its environmental focus.

24 Wangari Maathai, in an interview with the author, September 23, 2002, in Nairobi, Kenya. She died in 2011.

> thing, and which has never really been recorded, or sufficiently studied, was that it's very much part of my nature that I don't give up; and that is probably the scientist in me. I wrote letters to our environmental network throughout the world.

She continued writing polite letters to the government – and to donors who must have wondered why a country they were loaning to had to spend a large amount of money on a party headquarters and a statue of the president. Eventually donors balked and Moi halted his plans. Maathai's contribution to the social movement against the Moi regime was a public challenge that exposed vulnerability to pressure that had rarely been seen in Kenya at the time. Her protest in 1989 came only about two years after the public exposure of torture of political dissidents but more than two years before Moi accepted multiparty elections. Shortly after her challenge there were renewed attempts to form opposition political parties, a campaign culminating with two illegal rallies, in 1990 and 1991; and in late 1991 came Moi's acceptance of multiparty elections.

Dr. Maathai's successful resistance of the regime's plans to take over a city park for its party headquarters was followed by more political activism by women. In 1992, a small group of mothers approached her with an idea of a nonviolent protest to try to win the freedom of their sons who were political detainees. She also joined other politicians in organizing what became one of the new political opposition parties as the resistance moved from a period that highlighted individual activism to one in the early 1990s of small group and organizational activism.

Individual Activism (1): Urban Legal "Guerrillas"

In Kenya, contrary to what one might expect, it was individual activism, not organizational activism that played a leading role in challenging the Moi regime in the 1980s and into the early 1990s. This was a period when most activist organizations either had not formed or were not yet willing to join the open opposition to a regime that was torturing dissidents. It was during the early 1980s, and more so from 1987-91, that a small number of Kenyan attorneys, began defending accused dissidents, acting as individuals. Attorney Gibson Kamau Kuria, one of the "urban legal guerrillas," had a very small legal office, but sued the government in 1987 to stop torture of suspected political dissidents.

"We were called *urban legal guerrillas* because we spent all our time strategizing on how to expose the atrocities in the government," human rights attorney G.B.M. Kariuki recalled.[25] These "urban guerrillas" included Paul Muite, Gitobu Imanyara, James Orengo, Kuria, Kiraitu Murungi, Mirugi Kariuki, Pheroze Nowrojee, John Khaminwa, Martha Karua, Kathurima M'Inoti and Rumba Kinuthia.[26] They are considered *individual activists* because they were part of a legal resistance at a time when their professional organization, the Law Society of Kenya (LSK), was not politically active and not providing any support to their activism

Independent activists include individuals who were part of small or weak organizations that were unable to provide any significant support. In Kenya, this also included independent owners and writers of self-financed (and barely sustainable) critical publications such as *Society* magazine run by Pius and Lloyce Nyamora and *Nairobi Law Monthly*, run by Gitobu Imanyara, and *Finance*, run by Njehu Gatabaki. It included individuals who were members of an organization that opposed their activism. In Kenya, this included activism by Reverend Timothy Njoya.[27] Such activists in Kenya (and similar ones in Liberia and Sierra Leone) played an integral role in the nonviolent social movement in Kenya against the Moi regime, providing additional voices for reform, rallying public support for regime change, and helping undermine the credibility of the Moi regime. Like the individual lawyers, these other individual voices helped build a *culture of resistance*.

Typically studies of social movements, human rights, and democratization focus on organizations and the factors that hurt or hinder their operation and expansion. Individual activism is rarely mentioned, if at all. Yet much of the critical nonviolent resistance in Kenya occurred because individual activists, attorneys and others challenged the regime. These challenges grew increasingly sophisticated as attorneys engaged in a kind of chess game of tactics against a regime intent on pretending there was rule of law in Kenya but even more intent on not allowing the law to interfere with their hold on power. This individual resistance chipped away steadily at the claims of legitimacy of the regime, showing them to be in violation

25 G.B.M. Kariuki, in an interview with the author, October 11, 2002, in Nairobi, Kenya.

26 These activist attorneys are listed in an order based on the frequency with which they were identified by interviewees (not just attorneys) as prominent activists. There were other human rights attorneys during this period.

