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I could never be your woman – Gendered citizenship and the 2007 General Election in Kenya

Abstract

The violence which followed the December 2007 elections in Kenya promoted an African Union led mediation. The subsequent agreement led to a power sharing government which would be committed to reforming the Constitution and reforming the public sector. A year after the establishment of the power sharing coalition, a group of women's organisations known as the G10 held a press conference where they announced a seven day sex boycott to protest the lack of progress the new unity government had made. This paper examines the significance of the sex strike in the context of the post-election violence and women's citizenship in the post-colonial period, and argues that the women involved in the protest were attempting to redefine and expand the typically masculine Kenyan political subject, by troubling the traditional public/private dichotomy through politicising sex.

On the 29th April 2009, a coalition of women's interest groups known as the G10 held a press conference where they announced a seven day sex boycott, "in a bid to oblige President Mwai Kibaki and Prime Minister Raila Odinga to settle their differences once and for all and begin to serve the nation they represent". The coalition stated they were driven by a "vision of a society where women wield political power". Their mission sought "to connect women's voices and action to leverage an expanded and redefined political space."¹

The G10 also announced they would be delivering performance contracts to Kenya's leaders at the end of the week-long strike, outlining the coalition's "expectations as women and as equal shareholders of Kenya. Failure by the two to sign will be seen as confirmation of the presumed lack of commitment, bad faith and contempt for the people of Kenya".²

The Prime Minister's wife, Ida Odinga was publically supportive, explaining that "this should not be seen as a punishment to men, it is a measure that is aimed at drawing their attention to the real issues."³ The executive director of the Federation of Women Lawyers (FIDA) and member of the G10, Patricia Nyaundi. 'Let people not end up trivialising this issue. It is a serious one and needs attention. The idea is to deny ourselves what we consider essential for the good of the country.'⁴

¹ G10 Coalition, (Patricia Nyaundi, Executive Director FIDA; Debra Okumu, Executive director Caucus; Carol Angengo, Executive Director TCI; Rukia Subow, national chairperson Maendeleo Ya Wanawake; Faith Kasiva, GMI; Jelieth Karuri, vice chairperson Maendeleo Ya Wanawake; Ann Njogu, Executive Director, CREAM; Rosmary Okello, Executive Director AWC; Tabitha Njoroge, Executive Director WILDAF; Mary Njeri, Executive Director COVAW; Kathambi Kinoti, Young Women Leadership Institute), "Women's Sex Strike – G10 Press Statement", *Pambazuka News* online, 30 April 2009, <http://www.pambazuka.org/en/category/comment/55954> (Accessed 27 December 2011).

² G10 Coalition, 2009.

³ Charles Onunaiju, "Kenya Women Threaten Sex Strike to End Divisive Politics", *Daily Trust Newspaper* online, 1 May 2009, <http://allafrica.com/stories/200905010034.html> (accessed 29 December 2011).

⁴ Onunaiju 2009.

Where it was picked by western press, commentators were troubled. Tara Winfrey Harris, writing for the Guardian Newspaper in the UK, described the announcement as an “antiquated take on female heterosexuality”, which promoted a “dismissive view of female intelligence and power”, and noted that “withholding sex as punishment or influence seems so antiquated and anti-feminist”.⁵

Within Kenya, media commentary on the announcement of the sex boycott was sparse. Coverage focused on the perceived unfairness of the ban and its impact on ordinary Kenyan men. One such Kenyan man told KTN, a Nairobi television station, rather defiantly “seven days is nothing... I can wait a year.”⁶ While the Nigerian newspaper, *This Day*, quoted a *vox pop* interview with a Kenyan man who complained “[the boycott] will accomplish nothing other than embarrass us ... we are being punished, and yet we are not the ones causing problems...seven days is just too much.”⁷

