

KENYATTA UNIVERSITY

SCHOOL OF HUMANITIES AND SOCIAL SCIENCES

DEPARTMENT OF PHILOSOPHY AND RELIGIOUS STUDIES

**ADDRESSING IMPUNITY IN KENYA THROUGH A
POSTCOLONIAL READING OF 'AUTHORITY' IN MARK 1:21-28**

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**THESIS SUBMITTED TO THE SCHOOL OF HUMANITIES AND
SOCIAL SCIENCES IN PARTIAL FULFILMENT OF THE
REQUIREMENTS FOR THE AWARD OF THE DEGREE OF
DOCTOR OF PHILOSOPHY OF KENYATTA UNIVERSITY**

SEPTEMBER 2014

DECLARATION

I declare that this Thesis is my original work and has not been presented for a degree award in any other University

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DEDICATION

This thesis is dedicated to Margaret Wanjiru; the one my heart loves. She is my immediate neighbour (near or far) who stands where I stand when I can stand no more.

It is also dedicated to the next generation of reformers in Kenya and to all who long for a just society.

ACKNOWLEDGEMENT

From beginning to the end, without the generous cooperation of many people, this study would have been severely curtailed. Among those whom I am deeply indebted to for their valuable contributions, I take the liberty of mentioning the following: Prof. Philomena Mwaura and Dr. Humphrey Waweru for their careful supervision. I thank you for your keenness and for your professional touch. I acknowledge Rev. Dr. Stephen Kanyaru, M'Impwii, the immediate former Presiding Bishop of the Methodist Church in Kenya for your mentorship, friendship and for believing in me. Your support and fatherly love will remain ingrained in my memory.

I owe special gratitude to the Kenyatta University staff mainly at the Department of Philosophy and Religious Studies and Graduate School. Sincere gratitude also goes to the institution of Hekima College and particularly the library staff for their varied assistance. To the numerous people who allowed me to introduce them to the experience of reading Mark's Gospel, all those who participated in the resultant interviews and the group discussions and hence offered their input, I express my sincere gratitude.

Finally, I especially thank you Margaret Wanjiru, my soul mate and comrade, for your editorial genius and encouragement and more so; for your sacrificial love. Kennedy Kimaita and Jemimah Gatwiri my children from whom I stole so many childhood hours in order to write; you are special and you kept me on my toes all the time as I progressed through the work.

To all the 'others'; innumerable and peripheral subalterns, your presence is foregrounded in this work and in me – one of you. *Mungu awabariki nyote* (God bless you all).

ABBREVIATIONS AND ACRONYMS

ACK	– Anglican Church of Kenya
AFRiCOG	– Africa Centre for Open Governance
AG	– Attorney General
AICs	– African Instituted Churches
AIDS	– Acquired Immune Deficiency Syndrome
AIPCA	– African Independent Pentecostal Church of Africa
AMISOM	– African Mission in Somalia
CBD	– Central Business District
CBS	– Contextual Bible Study
CE	– Common Era
CPI	– Corruption Perception Index
DFRD	– District Focus for Rural Development
DN	– Daily Nation
DP	– Democratic Party
EACC	– Ethics and Anti-Corruption Commission
FIDA	– International Federation of Women Lawyers
FGDs	– Focus Group Discussions
FORD	– Forum for Restoration of Democracy
GEMA	– Gikuyu, Embu, Meru Association
GTM	– Grounded Theory Method
HIV	– Human Immunodeficiency Virus
HPI	– Human Poverty Index

ICC	– International Christian Centre
ICC	– International Criminal Court
ICPC	– International Centre for Policy and Conflict
ISB	– Institute for the Study of the Bible
JBL	– Journal of Biblical Studies
KACC	– Kenya Anti-Corruption Commission
KAG	– Kenya Assemblies of God
KAMATUSA	– Kalenjin, Maasai, Turkana and Samburu
KANU	– Kenya African National Union
KKV	– Kazi Kwa Vijana
LDP	– Liberal Democratic Party
LXX	– The Septuagint
MCK	– Methodist Church in Kenya
MRC	– Mombasa Republican Council
MSS	– Manuscripts
NACC	– National Aids Control Council
NARC	– National Alliance Rainbow Coalition
NAK	– National Alliance Party of Kenya
NCST	– National Council for Science and Technology
NDP	– National Development Party
NHIF	– National Hospital Insurance Fund
NPC	– Nairobi Pentecostal Church
NRSV	– New Revised Standard Version

NT	– New Testament
NuVIVO	– Qualitative Analysis Software
OT	– Old Testament
PEV	– Post Election Violence
SDP	– Social Democratic Party
TRC	– Text, Reader, Context
UN	– United Nations
USA	– United States of America
UNDP	– United Nations Development Programme

OPERATIONAL DEFINITIONS

Ambivalence: In this study as in many other postcolonial studies, ambivalence is taken as the continual fluctuation between wanting one thing and its opposite; the simultaneous attraction towards and repulsion from an object, person or action.

Church: In the New Testament Paul's common usage of the Greek term *ekklesia* from where we get the word Church, denotes an assembly, gathering or a congregation of religious group. This term is mainly used to describe Church as the universal body of Christian believers. Church is also used to refer to a denomination.

Exousia: The Greek New Testament Dictionary (1994:65) defines *ἐξουσία* with the words: authority, supernatural power, ruling power and government. In 102 occurrences of *exousia* in NT it is used of God, Jesus, and the authority conferred on the Church and disciples by the gospel, but also of Satan, spiritual powers, and various forms of human authority. In this study, *exousia* stands for power and authority and this is the way it is also understood in Mark's Gospel.

Empire: In postcolonial studies Empire is conceptualized from the domain of the British rule to connote a sphere of influence and domination and the attitudes and concepts by which empire find legitimacy. This is the manner in which it is understood in this study.

Hegemony: Is an ‘organizing principle’ that permeates the processes of socialization in every area of daily life. Several postcolonial writers use the term to denote the naturalized predominance of one social class over others (e.g. bourgeois hegemony). The term is used in this study in such understanding noting that it forms fertile ground for impunity.

Hybridity: Basically and for the purposes of this study, hybridity is the, ‘in-between’ or ‘third’ space between the colonizer and the colonized. It is the insidious product of colonial encounter that threatens to fracture the colonizer’s identity and authority while creating a new identity for the colonised.

Impunity: Impunity can be defined as exemption from punishment or loss or escape from fines. Seen in this perspective, impunity is people doing wrong and not getting punished for what they have done. It is used in this study to mean an imperial force with an accompanying domination strategy.

Marxist Criticism: Marxist criticism is a type of criticism in which literary works are viewed as the product of work and whose practitioners emphasize the role of class and ideology as they reflect, propagate, and even challenge the prevailing social order.

Mimicry: Mimicry is a psychological category that estimates how the subaltern behaves in the prevailing reality of colonization. Postcolonial critics apply it on two levels. On one level, it is used as the name for the strategic reversal of the process of domination, and it understood, on another level, as

the selective use of the master's tools by the subaltern as a way of enhancing the subaltern identity, by way of repeating differently to disrupt colonial authority.

Ordinary Readers: The ordinary readers are those who are not tutored in theological studies. They are the lay as opposed to academic readers who are trained. At times in this study they are the so called 'hustlers' and 'sufferers' in the common day usage; although this term does not exclusively refer to the poor in Kenya.

Othering: Othering is a concept that is extensively used in this study for social representation. Just as in stereotyping, Othering allows individuals to construct sameness and difference so as to affirm their own identity. Thus Othering is not just about the other but also about the self. Othering leads people towards a widespread tendency to differentiate in-group from out-group and Self from Other in such a way as to reinforce and protect Self.

Postcolonialism: Postcolonial critics admit that postcolonial theory is a nebulous terminology, which cannot be pinned down to a single definition. Generally, it is a disciplinary project devoted to the academic task of revisiting, remembering and interrogating the colonial past. It boards hermeneutics when it entrenches its voice into the Bible. It is also an interpretive tool that seeks to subvert the master narratives that have shaped the way societies are shaped and classified. In this study, unhyphenated

‘postcolonial’ is mainly taken as a hermeneutical tool that disrupts the way societies have been constructed by colonialism.

Subaltern: In postcolonial studies, this term is adopted from the terminology of the British military, where it refers to commissioned officers below the rank of captain. Though its origin is somewhat inconsistent with its current usage, in postcolonial studies this word refers to bottom people in class relations. It is used in this study alongside other similar words like margins, masses and *Wanjiku* to connote the less privileged.

Wanjiku: Is a Kikuyu female name. Without any reference to gender, it is used casually in Kenya to mean people of low social status. It also means those in the periphery; the margins. Likewise it is used in this study to refer to the ordinary Kenyans. It is sometimes juxtaposed with the word subaltern in usage.

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ABSTRACT

In Mark's Gospel, Jesus is presented as the authoritative one in the sense that He exercises power and authority by virtue of His high position and relationship to God the Father. Power and authority are concepts that Mark builds up in his Gospel, with the use of the word, *Exousia* (ἔξουσια) to distinguish Jesus' authority from that of the world. Using postcolonial biblical criticism, this study explores Mark's usage of *exousia* in 1:21-28 to argue that imperial ideology is constituted in the gospel's construction of the concept of authority (*exousia*). The inquiry on the usage of *exousia* in Mark's Gospel comes against a background of an ever growing culture of impunity in a country that is predominantly Christian. Therefore, the key question was; how can we address the prevailing and ever-growing culture of impunity in Kenya through a postcolonial reading of the concept of *exousia* in Mark 1:21-28? In order to address this and other questions, this study employed the postcolonial framework to argue that Mark is influenced by the imperial setting of his day to provide the images that he does in the concept of *exousia*. The study's objectives were to offer an alternative and contextual reading of *exousia* in Mark's Gospel, to establish the need for postcolonial biblical criticism in Kenya, to demonstrate that pre-critical reading of the Bible in Kenya has contributed to the culture of impunity, and to develop enabling and emancipatory language in the reduction of impunity in Kenya. Being a qualitative study, and employing the Grounded Theory Methodology (GTM), data was obtained in churches from church-going Christians in Nairobi City, through Contextual Bible Study group discussions and key informant interviews. Samples were decided through simple random sampling, purposive and cluster sampling. Data was analysed using the NuVivo data analysis software, and exegesis. Among other things, the study reveals that though not entirely, impunity as present in Kenya emanates from the empire and partly derives from interactions with Mark's *exousia*. Towards this end, this study recommends another hermeneutics for rereading the Bible in order to address impunity. A 'way' reminiscent of the 'way' in Mark's Gospel has also been proposed for addressing impunity in Kenya.

