

## Islam and democracy: debating electoral involvement on the Kenya coast

In the Kenyan coastal town of Kilifi, an unobtrusive green sign is nailed to a telegraph pole in the market place. Painted on it, in neat white letters, are the words *Demokrasi ni ukafiri*: 'Democracy is unbelief'. It is a brief statement of one view in a complex debate amongst Muslims in Kenya, about the nature of their collective relationship with the secular state and its elected bodies. In the run-up to Kenya's 2013 election, graffiti appeared across in the poorer parts of Mombasa island, especially in the King'orani area: *Kura ni haramu*, 'voting is forbidden', was a common message. A rash of posters appeared, plastered up next to, or over, the campaign posters of various candidates: *Siasa ya vyama vingi ni siasa ya matumbo mengi*, read one: 'the politics of multi-partyism is the politics of many bellies'. More obliquely, a black banner draped above the entrance to the market on Mombasa's main street read *Quran ni suluhisho*: 'the Qur'an is the answer', in itself an implicit critique of multi-partyism and secularism.

This questioning of democracy was apparent in other forums, too. Sporadic 'press releases' on the web site of the East African branch of the radical international Islamic movement Hizbut-Tahrir, offered a vigorous denunciation of the ballot: 'Democratic elections are intended to hijack the public ... elections are to legitimize oppression.... Do not plunge into democratic kufr.'<sup>1</sup> Equally vivid in tone was the discussion in some mosques at the coast, where speakers delivering lectures after Friday prayers used the occasion to urge worshippers to boycott the election, and argued that both the act of voting, and the practices of parliamentary democracy, were unIslamic.

Those who offered this critique of democracy were echoing wider arguments which have been a powerful force on the coast in recent decades; in 2005, only around half of the Muslims surveyed in a poll at the Kenya coast were in favour of participation in 'politics'.<sup>2</sup> Yet in 2013 a great many Kenyan Muslims evidently ignored the plea to make – as Hizbut-Tahrir put it – 'a silent protest by citizens against multi-party democracy which was brought in Kenya in 1992 by colonialists'.<sup>3</sup> On the coast, more people voted than in any previous Kenyan election.<sup>4</sup> In north-eastern Kenya, the other part of the country with a significant Muslim population, turnout was more patchy, but there was no evidence of a boycott. Focussing on the coast, this article discusses the debate amongst Kenyan Muslims over participation in the election, and what this reveals about the relationship between democracy and Islam in contemporary Kenya. Levels of electoral participation show that by no means all Muslims shun the ballot; but in contrast to some recent work we do not argue that this is the result of some inherent

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<sup>1</sup> 'What should be done: change leaders or change the system?', Shaaban Mwalimu, Hizbut-Tahrir East Africa, 27 Dec. 2012, [http://www.hizb-eastafrica.com/en/index.php?option=com\\_content&view=article&id=554:what-should-be-done-change-leaders-or-the-system&catid=31&Itemid=128](http://www.hizb-eastafrica.com/en/index.php?option=com_content&view=article&id=554:what-should-be-done-change-leaders-or-the-system&catid=31&Itemid=128), viewed on 12 Nov, 2013.

<sup>2</sup> Hassan Mwakimako, *Mosques in Kenya: Muslim Opinion on Religion, Politics and Development* (Berlin: Klaus Schwarz Verlag, 2007), p. 47.

<sup>3</sup> 'The filth of democracy is beginning to be felt in Kenya!', Shaaban Mwalimu, Hizbut-Tahrir, 27 Dec. 2012. [http://www.hizb-eastafrica.com/en/index.php?option=com\\_content&view=article&id=517:the-filth-of-democracy-is-beginning-to-be-felt-in-kenya&catid=31&Itemid=128](http://www.hizb-eastafrica.com/en/index.php?option=com_content&view=article&id=517:the-filth-of-democracy-is-beginning-to-be-felt-in-kenya&catid=31&Itemid=128), viewed on 13 Nov. 2013.

<sup>4</sup> Justin Willis and Ngala Chome, 'Marginalization and participation on the Kenya coast: the 2013 elections', *Journal of Eastern African Studies*, 8, 1, (2014), pp. 115-34.

'moderation' in Kenyan Islam which limits the influence of 'radical elements'.<sup>5</sup> Rather, we argue that there is a considerable gap between people's professed ideas about the relationship between Islam and democracy and their actual practice. The failure of calls for a boycott might be seen as the flip-side of the failure of repeated efforts to mobilise a 'Muslim vote' in Kenya. Neither 'exit' nor 'voice' has become the dominant strategy, since Muslims have not formed a coherent political community. Many Kenyan Muslims are evidently comfortable with religious arguments which identify both majoritarianism and secularism as unacceptable, yet they participate in electoral politics. While this can be rationalized in religious terms as a necessary adjustment to circumstances in a Muslim-minority state, participation is more usually driven by Kenya's politics of race, ethnicity and patronage.

### *Islam, reform and democracy*

As John Esposito and John Voll noted in the 1990s, 'democratization and Islamic resurgence have been complementary forces in many countries'.<sup>6</sup> But the extent of this complementarity has been the subject of much scholarly argument, as well as popular debate, internationally—though the debate has tended to focus on Muslim-majority countries in the Arab world, Turkey and Iran. A number of non-Muslim observers have cast doubt on the apparent enthusiasm of Islamic reformers for elections, suggesting that this has been no more than a means to power: Martin Kramer has mocked the 'academic apologists' who argue that 'Muslim fundamentalists' can be agents of democracy, and Elie Kedourie's sorrowful account of the failure of constitutional government in the Arab world is predicated on the assumption that 'the idea of democracy is quite alien to the mind-set of Islam'.<sup>7</sup> Others, however, have pointed out the diversity of Muslim scholarly opinion on democracy over the last century. While prominent scholars such as Sayyid Qutb insisted that since *shari'a* is complete law, no further legislation is possible and so there is no need for an elected legislature, others – like the leaders of the Nahda party in Tunisia in the 1980s – argued that people could make law, and that an elected legislature is entirely acceptable in Islam.<sup>8</sup> This has led Ghassan Salame, for example, to insist that '[s]omeone who is both a good Muslim and a good democrat is not an aberration'.<sup>9</sup>

Esposito and Voll suggested both that the commitment of many Muslim religious leaders and politicians to democracy is sincere, and that an understanding of this commitment involves understanding that democracy was not simply a US or European 'export' to the world, but rather that Muslim reformers were themselves engaged in 'defining Islamic democracy'.<sup>10</sup> This, they suggested, drew on a series of principles fundamental to Islam: that of consultation (*shura*), consensus (*ijma*) and the exercise of informed, independent judgment (*ijtihad*). Other commentators have argued that some of the forms of this Islamic democracy – such as that

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<sup>5</sup> Jeffrey Haynes, 'Islam and democracy in East Africa', *Democratization*, 2006, pp. 490-507; quote at p. 501.

<sup>6</sup> John Esposito and John Voll, *Islam and Democracy* (New York and London: Oxford University Press, 1996), p. 16.

<sup>7</sup> Martin Kramer, 'Islam vs democracy', in Martin Kramer, *Arab Awakening and Islamic Revival* (Transaction Publishers: New Brunswick and London, 1996), pp. 265-78; Elie Kedourie, *Democracy and Arab Political Culture* (Washington Institute: Washington, 1992), p. 1.

<sup>8</sup> John Esposito and James Piscatori, 'Democratization and Islam', *Middle East Journal*, 45 (1991), pp. 427-40.

<sup>9</sup> Ghassan Salame, 'Introduction', p. 4, in Ghassan Salame (ed.), *Democracy Without Democrats? The Renewal of Politics in the Arab World* (I B Tauris: London and New York, 1994), pp. 1-20.