27 Rev. Njoya was openly opposed by key officials in his Presbyterian church who did not support his activism. He did, however, have the support of lower level officials in his church, and he was widely popular in Kenya among those dissatisfied with the regime.

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even of their own laws and certainly in violation of basic human rights standards such as the United Nations Universal Declaration of Human Rights.[28]

Organization without Organizations

In repressive settings where formal resistance organizations provide too tempting of a target for the regime, where it is too dangerous to organize resistance openly, activists tend to operate informally. In Kenya, individual activists had no formal organization; instead they had *organization without organizations*. By word of mouth, secret meetings, land telephones, activists stayed in touch to share information, and develop legal resistance strategies and help each other in emergencies the best they could in a pre-cell phone era. Though their own professional legal organization was not taking a political supporting role for activist attorneys, those attorneys collaborated when necessary. "If something outrageous happened in the courts, then 15 lawyers, 20 lawyers would sign a statement."[29] Some Kenyan activist attorneys in this period gathered regularly at the downtown office of attorney Japheth Shamalla. Activism in this kind of environment, with government spies and harsh punishment of suspected opponents to the regime, took courage.

> It was in his office that the politicians met. It was his telephone that everybody used; it was his fax that we were faxing New York before I bought my own fax, and other statements. It was really a "war room." And whenever one [of the lawyers] failed to come in the evening, frantic calls [were made] to find out [about them] because they could have been picked up [by police.][30]

"We were representing one another," said Khaminwa, an activist attorney in the early 1980s and onward. "I used litigation" to challenge state power. "I was also part of the activism pushing for multiparty and democratization." His individual activism landed him in detention in 1982-83, starting shortly before the attempted coup in 1982. The night of his arrest, he recalled: "I was

28 Kenya became a signatory to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 1976.

29 Martha Koome interview.

30 Martha Karua, in an interview with the author, August 15, 2002, in Nairobi, Kenya. The office belonged to Japheth Shamalla, according to Karua.

searched, stripped naked. It was a bad exercise; it was something I was not expecting."

He pauses, gazes out the window at the busy street below, full of commuters walking along the sidewalks or heading home in crowded minibus taxis known as *matatus*. The evening of my interview with him, he was wearing a blue and green pullover sweater. He had just finished another full day of legal work, two decades after his own detention. As he continued to talk, he climbed with some difficulty up on the top of his desk and reached up to lock a high window as he prepared to go home. "The President [Moi] was given power like a chief. From the outset he was not democratic at all." Khaminwa put on his jacket over his sweater. It was dark outside now. The church singers on the sidewalk below had finished their recruitment exercise. The streets were no longer crowded but were considered unsafe for walking at night. He had a taxi waiting below for him to take him to his home in Karen outside the city. "We kept on doing it [challenging the government's arbitrary use of power through court cases]. We were not scared."[31] A number of other Kenyan human rights attorneys active in the next phase of activism (1987-91) identified Khaminwa and attorneys including Pheroze Nowrojee and Willy Mutunga as role models for their own activism.

Unpredictability of Social Movements: Minor Actors; Chains of Events

The government of Kenya had long used torture as a means of political control. But in 1987, a year after a major crackdown had begun on suspected political dissidents, including those associated with underground opposition,[32] three political detainees who had been tortured in detention became part of an *open resistance* to the government by launching a legal challenge to the government while still in prison. They were helped by minor actors to make their challenge. The sequence of events helps illustrate not only courage and ideals of the detainees, but two minor theories developed in this study: the *role of minor actors* and the related concept of *chain of events*. These in turn, shed some light on an argument of this study that social movements often are not predictable. They are unpredictable because the chain of events involved in a movement is not something one can map out or predict. There is too much spontaneity, too many unplanned

31 John Khaminwa, in one of two interviews with the author, August 2002, in Nairobi, Kenya.
32 Amnesty International, "*Kenya: Torture, Political Detention and Unfair Trials*" (1987).

actions, to generate much in the way of prediction as to where a movement is heading or what impact it will have. There is considerable uncertainty about even the survival of a nonviolent resistance movement. Extreme repression can bring it to a halt; or drive it underground. But even when this happens, some resistance may continue in the open as it did in Kenya. As for the theory of the importance of minor actors, examples below show how unexpected help enables key actors to survive and sometimes to have an impact, including the three political detainees. In other cases, minor actors helped Kenyans avoid arrest, at least for a while.