The chairperson of the Bungoma branch of the Kenyan men’s organisation, *Maendeleo ya Wanaume* announced a 30 day sex boycott by men, “in protest against the recent action by the G10 women’s movement that forced women to go on a one-week sex boycott owing to the slow pace of reforms by the coalition government and rampant corruption in the country.”⁸ One man announced he was planning to sue the women leaders of the G10 for damages he sustained during the ban. James Kimondo claimed he suffered “anxiety and sleepless nights ... mental anguish, stress back aches and lack of concentration” because his wife “denied [him his] conjugal rights” during the ban.⁹

Of course, the extent to which the G10’s sex boycott was supported, or even enacted, by Kenyan women is difficult to ascertain, although some Kenyan academics had suggested in conversation that the very idea of a sex ban, and the urban focus of the women’s organisations involved significantly limited the reach of the campaign. Certainly, the theoretical basis for such a boycott feels anachronistically ‘liberal’ or ‘western’ with its explicit politicisation of access to (heterosexual) sex.¹⁰ As the Kenyan men interviewed point

⁵ Tara Winfrey Harris, “Withholding sex for a new Kenya”, *The Guardian Newspaper* online (UK), 1 May 2009, <http://www.guardian.co.uk/commentisfree/2009/may/01/kenya-sex-politics-women>, (Accessed 27 December 2011).

⁶ Paul Ohaia, “Women go on sex strike”, *This Day Newspaper* (Nigeria), 1 May 2009, <http://allafrica.com/stories/200905010034.html> (accessed 23 November 2011).

⁷ Ohaia, 2009.

⁸ Reuben Olita, “Men Start 30-Day Sex Strike”, *New Vision Newspaper* (Uganda), 27 May 2009, <http://allafrica.com/stories/200905280152.html> (accessed 23 November 2011).

⁹ “Kenyan man sues over sex boycott ‘stress’”, *The Telegraph Newspaper Online* (UK), 8 May 2009, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/kenya/5298031/Kenyan-man-sues-over-sex-boycott-stress.html>, (accessed 27 December 2011).

¹⁰ This politicisation of sex contains elements of what is traditionally considered a radical feminist framework which, as Marie Benadict-Dembour notes, “pays particular attention to sexual (or sexually charged) issues: pornography, prostitution, rape, sexual harassment, female genital mutilation, abortion, sterilization, anorexia and other issues related to the sexed body. The radical feminist perspective makes it possible, and indeed imperative, for the personal to become political.” Marie Benadict-Dembour, *Who Believes in Human Rights? Reflections on the European Convention*, (Cambridge, Cambridge University Press, 2006), pg 201.

out, within Kenya the boycott was seen to be designed to shame or embarrass ordinary Kenyan men in the international press, to no good purpose.

In spite of these limitations, the press statement remains worthy of closer scrutiny. I want to examine the G10 press release more closely, and suggest that it is a conscious reframing of women's relationship with government. Specifically, the statement is an attempt to redefine, not only the public space of Kenyan democracy, but also to recreate the substance of the Kenyan legal or public subject as a gendered, sexed subject. A critique of the press release itself will follow a brief thematic overview of events in Kenya leading up to the announcement of the sex boycott.

Since independence, Kenya has endured a highly repressive and autocratic political system which has manifested in extrajudicial killing and detentions without trial, corruption, and the deterioration of the social services and their delivery systems.¹¹ Nzomo argues that under first Kenyatta, and then Moi, the government "controlled political dissent and [repressed] social, economic and political demands for popular participation until 1990."¹² Nzomo continues, "women [not only bore] the greatest social costs of bad governance; they have largely been excluded from formal politics and centres of decision-making."¹³

In spite of these barriers, of course, Kenyan women have organised to protect themselves and their communities throughout colonial and post-colonial periods.¹⁴ For example, the debates surrounding the introduction in April 1959 of the *Affiliation Act*, and its repeal amid controversy in June 1969 illustrate political activity of women's organisations advocating for the protection of women's interests, even against the emerging post-colonial African government. Indeed, the debates around the introduction of the *Affiliation Act* are testament to the centrality of women's sexuality and fertility to the development of the post-colonial Kenyan state.¹⁵

In the 1970s, women's organisations mobilised to protect women against the effects of the Structural Adjustment Programs (SAPS) prescribed by the International Monetary Fund and the World Bank as the panacea for Kenyan (and African) underdevelopment and poor governance. Maria Nzomo argues the implementation of SAPS "largely depended on patriarchal social relations at household, community, national and global levels, which have supported the entire structural adjustment process and at the same time have created

¹¹ Maria Nzomo, "The Political Economy of the African Crisis: Gender Impacts and Responses", *International Journal* Vol. 51, No. 1, African's Prospects (winter) 1995/1996, pp 86-87.