CHAPTER ONE

INTRODUCTION

1.1 Mapping the Study's Terrain

This chapter mainly discusses introductory issues that were taken into account in order to carry out this study. These things include: the background, the methodological considerations, literature review, sampling methods and methods of data analysis. It also highlights the preliminary issues on how the study has been carried out and discusses some of the major challenges faced during the study.

1.1.1 Background to the Study

This study was inspired by widespread Kenyan voices that deem impunity as an emerging social problem. It was also inspired by a new realization through postcolonial hermeneutics that the Bible provides resources for addressing impunity. The expanded definition of impunity is the 'exemption from punishment or loss or escape from fines' (Kimathi, 2010:16) where disregard for the rule of law reigns. Further, it refers to people doing wrong and not getting punished for what they have done. On a higher level,

...it is behaviour that culminates from a null expectation of punishment and develops into a culture especially in countries that suffer from corruption or that have entrenched systems of patronage, or where the judiciary is weak or members of the security forces are protected by special jurisdictions or immunities (Kimathi, 2010:17).

Impunity is a global problem and every day ways are being devised to combat it. In the Impunity Watch Community Website, the United Nations (UN) Special Rapporteur Louis Joinet¹ describes an evolving "process by

which the international community has become aware of the imperative need to combat impunity.”² As a result, human rights movements over, have gained momentum and experience in their global efforts to end the depredations of dictatorial regimes,³ and other conditions conducive for the perpetration of impunity. This has been based on their inexorable conclusion that human rights violations thrive in a culture of impunity. Seen from a global perspective, impunity is a major world problem which has to be combated.

On the African scene, and in Joinet’s (2009:2) words, impunity “... is the dictator’s greatest and most potent weapon. It is [also] the victim’s ultimate injury.”⁴ Africa’s own efforts to hold senior government officials and rebel leaders accountable for torture, murder, rape and other serious crimes against humanity has been hampered by the same leaders’ ability to evade the rule of law. Many countries in Africa; Libya, North and South Sudan, Somalia, Zimbabwe, Egypt and Kenya to name but a few, are bleeding or healing wounds caused by impunity. The search for a clear end to impunity against human rights abuses on the world scene and in Africa culminated in the formation of the International Criminal Court (ICC) in July 2002.⁵ The ICC has come in handy to assist Africa deal with impunity, for human rights abuses, though not other forms of impunity.

The situation in Kenya is not very different. According to Philip Alston (2009:5), who was the United Nations (UN) Special Rapporteur to Kenya, immediately after the 2007 Post Election Violence (PEV), ‘a climate of impunity prevails’ in Kenya. Impunity is a culture that has gained the status of

a currency in its vocabulary and lifestyle and is continuously sinking and ruining the nation. Impunity has become a way of life in Kenya, and many lives are harmed by it; but it has a history.

According to Leah Kimathi (2010:12), Kenya has a long history of impunity. Arguably, it is a country that has historically been dubbed undemocratic and one that is characterized by a 'backward political culture' (Githu Muigai, 1995:45). Over the years, the postcolonial state refined and sharpened the art of oppression and control bequeathed by the colonial state. Accordingly, Kimathi argues that "towards this end, the national constitution was amended over 30 times between independence and 1995 with the singular purpose of consolidating the powers of the presidency and by extension, those of the state" (2010:17) . This state of affairs is corroborated by Odhiambo Mbai (2003:55) who observes that:-

...throughout the 1970s, 1980s and 1990s, personal rule by the incumbent presidents promoted repression, abuses of human rights, ethnicity, nepotism, patronage and widespread corruption. Within this context, the institutionalization of the use of violence, manipulation of ethnicity for political and economic gains with concomitant marginalization and inequality in access to resources, as well as the breakdown of state institutions became the defining characteristics of the state. The repeated failure to stem the ethnically- based political violence, to evade purging official impunity and to hold perpetrators of human rights abuses to account created a climate of impunity that often led to cycles of violence.

The violence that erupted in Kenya, immediately after the 2007 general elections and the rampant disregard for the rule of the law that followed can be interpreted against this backdrop. The fact that Kenya has its president and deputy president being tried at the ICC as suspects for crimes against humanity is interpreted by many as lack of capacity by the country to offer

justice to her citizens. Even with a reformed judiciary, this interpretation remains though probably only as a perception. Viewed in the light of this perception, Wilson Gitau (2005) arguably notes that Kenya has on many occasions nearly been termed and ranked among failed states.⁶Therefore, the question remains, how can impunity be reduced in Kenya?

In the wake of postcolonial studies, and the connection they help make between colonialism, its aftermath and prevailing situations in former colonies, there was need to ‘excavate’⁷ (Frank England, 2004:92) and ‘exorcise’(Musa Dube, 2001:185) prevailing ideological and imperial traits that still bedevil Africa, and Kenya in particular. There was need through postcolonial hermeneutics to ask constructive questions about the phenomenon of impunity in Kenya. More particularly, there was need to question whether the Bible, as a colonial artefact, had any role to play in constituting the prevailing culture of impunity in Kenya. Postcolonial criticism came in as a handy tool for this kind of questioning.

Postcolonial studies have gained ground in Africa and in the past they have been used in other social studies (mainly in literature and History) though they may not have extensively been used in biblical studies in Kenya. Now, however, this study was aware of an emerging body of literature in Kenya that is being focused into postcolonial biblical studies. Their importance can be seen in the way they have been used to free readers from subtle and ideological vices legitimized by texts of the empire; the Bible included.

Whereas Humphrey Waweru (2007) has argued that the Bible legitimized colonial control in Kenya, Julius Kiambi (2011:62-82) has also argued that the Bible informed the vice of the ever-widening gap between the rich and the poor in Kenya.⁸ Given that in postcolonial criticism the Bible is viewed with suspicion, there was need to suspect and search for the role that the Bible plays in the place of impunity in Kenya. Within a postcolonial framework there was need to question if impunity could be informed by an ordinary⁹ (a pre-critical) reading of the Bible, aided by the hegemonic historical critical method, which is widely used in churches and other biblical studies in Kenya. More importantly, and since the Bible cannot be done away with, it was also sensible to imagine how it could be used to end impunity.

Additionally, and within this understanding is the fact that albeit a secular state, Christians comprise 82%¹⁰ of Kenya's population. Owing to this fact, and further the observation by Waweru (2007:84) that in Kenya the Bible is 'zealously taught and read', it follows that the Bible forms a central aspect of the populations' thought pattern. When within such a Christian climate impunity acquires the hegemonic status of a culture, there was need to use Christian resources and the Bible in particular to work for its eradication.

Noting that there could be a relationship between the hearing and reading of the Bible in Kenya this study took Mark 1:21-28 and its construction of the concept of *exousia* or power and authority for interrogation. Unlike other occurrences of *exousia* in the New Testament (NT)¹¹, Mark's Gospel was preferred for this study because through it Mark presents *exousia* as cross-

cutting authority; both spiritual and political. This became an insightful realization for this study because impunity thrives in these and other spheres of life. Mark announces the good news with a command to people to ‘repent’ and ‘believe’ in the good news of God’s reign. According to Simon Samuel (2007:123), “this may not be without an offstage and implicit dissent to the *imperium* of Rome and her divine emperors.” It is in Mark 1:21-28 and other Markan references to *exousia* that we meet the concept of *exousia* being used as an affiliation to religious institutions and at the same time a disruption to the hegemonic political powers and their social spaces.

Mark 1:21-28 was particularly preferred for this study because it contains these dimensions of *exousia* and in a way that dictates the construction of authority in the rest of the gospel. This being the case therefore, the study gleaned for empire traits in this text that influence the picture of authority and paid attention to the characters that are employed to exercise it. Further, it listened to applications of this authority that impinge on readings and readers of this gospel in Kenya. The study therefore, offers a creative imagination of how impunity emerges in the contextualization noting that postcolonial reading of Mark 1:21-28 and its usage of *exousia* has the potential of offering particular models for understanding, and addressing impunity levels in Kenya.

1.1.2 Statement of the Problem

The issue of impunity needed to be addressed quickly in Kenya because there are serious and increasing cases of disregard for the rule of law. This study considered impunity to be the major cause of social disintegration, ethnic intolerance, corruption and other stemming social ills in Kenya. For example, when the office of the Prime Minister was existent during the coalition government (2008-2012), there were debates about corruption concerning the *Kazi Kwa Vijana*¹² (KKV) money, and theatrics about loss and mysterious reimbursement of Free Primary Education money in the Ministry of Education in 2012. In 2011 for example, Kenyans witnessed the silent demise of traffic laws¹³ among Kenyan motorists and replacement of the same with local and ‘impunitive’ driving habits (OI: 05/09/2012). These occurrences and many other examples all point to an increasingly ‘impunitive’ society.

As has been noted, the picture has further been compounded by Kenya’s population which is over 82% Christian with the Bible being used as a master narrative, but impunity prevalence is still high. The study noted that most colonial literature, the Bible included, was couched in imperial ideology. Moreover, the reading, interpretation and application of the Bible especially in countries with past colonial experiences have had deleterious and continuous negative effects. The study, therefore, spelt out the role that Markan construction of authority plays in constituting impunity in Kenya.