<sup>10</sup> Voll and Esposito, *Islam and Democracy*, pp. 19, 21.

advocated by Hassan al Turabi in Sudan - are really not democratic in any real sense.<sup>11</sup> But in an earlier work with Jim Piscatori, Esposito had suggested that, whatever the reasoning of those involved, the adoption of the language of democracy had anyway changed the nature of debate among Muslims: by the early 1990s, democracy had become 'a powerful source of legitimacy....seen to be a universal good'.<sup>12</sup> Piscatori returned to this theme in an extended historical discussion of international Muslim debates over democracy, suggesting that despite the hostility of Qutb or Sheikh Muhammad Mutawali al Sha'rawi, there has been a wider willingness to engage in elections as part of projects of Islamic reform. Even if this involvement was very instrumental, the consequence was that the twentieth century saw the 'infiltration into the hegemonic discourse of the vocabulary of participation'. Overall, Piscatori argued for the power of elections to 'enmesh and entangle' people into forms of thinking, as well as practice, which lead to 'an internalisation of the underlying values' of democracy.<sup>13</sup>

This article shifts the focus to debates on Muslim participation in the rather different circumstances of a Muslim-minority state. It argues that the calls for withdrawal from politics, while vigorous, have been countered by an argument for an instrumental involvement in electoral politics, rationalized in terms of the need to defend the interests of the Muslim community. Sara Thordsen has argued – along the lines suggested by Piscatori – that in recent years 'a new generation of Muslim leaders has . . . been able to mobilize Kenyan Muslims' and the consequence of this may be to increase 'Muslim commitment to the rules of democratic government'.<sup>14</sup> But this article also argues that the 'united Muslim voice' identified by Thordsen has in fact been elusive, and that electoral participation by Muslims has more to do with the politics of patronage than with any internalisation of the values of democracy.<sup>15</sup> In a recent publication it has been argued that there is an 'Islamic factor' in Kenyan politics, a factor potentially offering a basis of unity for Muslims.<sup>16</sup> Yet the politics of patronage nevertheless has had considerable influence and in various ways amongst Muslims in Kenya.

### ***Party politics and Islam on the Kenya coast, 1992-2010***

Over the last century, both 'being coastal' and 'being Muslim' in Kenya have come to be associated with being remote from wealth and power. Both categories are by no means identical, and each is in itself problematic. Yet both have been constantly used, often in overlapping ways, to make political arguments about what is now routinely called 'marginalization', and how best to respond to it. Soon after the British East Africa Protectorate was created at the end of the nineteenth century, the locus of political and economic power in the colonial state shifted from the coast – where there was a long-established Muslim community - to the highlands. In this new colonial state, Muslims were a minority from the outset, and the rapid spread of a Christianity which was closely linked to the colonial state, particularly in education, left Muslims increasingly remote from power and wealth; at

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<sup>11</sup> Hugh Goddard, 'Islam and Democracy', *Political Quarterly* (2002) 73, no. 1, pp. 3-9, at pp. 8-9..

<sup>12</sup> Esposito and Piscatori, 'Democratization and Islam', p. 438.

<sup>13</sup> James Piscatori, *Islam, Islamists and the Electoral Principle in the Middle East* (Leiden: ISIM, 2000), pp. 22, 45-47.

<sup>14</sup> Sara Thordsen, *New Muslim Activism in Kenya* (2009), pp. 3, 78;

<http://www.specialer.sam.au.dk/stat/2009/19990725/19990725.1.pdf>

<sup>15</sup> Thordsen, *New Muslim Activism*, p. 25.

<sup>16</sup> See Hassan Ndzovu, *Muslims in Kenyan Politics: Political Involvement, Marginalization, and Minority Status* (Evanston, Northwestern University Press, 2014), 68-105.

independence, power and wealth passed into the hands of men who were largely Christian, and from 'up-country' Kenya. In consequence 'mutual suspicion between Muslims and the state' has been persistent.<sup>17</sup> It is a mark of this suspicion that the results of the 2009 census – which showed that around 11% of Kenyans are Muslim – has been dismissed by some Muslim leaders who insist that the real figure is higher.

The coast itself has had an uncertain identity, in both religious and territorial terms. While it has often been seen as the heart of Kenya's Muslim population, it has always had a large non-Muslim population, and the number of Christians living in what was, administratively, 'Coast Province' grew steadily, significantly swelled over the last century by a steadily growing presence of migrants from other parts of the country.<sup>18</sup> When the rest of the Protectorate became Kenya Colony in 1920, a 'coastal strip', nominally ten miles wide though actually never mapped, remained a protectorate, since it was formally part of the domains of the Sultan of Zanzibar. The coastal strip became the subject of political debate in the early 1960s, as Kenya moved towards independence. Fear of domination by 'up-country' people inspired an unsuccessful movement for the strip to be reunited with Zanzibar, or to achieve a separate independence<sup>19</sup>. But a sense that 'the coast' has been excluded from power and wealth has been persistent since independence, despite chronic uncertainty over the central question of what 'the coast' means, both in terms of territory and identity.<sup>20</sup>

From the mid-1960s to the early 1990s, neither Islam nor the coast provided a basis for public political action in Kenya. The formal institutions of Islam in Kenya – notably the Supreme Council of Kenya Muslims (SUPKEM) – were very much 'allies of the ruling regime' in the single-party system under which Kenya had been governed since the 1960s.<sup>21</sup> But from the early 1990s, the combination of the process of political liberalization in Kenya, and the wider Islamic 'resurgence' internationally, led to the increasingly common evocation of Islam in Kenyan politics.<sup>22</sup> In early 1992, when President Daniel arap Moi gave in to increasing pressure to accept multi-party elections, the Islamic Party of Kenya (IPK) was formed; nominally a national organization, its strength lay very much at the coast.<sup>23</sup> IPK soon came to

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<sup>17</sup> Kai Kresse, 'Muslim politics in post-colonial Kenya: negotiating knowledge on the double periphery', *Journal of the Royal Anthropological Institute* (2009), pp. 576-94, quote at p. 577; also Donal Cruise O'Brien, *Symbolic Confrontations: Muslims Imagining the State in Africa* (Hurst: London, 2003); Hassan Juma Ndzovu, 'The politicization of Muslim organizations and the future of Islamic-oriented politics in Kenya', *Islamic Africa*, 3, 1 (2012), pp. 25-53.

<sup>18</sup> David Sperling, 'Religion and society', in J. Hoorweg, Dick Foeken and R.A. Obudho (eds), *The Kenya Coast Handbook. Culture, Resources and Development in the East African Littoral* (Hamburg: LIT Verlag, 2000), pp. 157-71

<sup>19</sup> James Brennan, 'Lowering the Sultan's flag: sovereignty and decolonization in coastal Kenya', *Comparative Studies in Society and History* 50, 4 (2008), pp. 831-61.

<sup>20</sup> Thomas Wolf, 'Contemporary politics', in Jan Hoorweg, Dick Foeken and Ray Obudho (eds), *Kenya Coast Handbook: Culture, Resources and Development in the East African Littoral* (LIT Verlag: Hamburg, 2000), pp. 129-55.

<sup>21</sup> Haynes, 'Islam and democracy', 493; Hassan Mwakimako, 'Muslim NGOs and community development' in Mohamed Bakari and Saad Yahya, *Islam in Kenya: Proceedings of the National Seminar on Contemporary Islam in Kenya* (Nairobi: MEWA, 1995), pp. 224-33.

<sup>22</sup> Arye Oded, *Islam and Politics in Kenya* (Lynne Rienner, Boulder and London, 2000), p.8; Thordsen, *New Muslim Activism*, pp. 13-14, 41-44; Hassan Ndzovu, *Muslims in Kenyan Politics*, pp.79-105.

