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Universal Claims and Selective Memory: A Comparative Perspective on the Culture of Opposition in Kenya

Marie-Emmanuelle Pommerolle

Through a comparative analysis of human-rights activism in Kenya and Cameroon, this paper illustrates how contemporary human-rights discourse in Kenya is rooted in a contested political language, based on the memory of the Mau Mau insurrection. The strength of Kenyan human-rights nongovernmental organizations derives partly from this symbolic and ideological heritage. Manufacturing heroes and combining ideologies and moral standpoints requires the erasure of contradictions and, at times, the simplification of history in order to fit the past into contemporary political movements. Nevertheless, recurrent references to the past have allowed human-rights defenders to further their cause and justify their demands regarding wealth and accountability in the national community.

Introduction

Defining a "new alternative political leadership" in Kenya, Willy Mutunga, a prominent Kenyan human-rights defender, writes:

When it comes to the track records of individuals, we would argue that individuals who were home guards during the Mau Mau war of Independence and other Kenyans who supported the British Forces against the forces of independence are not part of the new alternative political leaders. . . . Kenyans yearn for their heroines and heroes to lead them and not the traitors, the opportunists, the wreckers. (KHRC 2003a)

Depicting today's Kenyan politicians as direct descendants of loyalists or "freedom fighters" who fought during the civil and anticolonial war in the 1950s is seen as legitimate forty years after independence.¹ That this reference to the Mau Mau insurrection is made by a human-rights activist,

claiming to defend a universal cause although Mau Mau was geographically and ethnically bounded and was a violent insurrection, is problematic. Recent historical books on the counterinsurrection have revived the debate about who suffered from colonial violence, and who should be recognized as legitimate victims of it (Anderson 2005; Elkins 2005). Endorsing Mutunga's view, Elkins insists that Mau Mau and their families were the true victims of that period.² Anderson concludes that the whole Kenyan people—loyalists, Mau Mau, or people not engaged in the war—suffered from the collective violence.³ This historical debate questions Mutunga's political assertion, but his statement may be explained by attempts by human-rights defenders's and previous political opponents to root contemporary discourse in a contested political language in order to strengthen their legitimacy. Sometimes contradictory and restrictive, recurrent references to the past have allowed human-rights defenders to impose their cause, often stigmatized as being "imported," and to justify their demands regarding wealth and accountability in the national community. The significance of the historical and national base of the contemporary human-rights struggle will be underlined by a comparison of the Kenyan case with that of Cameroon. In the latter case, human-rights defenders insist on the novelty of their struggle, deny any link to past opposition movements, and eventually lack recognition in the national public sphere.⁴ This comparison will underline how experiences of opposition in Kenya have contributed to shaping contemporary human-rights movements; however, a closer look at the political use of this legacy reveals a historical selectiveness that may damage the claim of universality by human-rights groups.

The comparative study of human-rights movements in Kenya and Cameroon is all the more interesting because the wider political contexts have been considered very similar.⁵ Both Cameroon and Kenya have been defined successively as hard and moderate authoritarianisms (Médard 1991). Both regimes were models of prosperity and peace in the sixties and seventies. Then, the economic crisis of the 1980s and the "flawed transitions" of the 1990s reversed their image. The incumbent regimes came to be analyzed as persistent authoritarianisms, until, in Kenya, the transition in 2002. Those generalizations, however, hide great differences in the formation of "cultures of opposition" between the two examples. These cultures are here considered a component of the political space, defined by Cheeseman in the introduction of this volume as "the arenas within which political actors engage in political activities in the absence of coercive pressure." Made up of locations of shared political language from where dissent can be expressed, be they granted by the regime or seized by opponents, these "cultures of opposition" have been shaped in Kenya throughout colonial times and after. Angelique Haugerud (1995) meticulously describes the places, notably *baraza* (local public meetings), where political discussions contributed to form a consensual political culture but where dissent could never be suppressed. François Grignon (1998) highlights the persistence of political languages that reappeared to formulate opposition discourse at the beginning