The study further engaged some of the best postcolonial reading resources to interrogate this phenomenon; and identified available resources in

the same Markan concept that would help to seek its eventual eradication. In the light of these concerns, and the current focused research on postcolonial biblical studies and their potential for such assistance, the main problem for the study emerged. It was an attempt to show how prevailing and ever-growing culture of impunity in Kenya could be addressed, through a postcolonial reading of the concept of *exousia* in Mark 1:21-28.

In particular, it was an attempt to establish the relationship between the Bible and impunity and to offer a biblical solution to curb the mutation of impunity in Kenya. Essentially, this study asked: how can we address the prevailing and ever-growing culture of impunity in Kenya through a postcolonial reading of the concept of *exousia* in Mark 1:21-28?

1.1.3 Objectives of the Study

The study's objectives were, to:

1. Investigate and expose ideological imports in Mark 1:21-28.
2. Assess the usage of the concept of *exousia* in Mark 1:21-28
3. Identify seedbeds of impunity in cultural hybridities, consensual, or conflictual that emerge in the interface between Kenyan space and the empire.
4. Discuss issues of authority in Kenya and why Kenyans would condone impunity, despite being Christians.
5. To bring out the implications of a postcolonial reading of Mark 1:21-28 within a climate of impunity.

1.1.4 Assumptions

The study was informed by the following assumptions:

1. Exposing ideological based impunity in biblical texts using tools of biblical criticism such as postcolonial hermeneutics, can contribute towards overcoming the problem of impunity in societies like Kenya.
2. Postcolonial biblical criticism helps reveal that Mark's concept of *exousia* is riddled with colonial and imperial ideologies that form a fertile ground for impunity in Kenya.
3. Contacts with the empire and its texts have contributed to the culture of impunity in Kenya.
4. There are prevailing factors in the Bible that make Kenyans despise authority and condone impunity in spite of their Christianity.
5. A postcolonial reading of Mark 1:21-28 has several ramifications for a community riddled with impunity.

1.1.5 Research Questions

The study was based on the following research questions:-

1. Can exposed ideological based impunity in Mark 1:21-28 help address its challenge in Kenya?
2. How does Mark use *exousia* to construct authority in Mark1:21-28?
3. What is there about Kenyan impunity that emanates from contacts with the empire?

4. How does the reading and applications of *exousia* impinge on Mark's readers to contain the culture of impunity in Kenya?
5. What implication does a postcolonial reading of *exousia* in Mark 1:21-28 portend for a community like Kenya which is saturated with impunity?

1.1.6 Justification and Significance of the Study

This study came and comes at a time when impunity as a term has become a household word and when its practice has become a way of life in the Kenyan society. This notwithstanding, the search for a fair and just society in Kenya is being advanced from many quarters: by many civil groups and Non-Governmental Organizations (NGO's), like United Nations Development Program (UNDP), International Federation of Women Lawyers(FIDA), *Bunge La Wananchi*¹⁴ among others. Moreover, the implementation of the constitution that was promulgated on 27th August 2010 is making major inroads, in promising an impunity free society. It is expected that the current constitution will address issues of socio-political governance to eradicate impunity. What this study noted however, is that no other postcolonial biblical study within the stipulated understanding had been directly focused on the issue of impunity. From this front therefore, and noting that impunity can have an ideological dimension, this study tackles ideological impunity. Towards this end, the study makes new inputs in postcolonial studies by linking the Bible, impunity and postcolonialism.

This study was also as a result of the emergence of postcolonial biblical studies in the African academy, and was partly necessitated by the prevailing climate of impunity in Kenya. Through a postcolonial biblical criticism, this study exposes what role the Bible plays in the prevailing climate of impunity in Kenya. More importantly, and through the use of the Bible, the study proposes solutions on how this problem can be tackled. Ultimately, the findings of the study should benefit policy makers, educators and all who seek to reduce impunity in Kenya. The findings of this study have filled a clear knowledge gap in so far as postcolonial biblical studies on *exousia* and impunity in Kenya are concerned. Moreover, the findings of this study raise awareness on contextual postcolonial biblical studies that can be offered in Kenyan academic institutions.

1.1.7 Scope and Limitations of the Study

The issue of impunity in this study was not tackled by exploring the entire history of post-colonial¹⁵ Kenya; but from the premise of a prevailing climate of impunity. Research was not conducted in the entire country but was exclusively conducted in Nairobi County. Nairobi is the capital City of Kenya and from it a representative sample was achieved. Again, no venture was made into the entire field of the postcolonial theory for it is too wide; the study was limited to the emerging field of postcolonial biblical criticism. In so far as this study was aware, postcolonial biblical studies have been championed in Kenya though not overtly. Therefore, the study does not in any way purport to

champion these studies but engages the works of emerging postcolonial Kenyan and African writers to achieve its course. Nevertheless, this study added its unique voice to the threshold of postcolonial biblical studies, *exousia* in Mark 1:21-28 and impunity in Kenya.

1.2 Literature Review

This section comprises a preliminary review of the main literature that informed the study and was also directly related to the study. It will be noticed that this study was overtly inserted into the line of inquiry and developing body of postcolonial biblical studies though more so in other fields as well. On a more general point, it is important to note that there was adequate and interesting literature in the field of study. Therefore, under this section follows a thematic and review of the related literature under the following sub-sections:- Postcolonial biblical Criticism, *exousia* in Mark 1:21-28 and impunity in Kenya.

1.2.1 Postcolonial Biblical Criticism

Postcolonial biblical criticism was incorporated in this study because of its strengths in incorporating subaltern dimensions in biblical interpretation. 'Postcolonialism' designates too many things in its application. According to Ahmad Aijaz (1996:289), it applies to conditions that prevail in former colonies, it is also made to refer to a global condition of relations between the West and the Rest and also it comes to us as the name of a discourse about the

condition of postcoloniality. Postcolonialism as a concept has overtly been used in other disciplines and biblical studies as well. Because of such dimensions, this study took up postcolonial concept as a tool for ‘colonial discourse analysis’ (Stephen D Moore, 2006:82) but more so in the field of Biblical Studies.

It considered “postcolonial theory is a tool for biblical interpretation that deals with the Bible as a cultural product in time and space” (Lozaraze Rukundwa, 2007:339). This is because postcolonial biblical criticism concerns itself with knowing how imperial ideology influenced the production of biblical texts, and how this ideology was laid out in interpretation to affect those whom the Bible was meant to liberate.

The usefulness of postcolonial biblical criticism for this study lay in the way it presents itself as a tool for biblical interpretation, in an attempt to find colonial intentions (whether they are political, cultural or economic) as far as they informed and influenced the writer’s context and how they now inform and influence the reader’s context (Muñoz-Larrondo, 2008:2). Postcolonial biblical criticism has been used in other contexts with success and Kenya was no exception. Gerald West (1997a:322), in particular, sees its usage as increasingly becoming sort of ‘a cottage industry,’ not only in the Euro-American context, but progressively in Africa as well.

In order to apply postcolonial biblical criticism successfully, this study took great interest in the writings of Stephen Moore and Fernando Segovia (2005) because of their application of postcolonial theory to Markan studies.

Most postcolonial biblical scholars credit these as pioneers for the incorporation of postcolonial theory into biblical studies. In their 2005 seminal work, *Postcolonial Criticism: Interdisciplinary Intersections*; they work from Hommi Bhabha, Gayatri Chakravorty Spivak and Edward Said (2004) who are termed as the progenitors of postcolonial theory, to map the terrain of postcolonial theory into the realm of biblical criticism. Their research gives excellent introductions to Said, Spivak and Bhabha for postcolonial biblical students¹⁶ such that anyone reading Moore and Segovia can be said to have read them. Said, Spivak and Bhabha are important for anyone using postcolonial theory because it is widely accepted in postcolonial studies that the theory begins with them.

Though credited for working with the Bible in various ways, Moore and Segovia (2005) do not mention anything that links impunity to the Bible. Nevertheless, they formed important resources for this study not only for their importance in the incorporation of postcolonial theory into biblical studies but also for their inclusion of religious dimensions in the critique of imperial ideology in prevailing biblical culture.

R.S Sugirtharajah (2006:64-82) is an influential scholar in postcolonial studies. This study used his works because it deals with the broader issues of postcolonialism as a theory.¹⁷ Most of the works by Sugirtharajah demonstrate how biblical texts can be reworked under this framework to expose their imperial mind-set and also to bring out the effects of this posture e.g. bringing out the silenced subaltern voices. In the *Postcolonial Bible* (1998),

Sugirtharajah also deals with several New Testament genres including narratives, parables and themes which are very helpful in shedding postcolonial light on Mark 1:21-28. Sugirtharajah's *Voices from the Margins* (2006) shows how postcolonial biblical criticism goes beyond liberation theology, feminist theology and inculturation hermeneutic to offer resources for reclaiming voices in the margins. Since impunity has a dimension that replays itself between the centre and the margins then Sugirtharajah's work is severally foregrounded in this study.

To interact with works by West (1997) in many ways is to get to the centre of 'reading otherwise' which is a key posture in postcolonial studies. His preliminary postcolonial reading of Genesis 37-50 (1997:333-339) demonstrates that postcolonial biblical criticism is workable, in all contexts with past colonial history. Moreover, in the same work, West reiterates the fact that postcolonial criticism can be used to contrast an interface between inculturation hermeneutics and liberation hermeneutics. In West 2002, 2003 and 2007 there is a clear demonstration that postcolonial criticism is about reading the entire Bible 'otherwise' and not just the New Testament or Mark 1:21-28.