<sup>23</sup> Mohamed Bakari, 'A place at the table: the political integration of Muslims in Kenya, 1963-2007', *Islamic Africa*, 4, 1 (2013), pp. 15-48.

be dominated by a Mombasa preacher, Khalid Balala.<sup>24</sup> He formed a brief alliance with the national Forum for the Restoration of Democracy (FORD).<sup>25</sup> The alliance was not, however, an enduring one: FORD itself fragmented over rivalries between different aspiring leaders, and the IPK was not allowed to register as a party.<sup>26</sup> Its supporters kept up an intermittent campaign of demonstrations on the coast in 1992-1993, but no parliamentary Muslim group emerged out of the 1992 elections, though IPK support apparently helped several FORD candidates to victory in Mombasa.<sup>27</sup> The IPK was weakened by Balala's divisive style, and was subject to continual official harassment and repression- the lack of registration aside, Balala himself was twice charged with serious criminal offences, and for a time barred from Kenya on the grounds that he was not a Kenya citizen.<sup>28</sup> Cruise O'Brien has argued that for at least some of those involved in IPK, this oppression may actually have been welcome – they had little interest in the complex politics of alliance building, and were more concerned to excite the sympathy of an external audience, in Saudi Arabia and elsewhere.<sup>29</sup> But the IPK's failure can be explained in a more fundamental way: despite the optimistic belief of some Muslims in the 1990s that 'the conscientization of the Muslim masses' was under way in Kenya, the attempt to build a united Islamic political movement was undermined by deep divisions within Kenya's Muslim community.<sup>30</sup>

Kai Kresse has described Kenya's Muslims as the inhabitants of a 'double periphery' – on the edges both of the Kenyan state and of the wider Islamic community.<sup>31</sup> They have been subject to rival projects of proselytization since the 1970s. On the one hand, there has been a steady Shi'a influence from Iran; on the other, Saudi money has encouraged the work of self-conscious reformers who wish to make the practice of Sunni Islam more orthodox through banning *bid'a* 'innovations', many of them associated with Sufi practices.<sup>32</sup> This project of reform can be seen as conservative, in its insistence on a return to pure practices, and is sometimes described (by its proponents, as well as adversaries) as Salafist. But it can also appear as a socially progressive force, in its opposition to entrenched forms of privilege associated with those who claim an inherited status, and an ability to 'bless'. The tensions introduced by these external influences became uncertainly overlaid on other chronic fault lines.<sup>33</sup> There has been a degree of tension between coastal Muslims and ethnic Somalis – who are concentrated in the north-east of the country, but have increasingly become a significant group on the southern coast, and in Nairobi, as their numbers have been swelled by refugees from Somalia itself; a majority of Kenya's Muslims are now Somali, and they have increasingly contested the presumption to leadership of Muslims from the coast.

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<sup>24</sup>Arye Oded, 'Islamic extremism in Kenya: the rise and fall of Sheikh Khalid Balala', *Journal of Religion in Africa*, 26 (4), 1996, pp. 406-15; Mwakimako, *Mosques in Kenya*, p. 51.

<sup>25</sup> Donal Cruise O'Brien, *Symbolic Confrontations: Muslims Imagining the State in Africa* (Hurst: London, 2003), pp. 92-93.

<sup>26</sup> Mohamed Bakari, 'Muslims and the politics of change in Kenya', in Bakari and Yahya, *Islam in Kenya*: pp. 234-51, at p. 246.

<sup>27</sup>Oded, 'Islamic extremism', p. 411; also *Islam and Politics in Kenya*, pp. 149-62.

<sup>28</sup>Bakari, 'Muslims and the politics of change', p. 246.

<sup>29</sup> Cruise O'Brien, *Symbolic Confrontations*, p. 97.

<sup>30</sup>Bakari, 'Muslims and the politics of change', p. 247.

<sup>31</sup>Kresse, 'Muslim politics', pp. 577-78.

<sup>32</sup>Kresse, 'Muslim politics', pp. 585-86.

<sup>33</sup>Oded, *Islam and Politics in Kenya*, pp. 47-72, 112-21.

But more significant in the early 1990s was a long-standing division which could be expressed in terms of ethnicity or social class, but came most often to be presented in the language of race. This has set Muslims who identified themselves as indigenous and African against those who – at least in the eyes of the first group – were alien, and often of Arab origin.<sup>34</sup> Long a feature of Islam at the coast – as Janet McIntosh has shown – this tension has over time been exacerbated by the steady growth in the numbers of Muslims of ‘up-country’ origin.<sup>35</sup> In the 1990s, IPK demonstrators were physically confronted by members of a group which called itself the United Muslims of Africa, which was widely believed to be supported by the incumbent regime. Rhetorically, the IPK and its supporters were denounced as outsiders, and accused of seeking to perpetuate their relative wealth and status by appropriating Islam as their possession, and excluding others from positions of leadership.<sup>36</sup>

These perceived racial divisions do not coincide neatly, or even at all, with debates over reformism. Some see Salafism as a means to assert the equality of all Muslims, and so to challenge the presumptions of high-status Arabs whose religious practices have become corrupt; others see it as a campaign to reform the wayward practices of African Muslims. Some Sufis see themselves as African Muslims whose religious practice is under attack from Arabs; some believe they are protecting traditional prerogatives against pushful recent converts to Islam from up-country. And as Thordsen has argued the straightforward identification of Salafism with political Islamism and violence, which has become embedded as a fundamental assumption of counter-terrorism literature, can be problematic; a doctrinal concern to suppress *bid'a* is not always synonymous with political radicalism.<sup>37</sup> These multiple, cross-cutting divisions have meant that, while the influx of Somali refugees has increased the size and the economic importance of Kenya’s Muslim population, the Muslim community - so often evoked in rhetoric - has remained entirely elusive in terms of political action.

After the demise of the IPK, divisions continued to be apparent. The long debate over Kenya’s constitution - which for a time seemed to threaten the position of the Kadhi courts which have since the colonial period offered a means for Muslim to seek justice in relation to domestic cases – provided a focus for political action, and inspired explicit arguments for electoral participation. Sheikh Ali Shee – a Salafist, in doctrinal terms – published an extended statement insisting that democracy is entirely Islamic, so long as it operates within the constraints set by the *shari’a* and by a recognition of divine, rather than human sovereignty; like many others, he looked to the popular approval of the caliph Abu Bakr as an analogue for elections.<sup>38</sup> Perhaps even more importantly, however, he argued that even participation in corrupted, non-Islamic, forms of democracy is not only acceptable, but is in the interests of the community in Muslim-minority states, since it can give political power to Muslims; and he mocked Hizbut-Tahrir as a ‘little group’, whose calls for a caliphate were based on ignorance.<sup>39</sup> The logic of his argument required Muslim unity; that alone would give political power to the community.

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<sup>34</sup>Thordsen, *New Muslim Activism*, . p. 11; Ndzovu, ‘The politicization of Muslim organizations’, pp. 30-31, 34; Oded, *Islam and Politics in Kenya*, pp. 60-66.

<sup>35</sup> Janet McIntosh, *The Edge of Islam. Power, Personhood and Ethnoreligious Boundaries on the Kenya Coast* (Durham, NC: Duke University Press, 2009)

<sup>36</sup>Oded, ‘Islamic extremism’, p. 412; Cruise O’Brien, *Symbolic Confrontations*, pp. 92-93.

<sup>37</sup>Thordsen, *New Muslim Activism*, pp. 16-18

<sup>38</sup> Ali Mohammed Shee, *Siasa na Islam* (Mombasa, 2007).

<sup>39</sup> Ali Shee, *Siasa na Islam*, p. 58-60.

But while Thordsen has argued that a 'new Muslim consensus' was generated in this period, the proliferation of occasionally rivalrous Muslim leadership organizations suggests otherwise.<sup>40</sup> Some (the Council of Imams and Preachers of Kenya (CIPK); the Kenya Muslim National Advisory Council (KEMNAC); the National Muslim Leaders Forum (NAMLEF)) have claimed to provide advocacy for the community; others (the Muslim Consultative Council, the *Majlis al Ulama*) presented themselves as bodies intended to provide scholarly advice and guidance. In practice, scholarly and political roles could blur; none achieved widespread acceptance, and all remained in an uneasy relationship with SUPKEM, which struggled to shed the reputation of being dominated by Arabs from the coast.<sup>41</sup> All advocated political engagement in constitution-making, but they agreed on little else; so for example, while some Muslim organizations called vigorously for a 'no' vote in the 2005 constitutional referendum, because they saw it as a threat to the place of the kadhi courts, others refused to do so.<sup>42</sup>

The lack of consensus could be doctrinal or intellectual in basis: as in the debate between those who abhorred secularism and sought an 'ecumenical' constitution, and those who saw a secular constitution as the only means to protect Muslims from Christian domination.<sup>43</sup> But more often it was the result of personal or ethnic rivalries, which could be pursued through manoeuvring for recognition by (and consequent financial and political support from) national politicians. Kenya's politics revolves around patronage and individuals' ability to act as interlocutors with government – delivering the support of 'their' community to the government in return for the ability to plead their case, and to channel resources to them. While Muslim leaders claimed – and aspired – to speak for a community of all Muslims, in fact they were always positioning themselves as the patrons of fractions of a community which was multiply divided on racial and ethnic lines. In the 2007 elections – at a time when proposed anti-terrorism legislation had revived for many Muslims the fear of persecution at the hands of a hostile state – one of these organizations, NAMLEF, endorsed the candidacy of Raila Odinga, one of the two main contenders in the presidential race.<sup>44</sup> They signed a memorandum of understanding – an 'MoU' – with Raila as the condition of this support. Unwisely, this was kept confidential, and as a result a fake copy of the 'MoU' appeared on the internet (its spread encouraged by individuals in the US who sought to encourage the idea that Barack Obama was somehow implicated in support for Raila and for radical Islam).<sup>45</sup> Wild rumours circulated, with Raila being accused of 'Islamism'.