of the 1990s. Bob Press (2004) speaks about a "culture of resistance" that emerged from committed individuals to become a shared norm of collective political behavior. A central assumption of this paper is that the cultures of opposition are closely related to the anticolonial movement of the 1950s and to the memory of it after independence. By highlighting the ways in which these struggles have been reckoned and discussed in the two postcolonial regimes, I insist on the significance of symbolic components in opening, maintaining, and widening political spaces, especially when confronted by authoritarianism. These "cultures of opposition," in their symbolic, social, and institutional components, have been mostly overlooked in the study of African politics. Analyzed through the prism of modernization, dependency, or neopatrimonialism, African states of the 1960s and 1970s have left no room for a study of the opponents to the regimes. Marginal to the cooptation system of governance, opposition groups were despised by governments and often ignored by academics. More recently, the study of "popular modes of action" (Bayart 1981) has focused on unusual forms of resistance, located in songs, literature, or social behaviors. The return of multipartyism has permitted a closer look at the "democrats" who would oust authoritarian incumbents (Clapham 1997). Yet it has eventually become apparent that nondemocrats were the likeliest to engineer a successful transition, and that transitions occurred without a renewal of elites (Daloze 1999). Dissidents' marginality, their failure to produce tangible change, and their "urban" and "elitist" biases have prevented opposition movements from being recognized as playing a role in their national history, yet their interactions with the postcolonial state have had significant effects upon "transitional" political spaces (Bratton and Van de Walle 1997; Haugerud 1995; Lafargue 1996; Sindjoun 2004).

To illustrate and understand the continuity of Kenyan opposition groups and their ambiguities, it is first necessary to recall the evolutions of academic and political debates about the Mau Mau insurrection. The uprising has assumed great significance as a shared language with which the legitimacy of the postcolony is assessed. This vehicle for participation in the political space, even if repressed, has largely informed opposition organizations after multipartyism. Kenyan human-rights activists have claimed a social and imagined affiliation with historical opponents, erecting and selecting heroes to legitimize their cause. Today's Kenyan human-rights discourse thus recycles symbols and reformulates political ideologies to gain a singular echo in Kenya, especially when compared with discourse in Cameroon. Kenyan human-rights nongovernmental organizations (NGOs) have succeeded in importing an international discourse and inserting it into this symbolic and ideological heritage; however, manufacturing heroes and combining ideologies and moral standpoints require the erasure of contradictions and, at times, the simplification of history in order to fit the past into contemporary political movements. The last section of this article discusses the making of universal claims from a local and disputed history by exposing the recent revival of debates around the place of "freedom fighters" in

the Kenyan political space. These initiatives confirm the historical roots of today's expressions of protest, but also the failure to have their claims fully taken into account.

Remembering "Preindependence" Conflicts: The Formation of Postcolonial Political Spaces and Languages

The struggles for power during the 1950s in Africa, whether labeled nationalist movements, anticolonialist struggles, or civil wars, have had different fates, depending upon who could have been said to have won the conflict and gained power after independence. The "contested memory" (Clough 2003) in Kenya contrasts with forced amnesia in Cameroon.

In Kenya, the meaning of the Mau Mau insurrection was discussed during the war itself (1952–1956) and subsequently became the subject of interpretations by former Mau Mau activists, politicians, writers, and historians, both Kenyans and foreigners. Many studies have analyzed the Kenyan public's interest in that period of its history. Discussing Mau Mau has become a way to talk about gender, social, economic, political, and domestic issues (Clough 1998, 2003; Lonsdale 1990, 2003; Lonsdale and Odhiambo 2003; Odhiambo 1991; Prunier 1987; Sabar-Friedman 1995). The insurgency bequeathed a large array of symbols to be used in Kenyan political languages ever since (Grignon 1998). The debates about the nature and the legacy of Mau Mau have provided Kenya's rulers with a route to legitimacy through the presentation of particular policies as a continuation of the national and social struggle attributed to the "freedom fighters." These debates have given the opposition a list of claims with which to assess the performance of the government and reveal its shortcomings. When the first president, Jomo Kenyatta—wrongly jailed as Mau Mau's leader—came to power, he attempted to reconcile Kenyans by acknowledging contradictory interpretations of Mau Mau and asserting that "we all fought for *uhuru* [independence]" (Anderson 2005); however, veterans, historians, and opponents quickly began to accuse the government of not acknowledging the significance of the Mau Mau struggle, and even of harming the interests of its veterans and ordinary citizens more generally. But political symbols related to the Mau Mau are polysemous. Governments as well as opponents have continuously manipulated the memory of the insurrection, as in the 1980s. To divide some of its opponents, the second president, Daniel arap Moi, favored public debates on Mau Mau (Sabar-Friedman 1995; Throup 1987). That discussions arose around the meaning of Mau Mau, which reflected contemporary political struggles, shows that successive authoritarian regimes have not totally erased freedom of speech and thought, even if they have relegated opposition to ever more marginal spaces.