Under most traditional studies of social movements, the actions of political detainees against a regime, if recorded at all, likely would be noted as brave individual acts. They were individual acts; and their bravery is beyond question. But equally important, their resistance was an element in the social movement that eventually helped bring political change to Kenya. The prisoner activists were part of the movement in several ways: they pursued the same aim as others in the movement: human rights and democracy; they openly challenged the legitimacy of the regime; and they had been part of earlier resistance efforts, both legal and political. In all aspects, their contribution to the social movement against the Moi regime was just as valid as the participation of a Kenyan in one of the mass demonstrations for change or as a member in one of the organizations that, especially starting in the early 1990s, formed part of the resistance. In 1987, even from within prison, they were part of the nonviolent resistance/social movement in Kenya.

The chain of events that led to a reduction of torture for all detainees began with the three managing to resist under torture admitting to unfounded charges. Kiplagat, one of Moi's close aides during this period, confirmed in an interview the regime's treatment of such detainees:

> During that period [1980s] there were people who were not very comfortable [with the regime] from the University [of Nairobi]. They may, or may not have set up this organization called Mwakenya. They were taken to court; some of them were tortured. And they made confession. Whether they were involved or not involved is something we have to [question]. And many … were locked up for five years, six years.[33]

The three detainees had previously attracted government attention as critics of Kenya's human rights. Mirugi Kariuki and Wanyiri Kihoro had

33 Kiplagat interview.

helped defend accused dissidents in the early 1980s; both later became opposition members of Parliament. Mukaru Ng'ang'a was an historian at the University of Nairobi and later leader of the Kenya National Democratic Alliance and a presidential candidate in 1992. With the help of minor actors, they were able to get word to human rights lawyer Kuria that they wanted to challenge their confinement and treatment and the kangaroo trials which often lasted only a few minutes at dawn without lawyers. The closest I came to seeing them as prisoners was one day in Nairobi when they were brought to the courthouse in a government car with curtains hiding a view of the occupants. Later I interviewed both Kihoro and Kariuki. Kihoro explained why he resisted torture instead of confessing to trumped-up charges as others before him had:

> I did not want eventually to feel that I had cooperated in any way with those who had tortured me. I thought it was incumbent upon me to continue in that mood of history of resisting, and resisting in a way that I'm also trying to stand up with my people and to open up my country, for greater debate locally and internationally. My case was very important in opening up Kenya to international scrutiny by donors and human rights groups [about] what was happening – especially torture.[34]

Kihoro, held for three years, was tortured during the initial seventy-four days in detention from July 29 to October 10, 1986, including being beaten with clubs. On three occasions, for a total of twenty-four days, he was confined in a cell flooded ankle-deep with water. This hideous treatment is something Kenyans point out was also practiced by the British. The British high commissioner obtained evidence of the treatment after Kihoro was taken to a hospital: "His [Kihoro's] feet had started to rot."

> There was a trap door in the roof, apparently, through which they lowered the food. And the cell, for 28 days or more was several centimeters, several inches deep in water, so that he could either stand in the water or if he wanted to go to sleep he could sit in the water and get his backside wet and lean against the wall because he couldn't have any beddings; that would have been absolutely saturated.[35]

34 Wanyiri Kihoro, in an interview with the author, June 28, 2002, in Nairobi, Kenya.

35 Malcolm Harper, in an interview with the author, July 2, 2002 London. At the time of the interview, Harper was director of the United Nations Association of the United Kingdom of