Dube's (1997:11-26) postcolonialism convincingly depicts the Bible as an imperializing text. This author's work argues that the Bible is a colonizing text in the way it repeatedly authorizes subjugation of foreign nations and lands, and by the fact that many of its books are born in imperialist settings. Influential works by Dube include, 'Reading for decolonization (John 4:1-42)'

(1998), and ‘Rahab says hello to Judith: A decolonizing feminist reading’ (2006:11-23). This study weaves in it the interest of Dube’s postcolonialism partly because it brings on board African women concerns into the postcolonial biblical criticism wagon.

Although Dube does not mention impunity, her work develops a framework within which an African Womanist Theological posture has been incorporated, to expose the fact that within imperial hierarchies, women always fall at the bottom of the ladder. Similarly, in a prevailing culture of impunity like in Kenya, women are mostly at the receiving end, socially, culturally, economically, and even politically.

1.2.2 Postcolonial Biblical Criticism and Kenyan Writers

There is an emerging body of postcolonial biblical literature by Kenyan writers which is being focused on the Bible and contextual Kenyan issues which this study found useful. Studies by Waweru (2007, 2011), Lydia Mwaniki (2010), Johnson Kinyua (2010) and Kiambi (2011) are particularly notable. Waweru (2007:23-38) in particular offers a postcolonial reading of Revelation 22:1-5, using especially a contrapuntal approach. The contrapuntal method engages in a dialogue between the Johannine apocalyptic text and a Kikuyu myth about the creation of a garden of peaceful life to show the underlying relevance of a postcolonial reading to contextual interpretations of the Bible. Kinyua’s (2010:170-247) research explores the extent to which “ordinary readers” participated in the development of biblical interpretation in colonial Kenya.

Mwaniki (2010:84-119), while offering a lot of background on Kenyan women, argues that Kenyan women have been ‘othered’ in biblical interpretations in Kenya. Kiambi (2011:66-82) argues that the Bible has contributed to the gap between the rich and the poor in Kenya. All these authors raise and offer important contextual issues which help address constructive questions about Kenya. Although none of them ventures into the area of Bible and impunity in Kenya, they formed important readings in this study and especially when it came to the Bible and the Kenyan context.

1.2.3 *Exousia* in Mark 1:21-28

Most scholars (for example Robert Stein, 2008; Samuel, 2007) accept the view that Mark is the earliest gospel in that it provides a framework by which other synoptic gospels have been worked and reworked. In spite of its historicity, Mark is also rich in theological interpretation. Indeed,

...most critical scholars have concluded that Mark is deeply theological in his orientation and that he shapes his story in ways that fit his view of things. In other words, we do not just get in Mark ‘history as it really happened’ but we get a theological interpretation and faith proclamation (Herman Waetjen, 1989: 57).

The choice of *exousia* in Mark for this study was motivated by the discovery in this gospel that there is a structural tension between spiritual and political authority. On one hand, in Mark, Jesus is the Messiah and Son of God, who as the Suffering Servant gives his life as a ransom for many. One of Mark’s key emphases is that service, suffering, and humility are the true marks of greatness and lead to exaltation and glory (Samuel, 2007:125). Mark fundamentally interprets the Kingdom of God as a present reality realized

within the faith of the community as it exhibits spiritual insights and understanding (Mark 12:28-34). In doing this,

Mark presents a more human Jesus and has a less developed, even “primitive” Christology, yet on the other hand, in Mark we encounter a Jesus who has absolute authority to disrupt political authority and reinstate his own views. Jesus not only has authority on earth to forgive sins, calm storms, and raise the dead but also to superintend over all human affairs (Samuel, 2007:125).

It is this last point; the note of authority as exemplified in his concept of *exousia* that is the focus of this study.

Mark’s first mention of *exousia* is in a summary passage (1:21-28) and it refers to Jesus’ authority in teaching and performance. In John Hargreaves’ (1994) there are three parts in this story: Jesus teaching (vv.21-22), His healing (vv.23-26) and the effect of His work on others (vv.27-28). These verses are part of a longer section (vv.21-45) which tells of the sort of work Jesus was doing while at Capernaum. According to Jack Dean Kingsbury (1989), it is in these verses that Mark introduces a conflict built around *exousia* and which dominates other conflicts in the gospel. Whether this is true, or not, depends on the interpretation of *exousia* in this passage and other occurrences in the gospel. Waetjen (1989:47-48), understands Mark’s usage of authority in two ways, firstly as a condemnation of an old order which is represented by the temple and by the power of Jewish and Roman establishment. He also sees Mark’s authority as characterized by binary exclusion, hierarchical oppression and economic dispossession [systemic impunity]. Accordingly, in Waetjen’s reading, Jesus’ order and use of

authority typify and signify the possibility of a new community that is characterized by love and inclusiveness.

According to Michael Cline,¹⁸ *exousia* is used ten times (1:22,27; 2:10; 3:15; 6:7,13; 11:28,29, 33; 13:34) in the gospel of Mark to denote authority and power. There are other times when the authority of Jesus is much more implicit, arising more from his actions than his words. It hides in the background of his evaluations of present-day Judaism and the religious establishment (e.g. in 8:33 and 9:7). Jesus' *exousia* is demonstrated in the power of his words, which produce the healing and expulsion of unclean spirits. The term reveals the element of freedom in his authority and shows that Jesus' power is unmatched. James Edwards (1994:217-233) argues that Mark deliberately parks in too much in his usage of the term *exousia*. The specific assertion is that *exousia* as used by Mark derives not from human origins but from the authority of God that Jesus receives at his baptism, and that it constitutes the essence of his divine son-ship and unique confidence to act in God's behalf.

Much more focus is pointed out by various scholars on this word, *exousia*, and in all instances it connotes the dawn of a new order. Read with a historical-critical lens, the usage of *exousia* in Mark's Gospel does not reveal as much. However, read with a postcolonial lens, several observations begin to emerge with regard to Mark's construction of the authority e.g. the authority of Jesus is taken for granted and obeyed without being questioned like that of the Roman colonialists. For Tat-Siong Benny Liew (1999), Mark mimics the

Roman colonial discourse of power in order to enforce its own brand of imperial tyranny, boundary and might.

In so far as postcolonialism is concerned, Moore (2006:1-23) exposes the construction of imperial authority in the Gospel of Mark, by showing that the gospel refuses to relinquish its dreams of the empire. Richard Horsley (1998) also works with various facets of Mark's Gospel in a similar manner and commands great authority in dealing with the gospel and the entire New Testament. In a similar way, Liew (1999:27) emphatically argues that *exousia* as taken up in "Mark's politics of *parousia* remains a politics of power, because Mark still understands *exousia* as the ability to have ones commands obeyed and followed, or the power to wipe out those who do not."

Joerg Rieger (2007:269-301) has also dealt with Mark's Gospel from a postcolonial biblical perspective. In the seminal work, *The Hidden Grammar of Mark's Christological*, Rieger reads authority in Mark by elucidating how theological depictions of Christ have been laden with colonial biases. This author goes back and forth leaning on this 'earliest' gospel to propose a decolonized image for Christ's authority. His strength for this study lies in his unique incorporation of church history in postcolonial biblical studies and the usage of Mark's Gospel as a source for that history.

The studies on Mark's usage of authority are creative and pointed, and as such this study valued them for this. However, it is important to note that it is unlikely that the authors mentioned above have shown in detail how the authority that Mark has ascribed to Jesus as the strongest Son (*ho isxuroteros*

ho Uios) can be construed as impunity. This is what this study does. It works with both the socio-historical and literary dimensions of the text to view Mark's construction of *exousia* as a stemming point for impunity, and as representative of impunity in the Bible, and later it considers possibilities for triumphing it. When it comes to dealing with the literary aspects of the text, the study allows postcolonial biblical criticism to dialogue with literary works in the manner advocated for by Sarojini Nadar (2006:65-69).¹⁹ This is a turning point for the study because many cultural interpretations have considerably overcrowded biblical interpretation in African Scholarship.

1.2.4The Culture of Impunity in Kenya

There is a substantial body of writings on social, economic and political issues in Kenya (N. W. Sobania (2003), Bethuel Ogot (1995), Norman Miller (1994), David Watson (2000)) which was also considered in this study. Sobania (2003:27-34) for example, underscores the fact that Kenya has not been governed well, and concludes that this misrule has evolved odd cultures, including corruption and impunity. Michela Wrong (2009:163-183) particularly exposes issues of governance and impunity in Kenya. Though speaking for the empire and full of a hegemonic imperial tone, this author not only aids in revealing the postcolonial psychology of Kenyan leaders but also exposes the power struggles and the *exousia* that informs impunity. More importantly, the author shows how contacts with colonization still replay in the style of Kenyan authority and leadership.

Along Wrong's thinking is Kimathi (2010:12-18) who has sketched the history of impunity in Kenya. Kimathi particularly argues that throughout the decades of the 1970s, 1980s and 1990s, personal rule by the incumbent presidents promoted repression, abuses of human rights, ethnicity, nepotism, patronage and widespread corruption. She quotes Mbai (Kimathi, 2010:15) to further argue that within that context,

...the institutionalization of the use of violence, manipulation of ethnicity for political and economic gain with concomitant marginalization and inequality in access to resources, as well as the breakdown of state institutions became the defining characteristics of the state.

For this reason, the repeated failure to stem the ethnic-based political violence, to evade purging official impunity and to hold perpetrators of human rights abuses to account created a climate of impunity that often led to cycles of violence. Kimathi's work is important in this study, because it maps the terrain which impunity uses to come to where it stands in Kenya today. It is important to note that Kimathi, just like the other writers on impunity in Kenya, does not in any way relate impunity to the Bible.

Ngugi Wa Thiong'o's several works portray him as a sound critic of the empire and its literature. This author includes biblical dimensions in many of his works though he never relates impunity to the Bible. His seminal work *Decolonizing the Mind* (1986) remains invaluable for this study because it portrays an African intellectual's account of withdrawal from the Eurocentric culture of the neo-colonial state, in which most of Kenyans are nurtured. Although Thiong'o does not also directly deal with Bible and impunity in a

postcolonial way, most of his works²⁰ are replete with personal examples of contact with impunity from the earliest days of post-colonial Kenya.