In Cameroon, the nationalist movement, the Union des Populations du Cameroun (UPC), defied the French administration as no other movement in French Sub-Saharan Africa did. Its leader, Ruben Um Nyobé, has come to be

seen as one of the most brilliant nationalist leaders (Joseph 1986), yet, and in contrast to Kenya, the movement has faded from political memory (Eckert 1999). Because of the popularity of the UPC in the 1950s and the continuation of the rebellion in Western Cameroon into the 1960s, Ahidjo's regime denied any relevance to the UPC, despite acknowledging its nationalist goals. Cameroon's violent past has been deliberately forgotten in the building of a peaceful and united country. Although showing how the memory of Ruben Um Nyobé was kept alive in the region where he was most active (Mbembe 1986), his memory was lost at the national level, and this loss has consequences in contemporary politics (Mbembe 1989). The "historian state," as Mbembe called it, has succeeded in making the remembrance of the nationalist movement an act of dissent. Paul Biya, who came to power in 1982, reluctantly and discreetly rehabilitated some of the main personalities of the struggle (Mbembe 1984, 1985), but no real academic or political debates arose as a consequence. The memory of the UPC has remained partisan, particularly after the lifting of the ban on it and the emergence of internecine divisions among its branches, each claiming to be the genuine heir of Ruben um Nyobé. In Cameroon, the nationalist momentum has not given birth to a shared or a debated political language; no political space was available to produce such idioms.

The contestation of postcolonial regimes has been forbidden in Cameroon under the pretext of the struggle against some UPC leaders' "terrorism." The regime has been able to define which issue is political and who is entitled to talk about politics (Bayart 1979). The few dissidents who dared contest the postcolonial regimes and attempted to rehabilitate the memory of the UPC did so from exile (Breitinger 1993; Kala-Lobe 1997). In contrast, the Kenyan regime left greater institutional space for expression of dissent, at least at the beginning of the postcolonial period. It has never been able to prevent groups from entering the political sphere. The involvement of nonpoliticians, including academics, writers, clergy, and lawyers, in politics is a main feature of the Kenyan polity. Politicians and veterans of the Mau Mau war have been joined by academics and artists to challenge the legitimacy of the Kenyatta and Moi regimes with the legacy of Mau Mau. The borders of political space, even if constrained by rules and state institutions, have proved negotiable. The incursion of today's human-rights defenders into the political sphere, as illustrated by the quotation of Mutunga at the beginning of this article, may then be seen as a continuation of attempts to shape the political space. Even if the relationships between human rights and politics, seen as a struggle for power, are problematic because of the alleged universality of human rights, most of its defenders conceive human rights as metapolitics, something beyond everyday politics. Writing columns in newspapers, and advising opposition parties or governmental committees, human-rights leaders rely on their moral skills and legitimacy to engage with the political sphere.⁶ In Cameroon, where the state monopolizes the political field, it appears simpler to refuse to mix human rights and politics. By taking their cause for granted, and by proclaiming its political

neutrality, most human-rights defenders neutralize their struggle from any accusation of being from the “opposition,” a serious stigmatization in the Cameroonian *démocratie apaisée* (pacified democracy). This position does not prevent some human-rights activists from being members of a political party or even elected representatives in local councils; it is, however, viewed as belonging to different and unconnected spheres of public life. In this political space, symbols representing subversive values have not been able to thrive and have not helped to free institutions from the overwhelming power of the executive. Cameroon’s human-rights defenders today lack this institutional and symbolic support, even if they are acting in an opener political environment.

Human-Rights Activists: Social and Symbolic (Dis-)Continuities in the Opposition

In contrast to their Kenyan counterparts, Cameroonian human-rights activists do not possess “genealogical” or social links to former dissidents. Though Kenyan activists may themselves have participated in, or may be linked to, opposition movements, they take advantage of heroes drawn from the past, and the ideological positions attached to them, in order to strengthen the legitimacy of a contested cause. Introduced in the 1980s by international organizations that built human-rights networks, this discourse was endorsed by some Western states, mostly American and Scandinavian, whose aid was linked to democratic conditions (Guilhot 2001; Ropp, Risse, and Sikkink 1999), yet because of repression and restrictive legislation, no local groups were allowed to emerge. Taking advantage of changes and of their own experiences, some old opponents and newcomers started to defend human rights through local groups at the beginning of the 1990s as a way of being heard. The relevance of the human-rights cause is thus frequently criticized because of their alleged extraneous origin and urban and elitist biases (Maina 1998). Appropriating the struggles of the past helps Kenyan human-rights groups acquire legitimacy in the present.

Social Networks

People entering human-rights activism at the beginning of the 1990s came from a variety of backgrounds and formed generational layers inside the human-rights movement. Borders between generations can be drawn from political events that have branded their commitment and are among their ideological references (Favre 1988). In Kenya, some human-rights defenders had pursued a career as academic or political activists long before the era of multipartyism. They thus carry with them a “know-how” of activism and ideals that they have partly used, reconstructed, and bequeathed to younger activists. In Cameroon, the void left by opponents in exile and the ruptures in the popular memory of past resistance movements left newcomers in

human rights with few historical references with which to strengthen their organizations and discourses.