¹² Nzomo, 1995/1996, pp 86-87.

¹³ Nzomo, 1995/1996, pp 86-87.

¹⁴ See for instance Monica Udvardy, "Theorizing past and present women's organisation in Kenya", *World Development*, vol. 26, issue 9, September 1998, 1749-1761; and Faith Kihui, *Women as Agents of Democratisation: The Role of Women's Organisations in Kenya (1990-2007)*, (Frankfurt am Main, Univ., Diss., 2009, Deutsche Nationalbibliothek).

¹⁵ The *Repeal Bill* was tabled in May 1969, and key women's organisations and church groups protested its introduction. *Maendeleo ya Wanawake*, the National Council of Women of Kenya (NCWK) and the Child Welfare Society "expressed their surprise and opposition", as discussed in Lynn M. Thomas, " 'The Politics of the Womb': Kenyan Debates over the Affiliation Act", *Africa Today*, Vol. 47. *Sexuality and Generational Identities in Sub-Saharan Africa*, 2000, no. 3/4 (summer-autumn), pg 163.

and/or strengthened patriarchal social relations.”¹⁶ Women’s organisations were also caught up in the broader state crackdown on civic associations seeking to involve themselves in political activities.¹⁷

The return to political pluralism in the early 1990s in Kenya created the public space for a more radical, activist women’s movement to emerge. Nzomo describes this new movement as one which:

*seeks direct participation in formal processes and structures of decision-making and governance as well as direct lobbying of the state to institute legal reform and policy restructuring, with a view to removing gender-specific discrimination, upholding women’s human rights, and creating an environment conducive to women’s participation in public life on an equal basis with men. In other words, African women are attempting to shape the democratic agenda in a gender-empowering way.*¹⁸

The momentum of the early nineties elected six women to Parliament, although, as Gwendolyn Mikell recounts, some were physically and/or sexually assaulted as a result of their participation.¹⁹ This targeting of female candidates was also a feature of the 2007 pre-election period.²⁰ In an interview with Kathambi Kinoti, Wangari Kinoti from the Education Centre for Women in Democracy reported an unprecedented upsurge in violence against female candidates for political office:

*several [women candidates] were attacked and subjected to brutal beatings, while others received threats of physical and sexual violence. One candidate [was] reported to have been shot dead... [Kinoti explains] Kenya’s political culture can be violent ... the situation is compounded for women; on the one hand there is the political culture and on the other hand there are patriarchal views that women should not occupy public office. The two elements combine and translate into violent opposition to women’s leadership. There is also the factor that women have become a real threat to reckon with and therefore all means of intimidation are used against them.*²¹

The conduct of the December 2007 poll was reported to be, on the whole, free and fair, but a significant delay in announcing the successful presidential candidate raised doubts about the overall conduct of the election. In spite of growing concerns by international and domestic observers, and obvious inconsistencies in local and central electoral records, the Electoral Commission of Kenya (ECK) announced that the incumbent Mwai Kibaki had won

¹⁶ Nzomo 1995/1996, pg 82.

¹⁷ Thomas 2000, pg 163.

¹⁸ Nzomo 1995/1996, pg 86.

¹⁹ Gwendolyn Mikell, “African feminism: Toward a new politics of representation,” *Feminist Studies* 21, no. 2 (1995): 405–424.

²⁰ L. Muthoni Wanyeki reported “more women made it through the competitive political party nomination process to stand for elective office than ever before ... despite facing sexism and, in at least one instance, lethal violence.” L. Muthoni Wanyeki, “Lessons from Kenya: Women and the Post-Election violence”, *Standpoint*, 2008, pg 91.