The truth was less dramatic, but more revealing of the politics of Islam in Kenya. What is widely believed to be the real text of the agreement (now available on Wikileaks) committed Raila to work for a 'radical transformation of Kenya to be a just, harmonious, peaceful and prosperous nation' and to end discrimination against Muslims: commitments which Raila was

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<sup>40</sup>Thordsen, *New Muslim Activism*, p. 47

<sup>41</sup>Bakari, 'A place at the table', p. 34.

<sup>42</sup>Abdulkadir Hashim, 'Searching for religious authority: Muslims and religious leadership in Kenya', *Annual Review of Islam in South Africa*, 8 (2005), [http://www.cci.uct.ac.za/usr/cci/publications/aria/download\\_issues/2005/2005\\_hashim.pdf](http://www.cci.uct.ac.za/usr/cci/publications/aria/download_issues/2005/2005_hashim.pdf); cf 'Raila remark on "Kaffir" draws anger from Muslims', *Daily Nation*, 14 Nov. 2005.

<sup>43</sup>Abdelkader Tayob, 'Kadhi's courts in Kenya's constitutional review (1998-2010): a changing approach to politics and state among Kenyan Muslim leaders', *Islamic Africa*, 4, 1 (2013), p. 103-24.

<sup>44</sup>Jan Bachmann and Jana Honke, "'Peace and security" as counterterrorism? The political effects of liberal intervention in Kenya', *African Affairs*, 109, 434 (2009), pp. 97-114.

<sup>45</sup>For one example, see <https://archive.org/details/BarackObamasCousinRailaOdinga-AgreementForIslamicShariaLaw> viewed 4 Jan. 2014.

very willing to make publicly.<sup>46</sup> The more controversial aspect of the 'MoU' was that Raila also agreed to make NAMLEF, his 'partner of choice' in seeking Muslim support (the use of this kind of commercial/business language is itself striking). That aspect of the MoU suggested very strongly that it was part of a deliberate campaign to displace SUPKEM; presumably it was this aspect which was supposed to be confidential. Meanwhile, Raila's opponent, Mwai Kibaki, attracted the support of Ahmed Msellem, a senior Salafist sheikh who many would consider to be an Arab, who denounced the deal with NAMLEF. Kibaki also received the support of Juma Ngao, a vocal preacher from Mombasa and the key figure in KEMNAC, who was an advocate of the rights of African Muslims and an implacable critic of 'Arab' dominance – whose dislike of the MoU with Raila may have reflected his rivalry with the CIPK, which was at this point formally a 'member' of NAMLEF and supported the MoU. In the event, there seems to have been no 'Muslim vote' in 2007 – though many Muslims voted. The long-term consequence of the MoU was, if anything, to encourage scepticism over Raila's reliability – as there was uncertainty over exactly what had been agreed, there were many suggestions that Raila had failed to deliver on his side of the deal, and was not committed to supporting Muslim interests.<sup>47</sup>

A dispute over the results of the 2007 election led to an outbreak of violence (in which Muslims were only marginally involved) and to a negotiated outcome, in which Raila became prime minister in return for accepting Kibaki's presidency. As prime minister, Raila made a gesture towards the terms of the MoU by nominating Shaykh Muhammad Dor to parliament. A scholar, and imam at a prominent mosque in Mombasa, Dor was also a leader of CIPK. The nomination signalled CIPK's willingness to be involved in politics, and evidenced their effective use of their religious authority to assert their claim to represent the Muslim community

The settlement between the Kibaki and Raila included agreement on the urgent need for a new constitution, and in 2010 an agreed draft of this was put to a popular referendum. In contrast to the situation in 2005, when Muslim opinion had been divided, there was remarkable unanimity in the 2010 referendum. Muslims were encouraged to vote for the proposed constitution by all prominent Muslim leaders. Although the preamble acknowledged 'the supremacy of Almighty God of all creation', the constitution was a secular one, stating that 'all sovereign power belongs to the people of Kenya'. Given this, the declaration by leaders of both NAMLEF and SUPKEM that 'It is a big YES for Muslims' was perhaps a surprising endorsement.<sup>48</sup> *The Friday Bulletin*, the weekly publication by the Nairobi Jami'a Mosque, which is widely read by Muslims, ran a headline directly urging its readers to 'Go out and register'. Bemoaning

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<sup>46</sup> See the text on Wikileaks at [http://wikileaks.org/wiki/Kenyan\\_PM\\_Raila\\_Odinga\\_2007\\_secret\\_MoU\\_with\\_Muslim\\_leaders\\_and\\_Extra\\_ordinary\\_Rendition\\_in\\_East\\_Africa](http://wikileaks.org/wiki/Kenyan_PM_Raila_Odinga_2007_secret_MoU_with_Muslim_leaders_and_Extra_ordinary_Rendition_in_East_Africa) viewed 4 Jan. 2014.

<sup>47</sup> 'I honoured MoU with Muslims, declares Raila', *The Star*, 21 Aug. 2012. Hassan Ndzovu, *Muslim Politics in Kenya*, pp. 157-164.

<sup>48</sup> 'The constitution of Kenya', 2010: <http://www.kenyaembassy.com/pdfs/The%20Constitution%20of%20Kenya.pdf>, viewed 13 Nov. 2013; 'It is a big YES for Muslims. Leaders unite in support for the draft constitution', *The Friday Bulletin*, 363, 16 Apr. 2010.



the low levels of registration in Muslim areas, the *Bulletin* reminded readers that the referendum was 'of paramount importance for the country's future'.<sup>49</sup>

The enthusiasm for the 2010 constitution was driven partly by the Kadhi courts issue: the new proposed constitution gave them formal recognition, which infuriated many Christian clerics: the endorsement of the draft by Muslim leaders was a reaction to this 'onslaught on the Kadhis' courts'.<sup>50</sup> The *Bulletin* carried the advice of one Muslim scholar that 'although the constitution was generally not in conformity with the Islamic Sharia, which is the ultimate law for every Muslim . . . the draft had some good elements that were beneficial to the ummah'.<sup>51</sup> A Friday lecture at the Nairobi Jami'a Mosque elaborated on this theme: 'Muslim participation in the political process is a dharura (necessity). It is a case of the maslaha (benefits) overriding the mafsada (harm). Nobody is saying that we leave the hukm of Allah and take other legislations. Our participation aims at safeguarding the interests of Muslims'.<sup>52</sup> The slightly equivocal nature of this endorsement – and the extent of debate amongst Muslims - is underlined by a lengthy statement carried by the *Bulletin* only a few months earlier, which effectively condemned democracy in the course of an extended critique of the behaviour of contemporary Muslims 'Do you encourage democracy and ridicule the call for the Shari'ah? Do you encourage, support and assist the kufaar...?' The same piece offered a striking list of contemporary ills: 'We must recognize evils such as prostitution, alcohol, drugs, racism, democracy, nationalism and secularism in order that we may shun them'.<sup>53</sup>