In Kenya, the first generation of human-rights activists consisted of those who began their opposition to the regime at the beginning of the 1980s. The person who best embodies this generation is Willy Mutunga, former university teacher, lawyer, and member of the December Twelve Movement, a clandestine, university-based group of dissidents. He was imprisoned at the beginning of the 1980s because of his political engagement. While living as an expatriate in North America, he cofounded the Kenya Human Rights Commission (KHRC) (Mutunga 1999). Bound to other radical intellectuals by ideological links, he rose to prominence within the human-rights community in the 1990s. The second generation is made up of the former activists of the 1980s underground movements, such as Mwakenya, and former political prisoners. Members of this generation recall their past mobilization as a way of overcoming the perceived intellectualism of the preceding generation and radicalizing the opposition, while recognizing their predecessors' ideological influence. Accustomed to confronting the state and having contemplated using violence against its regimes, they have brought into human-rights activism their taste for advocacy, mass action, and public statements denouncing state abuses. In this way, they have been supported by a third generation of activists, fascinated by their predecessors' courage, but acknowledging that times have changed and other ways can be used to confront the state, even if they have never hesitated to take risks. More recently, the activist core of these groups, especially in the KHRC, has been strengthened by an influx of "professional" NGO workers, who constitute the last generation. Even if the juxtaposition of the different generations can occasionally lead to antagonistic views on the meaning of their militancy, their cooperation and exchanges are evidence of a social continuity that facilitates the transmission of ideal modes of expression.

In Cameroon, human-rights groups are atomized because of widespread suspicion of government cooptation and fear of being accused of opportunism. This situation prevents them from joining debates. The first generation of Cameroonian human-rights activists was embodied in Albert Mukong, who died in July 2004; his record as a longstanding opponent to Ahidjo's and Biya's regimes gave him a stature that was weakened somewhat by his defense of the Anglophone cause. The NGO Mukong created, the Human Rights Defence Group, is seen by some donors and other human-rights defenders as a smokescreen for secessionist interests and hence a "political" group. UPC members, who formed the second generation of activists and took up the human-rights cause intermittently, appreciate Mukong's efforts; however, members of this generation view themselves as the only genuine opponents to the regime, and they despise other human-rights activists. They are drawn from the youngest members of UPC active from exile in France during the 1970s, who periodically attempted to draw attention to the abuses of Ahidjo's regime. After Biya had gained power (in 1982), some of the exiles returned to Cameroon, but they continued their activities in secret. They

endured short-term imprisonment around 1990, when they were organizing a new party (Mehler 1997). Most current human-rights defenders are part of the third generation, which came into the political sphere after multipartyism. Their mobilization in CAP-Liberté, one of the first human-rights NGOs, and its mass action "*villes mortes*" ("ghost towns") operation of April to August 1991, are recalled as an important step in their commitment; however, they tend today to criticize CAP-Liberté's radicalism and to distance their current activity from that period. Collectively, the brutal interdiction of these first human-rights NGOs in July 1991, the repression of "ghost towns" and their stigmatization by the regime, represented a "traumatic event," yet it did not lead to the constitution of a new generation of activists, and instead served to inhibit further resort to mass action.

Imagined Networks

Beyond their tight social relationships, human-rights defenders in Kenya are fortified by their self-proclaimed connections to past heroes, whose legacy they claim to represent. As do the "imagined communities" analyzed by Benedict Anderson (1983), these networks tend to fabricate political identities to create a sense of shared belonging among individuals, symbols, and heroes. Such affiliations are, of course, a way to give local meaning to the universal discourse of human rights, but the creation of heroes necessitates the silencing of potential contradictions between the great characters of Kenyan history and human rights. Ethnicity, violence, and diverse ideologies brought by these heroes may contrast with a human-rights claim of universality. The process demands a selection procedure to produce a singular meaning that can be given to the defense of human rights.

In Kenya, the imagined affiliations between current human-rights activists and past opposition figures are twofold. The first comprises colonial-era "freedom fighters"; the second, the victims of the postcolonial regimes. The latter group is particularly important, as the colonial heroes of Kenyan nationalism are also claimed by the regime. Human-rights activists must therefore link their struggle to the victims of political assassinations, including Pio Gama Pinto, Tom Mboya, J. M. Kariuki and Robert Ouko, all thought to have been killed by the Kenyatta and Moi regimes.⁷ The multiple traditions to which Kenyan human-rights groups lay claim were illustrated by the funeral procession of Karimi Nduthu, leader of the human-rights NGO Release Political Prisoners (RPP), who was assassinated in 1996. The cortège first stopped in Limuru, the birthplace of the dissident writer Ngugi wa Thiong'o, whose theater piece *I Will Marry When I Want* was first staged. The procession continued to Molo, Nduthu's home, and then stopped at maximum-security prison at Naivasha built by the British colonizers, audaciously attacked by Mau Mau in March 1953, and used to house Nduthu and other alleged Mwakenya members during the 1980s (Karimi Nduthu 1998: 1). This multifaceted tribute to various "heroes of opposition" is found in many publications or public events organized by human-rights groups. Born