²¹ Kathambi Kinoti, ‘Kenya’s elections: How Did Women Fare? Interview with Wangari Kinoti’, Association for Women in Development (AWID), 12 February 2008, <http://www.awid.org/Library/Kenya-s-elections-How-did-women-fare> (accessed 6 January 2012).

the presidential race by a mere 230, 000 votes of a total of more than 10 million cast.²² Although opposition candidate Raila Odinga rejected the result outright, “[c]elebrations began in Central Province, Kibaki’s stronghold. The rest of the country – with the exception of Eastern Province, home to the third but insignificant presidential candidate, and North East Province – erupted in rage.”²³ The chair of the ECK, Samuel Kivuitu has since stated that he made the announcement of Kibaki’s win ‘under pressure’.²⁴

Days later, in January 2008 Kibaki announced his new cabinet – a decision considered by the opposition to be inflammatory as the election results were still in dispute. Riots erupted across the country, dominated by violence targeting Kikuyus who were thought to have benefitted from the fraudulent result.²⁵

The Kenya Police Force and the General Service Unit, a paramilitary force, were deployed throughout Nairobi. Police engaged in extrajudicial executions, and fired tear gas and live rounds into unarmed protestors.²⁶ Bans were imposed on live broadcasting and public demonstrations. Shops and residences in areas supporting the ODM were burnt and looted. Nairobi Women’s Hospital reported their sexual violence case load had tripled.²⁷

Although some women came to hospitals and support services for assistance and treatment, most victims living in slums and camps did not seek medical attention, or report the incidents to authorities “due to security reasons or fear of stigmatisation.”²⁸ The Nairobi Women’s hospital in collaboration with the Psychological Association of Kenya opened counselling centres in the slum areas of Mathare, Huruma and Kibera, the areas worst affected by violence in the capital.”²⁹

²² “Kenyan Police fight protestors, 2 dead”, *ReliefWeb*, <http://reliefweb.int/node/254523> (accessed 25 September 2011); see also Wanyeki 2008.

²³ Wanyeki 2008, pg 94.

²⁴ Isaac Ongiri, “I acted under pressure, says Kivuitu”, *The Standard Newspaper online*, 2 January 2008, <http://allafrica.com/stories/200801010051.html> (accessed 5 January 2012). See also, the Diplomatic and Consular Yearbook Online which reported “[t]he Chair of the ECK, Samuel Kivuitu has since stated that he made the announcement of Kibaki’s win ‘under duress’.” Diplomatic and Consular Yearbook Online, *Kenya High Commission – Country Profile*, undated, http://diplomaticandconsular.com/index.php?option=com_content&view=article&id=405&catid=130&Itemid=29&act=cp (accessed 4 January 2012).

²⁵ For a detailed explanation of the escalation of violence, and its inter-ethnic nature see Wanyeki 2008.

²⁶ For example, “[b]etween late December and early January 44 people had died of bullet wounds in Kisumu alone”, as reported “KENYA: Police Under fire over live rounds”, *IRIN Humanitarian news and analysis*, 17 January 2008, <http://www.irinnews.org/report.aspx?reportid=76297> (accessed 5 January 2012).

²⁷ Wanyeki 2008, pg 94.

²⁸ “Report of the Commission of Inquiry into Post-Election Violence (CIPEV)”, *The Kenya Dialogue and Reconciliation* website, 15 October 2008, <http://www.dialoguekenya.org/docs/PEV%20Report.pdf> (accessed 5 January 2012).