Postcolonialism is quickly becoming popular in many disciplines and biblical studies as well. The study particularly identified impunity as the area that postcolonial biblical criticism had not out-rightly been focused on in Kenya. Given that most of the struggles of the subaltern in Kenya are post-colonial in nature, there was a reading gap in so far as Bible, postcolonialism and impunity were concerned. This being the case, it stands to show how much of postcolonial resources are shielded from the struggles of the Kenyan subaltern in their bid to resist and demolish prevailing traits of the empire. This is the gap that this study fills. However, this study does not only delve into this field to fill an academic gap but more so to contribute to the growing body of knowledge, and in a bid to help redress impunity in contemporary Kenya.

1.3 Theoretical Framework

Postcolonial biblical criticism is the principal theory upon which this study is anchored. Simply stated, "...postcolonial criticism is an interpretive act that is gaining momentum among scholars of formerly colonized societies" (Waweru, 2007:28). The study regards postcolonial biblical criticism as the best positioned tool for reading construction of *exousia* in Mark's 1:21-28 because it can reveal how it could be implicated in informing impunity in Kenya. More importantly, the study also views postcolonialism as the best theory because though not a grand theory it incorporates dimensions of other

theories (for example liberation, hermeneutics, feminist hermeneutics, inculturation hermeneutics etc.)

According to Sugirtharajah, 'postcolonialism, has a multiplicity of meanings depending on location and context. More importantly, '...it is an oppositional reading practice, and a way of critiquing the totalizing forms of Eurocentric thinking and of reshaping dominant meanings' (2003:15).

England (2004:89) has also observed that:-

...postcolonial studies focus on power configurations that have resulted from the subjugation of indigenous peoples by colonizing powers, and investigates both those regions where the political, economic and cultural realms are still determined and informed by colonialism.

Considering Sugirtharajah's and England's views, postcolonial framework was taken up in this study because it offered the best ideological tools, for interrogating how imperial authority is constructed in Mark 1:21-28.

The study's use of postcolonial criticism is particularly influenced by Sugirtharajah's (2008) essay, 'Charting the aftermath: a Review of Postcolonial Criticism²¹,' in which he depicts postcolonial criticism as the most appropriate, most enlightening and most fruitful tool of our time. In particular, he convincingly shows that 'it instigates, and creates possibilities, and provides a platform for the widest possible coverage of critical forces, of multi-ethnic, multi-religious, and multicultural voices, to assert their denied rights and rattle the centre' (Sugirtharajah 2006:9). This study's attraction to postcolonialism was not only influenced by this borderless approach to reality but also the possibility of incorporating other methodologies in its service. The findings in this study agree with the premise that imperial ideology not only

influenced the production of Mark's Gospel, but also that the reading and hearing of this gospel informs and helps reduplicate the empire mentality in Kenya.

Postcolonial biblical criticism relies on Marxist tools for ideological criticism. The power of Marxist analysis lies in its ability to illuminate the experience of 20th century colonialism in Africa, as indeed it has clarified of many other dimensions of the history of capitalist development, provided we remember that Marx was as much concerned with how men and women come to the consciousness of political possibilities as he was sure that productive structures and forces shaped historical probabilities (John Scott & Gordon Marshall: 1998). In interacting with Kenyan context, this study pays attention to the ideals of neo-Marxism²² within postcolonial criticism.

This study reveals an awareness that Marxism is a product of at least two centuries of European philosophical, religious and social reflection. However, it notes the emerging views of key postcolonial biblical scholars [see for example, David Jobling (2005), Roland Boer (2001, 2003 & 2005), Miguez Jose Bonino (2006) and West (1999)] that Marxist tools are workable within postcolonialism. This study does, therefore, exclusively employ the ideals of Marxism within postcolonialism as articulated by Jobling and Boer. This enables the critique of the ideology behind excessive capitalism and materialism that constitute what would be termed impunity of materialism in Kenya. To this end, this study holds the view that economic disparity, as experienced in Kenya, forms a fertile seed bed for impunity. The invocation of

Marxism may seem uncomfortable to schools of thought that are dismissive of all that is Marxist. Agreeably, classical, orthodox and generic Marxism does try, to classify religion in general and Christianity in particular “as a mere ‘reflex’ of economic conditions” (Bonino, 2006:43). However, within postcolonialism, Marxist critical tools are serviceable not only in reading Mark 1:21-28 but also in critiquing the Kenyan impunity.

This position stems from the impetus impunity is given by particular class differences and struggles. Succinctly stated, “to the extent that postcolonialism is hiding (from itself and others) the resources of the Marxist tradition, it is narrowing the ideological options... of the people in struggle” (Jobling, 2005:191) and this study does not fall into this trap.

Within postcolonialism,²³ and in order to adequately question the special and complex type of impunity in Kenya, this study also though in a subordinate way, pays attention to an inculturation hermeneutic as fronted by Justin Ukpong (1995) and a postcolonial feminist hermeneutic as developed by Dube (1997). Ukpong (1995) has rightly noted that “the focus of inculturation hermeneutic is on the reader/interpreter and his/her context in relation to the text and its content” (:5).

Consequently, in inculturation biblical hermeneutics, it is presupposed that the biblical text is plurivalent in that the text can be understood differently, according to different contexts and perspectives, though it is also emphasized that the biblical text cannot mean everything (Ukpong, 1996:189-194). Therefore, Ukpong’s inculturation methodology

eschews the idea of one universally valid interpretation of the biblical text (1996:191). Ukpong's approach though not directly equated to postcolonialism was very useful for this study especially in its seeming advocacy to a freed approach in biblical interpretation, which also postcolonialism does.

As an off shoot, Dube (2007) has developed an African feminist dimension in postcolonialism, which sees women as structured at the bottom of the empire hierarchy, whether among the empire builders or among the subaltern. This methodology employs African Women's Theology and liberation tools, to offer a new position for women, who are seen to be positioned at the bottom of imperial hierarchical constructions. Although, impunity is not exclusively a male affair, this study incorporated (though not overtly) Dube's feminist postcolonialism in view of the realization that impunity has a subtle patriarchal dimension that mainly relies on male dominated hierarchical structures. However, this study's point of departure from Dube and Ukpong hermeneutics was the recognition that postcolonialism takes a unique contour and goes beyond Marxism, and feminist hermeneutics in articulating emancipation from imperial tentacles.

1.4. Methodological Presuppositions

The study was carried out between July 2012 and March 2013. The timing was dictated by the study's timeline and not by any variable. The sections that follow discuss the methodology in terms of the research design, target population, sampling frame, sampling technique and the sample size

that were employed during the study. The procedures that were considered in data collection, data collection instruments, reliability and validity of the instruments, data analysis methods, data management and ethical considerations are also explained.

1.4.1 Research Design

Being qualitative in nature, the study employed the Grounded Theory Methodological design (GTM)²⁴ as advocated for by Rifat Shannak and Fiarouz Aldhmour (2009). To them, GTM is a qualitative research method that uses systematic set of procedures to develop an inductively derived grounded theory about a phenomenon. GTM is an analytical approach based on grounding the analysis in the data that have been gathered and inductively reaching conclusions from these data.

In spite of several criticisms labelled against GTM (e.g. flexibility in methodological application that can result in ambiguous and superficial conclusions), this study found GTM very useful because of its overwhelming strengths in social research. True to GTM, theory developed during the research process and there was a process of continuous interplay between analysis and data collection particularly during the Contextual Bible Study (CBS). GTM pattern helped recognize that research begins with situation or phenomena, and then advances to note-taking or ‘datarization’; then it proceeds to coding and theorization. From coding it goes on to memoing, sorting and finally to writing. All the steps of this design naturally emerged during the study, and this was found useful because it offered efficient steps

for collecting and analysing information from respondents, regarding Mark 1:21-28 and impunity in Kenya. Further, this design also permitted the researcher to be part of the instrumentation (Scott, 1998:14). Impunity is part of human behaviour and as Olive Mugenda and Bank Mugenda (1999:156) argue, "...human phenomena such as attitudes and other emotions are best studied using qualitative methods".

1.4.2.1 Variables and Categories of Analysis

A variety of variables were measured in this study. More specifically, the independent variable remained the Bible (Mark 1:21-28) i.e. construction of Authority (*exousia*) which was measured, while the dependent variable was impunity and its off-shoots.

1.4.2.2 Site of the Study

The study was conducted in Nairobi County which is also the capital City of Kenya. The fact that Nairobi was emphasized over and above the fact that it is a county (which is a very recent phenomenon) meant that though the definition of Nairobi was bound to change in the definition of the current constitution,²⁵ the phenomena of study was bound to remain constant in the sense of the cosmopolitan nature of its situatedness. Nairobi was founded in 1899 and lies 1795 meters above sea level. According to the result of the national census that was conducted in 2009,²⁶ Nairobi then had a population of 3,138,369 people. This population keeps rising with the years. Nairobi was chosen as the site of the study because it is one of the counties with a high

population in Kenya. Besides, it is the cosmopolitan centre of Kenya and its population is drawn from all other counties. Furthermore, headquarters of majority of churches are also located in Nairobi. The city presented the study with an adequate and rich sample which is generalizable. Further and in the researcher's view, the city harboured conditions for represent-ability for Kenyans, from all walks of life, including the rich and the poor.

1.4.2.3 Study Population

In line with the study's objectives, the target population for this study was Christians in Nairobi who were sampled from churches around the city. The study was aware of other faiths, but their contributions would not have been in line with the study's objectives. In order to capture Christians from all faiths, churches from the Catholic, Protestant²⁷ and African Instituted Churches (AICs) were considered. The study paid attention to Christians of different groupings (i.e. the Men, Women and Youth) and from different social classes. The sampling techniques as explained below further clarify this point.