out of the mobilization of the mothers of political detainees who compared their sons to "freedom fighters" (Tibbets 1994), Release Political Prisoners, a human-rights pressure group, continues to commemorate the Mau Mau struggle. The celebration of a "Mau Mau Day," competing with the official "Kenyatta Day" on 20 October each year, was viewed by the Moi regime as a sign of defiance and was subsequently repressed (RPP 2001, 2002). Paying tribute to a vast pantheon of anticolonial heroes in its "Operational Plan 2001 and Progress Reports" (2001), KHRC focuses on Mau Mau, and more precisely on Dedan Kimathi, the Mau Mau leader hanged by the British in 1956. In 1997 and again in 1998, the KHRC and RPP carried to the British High Commission a petition demanding that the British government exhume Kimathi's remains from a mass grave at Kamithi prison and hand them over to the Kenyan government. Met only with silence, some human-rights defenders created the "Kimathi Movement" to demand a reburial of the Mau Mau general's body. Arrested several times while attempting to mark a site for a new burial, members of the movement have succeeded in attracting media attention and in gathering support, especially from the new government. Mutunga and Alamin Mazrui, members of KHRC's board of directors, explain the continuing relevance of the issue of Kimathi's remains as a symbol of the integration of rights that publicizes the debates surrounding capital punishment and the "questions of land appropriation and national sovereignty that had triggered the independence struggle in the first place and their continuing effects on the economic and social being of the people" (Mutunga and Mazrui 1999).

The Risks of Localizing Human Rights

The historical continuity claimed by Kenyan activists is not innocent in terms of which heroes are selected and what the cause itself means, especially when human-rights defenders call upon the Mau Mau struggle to legitimize their cause. First, the question of the ethnic bias and the violence of the Mau Mau insurrection points to the risks of rooting human rights in disputed origins. If Mau Mau is nevertheless seen as a legitimate reference, human-rights groups single out particular aspects and heroes of the insurgency so as to produce one vision of the struggle for independence.

The issues of ethnicity and violence that confront Kenyan human-rights groups are illustrated by the relationships that human-rights NGOs have had with Mungiki, considered a neotraditional religious movement and a vigilante organization, which takes inspiration from the spirit and practices of Mau Mau (Anderson 2002; Kagwanja 2003; Maupeu 2002; Wamue 2001). Mungiki's followers have been harassed by the police since the mid-1990s, but human-rights groups have provided them with legal assistance and started to claim affinity with Mungiki's militancy. They appreciated the fact that Mungiki suspects were good informants on prison conditions (Ruteere 2005); however, when Mungiki started advocating violence, human-rights NGOs moved away from it. This ambiguous proximity highlights the

potential contradictions between the defense of a universal cause and its enunciation through a local language. Being mostly restricted to Kikuyu areas, the Mau Mau struggle is sometimes interpreted as "Kikuyu nationalism," which does not account for all Kenyan communities (Lonsdale 1987). The question of the ethnic background of contemporary human-rights defenders who refer to these "freedom fighters" then arises. Indeed, human-rights activism in Kenya has been sometimes analyzed as Kikuyu activism and has been stigmatized as the effort of a frustrated Kikuyu elite wanting to regain political dominance through every means possible (Schmitz 1999). It may appear that Kikuyu people, recruited among urban intellectuals, make up the majority of these activists; however, one may question the relevance of such an observation for understanding the nature of the human-rights struggle in Kenya. First, the origins of some prominent human-rights defenders contradict these allegations.⁸ More importantly, the logics of political engagement primarily depend on social, professional, and historical conditions, rather than ethnicity. Beside these reservations, Mau Mau can be interpreted as "the nearest Kenya has to national history and a watchful political culture" (Lonsdale 1992:467). The political and historical debates of Mau Mau transcend Kikuyu areas and have formed a political language understood nationally, although still deeply contested (Ogot 2003).