A more prosaic motive may also have underlain this unanimity. In contrast to the situation in 2005, the major figures in Kenya's national politics were almost united in supporting (or at least, not opposing) the new constitution; Kibaki and Raila both campaigned for it. Only William Ruto, a Rift Valley politician, openly campaigned against the constitution, and he did so through an unequivocal assertion of his support for the Christian churches' position. No Muslim leader could join that campaign; and all Kenya's other political patrons were in the 'yes' camp; the logic of patronage politics, as well as support for Kadhi's courts, drove Muslim support. The proposed constitution was approved by around 68% of voters.<sup>54</sup>

### **Debating democracy: Muslims in Kenya under the new constitution**

'Islam', and Esposito and Piscatori noted, 'lends itself to variable interpretations', and this is certainly evidenced by the continuing debates amongst Kenyan Muslims over democracy and elections since 2010.<sup>55</sup> In 2012-13, those who called for an election boycott were a visible and sometimes very audible minority. More widely, however, those individuals and organizations who claimed to represent Kenyan Muslims argued for involvement in the elections, and evoked the idea of a united Muslim community using the ballot to advance its interests. Yet they were quite unable to agree on which politicians to support, or what a Muslim political agenda might be. In the end, they provided a rather ambivalent endorsement of the process, which

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<sup>49</sup> *Friday Bulletin*, no. 365, 30 Apr. 2010. In Mwakimako's survey, 75% of respondents claimed to read the Bulletin: Mwakimako, *Mosques in Kenya*, p. 60

<sup>50</sup> Editorial, 'SUPKEM and NAMLEF cooperation big step to unity', *Friday Bulletin*, 363, 16 Apr. 2010.

<sup>51</sup> 'Unite in support of the draft, scholar advises', *Friday Bulletin*, 363, 16 Apr. 2010.

<sup>52</sup> Da'wa, 'Kadhis courts are important to Muslims, protect them', *Friday Bulletin*, 365, 30 Apr. 2010.

<sup>53</sup> Da'wa, 'Irony of enjoining evil and forbidding good', *Friday Bulletin*, 350, 15 Jan. 2010.

<sup>54</sup> E. Kramon and D. Posner, 'Kenya's new constitution', *Journal of Democracy*, 22, 2 (2011), pp. 89-103.

<sup>55</sup> Esposito and Piscatori, 'Democratization and Islam', p. 435.

authorized voting by Muslims to protect the interests of the community – yet failed to create a ‘Muslim vote’.

On the coast, the call for an election boycott in 2013 did not come solely from Muslims. Stirred by the constitutional debates of 2005-10, the idea of coastal secession - dormant but not extinct since 1963 – suddenly became active again. Associated with a group which came to call itself the Mombasa Republican Council (MRC), the idea gathered a brief momentum in the run up to the 2013 elections. There was substantial public sympathy at the coast for some of the grievances expressed by the secessionists, though there was little evidence of any general enthusiasm for the idea of secession (the profound practical challenges of which were not discussed by the campaigners). The MRC’s leaders called for a boycott of the election; and while the MRC was not a Muslim movement in terms of its goals or rhetoric, the fact that its most prominent leaders were Muslims may have encouraged a degree of blurring in the motivations of those who spray-painted urban walls with the call to boycott. The litany of coastal marginalization – educational disadvantage, loss of land, poor employment opportunities – was very similar to that recited by Muslims.<sup>56</sup> Radical Islamists, particularly those associated with the distinctive politics of al Shabaab, have evidently sought to play on coastal disaffection in mobilising violence.<sup>57</sup> But the suggestion that the MRC – in itself a rather uncertain phenomenon, organizationally - has been institutionally linked either to al-Shabaab or to Islamic radicalism internationally seems implausible.<sup>58</sup> The language with which Hizbut-Tahrir, for example, called for boycott asserted involvement in an international community of Islam, which should be governed by *sharia*: they did not argue for coastal particularism.

Theologically, the radical proponents of boycott followed Qutb in deploring the implication that a human legislature might be needed. God’s law, they argued is already complete. ‘According to secular thought, human legislated laws are superior ... It is quite clear that carrying such a thought or to be carried away by its decisions is against Islam’.<sup>59</sup> The notion of ‘popular sovereignty’ was seen as similarly anathematic: ‘Democratic politics are based on the Kufr Aqeedah of secularism, ie separating religion from life by giving human beings the sovereignty to legitimize and prohibit’.<sup>60</sup> And politically, the radical Islamic call for boycott linked elections directly to the power of ‘Western nations’. ‘Democracy and its evil capitalist ideology’, in this view, have been central to the systematic oppression not only of Islam but of poor people across the world generally. ‘Under the pretext of Democracy, great Western nations through their puppets perpetrate genocide in Africa, Middle East and Asia’.<sup>61</sup> Elections, capitalism and colonialism are all bundled up in this argument, which by contrast offers Islam as the root to liberation from oppression:

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<sup>56</sup> Justin Willis and George Gona, ‘Pwani C Kenya? Memory, documents and secessionist politics in coastal Kenya’, *African Affairs*, 112, 46 (2013), pp. 48-71.

<sup>57</sup> Willis and Mwakimako, ‘Islam, politics and violence’.

<sup>58</sup> For such assertions, see ‘MRC has links with al-Shabaab, says Coast PC’, *The Star*, 7 May 2011.

<sup>59</sup> ‘Who is better in judgment than Allah?’, Shaaban Mwalimu, Hizbut-Tahrir East Africa, 5 April 2013, <http://www.khilafah.com/index.php/analysis/africa/15721-who-is-better-in-judgment-other-than-allah> viewed 12 Nov. 2013.

<sup>60</sup> ‘The wickedness of politicians is a result of wicked democracy’, Shaaban Mwalimu, Hizbut-Tahrir East Africa, 29 May 2013, [http://www.hizb-eastafrica.com/en/index.php?option=com\\_content&view=article&id=612:the-wickedness-of-politicians-is-a-product-of-the-wicked-democracy&catid=31&Itemid=128](http://www.hizb-eastafrica.com/en/index.php?option=com_content&view=article&id=612:the-wickedness-of-politicians-is-a-product-of-the-wicked-democracy&catid=31&Itemid=128) viewed 12 Nov. 2013.

<sup>61</sup> ‘The wickedness of politicians is a result of wicked democracy’, Shaaban Mwalimu.

These politics are a colonial tool used by the West ... Western countries compete in getting their political puppets from these countries and sponsor them so as to win elections and later on form their governments that help achieve their colonial objectives.<sup>62</sup>

The Khutba during Friday prayers are commonly used to remind Muslims of their membership of an international Muslim community, and to argue that this community is constantly threatened by hostile forces. Where those giving the Friday sermon in mosques chose to speak against voting – as some did – they did not mention coastal secession. Their argument was rather that democracy questions God's sovereignty, that it implies approval for a corrupt political system, and that it risks placing man-made laws above the divinely-provided guidance of the Qu'ran.<sup>63</sup> Yet even the *wasiya* (wise counsel) against democracy was not preached in all mosques; generally, it was confined to those associated or coming under the influence of the Hizbut-Tahrir's demands for the reinstatement of the caliphate.

The calls for boycott were, anyway, largely drowned out by calls for involvement: in mosques, on the main Muslim radio stations, and on the internet. Sometimes, the approval given in mosques was tacit: coming in the form of reminders to register as voters, made in announcements after the sermon or posted up on noticeboards. But in other cases speakers chose to work the call to vote into the sermon itself: assuring worshippers that voting was not *haram*, and in some cases telling them that they had a duty to vote.<sup>64</sup> The predominance of this pro-voting message reflected the position taken by the multiple, rival, organizations of formal Muslim leadership. All of these, throughout Kenya, encouraged participation in the elections, and they echoed the emphasis on peace that characterized almost all election support activities.

Their stance was in part a consequence of the flow of US and European donor money into Muslim organizations in Kenya over the last decade. In the immediate aftermath of 9/11, the counter-terrorism strategies of the US and its allies were criticized for their clumsiness and 'military bias'<sup>65</sup>. But – while the US and others have continued to provide funds for 'hard' security – these programmes quickly developed an element of 'soft security', which combined physical development work – the building of schools and clinics – with an engagement with civil society.<sup>66</sup> The idea that 'radicalization' was the result of poverty and injustice was key to this; if people's material circumstances and their experience of government could be improved, they would be much less likely to support violence against the US and its allies.