1.4.3 Sampling Techniques and Sample Size

Being a qualitative inquiry, the study involved a small but rich sample. As in most qualitative inquiries, the emphasis was on the distribution of respondents and quality of data rather than on numbers. Therefore, the study involved a total number of 84 respondents drawn from and distributed within Nairobi County. This number was arrived at mainly because of other

considerations which are explained below. 72 respondents were randomly sampled from lists of Churches for the CBS which is a form of Focus Group Discussion (FGDs). An effective CBS involves 10-12 people. Since six Churches had already been purposively sampled, the study involved 12 people for each Church making the total number of respondents for CBS to 72. These were mainly the ordinary Christians and within the understanding of the study, they did not possess any theological training.

It was necessary to conduct a CBS with this group because in postcolonial studies, this method gives the subaltern a chance to speak. Cluster sampling was applied to this number, so as to come up with clusters of women, men and youth groups, of four participants each.

The other 12 respondents (i.e. two from each of the six congregations) were purposively sampled for key informant interviews. These were leaders and clergy who were purposively sampled because they possessed some theological training. In fact, there was need to produce a sample that held specific view points, or particular judgements, in the view of the researcher. During the study, this group brought out very useful insights on impunity and Mark studies that enriched the study. Chapter four highlights these insights and how they enriched the study.

It must be noted that during the study, there was a challenge in convening the selected people. It was noted that many could not be available for the study during the specified times. Several meetings were rescheduled with the result that the study took longer than expected (i.e. two more months).

This challenge did not affect the collected data because the dependent variable did not change during that time.

As has been mentioned in the preceding paragraph, the following churches were purposively sampled: Holy Family Basilica (in Nairobi's Central Business District (CBD), Kariokor Methodist Church (Kariokor), African Independent Pentecostal Church of Africa (AIPCA, Kangemi), Anglican Church of Kenya, All Saints Cathedral (CBD), Nairobi Pentecostal Church (NPC Karen), and International Christian Church (ICC Mombasa Road). Although purposive sampling introduced some level of bias, the researcher noted that it enriched the data for it enabled adequate representability, in terms of social class groupings in Nairobi, and also that the divides of Catholic, Protestant, Pentecostal and AICs were captured. In the AICs cluster, AIPCA was particularly chosen for the resistance it offered to the early missionaries and the Bible in the early 1920s and 1930s.

1.4.3.1 Research Instruments

Three methods of data collection were applied for this study, using the following modes: Key informant interviews, Focus Group Discussions (FGDs) in the manner of Contextual Bible Study (CBS), and library research. FGDs were held in the form of Contextual Bible Study (CBS). Contextual Bible Study is a form of Focus Group Discussion. The main difference is that CBS exclusively deals with the study of the Bible and particular issues that emerge in a given context.

It was designed that key informant interviews would be carried out on the same days that the CBS took place. However, and as has been pointed out, this was not possible rescheduling of participants. Separate times were sought for the key informant interviews. These interviews happened at the convenience of the interviewees. All participants were convened in advance and interview guides were administered to sampled key informants. A study guide was prepared and administered to the sampled CBS participants. Both the interview guide and the CBS guide were developed in line with the study's objectives.

It was stimulating to study the Bible in a CBS mode; the participants were eager and contributed freely. Sometimes the study took longer than expected because the participants asked background questions that were not initially raised in the study guide or in the pre-testing. Some of these questions challenged the researcher, but provided useful insights into how further studies can be conducted. Chapter four explains further how the study progressed and chapter six incorporates some of these insights in the proposals for future studies.

1.4.3.2 Pre-testing

For pre-testing purposes, the study applied a sample of the research instruments and portions of Mark 1:21-28 to a Bible Study Group at St. Peter's Methodist Church, in Langata. To ensure that the instrument was fine tuned before the actual study, the study asked the respondents the same questions and conducted the same activity as in actual data collection. This helped

minimize the possibility of error in producing the intended result. Because pretesting was done in advance, during the actual study, it was noticed that the researcher and the assistant were comfortable in applying it to other groups. Pretesting did not mean that more emerging issues were taken care of; in fact in the actual study, there were more emerging issues and they were handled as they came.

1.4.3.3 Validity and Reliability

Issues of validity before the actual study helped answer the question of the information collection methods. The method of data collection for this study assured that the study measured what it claimed to be measuring. To satisfy this criterion, this study ensured that the information collected was relevant to the study objectives and the research questions as has been shown in chapter four.

Reliability, for any study, ensures that the research process does consistently measure what it is out to measure. To this end, the study ensured that the designed instruments helped the researcher to interpret the questions the same way each time. The same information was sought for more than once. Content validity was enhanced by ensuring that measures cover the range of meanings, included in the concepts that have been applied.

1.4.4 How CBS Data was Collected

For the CBS, this study involved the sampled groups of church going Christians from the selected churches in Nairobi County and conducted CBS

in the manner fronted by West (2007:18-24)²⁸ and Nadar (2003:23-27). According to West, Contextual Bible Study is similar to other forms of Bible Study, whereby their origin is in the interface between socially engaged biblical scholars, organic intellectuals, and ordinary Christian 'readers' new dimensions of orality of the Bible. In the study's view, CBS is postcolonial in the way it advocates reading from the margins. The core business of CBS is to enable the participants to establish lines of connection between their own context and community, and new discoveries within the Bible. This study engaged Contextual Bible Study method, for data collection; in realization that all interpretations of the Bible are contextual or subjective, and every reader is an interpreter in his or her own way (West, 2006:131).²⁹

In doing this, the study took the position of both trained biblical scholars among 'un-trained' interlocutors to not only "read with" but also to conscientise as intellectual activist. This meant that it was not only this study that benefited but also the participating groups (see Ukpong, 2002:34). In deed this study used its vantage to sharpen findings and propose changes to CBS method during the course of the study. These proposals and changes are clearly explained in chapter four.

1.4.4.1 Key Informants

Interviews were conducted for 12 Key informants. As it was noted earlier on these had been purposively sampled because they had undergone some theological training. They also held some key responsibility of

leadership in their respective churches. Contacting these informants was not only difficult but also getting hold of them for the actual interview.

Severally, the dates had to change and there were others who sent representatives. In the view of the researcher, these representatives were equally able and gave adequate and required information. Since most of the key informants were top Church leaders, the researcher dealt with the informants personally and did not involve the research assistant. This ensured that diplomacy was not down played and that the findings of the study were not compromised.

During the actual interview, the key informants were very cooperative. Ultimately, the process was smooth and the research process achieved its purpose. Other details on findings will be explained in chapter four.

1.4.4.2 Secondary Sources

Three main libraries were particularly useful because they had rich books, journals, newspapers, magazines and current periodicals for the study. These were: Kenyatta University, Hekima College and St. Paul's University libraries. In relation, Hekima College library was a one stop library for information on the Kenyan context, on impunity, *exousia* in Mark 1:21-28 and postcolonial biblical criticism books, journals, and other equally relevant material.

1.4.5 Data Analysis and Management

According to Bogdan and Biklen (1992), researchers who specialize in qualitative analysis use a method called Content Analysis. Findings are not arrived at by means of statistical procedures or quantification. Most of the processed data for this study was in the form of transcripts from interviews and views from participants in the CBS. Some recordings of the interview sessions were saved in *mp3* format and were first transcribed. The processed data was fed into NuVivo software and were sorted according to the objectives. This first stage of sorting and classifying data produced categories and segments of similar themes. By use of the same software, three stages of coding were applied to the data (Open coding, Axial coding and Selective coding).

In open coding, the study tried to make sense of collected data within the parameters of the inquiry on *exousia* and impunity. In the axial coding data was scrutinized for internal relationships and groupings. In the last stage of selective coding the study made sense of the data by illustrating themes and concepts and made comparisons of what there was and what the respondents had said.

This process allowed the study to place these phrases of similar themes into a category for further analytical development. As shown mainly in chapter two, the study restricted more bulk data to reflective, philosophical and content types of analysis, while biblical texts were subjected to and analysed

through exegesis. This is a method of critical explanation or interpretation of a text especially the scriptures.

Data that was used for this study will be preserved and protected, for such permissible periods after the research. It is particularly noted that permissions and rights to transfer data between institutions sorely rests with Kenyatta University's administration and the National Council for Science and Technology (NCST).

1.4.6 Ethical Considerations

In Kenya as in many other countries, there are research and ethical guidelines involving human subjects.³⁰ Therefore, when conducting research in Kenya, there is not only need to adhere to ethical guidelines but also to seek permissions. Although the nature of information sought cannot pose any danger to the participants involved, the study made sure that all the groups and people involved were clearly notified of the intentions of the research and in good time. Participants did not sign consent forms because all that the researcher needed to do was to go through the key informants who were key leaders in the studied churches. In some instances, names of people are mentioned but with express permission.

Through the key informants, participants were informed of the usefulness of the research and further were assured that their information would not be manipulated or used for any other purpose other than the indicated purpose. This study did not find difficulties in accessing the consent of churches and individuals, because most of the contact persons were very

favourable to the topic of research. This study bound itself to the confines of such permissions.

1.4.7 Challenges Experienced

Several challenges were met during the study. Highlighted below are a few of those challenges. Firstly, there was the challenge of contacting and penetrating the churches. It is easy to do sampling and other paper work but not to penetrate some places. Some churches had easy systems and their penetration was easy. Others had tight and rigid bureaucracies and they cost the study in terms of time and resources. As a result of few rigid bureaucracies there was the challenge of getting the necessary contacts for the participants. This also affected the convening of the participants to the actual meeting. In actual sense the major challenge was making the people meet on the scheduled dates and times. In one Church the meetings had to be postponed twice because of inadequate quorum. Eventually, however the meetings took place and it was worth the waiting.