If the human-rights struggle is viewed as a legitimate inheritor of the Mau Mau struggle, subtler potential contradictions might be revealed through the choice of a specific Mau Mau hero. By focusing on Dedan Kimathi more than on any other Mau Mau leader, human-rights activists endorse the "elitist" and state-centric view of authority and political accountability formulated by cliques within Mau Mau. Lonsdale (2003) shows that the comparatively well-educated and highly literate Dedan Kimathi and Parliament faction were criticized by other forest fighters for their adherence to rigid hierarchical grades borrowed from the colonial state; Kimathi's group came into conflict with the Riigi camp, led by Stanley Mathenge, who believed in household authority and feared the state. Marxist interpretations of Mau Mau have focused on Kimathi, transforming and strengthening Kimathi's view of authority by comparing the insurrection to a revolutionary war and a class struggle. In so doing, these interpretations have denied any autonomous moral, ethnic, and social life to the movement (wa Thiong'o and Mugo 1976). Kimathi's view of Mau Mau has been transferred by some activists into the human-rights field, where the martyred Kimathi has become a symbol of the defense of human rights. The unease that some activists within the Kenya Human Rights Commission have had with the movement's move toward community-based work exemplifies the dominant state-centric approach of human-rights mobilization and, more generally, of the Kenyan polity. This partial meaning given to human rights is nevertheless a sign that its Kenyan defenders have appropriated it to give it national resonance.

Human Rights, Ideologies, and History

Seen as both an imported cause and particularly flexible, human-rights discourses have often been redefined and reformulated so as to be recognized by governments and public opinion (Wing 2002); however, the process of adaptation and enunciation is possible only where political languages are available to human-rights groups, and where the space to speak is open to those willing to express dissent (Bayart 1985). Human-rights movements in Kenya benefited from the politicization of history. The past offers a way to recycle and renew discussion of economic distribution and social justice. In Cameroon, the historical rupture of political debates and the monopoly of the state on political space prevent human-rights defenders from discussing the meaning of human rights and its potential application.

Land and Freedom Revisited

In Kenya, the best example of the congruence between human rights and an indigenous political language lies in the way the KHRC, supported by other organizations, has embraced the social component of the cause. The presence of lawyers and the restricted political space led it first, with donors' backing, to talk about political and civil rights, but the NGOs quickly moved to deal with social and economic rights, which had been recognized internationally in 1993. Since 1995, the KHRC has set up programs on social and economic rights, and has shown its commitment to issues that most politicians had ignored during the transition debates (Haugerud 1995). Compared with Cameroonian but also Western NGOs, which waited before acknowledging the social and economic dimensions of human rights (Poinsot 2004), this singularity may be linked to the initial activist and intellectual positions of some human-rights defenders and their "heroes." By debating land, poverty, and exploitation of Kenyan workers by the state and multinational firms, the human-rights struggle updates the old discourse of Kenyan leftists on economic nationalism and the fight against neoimperialism. This updating is evidenced by the title of a recent KHRC campaign report: *Exposing the Soft Belly of the Multinational Beast* (2003b).

In 1996, two research reports on squatters and land clashes were published (KHRC 1996a, 1996b), and a former political prisoner, Richard Odenda Lumumba, was hired to run a land-rights program. There can be no doubt that the current interest in land issues continues a significant trend of political mobilization in Kenya. Foreign-owned farms in the highlands and lack of redistribution were at the forefront of Mau Mau insurgents' grievances and a bone of contention between the postcolonial regime and its opponents. Expressed shortly after independence by the dissident faction led by Oginga Odinga within the Kenya African National Union (KANU), which eventually formed the Kenya People's Union, this issue has been embodied by various characters (Mueller 1984). The "populist" MPs of the 1970s, most notably J. M. Kariuki, agitated for a more equal distribution of

wealth in the country (Dauch 1982). This issue was then publicly raised by academics, and especially by the novelist Ngugi wa Thiong'o (1977), whose plays and books artistically denounce the postcolonial regime's colonial attitude. Subsequently, the land issue moved underground, but it was debated, for instance, by Mwakenya, whose manifesto (1987) complained that "the most productive land is owned by private landlords, a few rich Kenyans, individual foreigners and transnational corporations."

The KHRC has followed this path with the release of a research report on the struggle of rice farmers who work for a public company, emphasizing the linkages between poverty and authoritarian government (KHRC 2000). The report denounces the farmers' working and living conditions as "a symbol of the continued dominance of the colonial ideology of power in post-colonial Kenya." The KHRC has recently targeted multinational companies. Two years of confronting Del Monte Kenya led the government and the firm to sign a broad agreement addressing wages and benefits, social development, workers' and trade unionists' rights, environmental concerns, and working conditions. The KHRC (2004) then launched similar investigations into workers' rights on flower farms, one of the most vibrant sectors of the Kenyan economy, and within the export-processing zones around Nairobi, where multinational firms benefit from facilities and privileges granted by the government.