The effectiveness of building schools as a route to winning 'hearts and minds' has been questioned; on the whole, local communities have been relatively unimpressed by these

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<sup>62</sup> 'Who is better in judgment than Allah?', Shaaban Mwalimu.

<sup>63</sup> For example sermons delivered Masjid Arqam, Likoni, 16 Nov. 2012; Masjid al Rahma, Kisauni, 14 Dec. 2012; Masjid Siddiq, 23 Nov. 2012.

<sup>64</sup> For example, sermons delivered in Masjid Taqwa, Changamwe, 23 Nov. 2012; Masjid Riyadhha, Likoni, 23 Nov. 2012; Masjid bin Hemed, 30 Nov. 2012.

<sup>65</sup> Peter Kagwanja, 'Counterterrorism in the Horn of Africa: new security frontiers, old strategies', *Africa Security Review*, 15, 3 (2006), pp. 72-86.

<sup>66</sup> Jeremy Lind and Jude Howell, *Aid, Civil Society and the State in Kenya since 9/11* (London: LSE, 2008); Bochmann and Honke, "Peace and security".

gestures.<sup>67</sup> But the rather more limited funds put into working with and through Muslim civil society organizations – such as CIPK, or Muslims for Human Rights (MUHURI) may have had more effect. Although Lind and Howell have emphasised the extent of the mutual suspicion between donors and Muslim organizations, it does seem that ‘antiradicalization’ programmes, notably those funded by the Danish and UK governments, have had an effect.<sup>68</sup> They have evidently encouraged the use of an internationalized (English) language of liberalism, good governance and democracy (as well as the metaphors of business) among a significant cohort of educated Muslims who work for these programmes.<sup>69</sup> In 2014, visitors to the (apparently inactive) blog page of CIPK might have been surprised to discover that there was no mention of Islam in its statement of values, and that the organization’s ‘Vision’ was described as ‘A society that enjoys fulfilled lives, harmoniously co-exist [sic] by upholding respect for human dignity and the diversity of culture and religion’.<sup>70</sup> It would, however, be too crude to say that these organizations have simply been paid to develop an enthusiasm for elections, as part of a suite of liberal attitudes associated with the donors who fund them. There has been a degree of convergence of interest here; these Muslim civil society organizations see themselves as pursuing the advancement of collective Muslim interests, and see that aim as entirely compatible with – indeed, indistinguishable from – the promotion of their own particular organizations, and the status and income which they derive from those organizations. Whether that leads to a wider ‘internalisation of the underlying values’ of democracy suggested by Piscatori is less certain.

The *Friday Bulletin* – published and largely written in Nairobi, and itself involved in the chronic struggle over who should be the ‘voice’ of Kenya’s Muslims – is itself evidence of an engagement with non-Muslim scrutiny. Written in English, with helpful translations of some key terms, it seems aimed at least partly at an external audience. Throughout the run-up to the election, it carried stories and editorials urging the need for Muslim involvement; the last of these offered a slightly obscurely worded but definite statement in support of elections:

As to the question of whether elections constitute the only means of achieving participatory governance, many agree that elections define the concept of citizenship and are therefore an acceptable apparatus for the realization of human dignity and the implementation of the rule of law<sup>71</sup>

The *Friday Bulletin* combined these with several articles offering religious arguments for voting, which themselves were drawn from a range of international sources – suggesting both the vigour of the debate on this issue, and the extent to which it is, very consciously, an international debate amongst Muslims. The most expansive justification for electoral participation published by the *Bulletin* came from Wael Shihab, of the International Union for Muslim Scholars, who cited the Qu’ran (Surat al Nisa, 58) to argue that ‘Voting in elections, as far as Islam is concerned, is a form of testimony that a Muslim should honestly and faithfully bear’. Also offering the example of Yusuf’s decision to serve Pharaoh, which brought benefit to

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<sup>67</sup> Mark Bradbury and Michael Kleinman, *Winning Hearts and Minds? Examining the Relationship between Aid and Security in Kenya* (Medford, MA: Feinstein International Studies, 2010).

<sup>68</sup> Lind and Howell, *Aid, Civil Society and the State*, pp. 14-16; Bachman and Honke, “Peace and security”.

<sup>69</sup> Thordsen, *New Muslim Activism*, p. 78; Ndzovu, ‘The politicization of Muslim organizations’, p. 44.

<sup>70</sup> <http://cipk.blogspot.co.uk/>, viewed 4 Jan. 2014.

<sup>71</sup> Editorial ‘Choices 2013: the language of peace’, *Friday Bulletin*, 513, 1 Mar. 2013.

all, Shihab suggested that 'It is a duty for all Muslims to vote for the most capable and eligible candidates'; and he blurred the nature of the community whose interests should be considered, referring both to the 'community' (implicitly, Muslims) and to 'the country'.<sup>72</sup> In not dissimilar vein, Sheikh Taha Jabir of the Muslim World League was quoted saying that political participation 'afford us the opportunity to protect our human rights, guarantee the fulfilment of our needs, and work for the improvement of living conditions for Muslims and non-Muslims ... whatever helps us to achieve these noble goals becomes Islamically obligatory'.<sup>73</sup>

But the general argument made in these articles was more equivocal, and largely rested on a doctrine of necessity. While 'the concept of democracy as it was being practised was anathema to Islam', Muslims 'living in countries where they are a minority' should participate in elections, in order to prevent discrimination against Muslims and secure the best conditions possible for fellow-believers.<sup>74</sup> Sheikh Muhammad Salim al Munajjid, of the Islamic QA website, was cited supporting this view: 'Noone should imagine that anyone who says that it is OK to vote is thereby expressing approval or support for kufr (unbelief). It is done in the interests of Muslims, not out of love for kufr and its people.'<sup>75</sup> Sh. Haitham al Hadad argued that 'establishing a democratic system' would be an act of unbelief, but for Muslims to vote within an established system, where they were a minority, did not imply approval or acceptance of the system – it was simply a means to fulfil the cardinal Muslim duty of preventing evil and attaining good.<sup>76</sup> Sh. Abdur Raheem Green, of the London Central Mosque was cited offering an opinion even more blunt on this: 'I have no doubt that democracy is anti-ethical [sic] to Islam', but Muslims should 'use the means and avenues available to benefit the Muslims'.<sup>77</sup> The logic of this was taken further by some: voting might well be a choice between two evils, but the duty of Muslims was to choose the lesser evil, and vote for the candidate who would do least harm to the community.<sup>78</sup>

In arguing that the needs of the Muslim community demanded that people participate, all these arguments – whether locally made, or simply echoed versions of wider debates – were inextricably combined with calls for Muslim unity, and the implication that leaders could guide a united community: Abdillahi Abdi of NAMLEF was reported to have said that 'Muslim leaders have an obligation to provide guidance to the community to ensure that they elected suitable candidates'.<sup>79</sup> The implication was that Muslims leaders could then negotiate with politicians on behalf of all Muslims, collectively, as some had tried to do in 2007: 'Muslims are better off remaining a block and voting from a united front'.<sup>80</sup> Muslims could and should vote – but only in order to create the Muslim vote.

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<sup>72</sup>Wael Shihab, 'Voting values: a Muslim perspective', *Friday Bulletin*, 506, 11 Jan. 2013.

<sup>73</sup>Taha Jabir al Alawi, cited in 'Scholars on Muslims participating in voting', *Friday Bulletin*, 513, 1 Mar. 2013.

<sup>74</sup> Sh. Muhammad Osman, quoted indirectly in 'Register and shape Kenya's destiny, Muslims told', *Friday Bulletin*, 502, 14 Dec. 2012.

<sup>75</sup> Cited in 'Scholars on Muslims participating in voting', *Friday Bulletin*, 513, 1 Mar. 2013.

<sup>76</sup>Da'wa, 'Advice to Muslims regarding the elections', *Friday Bulletin*, 512, 22 Feb. 2013.

<sup>77</sup> Cited in 'Scholars on Muslims participating in voting', *Friday Bulletin*, 513, 1 Mar. 2013.

<sup>78</sup> 'Scholars on Muslims participating in voting', *Friday Bulletin*, 513, 1 Mar. 2013.

