also inside

- Abortion in Kenya; illegal or is it?
- The Doctrine Of Quantum Meruit In Employment
- Terrorism And Religious Tolerance

WHAT WOULD HON. NJOKI NDUNG’U DO?

Rise of sexual violence
Welcoming you to the fourth issue of The Kenyan Legal Magazine. I, on the Kenyan Legal Team’s behalf wish to express our appreciation for your continued support.

Kenya is largely a partriachial society and has long given justifications to sexual and gender based violence towards; it has always been the woman’s fault even when bestiality is the subject matter at hand. Even though its well known that a woman is her own enemy, on mention of such violence the first person that always comes to mind has always been The Hon. Lady Justice Njoki Ndung’u, the architect behind the Sexual Offences Bill, now Sexual Offences Act, 2006, introduced to parliament as a private member bill with an objective “to make provision about sexual offences, their definition, prevention and the protection of all persons from harm from unlawful sexual acts and for connected purposes”, so when we hear of cases like three men accused of raping a 16 year old school girl and dumping her body in a latrine were ordered to cut grass as punishment, we ask, "WHAT WOULD HON. NJOKI NDUNG’U DO?"

This issues, therefore as always, comes as an improvement from the previous issues for we believe, at Kenyan Legal, that engaging the coming generation of legal minds in governance and legal discussions affecting the country is what shall move this country forward.

Its Real Kenya, Real Issues. Enjoy your read.

REGARDS,

Michael

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Cover photo by:
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Courtesy of Kenya Law Reports
www.kenyalaw.org
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TERRORISM AND RELIGIOUS TOLERANCE

By Michael Opondo O., opondomichael@kenyanlegal.com; opondomichael1@gmail.com

The direction of thought is often biased towards favoring the crowd; for purposes of this article, I'll call it the mob effect. What the majority of the society say is right shall be right, and to cap this all, the global societal scene is biased in favor of a democratic polity; good thing.

Democracy on the other hand is the freedom of the heart, and not the sun, that is, chainless hands do not represent democracy but limitless tolerance of divergent thoughts and ideologies is the true face of democracy; the cardinal true democracy, then here goes terrorism aligned to the Muslim religion of which by standards if population, are a minority to the Christian religion. So maybe the Mob effect wouldn't allow us as much to try understanding the reasons behind their course of action, but at the same it wouldn't hurt to at least try.

Religion is rather a very emotive topic and even as it's said "Religion is the only barrier that keeps the poor from murdering the rich", it goes on to show the deep convictions and connection humans have as regards religion and faith; even an atheist has a religion deep down somehow. Martyrdom has long been seen as the way to go for one's faith, common in Christianity and Islam alike; the surest way to join back your creator. The matter of terrorism started off on the interest and belief that it would maintain the purity of Islamic religion as regards protecting their Holy land which to me was democratically right thought its progress to current state is overt and has lost its dignity.

My cause here is not to put terrorism on a pedestal and praise but rather a rebellion to the mob effect and it need not be perfect my cause. The human conscience is based on two facets; the good and the bad and while at it, human beings are deemed to create their own demons. In my view, the fight against terrorism is leaving a lot to be considered as regards Human Rights as it has since perfected the "Us" versus "Them" view; "Good" versus "Bad" built on a "Highly Punitive" strategy in administering justice, that is, the attitude that offenders, "Them", should be dealt with as severely possible which in effect they come back stronger and more daring than was.

What would it hurt the global society to find the root-cause of all this? if it is purity in their religion's Holy land and sovereignty, if its non-interference in their affairs that they want, then maybe lets grant even as its true that if you grant a mouse its demand for a piece of cheese, next it will demand for a glass of milk, but all in all, what I am advocating for is the "Managerialist" strategy which rather seeks to protect and uphold human rights of offenders, victims and potential victims never neglecting any.

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To comment on this and other articles please visit www.kenyanlegal.com

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