Secondly, there was the challenge of a strained budget. Due to postponement of meetings, the challenge of contacting all the people more than once, and other unforeseen costs, the study's budget experienced some strains. Other funds had to be sought in order to cover for all the costs that were to be met during the study.

Finally, there was the challenge of understanding what the study intended to find out. This challenge played itself in the difference of the Church and the academy; the trained and the untrained readers as they have

been referred to in chapter four. When participants were confronted with the question of how the Bible could have influenced impunity, some of them thought that they were in the wrong Bible study. This is because although CBS can be spiritually nourishing, some of them equated it with a conventional Bible study session.

As a result there were those who ran to the conclusion that they cannot study the Bible for impunity. Although all sessions were begun with prayers, this did not suffice to cover up the academic intentions in the study. This challenge was overcome by clear explanations of the intentions of the study. To the end, there remained a thin tension between spiritual and academic intentions of the study and this was experienced in all the groups.

1.5 Conclusion

This chapter has mainly dealt with background and methodological issues and also explained the road map that is followed in developing and answering the study's main question. Beginning with the next chapter, the chapters that follow develop in detail what has been discussed in chapter one as each of them handles a specific research objective.

End Notes

¹<<http://www.impunitywatch.org/en/publication/2>> Accessed 03/06/2011.

²<<http://www.impunitywatch.org/en/publication/2>> Accessed 03/06/2011.

³Africa has been the home of long standing dictatorial regimes and its human rights records under such regimes are tinted with grave violations. The continental picture is rife with images of impunity both at the top and bottom of existence.

⁴<<http://www.impunitywatch.org/en/publication/2>> Accessed 03/06/2011.

⁵<<http://www.amicc.org/docs/Conservative%20.pdf>> Accessed 03/06/2011.

⁶<<http://allafrica.com/stories/201006231033.html>> Accessed 21/07/2010. Failure by Kenya to try perpetrators of PEV and forwarding them to ICC implicates the Kenyan Judiciary's vulnerability to corruption and fostering conditions for impunity.

⁷ Frank England borrows from Michael Foucault's (1997) 'The History of the Systems of Thought' to develop a theory of archaeological excavation of thoughts in postcolonial theory.

⁸ Kiambi uses a postcolonial framework to do an otherwise reading of social-economic parables in Luke's Gospel. Kiambi concludes that such a reading exposes binary relationships embedded in these parables that give a divine mandate for the poor to be poorer and the rich to grow richer.

⁹By ordinary here we mean an uncritical reading that is only informed by hegemonic reading resources of the early church missionaries.

¹⁰According to the recent demographic survey published after the 2009 census Christians in Kenya are 31,877,734 which totals to 82% of the population (38,610,097). <<http://www.scribd.com/doc/36670466/Kenyan-Population-and-Housing-Census-PDF> accessed> 15/04/11.

¹¹This study is aware of other instances of Authority in the NT especially in Romans 13, Matthew 28 and 1 Corinthians 14. These occurrences are particular instances with particular contexts which are not as cross cutting as we find in Mark's Gospel. Whereas Romans 13 is about obedience to governing powers and is expressly political, Matthew 28 is ecclesiastical and evangelistic in nature. 1 Corinthians gives directives on cross gender authority and how it is supposed to be exercised in worship gatherings

¹²< <http://www.environment.go.ke/archives/1083>>

¹³< <http://nairobi.usembassy.gov/doing-business-local.html>>downloaded 14/04/11 see also

<http://travel.state.gov/travel/cis_pa_tw/cis/cis_1151.html> Accessed 14/04/11

¹⁴ It is a platform which was started in 2008 to discuss social, political and economic status of citizens of Kenya. It is involvement in governance by ordinary members of the community. It is a people's parliament and in every aspect unofficial.

¹⁵ The hyphenated post-colonial stands for the period after colonialism while the unhyphenated postcolonial stands for a theoretical framework.

¹⁶ Young (1990) has also very good introductions to Said, Spivak and Bhabha. More basic introductions can also be found in Hawley (2001). Among the three, Said has been an important interlocutor for a handful of biblical scholars.

¹⁷ See particularly Sugirtharajah 2003 and 2006.

¹⁸<<http://reclinerramblings.com/2009/03/gospel-of-mark-and-authority.html>> 16/6/11

¹⁹ Nadar (2006) in a recent article; 'Barak God and Die!: Women, HIV, and a Theology of Suffering,' engages the book of Job in its socio-literary context as opposed to its socio-historical world in a way that is admirable i.e. though we shall also handle the text in its socio-historic context, her work offers a model for doing socio-literary work.

²⁰ See for example 'The Wizard and the Crow'; Facing Mount Kenya; Decolonizing the Mind, etc.

²¹ Can be retrieved online

from<<http://onlinelibrary.wiley.com/doi/10.1002/9780470775080.ch1/summary>Accessed> 06/07/2012

²²Taken to mean later Marxism as opposed to the 'original' Marxist thought or critique. According to John Scott & Gordon Marshall (1998), Neo-Marxism is a loose term for various

twentieth-century approaches that amend or extend Marxism and Marxist theory, usually by incorporating elements from other intellectual traditions, such as: critical theory, psychoanalysis or Existentialism.

²³This study's use of postcolonial theory is influenced by Sugirtharajah's essay, 'Charting the aftermath: a Review of Postcolonial Criticism' in which he depicts postcolonial criticism as the most appropriate, most enlightening and most fruitful tool of our time. In particular, he convincingly shows that 'it instigates, and creates possibilities, and provides a platform for the widest possible coverage of critical forces, of multi-ethnic, multi-religious, and multicultural voices, to assert their denied rights and rattle the center' (Sugirtharajah 2006:9). This study's attraction to postcolonialism is not only influenced by this borderless approach to reality but also the possibility of incorporating other methodologies in its service.

²⁴ According to Shannak and Aldhmour (2009), grounded theory was first presented by Glaser and Strauss in their book, *The Discovery of Grounded Theory (1967)* presenting a strong intellectual justification for using qualitative research to develop theoretical analysis. Their presentation was largely a resistance against a methodological temperance in which the role of qualitative research was viewed as introductory to the real methodologies of quantitative research. According to Brian D Haig (1995), GTM has properly been termed as a break from methodological orthodoxy.

²⁵ Under the current Kenya constitution, Nairobi is a County.

²⁶ <<http://www.scribd.com/doc/36670466/Kenyan-Population-and-Housing-Census-PDF>> Accessed 15/04/11. From 2009 to date, this population is quickly edging to the four million mark

²⁷ Although Protestant here is used in the broad sense (to refer to non-Catholic churches), there is a growing recognition that not all non-Catholic churches were in the reformation or affirm the principles of the 18th C reformation.

²⁸ (of the Ujamaa Centre for Biblical & Theological Community Development & Research formerly the Institute for the Study of the Bible & Worker Ministry Project) (ISB).

²⁹ In doing this, this study is in view of the fact that whereas many studies have concentrated on what happens in the classroom, the last decade has ushered in forms of pedagogy which blur the boundary between classroom and community (Segovia and Tolbert, 1998).

³⁰ < <http://www.ncst.go.ke> > Accessed 02/03/2012

CHAPTER TWO

A POSTCOLONIAL READING OF *EXOUSIA* IN Mark 1:21-28

2.1 Introduction

Whereas the broad task of this chapter is within postcolonial biblical criticism to propose another way of reading *exousia* in the gospel of Mark, the specific task of this chapter is to create a ray in which impunity can be viewed as ideologically stemming from a reading of *exousia* in Mark 1:21-28. This chapter therefore, begins by an exegesis of the gospel in question and without necessarily conforming to historical critical methods of analysing Mark's Gospel. Next, it surveys the current trends in postcolonialism and Bible reading. It then explores the usage of *exousia* in Mark 1:21-28 and brings it out and finally makes a conclusion by mapping postcolonial implications of reading *exousia* in Mark 1:21-28. The aim of such a reading is to concretely identify how Mark weaves the ideology of power and authority in his *exousia* and the various ways in which Mark intends his readers to understand it. This not only helps buttress the choice of postcolonial hermeneutics for this study but also centres the priority of the concept of *exousia* in Mark's Gospel in addressing impunity in Kenya.

2.2 Mark 1:21-28 – The Text at a Glance

1:21 Καί εἰσπορεύονται εἰς καφαρναούμυ. καί εὐθύς τοῖς σάββασιν εἰσελθὼν εἰς τήν συναγωγήν ἐδίδασκεν.

1:22 Καί ἐξεπλήσσοντο ἐπὶ τῇ διδαχῇ αὐτοῦ ἦν γάρ διδάσκων αὐτοὺς ὡς ἐξουσίαν ἔχων καί οὐχ ὡς οἱ γραμματεῖς¹

1:23 Καί εὐθύς ἦν ἐν τῇ συναγωγῇ αὐτῶν ἄνθρωπος ἐν πνεύματι ἀκαθάρτῳ Καί ἀνέκραξεν 1:24 λέγων, Τι ἡμῖν καί σοί, Ἰησοῦ Ναζαρηνέ; ἦλθες ἀπολέσαι ἡμᾶς; οἶδά σε τίς εἶ ὁ ἅγιος τοῦ θεοῦ.

1:25 καί ἐπετίμησεν αὐτῷ ὁ Ἰησοῦς λεγων φιμώθητι καί ἐξελθε ἐξ αὐτοῦ.

