Chapter 16


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ABSTRACT

This study investigates the framing of arguments used in debating the Constitution of Kenya Amendment Bill 1982 and the Election Amendment Bill 2012 in order to interrogate how the elite conceive of the place of political parties in Kenya, as well as examining the transformations of this conception in the two periods. Through coercion and fallaciously invoking the democratic intentions of the bill, the illustrious history of KANU, and the need to unite behind KANU and President Moi, the 1982 bill resulted in an overinstitutionalized party system. The passage of the 2012 bill resulted in perpetuating an underinstitutionalized party system legitimized through overwhelmingly invoking the desire for freedom of association. Despite the differences in the framing of the arguments and the resultant impact of the bills, there is a strong underlying continuity that shows an instrumentalist conceptualization of political parties by the political elite in both the periods.

INTRODUCTION

Political parties are almost universally regarded as fundamental organizing units in modern day politics (Heller & Mershon, 2009; Mershon & Shvetsova, 2009; Suttner, 2004). They are also presently regarded as central for democratization and political development (Carbon, 2007; Helgesen, 2007; Salih & Nordlund, 2007), and their decline is seen as detrimental to democracy (Keman, 2011). In fact Suttner (2004) is of the opinion that enhancing the effective functioning of political parties in Africa is at the heart of
addressing the continent’s problems, which can be resolved through the realization and consolidation of democracy via political parties.

However, studies such as Friedrich Ebert Stiftung (2010), Okumu & Holmquist (1984), Oloo (2007), Wanjoji (2003), Wanyama (2010), and Widner (1992) point to a troubled history of political parties in Kenya. Though the studies point to political parties remaining an important locus of political activity in Kenya, they acknowledge that the parties scarcely espouse the ideals of democratic participation and programmatic political association and organization. As such, it becomes important to interrogate how political parties are conceived of in political elite discourse in Kenya.

Conventionally, parties are democratic institutions that serve to recruit members of the public into government and political offices, represent group interests in society, formulate and execute policy, format and aggregate interests and groups into the political system, legitimize politics, as well as fight for openness and accountability (Tordoff, 2002). Political parties in a democratic set up operate closely with electoral systems in order to ensure inclusiveness and representation (Salih & Nordlund, 2007).

The interplay between political parties and the electoral process and system is what informs this chapter’s interrogation of The Constitution of Kenya (Amendment) Bill 1982 and The Election (Amendment) (No 2) Bill 2012 with the view to understanding what the bills debated at different points of Kenya’s political development tells us about the political elite conceptualization of political parties in Kenyan politics.

The passage of the two sets of bills present two extreme watersheds in the recent history of the political elite conceptualization of political parties in Kenyan politics. The former bill resulted in making KANU the only legally recognized political party in Kenya, essentially making it a ‘state party’ and an arm of government (Hornsby 2012, p. 815). The later bill removed the timeline provided by the Elections Act 2011 that would have enhanced party membership discipline through submitting party membership lists before elections in a timeframe that would have ensured greater fidelity to parties.

This chapter is located within the broad framework of critical discourse analysis (CDA), and its concern with the critique of power and ideology (Fairclough & Wodak, 1997; Wodak & Meyer, 2009), but specifically focusing on argumentation following recent studies that have acknowledged the importance of argumentation to CDA (see Fairclough & Fairclough, 2012; Ihnen & Richardson, 2011; Reisigl, 2014), and particularly for political discourse analysis (Fairclough & Fairclough, 2012). The chapter thus investigates the framing of arguments that sought to both legitimize and challenge the two bills, with the aim of analyzing MPs’ conceptualization of the place of political parties as a locus of programmatic political association and organization in Kenya. Further, the focus on argumentation is borne out of the centrality of arguments in parliamentary debates where political actors are involved in ‘constructing or evaluating legitimizing arguments’ (Ieţcu-Fairclough, 2009, p. 131).

The chapter takes cognizance of the criticism of the use of argumentative approach to political discourse as noted by Fairclough & Fairclough (2012, p. 14), which notes, firstly, that there is no actual or even genuine democratic deliberation in politics. Secondly, that it is not argumentation but power that determines what decisions are taken in politics. And thirdly, that normative models of argumentation are utopian and unrealizable in practice.

The chapter follows Fairclough & Fairclough (2012, p. 14) in pointing that political discourse, and particularly parliamentary discourse, is fundamentally argumentative and deliberative. Thus even when parliamentary debates fall short of the ideal of democracy and deliberation, they still retain the deliberative structure through the adherence to the ‘publicity principle’ (Chambers, 2005), which compels MPs to account and legitimize their intentions publicly in parliament. Thus the deliberative