A sympathetic guard (a minor actor in the drama of Kihoro's resistance) arranged a secret meeting between Kihoro and his wife in the parking lot of Nyayo House, the tall, downtown government building where the torture was taking place. In that meeting Kihoro asked his wife, Wanjiru, to contact attorney Kuria.[36] The attorney filed suit against the regime and was himself detained, though not tortured. Kuria's law partner, Kiraitu Murungi, then refiled the same challenge and was not detained. Knowing he might be detained, Kuria had briefed *Washington Post* Nairobi-based reporter Blaine Hardin, whose paper timed the story to coincide with a visit by Moi to President Reagan (Hardin 1987). The headline beneath a photo of the two of them at the White House read: "Police Torture is charged in Kenya." Moi apparently was furious at the report and perhaps at the embarrassing timing of it. With the help of the same sympathetic guard, Wanjiru Kihoro, through an exchange of notes with her husband, convinced him to start writing a diary – in prison – describing the torture. Wanjiru, who later became an active member of the Kenyan diaspora opposition in the UK recalls encouraging her husband to record the details.

> I felt that if he had recorded what he was going through it would be like, very cathartic; it would get the thing out and he'd be able to withstand whatever else would come. And that's how he started writing. He didn't sit back and remember, he was writing every – I have the documents at home; I have the letters – diary … And when I sent them to Amnesty, Amnesty [researcher Martin Hill] said this is the first very complete information we have of what is going on.[37]

After the international publicity, the use of torture by the regime became much less frequent. Hill, speaking as a former researcher on Kenya, said one of the impacts of Amnesty's 1987 report ("Kenya: Torture, Political Detention

Great Britain and Northern Ireland. He personally intervened to try to win the release of Kihoro, whose wife approached him in London for help.

36 The other two detainees, Ng'ang'a and Kariuki, managed to get word to Kuria as well. Kuria represented all three until he, himself, was detained because of that representation.

37 Wanjiru Kihoro, in an interview with the author in London. A number of former political prisoners in Kenya have had their stories published, including: Wanyiri Kihoro, *Never say Die*, 1998, published by East African Educational Publishers, Nairobi, Kenya; Maina wa Kinyattĩ', *Kenya: A Prison Notebook*, published by Vita Books, London, and by Mau Mau Research Center, Jamaica, N.Y.; and Koigi wa Wamere, *The People's Representative and the Tyrants*, 1992, published by New Concept typesetters, Nairobi, Kenya.

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and Unfair Trials") was to debunk the argument of the Moi regime that they were facing a dangerous, terroristic underground movement, Mwakenya.

> It [the report] points out that the Kenyan government was not facing a serious armed opposition. It pointed out that their reaction to it was disproportionate and involved serious human rights abuses and these ridiculous summary trials of which there have been 70 or 80 … The repression and the search for victims and the torture [was] reduced after that. But it didn't go away.[38]

The "minor actor" in this case, the prison guard who played a key part in this chain of events, was not the only example in which someone sympathetic to the efforts of human rights activists helped protect them in Kenya, Sierra Leone and Liberia. The unanticipated role of minor actors adds to the unpredictability of social movements in general, but especially in repressive settings where key activists might have been blocked or even killed without the help of a minor actor. Other examples in Kenya include these:

– A taxi driver warned attorney Martha Karua that he had been hired by someone working in the president's office along with a second taxi driver to carry policemen to follow her and, when the opportunity presented itself, to block her car. "The moment people want to arrest you, not in the normal manner, but to isolate you, they could have taken me elsewhere. They could have hijacked me, gone and brutalized me," Karua recalled. Instead, alerted, she drove to an upscale hotel in downtown Nairobi, parked, and went inside. When hotel security saw the policemen going from car to car to locate hers, they called the police and the two plainclothesmen were arrested. They were later freed when they provided the name of the person at the president's office who had assigned them to track Karua.[39]
– Rumba Kinuthia was tipped off by an armed government security official about his pending arrest by the Criminal Investigation Department (CID) at a Nairobi restaurant the day of an illegal political rally he helped plan (*Saba Saba*, July 7, 1990). "He took me through a back door, and sent somebody to drive my car round [to the back]. They stormed in soon after I left," Kinuthia recounted.[40]

38 Martin Hill interview with the author, July 2002, London. Torture continued on some political dissidents but mostly on common criminals.