<sup>79</sup> 'Peace and unity call as elections nears' [sic], *Friday Bulletin*, 512, 22 Feb. 2013.

<sup>80</sup> Editorial, *Friday Bulletin*, 497, 9 Nov. 2012.

The problem was, however, that Muslim unity remained as elusive as ever. The brief consensus of 2010 had soon vanished, although the feeling persisted amongst many Muslims that they were marginalized by the state – a feeling exacerbated by the state’s heavy-handed response to increasingly frequent acts of terrorism by Muslim radicals linked to al-Shabaab.<sup>81</sup> Although Muslim leaders protested against the harassment of the community, the rival organizations which claimed to represent Muslims could not reach any agreement on which candidate or party to support, in any of the multiple ballots (the election involved choosing six separate levels of representation).<sup>82</sup> When NAMLEF sought to call a conference to agree on advice to Muslim voters, it was criticized for trying to speak for all Muslims; a later attempt to endorse the CORD coalition of Raila Odinga was again denounced by others.<sup>83</sup> Divisions within organizations became apparent: a deputy chair of SUPKEM expressed support for Raila, but received no institutional support from SUPKEM as a whole, and when some of the office-holders of CIPK declared their preference for Uhuru Kenyatta’s Jubilee coalition, they were swiftly denounced by their fellows – and by other organizations.<sup>84</sup> Juma Ngao, the leader of KEMNAC, declared his support for Uhuru Kenyatta – reportedly claiming to speak for ‘coastal’ people, rather than Muslims – and explained his decision as a precautionary move to ensure that coastal people would be represented in the event of an Uhuru victory.<sup>85</sup> Those who declared their support for Raila largely justified this in terms of collective Muslim interest – arguing that Raila’s commitment to the new constitution would help Muslims as a group.<sup>86</sup> Allegations circulated that the support of some of these individuals had been bought with money, or the promise of position; some publicly accused others of being ‘self-seekers [who] do not represent Muslims’.<sup>87</sup> When Mohamed Abduba Dida, a Muslim, put himself forward as a candidate for the presidency, late in the campaign, he was not a unifying factor. While many enjoyed his performance in the televised debate between candidates – in which he gleefully played the role of the political outsider – this did not translate into significant support, and no Muslim organization chose to endorse his candidacy.

This disunity effectively invalidated one of the key arguments for electoral participation – since there was no ‘Muslim vote’ which could be used to argue for the collective interests of the community. But that argument continued to be used right up to election day, and the *Friday Bulletin* – and those leaders who did not declare their support for any candidate – fell back on urging Muslims to avoid becoming divided by their political differences.<sup>88</sup>

### ***Popular participation: the power of patronage***

Determining levels of Muslim participation in elections rests largely on inference from general statistics, combined with some very limited opinion poll work. In combination, these suggest

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<sup>81</sup>Open Society Justice Initiative/Muslims for Human Rights, ‘*We are Tired of Taking You to Court: Human Rights Abuses by Kenya’s Anti-Terrorism Police Unit*’ (New York: Open Society Foundations, 2013)

<sup>82</sup>For protests by SUPKEM see ‘Muslims to sue police over harassment’, *Digital Standard*, 20 Oct. 2012.

<sup>83</sup>Muslim leaders at odds over pre-election deal with Raila’, *Standard Digital*, 8 Apr. 2012; ‘Muslim group endorses CORD’, *Daily Nation*, 13 Jan. 2013.

<sup>84</sup>‘Clerics dump Raila, now back Uhuru’, *The Star*, 12 Feb. 2013; ‘Muslim leaders deny backing Uhuru’s bid’, *Standard Digital*, 19 Feb. 2013

<sup>85</sup>‘Sheikh Ngao dumps Raila’s CORD for Jubilee’, *The Star*, 11 Feb. 2013.

<sup>86</sup>For example Hassan ole Naado, ‘Muslims should take sides but on principle’, *The Star*, 31 Dec. 2012.

<sup>87</sup>‘Muslim groups back Raila bid’, *Standard Digital*, 24 Feb. 2013.

<sup>88</sup>‘Don’t drag us into partisan politics, Jamia Mosque says’, *Friday Bulletin*, 513, 1 Mar. 2013.

that overall, Muslims are less likely to participate in elections than are other Kenyans, but that this is far from taking the form of a general boycott. Voting figures show that parts of Kenya with large Muslim populations saw relatively low participation rates: the table below shows registration and turnout (presidential ballot) rates for the ten counties which have significant (though not necessarily majority) Muslim populations.

County	% of estimated eligible population registered as voters	% turnout from registered voters	Turnout expressed as % of estimated eligible population
Mombasa	93.3	66.6	62
Kwale	57.6	72	41.5
Kilifi	65	65	42
Tana River	71	81	58
Lamu	110.6	84	93
Garissa	40	80	32
Wajir	26.3	85	22
Mandera	25.3	84	21
Marsabit	76.9	86	66
Isiolo	78.8	87	69.5
NATIONAL AVERAGE	79.7	86	68.5

Table 1: registration, turnout and participation rates, derived from Independent Electoral and Boundaries Commission reports on registration and election results, available at [www.iebc.or.ke](http://www.iebc.or.ke)

Registration and turnout rates were very low in some areas – notably in north-eastern counties with majority Somali Kenyan populations (Wajir, Mandera, and Garissa), where participation rates were very much below the national average. On the other hand, registration and turnout rates in four coastal counties (Mombasa, Kwale, Kilifi, Tana River) and in Marsabit and Isiolo, are markedly higher, though below the national average. The figures for Lamu – including the apparently impossible registration figure, which suggests that number of eligible voters was underestimated – were very high. This reflects the particular circumstances in that county, where there was a very open political tension between a (largely Muslim) population which regards itself as indigenous and a community of recent migrants from elsewhere in Kenya, who are largely Christian. The implication of these voting statistics is supported by three opinion polls, which have shown that Muslim respondents are consistently less likely to say that they voted than are Kenyans as a whole.<sup>89</sup> In combination with the geographical statistics, however, the figures might also be seen to indicate a specific sense of alienation amongst Somali Kenyans, especially those in the north-east. The north-east saw its own secessionist struggle in the 1960s – much longer, more violent and bitter than that at the coast, and with much wider popular support. This was brutally suppressed; and the north-east has remained an uncertain, frontier area, poorly integrated with the rest of Kenya.<sup>90</sup> Events since the early 1990s have confirmed the marginality of the north-east, and of Kenya’s Somali population more widely, which has been swelled by large numbers of refugees; the ramifications of the conflict in Somalia itself have exacerbated tensions within that population, and between Somalis and the Kenyan state, leading to security operations against Somalis in

<sup>89</sup> Surveys undertaken by IPSOS-Synovate in 2013-14.

<sup>90</sup> Hannah Whittaker, ‘The socio-economic dynamics of the Shifta conflict in Kenya, c. 1963-68’, *Journal of African History*, 53, 3, (2008), pp. 391-408

Kenya which involve considerable levels of violence.<sup>91</sup>The Kenyan military incursion into Somalia in 2011 has been followed by an escalation of terrorism in Kenya itself, and more brutal security operations.

How far the earnest arguments expounded in the *Friday Bulletin* encouraged participation among Muslims, at the coast - or elsewhere in Kenya - is difficult to say. The logic of expediency was certainly widely understood: as one imam at the coast said 'if you separate yourself from politics, then decisions will be made which you do not like.'<sup>92</sup> The leader of KEMNAC set out this argument with a practised fluency when interviewed – emphasizing the importance of voting, and the traditional Islamic precedents for this. But he also denounced the majoritarian and secular implications of democracy:

Even when the Prophet was alive (PBUH) people voted ... [and] When Abu Bakr Sidiq was chosen, people voted for him by raising their hands... In my view, voting itself is not haram, nor it haram to vote for someone who has done no harm to the believers in this country.