²⁹ ... [other areas severely affected by the violence in other parts of the country were areas in the Rift Valley] Eldoret, Timboroa, Nakkuru, Burnt Forest and Limuru and the cities of Kisumu, Mombasa. Integrated Regional Information Networks (IRIN), “Kenya: Health workers grappling with conflict-

Fleeing violence, women were also fearful of assault after reaching the Internally Displaced Person (IDP) camps set up to deal with more than 250,000 displaced people.³⁰ Makeshift sleeping arrangements where men and women slept in the same tent, or out in the open; as well as a lack of basic infrastructure such as lighting, water and sanitation facilities and the availability of firewood exacerbated women's vulnerability to sexual victimisation.³¹

Significantly, sexual violence not only occurred as an opportunistic by-product of the collapse in social order during the post-election period, women also reported it was being used as a tool to "terrorise individuals and families and precipitate their expulsion from the communities in which they live."³² Sexual violence was also reported against men - Luo men, who traditionally do not circumcise, were forcible circumcised and in some cases castrated during this period, although there is debate around the motivation and agents of these acts continues.³³

Kofi Annan was invited by the African Union to lead a panel of Eminent African Personalities with Condolezza Rice and African Union chairman and Tanzanian President Jakaya Kikwete to help negotiate a power-sharing deal between Raila Odinga and Kibaki.³⁴ President Kibaki announced a new cabinet to cement a power sharing deal with Raila Odinga as Prime Minister.³⁵ Cabinet positions were divided equally³⁶ between the ODM (Odinga) and the PNU (Kibaki) and the parliament would work on framing a new constitution and "tackle long-standing grievances over land, wealth and power."³⁷ In spite of an agreement signed in February³⁸ power sharing talks were suspended in April and violent clashes resumed, particularly between rival ethnic groups. But, by mid April, the Grand Coalition Government

related sexual violence', *IRIN*, 28 January 2008, <http://www.irinnews.org/report.aspx?ReportId=76247> (accessed 6 January 2012).

³⁰ "KENYA: Health workers grappling with conflict-related sexual violence", Integrated Regional Information Networks (IRIN), 15 January 2008, <http://www.irinnews.org/report.aspx?ReportId=76247> (accessed January 4 2012).

³¹ Integrated Regional Information Networks (IRIN), "Kenya: Displaced women 'still facing threat of sexual violence'", 10 March 2008, <http://www.unhcr.org/refworld/docid/47d658ee5.html> (accessed 11 January 2012).

³² Integrated Regional Information Networks (IRIN), "Kenya: Displaced women 'still facing threat of sexual violence'", 10 March 2008, <http://www.unhcr.org/refworld/docid/47d658ee5.html> (accessed 11 January 2012).

³³ For a discussion of the implication of the the Gikuyu cult the Mungiki in the castration and circumcision of Luo men see Beth Ahlberg, Kezia Njoroge, Pia Olsson, "We cannot be led by a Child': Forced Male Circumcision during the Post-election Violence in Kenya", Paper presented at the Fourth European Conference on African Studies, Uppsala, 15-18 June 2011, (Skaraborg Institute for Research and Development and Uppsala University), <http://www.nai.uu.se/ecas-4/panels/41-60/panel-44/Ahlberg-Njoroge-Olsson-Full-paper.pdf> (accessed 5 January 2011).

³⁴ UK Home Office 2008, *Operational Guidance Note: Kenya*, 15 September, UK Border Agency, <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/kenya.pdf?view=Binary> (accessed 4 January 2012).

³⁵ "Q&A Kenya peace deal", *BBC News online*, 13 April 2008, <http://news.bbc.co.uk/2/hi/africa/7165962.stm> (accessed 5 January 2012). (BBC News 2008a)

³⁶ BBC News 2008a.

³⁷ BBC News 2008a.

³⁸ UK Home Office 2008.

was sworn in, and by 24th April, Kibaki and Odinga were touring Rift Valley ‘trouble spots’ together.³⁹

A year later, the constitutional reform process had stalled, crippled by “lingering tensions, petty disputes and individual appetite”,⁴⁰ and in May 2009, after months of uncertainty, the G10 announced a sex boycott, to demonstrate their “[dissatisfaction] with the persistent failure of Kenya’s leadership.”⁴¹

Lysistrata – African Style

As is the trope with sex strike reportage internationally⁴², media reporting on the sex boycott in Kenya linked the G10 announcement to the classical Greek comedy, *Lysistrata* by the playwright Aristophanes, in which the women of Sparta and Athens instigate a sex ban as part of a plan to lobby for an end to the Peloponnesian war. For instance an article titled, ‘Lysistrata – African Style’ in the Rwandan newspaper, *New Times*⁴³, observed that while the overarching theme is similar, *Lysistrata* is a comedy so,