The KHRC struggle for social and workers' rights appears to fit well with the recurrent claims and ideals of the Kenyan opposition by emphasizing nationalist claims and social justice; dubbed as "leftist," "nationalist," "populist," or "Marxist," those ideals and the characters who expressed them, however, present some contradictions. There are in fact great ideological, and even ethical, differences between the appropriated historical opposition figures, but their status of martyr and hero is sufficient to put them in the human-rights pantheon. Most could be labeled as "leftist," but others fit this category less easily. J. M. Kariuki, for example, embodied the spirit of personal achievement, and has been described as a representative of an "ethical nationalist capitalism" who became a model for the rural poor (Dauch 1982). His social and ideological position widely differed from that of Odinga and the radical Marxists of the 1980s, who admired Kariuki while defending a more egalitarian mode of accumulation and distribution of wealth (Odinga [1967] 2001). Turning every figure into a hero eventually erases ideological contradictions and facilitates their appropriation by contemporary intellectuals.

Human-Rights Defenders as Mau Mau Lawyers: Conflicting Moral, Legal, and Historical Truths?

The breadth of Mau Mau's demands has given birth to a range of interpretations among its self-designated heirs in the human-rights groups that depend upon the heirs' objectives and status. More than ever, human-rights defenders are claiming to talk in the name of Mau Mau by providing legal

representation for its veterans. The focus upon "freedom fighters," even though historical accounts of the war have uncovered ever more complex social and political divisions within late colonial society, may bring a risk of maintaining the same cleavages by refusing to acknowledge their existence or interrogate their origins (Anderson 2005; Elkins 2005). The new mobilizations of the past are a strong indication of the failure by all concerned to provide acceptable answers to the questions posed by decolonization.

The KHRC openly supported the National Rainbow Coalition (NaRC) alliance, which defeated KANU in the General Election of December 2002; however, the changeover has not kept human-rights groups from politically mobilizing past opposition movements, particularly the "freedom fighters." The most striking example of this revival is the attempt by Kenyan and British lawyers and veterans' associations to make a case against the British government for war crimes during the Mau Mau war.⁹ For the KHRC, which manages the funds used in the legal action, this project can be seen as the pursuit of its campaign against impunity, started in 2001. It is important to the KHRC's struggle for the recognition of "freedom fighters." Nevertheless, the mobilization of Mau Mau's history has lost its dissidence because the current regime has readily acknowledged Mau Mau heroes and it supports intermittently and for strategic reasons some of the claims against British colonial brutality (*Daily Nation*, 2005a).¹⁰ Acting as a comforting reference for every political actor, the revival of Mau Mau's memory can be seen more generally as a way of exorcizing crimes, whether colonial or postcolonial. The sins of regimes in both periods have long been linked in the Kenyan political imagination (Maupeu 2004).

The intellectual assumptions that lie at the heart of current legal action, which focuses on victims of British and African loyalists' crimes, may be debated. Who could be considered a victim during the insurrection, who is to be remembered as a hero, and who emerges from the history of Mau Mau as a model for today's "alternative political leaders," are not so readily apparent as the supporters of the legal action imply (Ogot 2003). The responses given by two non-Kenyan historians in recent books on the British counterinsurgency campaign highlight the difficulties of deploying the past in order to define today's moral and political rules. Anderson interrogates the very notion of victimhood, and argues that most Kenyan Africans, regardless of affiliation during the Mau Mau war, were "victims" of a colonial police state; in contrast, Elkins deals exclusively with the repression against "freedom fighters" and their families without much mention of the other victims of the war (Anderson 2005; Elkins 2005). Elkins's description of human-rights abuses against hundreds of thousands of Kikuyu villagers supports the legal case against Great Britain. The debates about these books, whose objectives and methods diverge, demonstrate that various historical "truths" often depart from judicial truths—a fact that points to the difficulty for the human-rights movement to designate the "good victim" and the "true hero" as a universal and moral truth: there is, rather, a mix of contested historical, legal, and ideological truths. Human-rights defenders undoubtedly

want to fill a void by paying tribute to “freedom fighters,” whose memory has been not received due respect. The human-rights groups are working to fight impunity, as they do when pushing for the establishment of a truth-and-reconciliation commission to examine postcolonial crimes; however, by drawing moral and political lines between two historical camps, they are reproducing binary and overly simplistic versions of the past, ones that fit uneasily with a complex history. This mobilization of the past informs current social and political debates and can be seen as a way of discussing again the moral conditions of political power and economic redistribution. Recognizing the Mau Mau fighters’ sufferings may be considered a first step for stating that today’s political and economic redistribution is based on an unfair transfer of power, one that demands contestation.