39 Karua interview.

40 Kinuthia interview. Saba Saba is Kiswahili for seven, seven seventh month, seventh day.

– Raila Odinga, later a presidential candidate, was smuggled into neighboring Uganda by a Catholic priest and a nun to escape a police dragnet in 1991 shortly before a second illegal rally he had helped plan was held that year at Kamkunji grounds in Nairobi.[41]

Chess Game of Tactics

Starting in the late 1980s, human rights attorneys engaged in a chess game of tactics with the Moi regime, transforming the court room into a stage for the political opposition. This was another important step forward in the social movement that resisted the regime. Arguments challenging the legitimacy of the regime had been confined mostly to a few independent publications, always under threat of being closed down. Now those arguments reached a broader audience through the mainline newspapers that covered court proceedings. The government would catch on to a new activist legal tactic and try to counter it, but the attorneys responded with new tactics. Pheroze Nowrojee, a serene Kenyan of the Parsi faith with a Gandhi-like appearance, was a human rights attorney to whom some younger activist attorneys in those years turned to for advice. He explained one of the strategies:

> You seek to win [court cases], but by definition, winning is not allowed [before corrupt judges]. Therefore the trial has to be used to make the maximum gains. And you show the oppression, you unravel the oppression, the means of oppression; you unravel its illegality. The more we lost cases in the courts, the more converts we had gained [through the publicity]. So we were the gainers: if we won, we won with a royal flush; if we lost we still lost with two fours, two sevens.[42]

The Moi regime sometimes made false charges against the attorneys in an attempt to block this kind of resistance. In March 1991, the State issued an injunction against Paul Muite aimed at preventing him from acting as chairman of LSK. The injunction had been sought by attorneys, led by Mutula Kilonzo, Moi's lawyer, who were unhappy with Muite's election and following his strong pro-reform speech as the new chair. LSK vice chair Willy Mutunga chaired the first LSK council meeting which gave full support to

41 Raila Odinga, in an interview with the author, October 30, 2002, in Nairobi, Kenya.
42 Pheroze Nowrojee, in an interview with the author, August 3, 2002, in Nairobi, Kenya.

Muite.[43] Muite explained how the government made a countermove against activists' tactic of bringing cases to court despite the almost certainty of losing. The government would try to intimidate the defense attorneys or order them to submit their statements directly to the judge in order to circumvent access to the statements by reporters. Activist attorneys then tried a new tactic: walking out of the courtroom. This left the defendants to speak on their own behalf, giving reporters fresh material to write about. Attorneys also began focusing on pretrial documents. Instead of filing brief statements of the charges prior to the trials, the attorneys began submitting lengthy explanations on which the charges were based. Reporters would then print the detailed charges as part of their normal court coverage. The flurry of filings and trials sometimes put the spotlight directly on the police and others who were part of the state repression at the time. In one case, Muite found himself interrogating a senior police official in court instead of the other way around.

> I was cross examining a Special Branch officer, a very tall guy. He was seated not far from me. He didn't like the cross examination. So he'd take a minute or two, very arrogantly staring at me [then] say: "I'm not going to answer that question." And I would say to the judge: "The question is proper, legitimate. Can you tell the witness – I was quite firm – we are not in the Nyao House chamber of tortures; we are in a court of law. That [the torture chambers] is his domain, but this is not his domain." And the Magistrate was terrified [Muite laughs, telling the story]. He would order the witness to answer the question. The witness proceeded to tell me: "One of these days you will come to where I am; I'll have you; you will see" [Muite laughs].[44]

As it turned out, the day when the tables were turned was not long in coming. In November 1991 Muite was arrested in connection with the "illegal" political opposition rally at Kamkunji in Nairobi. Muite came face to face with the same Special Branch official whom he had interrogated in court. Now it was Muite's turn to be interrogated. He was held ten days in prison, but not tortured.