*the fear of rape as a result of withholding sex is never fully expressed; it is the withdrawal of affection and cooperation that is the undoing of the men in the end. In reality it is different; many African women don’t even know they have the right to say no to sex, and even if they did, they would fear their husband running off to a prostitute or even worse, forcing themselves on them.*⁴⁴

There are (at least) two further points in the Kenyan context. At the announcement of the boycott, marriage remained an exception to rape in the Kenyan *Sexual Offences Act*.⁴⁵ In addition, women running for public office experienced high levels of violence and

³⁹ “Kenyan leaders in call for peace”, *BBC News online*, 24 April 2008, <http://news.bbc.co.uk/2/hi/africa/7364273.stm> (accessed 5 January 2012). (BBC News 2008b)

⁴⁰ Onunaiju 2009.

⁴¹ G10 Coalition 2009.

⁴² For instance - women instigating a sex strikes in Colombia to protest the lack of a safe road (Euclides Montes, “Colombia’s ‘crossed legs’ protest is redefining women’s activism”, *The Guardian Newspaper* online, 1 August 2011, <http://www.guardian.co.uk/commentisfree/2011/aug/01/colombia-crossed-legs-sex-strike> (accessed 28 December 2011)); and Phillipino women staging a sex strike to end violence between two neighbouring communities (Jojo Walig, “Women’s ‘sex strike’ a global phenom”, *abs-cbnNEWS.com*, 17 August 2011, <http://www.abs-cbnnews.com/insights/09/16/11/womens-sex-strike-global-phenom> (accessed 4 January 2012)).

For a fascinating discussion of a sex strike instigated by the women of a Puerto Rican nationalist gang living in New York in the 1970s see Jennifer Nelson, “‘Abortions under community control’: Feminism, Nationalism, and the Politics of Reproduction among New York City’s Young Lords”, *Journal of Women’s History*, Vol. 13, No. 1, Spring, 2001.

⁴³ “Lysistrata – African style”, *The New Times newspaper* at *AllAfrica.com*, 13 May 2008, <http://allafrica.com/stories/200905130631.html> (accessed 30 December 2011).

⁴⁴ *The New Times newspaper* 2008.

⁴⁵ Federation of Women Lawyers – Kenya (FIDA-Kenya) & the International Women’s Human Rights Clinic, Georgetown University Law Centre, *Kenyan Laws and Harmful Customs Curtail Women’s Equal Enjoyment of ICESCR Rights*, 3 October 2008, <http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/FIDAKenya41.pdf> (accessed 8 January 2012).

harassment; and, as discussed above, the 2008 post-election violence which targeted women occurred, not only as a by-product of the collapse in social order but, “as a tool to ‘terrorise individuals and families.’”⁴⁶

Although perhaps an unorthodox pairing, a critique by Sarah Culpepper-Stroup of the portrayal of the women in *Lysistrata* provides an interesting analytical frame through which to examine the motivations and goals of the G10 sex boycott. Culpepper-Stroup describes the play as:

*a comedy of political and sexual negotiation and of what happens when complimentary but distinct spheres of social interaction – the polis and the oikos, the public and private – are torn apart and inside out – by protracted and seemingly ineluctable warfare.*⁴⁷

Culpepper-Stroup further argues the success of the women’s plan, including the implementation of the sex strike,

*offers an alluring reversal of the more standard comic representation of female sexuality as implicitly destructive to the civic body, forging in its place a fantasy world in which strictly proscribed sexual negotiation might function as a politically ameliorative force.*⁴⁸

In the opening scene, the women of Athens and Sparta meet to hear Lysistrata’s solution to the Peloponnesian War. Having been convinced that swearing an oath of celibacy for the remainder of the war, the women come together to swear the oath enacting the sex strike, makes much of these previously, good, chaste, wives talking in great detail about all the sexual favours they will refuse to perform, while walking around the house in alluring clothes.⁴⁹ But the more serious point here is Culpepper-Stroup’s observation that:

*a woman acting outside of the confines of normal domestic activity (as defined by, but not limited to the confines of the oikos or home, itself) was, by definition, a woman displaced in terms of her civic or sexual identity and thus indicative of a fault line in male activity.*⁵⁰

In the disordered world of *Lysistrata*, peace can only be restored once the wives return to the “confines of the private home.”⁵¹ Culpepper-Stroup argues further, that “the representation, [although figurative] of a ‘wife’ as sexual negotiator ... results in a necessary destabilisation or displacement of her ‘domestic’ identity. For a wife to be represented

⁴⁶ Integrated Regional Information Networks (IRIN), “Kenya: Displaced women ‘still facing threat of sexual violence’”, 10 March 2008, <http://www.unhcr.org/refworld/docid/47d658ee5.html> (accessed 11 January 2012).

⁴⁷ Culpepper-Stroup 2004 pg 37.

⁴⁸ Culpepper-Stroup 2004 pg 37-38.

⁴⁹ Michael Ewans (trans.), Aristophanes, *Lysistrata; the women’s festival; and Frogs*, (Norman, University of Oklahoma Press) 2010.

⁵⁰ My emphasis. Culpepper-Stroup 2004, pg 40.

⁵¹ Culpepper-Stroup 2004, pg 41-42.

trading her sexuality meant for the fifth-century audience of comedy that she is no longer, for all intents and purposes, a wife.”⁵²

This fundamental worrying of boundaries created by the entry of women into public life has persisted. Indeed, as Ngaire Naffine explains, until recently the “[t]he concept of the citizen was coterminous with a dominant Western ideal of masculinity, which, in a non-arbitrary way, was always associated with actual men who monopolised the institutions of public power.”⁵³ (I should note here that Naffine is discussing gendered citizenship in the context of Western constitutional democracies and I acknowledge that independence in Kenya did not (re-)produce a replica of British governance as manifest at the imperial centre. Nevertheless, the constitution at Kenyan independence and the associated administrative order of the post-colonial government inherited the “Westminster concern” with state institutions, power distribution and limitation on one hand, and the “home grown nature of customs and conventions of government and their operation as both definitions of purpose and limitations of excesses.”⁵⁴ For the purposes of the following argument, therefore, the broad ideal of the public citizen of Westminster constitutionalism exists in the post-colonial Kenyan context.⁵⁵)

Naffine explains, the ideal citizen is male, “rational, independent, self-directed, autonomous and cultural”⁵⁶. For, “it was man’s ability to distinguish himself from the female condition that marked him as positively suitable for public life, so it was important that he guarded the boundary that divided him from the feminine... Women were therefore explicitly excluded from the status of the self-possessed and self-knowing, public, legal subject and consigned to the (notionally unregulated) private sphere.”⁵⁷ Margaret Davis argues that this “unquestioning tendency we have to divide the social world into public and private spheres has often been used as a way of legitimating (or at least masking) violence which takes place in ‘private’.”⁵⁸

Women attempting to enter public life in recent Kenyan elections, and women identified as putatively supporting particular political parties by virtue of their ethnicity were targeted in ways associated with the private sphere. As Davis observes, “[v]iolence against women – domestic assault, rape sexual abuse, incest – is frequently *defined* as private, and beyond state intervention, meaning simply that women have traditionally been less protected by the

⁵² Culpepper-Stroup 2004 pg 41-42.

⁵³ Naffine, N., ‘Sexing the Subject (of Law)’, in Chapter 2, Thornton, M. (ed). 1995, *Public and Private: Feminist Legal Debates*, Oxford University Press, Melbourne, pg 24.

⁵⁴ H. W. O Okoth-Ogendo, “The Politics of Constitutional Change In Kenya since Independence, 1963-1969”, *African Affairs*, Vol. 71, No. 282, January 1972, (Oxford University Press on behalf of the Royal African Society), pg 9.