..But democracy, modern democracy, is haram.... You know, democracy means – the majority get what they want. But Islam is not concerned with democracy. Islam is concerned with justice... in Egypt, under the rule of Pharaoh, Pharaoh was accepted as their king and their God. And his cabinet of ministers, and the people, regarded him as God. But he wasn't God. Only Moses, and his brother Harun, said you are not God, there is only one God. And the wife of Pharaoh, saw her husband was not God. That was the democracy of the majority get what they want. At that time. So was Moses wrong? Three people – the wife of Pharaoh, Moses and Harun, against the whole of Egypt. So Moses was alone, but he was truthful, and righteous. The majority, democracy, they were many, but they were not in the right. So, Islam and democracy part ways there a little, because Islam is not concerned with giving the majority what they want.<sup>93</sup>

These arguments may have helped to authorize voting – reassuring Muslim voters that participation was acceptable – but it is not clear that they did anything further to shape the decisions which individuals took.

On the coast, at least, most voters seem to have voted in ways which were by not dictated by their religious beliefs. Abduba Dida polled very modestly.<sup>94</sup> While Muslim candidates were returned for many positions - governors, senators, members of the national assembly, ward representatives and women's representatives – the only candidate who ran on an overtly Muslim platform was Sheikh Muhammad Dor, who lost by some distance in the race for one of the Mombasa national assembly seats. In the 2013 elections – as in previous ones – there was plentiful evidence that the reality, or promise, of patronage was a constant feature of campaigns. In the southern coastal constituency of LungaLunga, for example, KhatibMwashedani's victory was initially overturned in the face of extensive evidence that his charitable foundation had given multiple donations to schools and individuals shortly before

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<sup>91</sup> Human Rights Watch, '*Bring the Gun or You'll Die*'. *Torture, Rape and Other Serious Human Rights Violations by Kenyan Forces in the Mandera Triangle* (Human Rights Watch: New York, 2009)

<sup>92</sup> Interview, Hemedi Juma, Likoni, 17 July 2013.

<sup>93</sup> Interview, Juma Ngao, Kisauni, 17 July 2013.

<sup>94</sup>Dida polled 10,569 votes in the six coastal counties, out of 817,209 cast: just 1.3%. Dor polled 10,525 votes; the winner in his constituency polled 34,491 votes.



the election; the Appeal Court subsequently ruled that this did not constitute improper influence and reinstated the result, but did not question that the donations had been made.<sup>95</sup>

These patronage politics work at multiple levels, encouraging an engagement based on calculations of personal interest, as well as the interests of a community. Those seeking election hope for sponsorship from above, from national politicians who want the support of a community defined in ethnic or regional terms. Candidates themselves, in turn, seek more local intermediaries, whose support they try to win through gifts of money or sometimes of food or other items, and/or through promises of future favour. These intermediaries in turn use those gifts and promises to try and increase their existing status and influence in their community, and to encourage its members to vote for the candidate. Intermediaries operate at very varied levels. Some are very local indeed, representing sub-groups of sub-groups in ways which constantly recycle and refine the categories of race, ethnicity and locality: the members of a particular ethnic group in a particular part of an urban constituency; a particular clan; up-country hawkers in a coastal town. 'Traditional' elders, youth leaders, neighbourhood activists, the secretaries of local cultural associations, coordinators of self-help groups – all came forward, offering to deliver the votes of their groups to candidates, in return for money or other gifts.

Just as some prominent Muslims tried involved themselves in politics to assert their role as national leaders, influential figures in local Muslim society – well-known preachers, or the imams of mosques, or just men well-known for piety and/or scholarship – were drawn into electoral politics by the opportunities for such intermediacy. While the open endorsement of a particular candidate from the pulpit seems to have been avoided, such men could and did use their influence quite openly to support particular candidates – even as they used the material goods offered by the candidate to enhance their own standing. It was not uncommon in Mombasa for a mosque to be categorized as '*Msikiti wa Joho*' – that is a mosque where the imam was believed to be campaigning for Hassan Joho, a candidate for the governorship; similarly, some clerics came to be termed *mashaykh wa CORD*, 'CORD sheikhs', or *Ma-Imam wa Jubilee*, 'Jubilee Imams', because of their alleged work for one or other of the two main contending coalitions. But Islam was only ever a subordinate category in this layered politics: in the multiple levels of electoral contest, from national presidency right down to ward representation in local county assemblies, there was no single contest in which 'the Muslim vote' manifested itself through consensus over which candidate, or which policies, Muslims should support. People voted for candidates who they trusted to deliver some material reward – and the campaign itself saw some very open distribution of gifts to potential voters.<sup>96</sup> While Sheikh Dor could, as a nominated MP in the former assembly, claim to represent Muslims collectively, this positioning did not help him in seeking to win a constituency seat. To be an MP in Kenya has its own expectations, since MPs are providers of goodies to their constituents: they are patrons to be called upon to assist in payment of fees, funeral expenses, or wedding contributions. While the referendum had offered Muslim leaders the opportunity to point to a common threat and use it to buttress a desire for Muslims to vote together, this did not work in

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<sup>95</sup> The record of the initial case, with detailed descriptions of the donations involved, is at [www.kenyalaw.org/caselaw/cases/view/91106](http://www.kenyalaw.org/caselaw/cases/view/91106) ; the appeal court decision was reported in 'Lungalunga by-election cancelled as Mwashetani wins appeal', Daily Nation, 27 Nov. 2013, <http://www.nation.co.ke/news/politics/Mwashetani-wins-back-Lunga-Lunga-MP-seat/-/1064/2090478/-/xt06ve/-/index.html>

<sup>96</sup> Willis and Chome, 'Marginalization and political participation'.

the patronage politics of constituency elections. In the presidential election, the coast did vote largely for Raila Odinga, but again there is no evidence that this was a particularly Muslim vote – the county of Taita-Taveta, which has a relatively small Muslim population compared to some other coastal counties, also showed a strong majority for Raila.

### *Conclusion*

The visibility of the electoral boycott campaign on the coast makes it easy to overstate its influence. In cyberspace, the language of the call, and the counter-arguments of those who opposed a boycott, suggest a coastal – and wider Kenyan – Islam vigorously engaged in an international debate over Islam and democracy. Radicals paint elections as part of an international conspiracy against Islam. Others – including those who aspire to represent the Muslim community in Kenyan national politics – may share a sense that there is an international contest between Islam and its enemies, yet make an argument for united Muslim engagement with the ballot, based on expediency rather than on the inherent virtues of democracy. These two perspectives can come into violent conflict: a series of incidents at mosques in Mombasa in November 2013 to June 2014, including the murder of a prominent CIPK leader, seem to have been driven by suspicions that established organizations such as the CIPK had become compromised by their willingness to cooperate with the state or with international donors.<sup>97</sup> But alongside these sometimes violent disputes over the nature of Islam, the pattern of grass-roots electoral politics offers a different lesson: the less visible politics of local participation have turned on personal ties of patronage and affiliation, expressed in networks of kinship, clan, ethnicity or personal clientilism.

Given the absence of any widely-accepted leadership for Muslims, there is little evidence that the arguments made for a conditional political involvement – in so far as they are heard at all – drive participation as Muslims. The ‘Muslim vote’ remains elusive, because the rivalry of leaders – rooted in long-standing ideas of racial and ethnic difference – is constantly reinforced by the fracturing effects of Kenya’s patrimonial politics: as Ndzovu has argued ‘racial polarization has been the main predicament of a Muslim political movement’.<sup>98</sup> The equivocal scholarly approval of elections may authorize a conditional political involvement by Muslims, particularly at the coast. But they generally vote not as Muslims but as people whose interests are shaped by kinship, ethnicity and locality. Bakari’s suggestion that Muslims are now ‘very well integrated into the Kenyan political system’ is perhaps more ambiguous than the author intended:<sup>99</sup> such participation affirms their involvement in Kenyan politics, but does not necessarily signal a fundamental acceptance of the principles or practice of secular democracy.

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<sup>97</sup> ‘Armed youths raid mosque in Mombasa’, *The Star*, 30 Nov. 2013; ‘Police tracking radical youth who attached imam’, *The Star*, 15 Mar. 2014; ‘Muslim cleric shot dead in Mombasa’, *The Star*, 10 June 2014.

<sup>98</sup>Ndzovu, ‘The politicization of Muslim organizations’, p. 51.

<sup>99</sup>Bakari, ‘A place at the table’, p. 47