43 Mutunga, an early human rights activist, served as vice chair from 1991-93 and as chair from 1993-95. He also served as head of the private Kenya Human Rights Commission. In 2011 he was named chief justice of Kenya's highest court by President Mwai Kibaki.

44 Muite interview.

> It can be very intimidating. It's just that the situation had slightly changed. Perhaps sometimes when you are very high profile [as Muite was] and everybody knows they have arrested you, then they sort of hold back. But you can see them [the police] you can see their hands shaking when they are trying to restrain themselves from hitting you, particularly when you sort of answer them firmly.[45]

Individual Activism (2): Resistance by Writers, Clergy and Others

In a repressive setting, independent writers and others in addition to attorneys can play an important role in a social movement. Their activism may come not as members or participants in a self-identified social movement organization but in simply carrying out their own professional commitment as journalists, editors or publishers. Just as some attorneys and others in Kenya, Sierra Leone, and Liberia were drawn into an activist role because of these commitments and not because of membership in a resistance organization, so too were some independent writers. In social movement parlance, writers can help "frame" the message of activists simply by reporting what was happening in terms of repression. In Sierra Leone and Liberia, this was seen mostly in the courageous professional work of some journalists; in Kenya a few independent writers established several publications with the express purpose of highlighting human rights abuses and lack of democratic rule.

Weapons of Words

In the late 1980s, attorney Gitobu Imanyara launched *Nairobi Law Monthly* and Pius Nyamora and his wife Lloyce launched *Society* magazine. The intent of these independent publications was to provide a public forum for critical commentary about the regime.[46] Both were small, family run and self-financed publications with a skeleton staff. Their tiny publishing firms were unable to provide any significant support for their activism except in providing a platform for written dissent. By that criterion, one could identify the editors and writers as individual activists. This kind of entry path to a resistance movement via one's profession, and individual activism

45 Muite interview.

46 *Finance* magazine in Nairobi also published many critical articles about the Moi regime during this period.

in general, is often overlooked in the literature on social movements. These editors in Kenya soon drew the wrath of the Moi regime and eventually were arrested. But by that time they and their publications had become popular at home and were known abroad, which probably accounts for their being held only for a relatively short time. Lloyce Nyamora was handled roughly, including being kicked and held incommunicado until she and her husband were released on bail. They left the country in 1994, returning years later.

As with the case of attorney Paul Muite, it is hard to over-estimate the role Imanyara played in opening up the political system in Kenya.[47] Imanyara became one of the key sources of energy in the nonviolent resistance. He recruited an impressive array of contributors to his *Nairobi Law Monthly*, whose articles defiantly challenged the legitimacy of the Moi regime and its pretense at a just legal system.

> The mainstream media was sort of subdued in its reporting because of the consequences of challenging the single party regime. *Nairobi Law Monthly* was the primary forum and weapon and tool for the movement for human rights in this country for … about five years: '87 to about '92.[48]

This angered the regime. Imanyara was attacked on the street by thugs apparently sent by the government. He was arrested in 1990 and 1991. Yet each time he continued his activism, adding to a widening culture of resistance in Kenya that further expanded after multiparty elections began in 1992, involving mass demonstrations and widespread public criticism of the regime. "The more they punished Gitobu Imanyara, the more the resistance grew … Gitobu, for me, was very, very, very courageous [and] a glaring example of somebody who was acting as an individual. He suffered a lot for it."[49]

At one point Imanyara was ill when in police custody and taken to a hospital where he was chained to a bed during treatment. Imanyara's resistance was a key part of the fragmented social movement against Moi, especially in the

47 Muite and Imanyara were the first and second most frequently mentioned human rights activists named by Kenyan activists and others interviewed for this study.

48 David Makali, in an interview with the author, September 18, 2002 in Nairobi, Kenya. At the time Makali, a Kenyan, was a media studies specialist. *Nairobi Law Monthly* sold between twenty-five thousand to seventy-five thousand copies per edition, depending on how politically hot their cover story was, he said. Makali described *Nairobi Law Monthly* and *Society* as "institutions" because of their popular support including donations.