⁵⁵ For further discussion of African constitutionalism, particularly in east Africa, see for instance Okoth-Ogendo 1972; Nicholas Cheeseman, “the Politics of Control in Kenya: Understanding the Bureaucratic-Executive State, 1952-78” *Review of African Political Economy*, Vol. 33, No. 107, State, Class & Civil society in Africa, March 2006.

⁵⁶ Naffine 1995, pg 24.

⁵⁷ For further discussion of African constitutionalism, particularly in east Africa, see for instance Okoth-Ogendo; Branch and Cheeseman, 2006.

⁵⁸ Margaret Davis, *Asking the Law Question*, 1994, (Sydney, The Law Book Company) pg 170.

criminal law than men.”⁵⁹ Violence was deployed predominantly by men against women⁶⁰ to demand women withdraw from public space. This goal was pursued through threatening or perpetrating sexual and/or physical assault against women who were vulnerable by virtue of their public profile, displaced as a result of political and inter-ethnic violence.

In this context then, the sex boycott of the G10 takes on a new significance. The women announcing the strike were doing so in their capacity as leaders within explicitly political women’s organisations. In politicising men’s access to sex, including offering to pay prostitutes to participate in the strike⁶¹, the contexts in which sexual violence is used against Kenyan women as form of control and intimidation becomes explicit in this public, official statement of bodily and sexual autonomy. For commentators, there was a real concern that not only would the strike not be logistically possible, but that it would provoke further retaliatory gender-based violence. Indeed, as Naffine reminds us, in order for the man “to realise his personal and sexual freedom in the private sphere, it was essential that she (his wife) did not (for how could he be free to do as he pleased if she had the right to say no?)”⁶² In announcing the boycott, the G10 explicitly rejected the current social contract – and laid claim to a sexual autonomy which had not yet been recognised in Kenyan law. The statement characterises the actions of the men in power as selfish, narrow minded and contemptible: “where the country needs tough decisive action to move it forward” the Speaker of the National Assembly “instead ran away from his mandate”⁶³. The G10 criticises the leadership for either being ‘unmanly’ or selfish – either way, these men are shirking their responsibilities to the nation. The G10 demand that the men in power act like ‘real men’ – responsible and selfless leaders of a troubled democracy.

The G10 women identify themselves as ‘equal shareholders of Kenya’ and present the leaders with the sex boycott and a new performance agreement to reset (or perhaps agree for the first time) the social contract between the women of Kenya and their leadership. I suggest that the G10’s sex boycott is an attempt to create a public space that is sexed-female, and in doing so delegitimise the presumption that public spaces are either nominally gender neutral, or masculine. The women attempted to force the Kenyan polis to

*see women as they are, as real sexed women, who are always obliged by law to function within this sexed category but who within this category still act as (always sexed) subjects in their own lives... In neither the public nor the private arena have women been afforded the opportunity to develop a distinctively female subjectivity of their own.*⁶⁴

The G10’s press statement and sex boycott represent an attempt to carve such a space for a sexed legal subject in modern Kenya. The women of *Lysistrata*, successfully negotiate an end to the Peloponnesian War through a comically scandalous ‘de-wifing’, and then return, (or one might say, in an anachronistically proto-feminist reading, *retreat*) to the private sphere

⁵⁹ Davis 1994 pg 170.

⁶⁰ Noting instances of sexual violence against men and boys mentioned above.

⁶¹ “Kenyan women stage a ‘sex strike’”, *Aljazeera.net*, 1 May 2009, (Doha, Al Bawaba (Middle East) Ltd.), <http://search.proquest.com.virtual.anu.edu.au/docview/431318969/citation?accountid=8330> (accessed 6 January 2011).

⁶² Naffine 1995, pg 27.

⁶³ G10 Coalition, 2009.

⁶⁴ Naffine 1995, pg 20.

at the close of the play. The very act of their re-sequestering represents the return to the order and stability of the masculine state at peace.

The war fought on the Kenyan front however, did not end in a retreat to the domestic. The boycott was not primarily an incentive to action – to use sex, as commentators assumed, to achieve a discrete goal - but a demand to recast the social contract, and to fight for a radical redefinition of the category of Kenyan citizen.

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