Conclusion

That the distant claims of the poorest of Kenya’s Central Province are still articulated in public is in itself recognition of their significance to colonial and postcolonial political debates. The poignant memorialization of the legacy of Mau Mau acts as a constant reminder of the unfulfilled needs of exploited Kenyan peasants and urban workers. Memories of Mau Mau provide symbols that condense the values for which opposition movements since the 1950s have fought. These symbols, songs, heroes, and locations facilitated the transfer of opposition movements’ claims from one era to the next, and allowed Kenyan political space to survive under successive authoritarian regimes. The cultural aspects of this political space maintained its organizational components, be they underground movements, political parties, or NGOs. This firmly rooted pluralism is confirmed by a wealth of institutional examples. State-controlled commissions of many varieties have thrived in the postcolonial era, indicating the capacity of opponents to impose their preoccupations upon public political agendas; their problems, however, are how to be heard directly and how to obtain results from debate. The Parliamentary Select Committee on J. M. Kariuki’s murder published a detailed report, but no investigation has been launched. The Akiwumi Report on the so-called ethnic clashes has not led accused politicians to court. The establishment of a truth, justice, and reconciliation commission investigating postcolonial crimes is much awaited, and the revelation of major land-grabbing cases by the Ndungu Commission has not resulted in trials (Southall 2005). There can be no doubt that, when compared with human-rights advocates in Cameroon, human-rights activists in Kenya have been successful in influencing public debate; however, the extent to which their success has resulted in tangible changes in Kenyan politics and society is less clear. The debates have been many, but real changes have been few.

NOTES

1. The term *freedom fighters* is employed by proponents of Mau Mau, who see the insurrection as a nationalist and proindependence struggle. Of course, this term and the very nature of this insurrection are debated. I put it in quotes to refer to the discourse by proponents of this thesis, notably human-rights defenders.
2. The main objective of Elkins's book is to reveal and understand the functioning of detention camps and emergency villages, where almost the entire Kikuyu population was confined during the Mau Mau war. Elkins argues that the scope of brutality against Mau Mau and villagers justifies putting aside all crimes committed against loyalists (p. xiii–xiv), whom she considers as being mostly opportunists (2005:69). In contrast, Anderson stresses the moral and social aspects of loyalism, and suggests that allegiances were not always determined by free choice (2005:229, 241).
3. Anderson focuses on the judiciary process, which led to the executions of more than a thousand Kikuyu accused of being Mau Mau "terrorists." While pointing to the irregularities of the legal process, and the torture through which many detainees went through (2005:5), he reveals that some condemned had been victims of Mau Mau gangs who had forced them to take an oath to kill (2005:175). At the same time, he gives the example of young girls whose testimonies led to the executions of "Mau Mau," but who were confined in "protective custody for months" and were forced to give their testimony (2005:76).
4. This comparative study of human rights NGOs is the main subject of my Ph.D. dissertation (Pommerolle 2005). The material on which this paper is based was collected through interviews in Kenya and Cameroon between 2000 and 2003, and has been augmented with recent press and bibliographical information.
5. This paper focuses on activists and discourses, rather than on the organizational base of human-rights movements; however, my research led me to study mostly the Kenya Human Rights Commission (KHRC), Release Political Prisoners (RPP) and People Against Torture (PAT) in Kenya. In Cameroon, where the movement is geographically spread out and suffers from limited cooperation, data were collected mostly from the Mouvement pour la Défense des Droits et des Libertés, Human Rights Defence Group, Ligue des Droits et des Libertés, and Nouveaux Droits de l'Homme-Cameroun, through interviews with human-rights activists and participation in some of their activities.
6. Human-rights defenders like Maina Kiai, former head of the KHRC, Mugambi Kiai, and Kibe Mungai have written regularly in the *Sunday Nation* and *The People*. The human-rights movement has had close relationships with some politicians (the "young Turks" and James Orengo), and was involved, despite some friction, in building the National Rainbow Coalition, which won the 2002 elections.
7. Pio Gama Pinto, a Kenyan of Asian origin, was a member of the Kenya African Union in the fifties. A socialist and active member of KANU after independence, he was assassinated in 1965. Tom Mboya, a trade unionist and minister in Kenyatta government, was assassinated in 1965. Josiah Mwangi Kariuki, a former Mau Mau detainee, personal secretary of Kenyatta, and MP for Nyandarua North, was assassinated in 1975. Robert Ouko, minister of Foreign Affairs under the Moi regime, was assassinated in 1990.
8. Willy Mutunga, Tirop arap Kitur, and Alamin Mazrui, for instance, are not Kikuyu.

9. Two well-known human-rights lawyers, Gibson Kamau Kuria and Paul Muite, represent veterans' associations with the support of the KHRC, which has collected testimonies from survivors and is trying to gather funding for the case. Kenyan lawyers and associations intend to be represented in Great Britain by Martyn Day, a British lawyer. See *East African Standard* 2004, 2005; *Daily Nation* 2005b, 2005c.
10. After an *ad hoc* commission stated the need for a truth-and-reconciliation commission (Kenya 2003), the process reached a stalemate, and the commission has not yet been established: the current government, made up of politicians who belonged to previous governments and newcomers in politics, seems reluctant toward such a commission, which may launch sensitive investigations of past abuses.

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