49 Willy Mutunga, in an interview with the author, September 2002, in Nairobi, Kenya.

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period highlighted by individual activism. He helped frame a message of the regime as legally illegitimate; and he provided a forum for critics, which added to a growing culture of resistance. Local attorneys staged a three-day strike in protest against the confinement of Imanyara and attorney John Khaminwa. International donors and human rights organizations took note of Imanyara's valiant challenges, putting pressure on the government to release him. This international pressure on Moi would grow in the early 1990s, especially from the United States, whose ambassador, Hempstone, became a vocal advocate for human rights and multiparty elections. Donors temporarily froze new funding in 1992 following a major political opposition rally and growing domestic unrest. They again froze new funding in 1997 when the regime killed some people demonstrating for constitutional reform before the elections that year.[50]

Pius Nyamora later identified what he saw as some of the links in the chain of resistance that was growing around that time: Individual activists > foreign media > local media, including activist writers and vendors > local non-government organizations > international NGOs > international pressure on the regime. "It began with individuals." Later "ordinary people provided the crowds at rallies, not fearing death [or perhaps overcoming fear]. "They formed the crowds."[51]

"God's Kingdom Grows with Opposition"

Further resistance to Moi's rule came from four church leaders who were increasingly openly criticizing the regime for its human rights abuses. The four activist clerics, known as "the quartet" were: Bishops Henry Okullu, David Gitari, and Alexander Muge of the Anglican Church of the Province of Kenya; and Rev. Dr. Timothy Njoya of the Presbyterian Church of East Africa (PCEA). The first three spoke with institutional backing; Rev. Njoya's activism was opposed by the Kenyan leaders of his church, though he had popularity among the members and the public. He acted essentially as an individual. Bishop Muge died in early 1990 in a car accident which many Kenyans believed was an intentional government-supported plan to silence

50 Funding freezes are analyzed in the second Kenya chapter.

51 Pius Nyamora, in a telephone interview with the author, December 17, 2002 in the United States. Kenyan historian Macharia Munene (2013) attributes the folding of *Society* less to repressive activities by Moi and more to loss of customers "when it appeared to lose objectivity and became excessively partisan in the politics of 1992."

a bold critic from Moi's own ethnic group. "I still consider the death of Bishop Muge a great mystery," wrote Bishop Okullu (1997, 120-1).[52] Rev. Njoya was several times beaten by police. Rev. Gitari once escaped a mob sent to his house with, he contends, intent on killing him. "We became the spokesmen of the people because it so dangerous for an individual to attack the government because they could easily be detained without trial", said Gitari in an interview.[53] Peter Anyang' Nyong'o, an academic activist at the time (later elected to Parliament), who worked closely with Bishop Okullu, credits the bishop's explicit Easter Sermon in 1990 on political reform with helping lay the inspirational groundwork for the important opposition rally later that year.[54]

After attorneys Muite, Imanyara, James Orengo, Kuria, and Mutunga, Kenyans interviewed for this book ranked Dr. Rev. Timothy Njoya as a key figure in the resistance to the Moi regime. He spoke out bluntly for multiparty elections as early as January 1, 1990, two years before that reform was reluctantly accepted by the regime after growing domestic and international pressure. I tracked him down in a suburb of Nairobi some years after his courageous activism. Like most of the activists interviewed, he had been a brave individual, a nonconformist at a time when conformity was safer. He was overseeing the slow construction of a religious rock garden, a project of his as an outside artist. "I've been here, doing this creativity" he said when we met again.[55]

Rev. Njoya took me on a tour of the small area which already had a pyramid of stone big enough to have a narrow walking path through the base. His son said his father wants him to build an even bigger pyramid. It represents the "ascension and *descension*" of Jesus. Another sculpture signifies the wheat and tares parable. "God's kingdom grows with opposition," he said. After the brief tour of the sculptures, we sat on some of the rocks.

52 Shortly before his death, Bishop Muge defied the threat by a member of Parliament and Minister of Labour Peter Okondo that he would be killed if he set foot in a particular district (West Pokot) where he nevertheless went. Throup and Hornsby (1998, 200) argue that this raises suspicion of government involvement in the death.

53 Archbishop David Gitari (retired), interview with the author, Nairobi, Kenya, November 7, 2002.

54 Peter Anyang' Nyong'o, in an interview with the author August 2, 2002, in Nairobi, Kenya. The 1990 and 1991 opposition rallies will be discussed in the second Kenya chapter.

55 Dr. Reverend Timothy Njoya, in an interview with the author, July 29, 2002, Ngong Town, near Nairobi, Kenya. I had interviewed him in 1990 after a political rally, as a correspondent for *The Christian Science Monitor*. I was assigned to Nairobi from 1987-95, covering East and West Africa, based in Nairobi.

Around his neck Rev. Njoya wears a cross made of two nails. "Everybody has opposition within each other," he says. Nearby workers are chiseling rocks. The tape recorder picked up the high-pitched, rhythmic *tap-tap-tap* as yet another stone was carved into its place in this slowly growing religious testament to the nontraditional, stereotype-breaking concepts of the now-retired activist.

His strategy in the late 1980s and early 1990s had been to try to "eliminate fear" of the regime, he said. He had spoken out boldly for democracy shortly after the fall of the Berlin wall in 1989. In 1997, as police broke up an opposition rally, he was attacked by police and is convinced that the intent was to kill him. His church hierarchy not only offered no support for his activism, they eventually banished him to a rural church for it. "Yes, to quiet me down," Njoya explained. But it didn't work: he kept on speaking out for democracy and human rights against the government, especially from the late 1980s to the early 1990s.

Implications of Individual Activism

Individual activism is a missing element in most of the social movement literature. Yet it can play an important role in challenging an oppressive regime nonviolently, as it did in Kenya between 1987 and 1991. At a time when few Kenyan organizations were willing to publicly oppose the human rights abuses by the regime, some individual attorneys and independent journalists, and others did take a public stand.[56] It was dangerous: the regime had already rounded up suspected dissidents and tortured many of them. Nevertheless, individual activists, many of them drawn to the resistance by way of their own profession, courageously resisted through a variety of tactics including legal challenges and critical publications. They played a chess game of tactics in the courtroom as they maneuvered to bring to public attention the regimes excesses.

These individual activists lacked the support, financial or otherwise, of organizations. Human rights attorneys, for example, did not have the backing of their bar association until an activist was elected chair of the

56 During this period, a few organizations did speak out. For example, the International Commission of Jurists (Kenya Section) issued critical statements in international forums against the regime's abuses. The National Christian Council of Churches (NCCK) made some critical statements during this period. The Catholic Church joined the Law Society of Kenya's appeal by LSK chair Muite for repeal of detention laws.

organization in 1991. Several independent writers ran self-financed publications that lacked organizational strength. But individual activists were able to attract international attention. That came too late for some to avoid being victims of torture by the state, but the challenges to their treatment helped reduce the use of torture as a policy of the regime. Altogether, these early challenges of the repressive Moi regime helped break a wall of fear that had kept most Kenyans silent. This in turn helped open the way for organizational resistance in the early 1990s that grew into a culture of resistance.

One might ask: how can individual activists be part of a social movement? As noted in the theory chapter, the definition of a "social movement" offered in this book is: *a process of challenges to targeted authorities that may involve individual as well as organizational activism, and at times mass public support, and is aimed at either regime reform or regime change.* But beyond a definitional issue is the fact that while they operated as individuals without organizational support, they were in touch with other activists, planning their part in the overall resistance. They were frequently in contact with each other, especially during times when some among them were targeted by the regime. In the relatively small world of Nairobi, where most of the resistance took place, they were known to each other. They sometimes worked as small, informal groups such as the times when they gathered in a war room to map out strategies and keep an eye out for the safety of their fellow activists. At the same time, these individual activists were an example of a social movement in abeyance, operating on a limited scale, waiting for safer times to emerge more openly and in a more organized fashion. During a period when it was considered too dangerous for most organizations to self-identify as being directly opposed to the regime, these individual activists helped keep the light of nonviolent resistance lit.