1:26 καί σπαράξαν αὐτόν τό πνεῦμα τό ἀκάθαρτον καί φωνήσαν φωνῇ μεγάλῃ ἐξῆλθεν ἐξ αὐτοῦ

1:27 καί ἐθαμβήθησαν ἅπαντες ὥστε συζητεῖν πρός ἑαυτούς λέγοντας, Τί ἐστίν τοῦτο; διδαχὴ καινῆ κατ' ἐξουσίαν καί τοῖς πνεύμασι τοῖς ἀκαθάρτοις ἐπιτάσσει καί ὑπακούουσιν αὐτῷ

1:28 καί ἐξῆλθεν ἡ ἀκοή αὐτοῦ εὐθύς πανταχοῦ εἰς ὅλην τήν περίχωρον τῆς Γαλιλαίας

2.2.1 The Text in Translation and Exegesis

²¹ And they went into Capernaum; and immediately on the Sabbath, he entered the synagogue and taught. ²² And they were astounded at his teaching, for he taught them as one having authority, and not as the scribes. ²³ And immediately was a man in their synagogue with an unclean spirit and he cried out loudly, ²⁴ saying, 'What have you to do with us, Jesus of Nazareth? Have you come to destroy us? I know who you are, the Holy One of God.' ²⁵ And Jesus rebuked him, saying, 'Be silent, and come out of him!' ²⁶ And the unclean spirit convulsed him and crying with a loud voice, came out of him. ²⁷ And they were all amazed, and they kept on asking one another, 'What is this? A new teaching – with authority! And he² commands even the unclean spirits, and they obey him.' ²⁸ At immediately his fame went out into the whole neighbouring region of Galilee.

Many scholars agree that this section is part of the continuing discourse that starts from 1:14 – 8:22. According to Eugene La Verdere (1999: 37) this section is an action story. It has less discourse than the previous section. Stein (2008:83-91) is of the same view with La Verdere that this section introduces the story of exorcism as part of the longer Jesus' teaching ministry. However, Stein goes further to highlight the importance that

Authority will play in all these appearances where Jesus is starring. In particular, he singles out Mark 1:27 and concludes that “the summary of Jesus’ authoritative teaching in Mark 1:21-22 is followed by an account of exorcism containing an additional statement about his authoritative teaching Mark 1:27” (2008:83). For Stein as it is for Mark, this is a ‘new teaching with authority’. And for John Donahue (2002:83) “Mark has taken a traditional story of an exorcism by Jesus, placed it at the beginning of his ministry, and edited it to emphasize the authoritative teaching ministry of Jesus.” This view stands out as the most convincing for this study. Jesus is the subject of the story, “...his teaching and accent of authority, the supernatural aura of His person, His reaction to evil, His ringing command and sentence of expulsion; these are the points that arrest the attention of the reader” (Vincent Taylor, 1981:171). Therefore the Authority of Jesus must form part of the Good News (εὐαγγέλιον) that Mark introduces.

Scholarly agreement cites this pericope as a genuine account of Mark. Taylor (1981:171) properly observes that “the story abounds in primitive features.” Thus the hand of Mark is seen in all the verses: the *καὶ* ‘and’ followed by *εἰσπορευονται* ‘they proceeded into’ which are Markan literary characteristics all attest to this. Mark attempts to explain all other instances in this section except the fact that Jesus was seen ‘as having authority’ (ὡς ἐχουσιαν ἔχων). He alludes to a slim explanation of this in Mark 1:23-28. Stein argues that in Mark 1:23-28, his authority is contrasted

with that of the scribes but it is notable that this cannot be the full explanation since the term ‘scribes’ (οἱ γραμματεῖς) is not also fully explained.

According to Morna Hooker (1995:63), a scribe was a professional person who possessed the ability to write and interpret texts. This was once a secular position but in the NT times it was associated with religious duties such as interpreting religious texts and serving as guardians of the tradition. It is important to note, however, that the contrast between the authority of Jesus and that of the scribes is possibly because all along in the gospels, the scribes are mostly “othered”, isolated and portrayed in Mark as bitterly opposed to Jesus e.g. (Mark, 2:6, 16; 11:27-33; 15:33). Jesus’ teaching is contrasted with that of the Pharisees because his teaching possessed “Authority.” Some have suggested that the difference between them lay in the fact that Jesus’ authority was spiritual while that of the scribes was intellectual hence worldly.

Although this is not the main argument here, there is need to question this simple explanation of *exousia* that is given and rapture beyond the meaning that is intended in Mark’s insertion of Jesus’ authority at this stage. There is need to invoke David Penchansky’s (1999:38) model for reading the Bible ideologically “by examining the cracks or fault lines in the text and the points of dissonance”. Therefore, in this section, Mark as it is done in popular movies prepares his readers for the ensuing action by propping up the main character, Jesus. This section, apart from being an exorcism account, points out the unique authority of Jesus that elicits amazement and wonder. Authority must be Jesus’ sticking companion for Mark to sustain the central thesis of his

argument. This authority will be introduced in many forms, political, spiritual or otherwise in the rest of the gospel. It was authority with something new; Jesus needs only speak and the demons must obey. It is authority 'on the way'.

For postcolonial readers, this is not just an issue of spirituality but an issue of power. One who must have power-over humans must first be able to control what they cannot, and for Mark, his starring character must be able to control the world of demons who are human rivals since creation. According to Edwards (1994:217) beginning with this story (see also Mark 3:7-12; 5:1-20) the exorcisms in Mark present the gripping conflict between the kingdom of God and the dominion of Satan, between the One anointed with God's Spirit and those held captive by unclean spirits. The in-breaking of God's kingdom in Jesus first begins, according to Mark, not in the human arena but in the cosmic arena, in order to bind the "strong man" (Mark 3:27) who exercises power over the natural order. Indeed, as supernatural powers themselves the demons recognize the mission and authority of Jesus before humanity does (Mark 1:24; 3:11; 5:7). Nevertheless, the encounter is a no-contest event; it is somewhat a slight resistance. "What have you to do with us, Jesus of Nazareth? Have you come to destroy us?" cries the demoniac. "I know who you are, the Holy One of God" (Mark 1:24).

The text begins by putting humans and devils at logger-heads. Similarly, the storyline of the Bible on several occasions shows the rivalry between humans and demons. For its own purpose, the world of demons is portrayed as superior and more powerful to that of humans and Mark does not

deviate from this understanding (Taylor, 1981:171). This is more explicit in his propping up of the character of his Jesus and the authority he assigns to him.

In v21 *καφαρναούμ* (*Capernaum*) is mentioned as one of the rare place names in Mark. It is not mentioned in the OT (Taylor 1981:171). Modern scholars place it approximately two miles North West of Jordan. Mathew and Luke mention it before the call of the first disciples. According to Taylor (:172) *εἰσελθὼν εἰς τὴν συναγωγὴν ἐδίδασκεν* (*entered the synagogue and taught*) is very uncertain and the participle is omitted in many MSS.

Verse 22 uses the verb *ἐξεπλήσσομαι* (*astonished*) several times in Mark to express the crowds amazement at Jesus' activity (cf. Mark 6:2, 7:37, 11:18) (Hooker, 1995:63). Here it is the authority (*ἐξουσία*) with which he teaches that causes their astonishment; this authority is clearly contrasted with the one that they were used to.

Exousia is found ten times in Mark always with reference to Jesus (not attributed even to John the Baptist, despite Mark 11:28-33, and conferred on the disciples (Mark 3:15; 6:7: Eugene Boring, 2006:63). It is used here to pave way for the other times it will be used in the gospel. So, the word first appears in Mark 1:22, where Mark says that those listening in to Jesus' teaching in the synagogue "were amazed at his teaching, because he taught them *as one who had authority*." This perceived authority is then contrasted with that of the teachers of the law, the religious leaders of the day.

In what becomes a common episode in Mark, Jesus' authority is revealed to be above or beyond that of the Jewish leaders (Hooker, 1995:62). Directly connected to this first occurrence is the second. In Mark 1:27, the term *exousia* is placed on the lips of the same crowd that is constituted in the synagogue. Jesus has just performed an exorcism and the crowd is amazed saying, "*What is this? A new teaching – and with authority! He even gives orders to evil spirits and they obey Him.*" Here, Jesus authority is linked with his ability to cast out evil spirits. In Mark 1:27 the echoes of the comparison made in Mark 1:22 between Jesus' teaching and that of the teachers of the law can be heard.

With reference to Taylor (1981:173) *exousia* expresses the thought of authority rather than power in the LXX and in the NT. In Mark 1:21 however, the idea of power is brought out to contrast with the teaching of the scribes. Here and in Mark 1:27 His authority is linked with His power to silence His opponents (Hooker, 1995:65). According to Donahue et.al (2002:78) *exousia* refers to the 'stronger one' stressing his authority and power. Nevertheless, this power is represented in service and not in dominance. La Verdier (1999:68) sees *exousia* referring to Jesus' right to teach and Bratcher et.al (1961:46) advocates for a 'kingly like' power with a right to command; "this is absolute and unquestioned power." All these views in one way or another rightly represent what Mark intends for his Jesus i.e. authority over all and unstoppable by anything inferior.

In v23 ἀνακράζω (*to cry aloud*) indicates strong emotion. Taylor (1995:174) observes that here it is difficult if not impossible, to differentiate whether it is the demons crying or the man himself. Apparently the man identifies himself with the demon and speaks in the name of the class to which he belongs.

The phrase ...ὁ ἅγιος τοῦ θεοῦ (*the Holy one of God*) in v24 according to Hooker (1995:64) expresses a deeper truth about Jesus unknown to the bystanders but recognized by the demon which was assumed to have supernatural knowledge. In the comprehension of this saying, Taylor (1981:175) adds that in determining what this phrase means, decision must be made with the understanding on how ‘the messianic secret’ is interpreted.

In v25 Jesus rebukes the unclean spirit and commands it to be silent and come out of him. According to Hooker (1995:65) Jesus uses the word φημώθητι (*come out!*) which was used in ancient world in magic spells for binding people and demons. This implies that Jesus share the belief in demon possession (La Verdere, 1999:71).

Verse 27 employs two strong words; ἐθαμβήθησαν..... κατ’ ἐξουσίαν. The word ἐθαμβήθησαν ‘*to be amazed*’ is a very strong word used to express great astonishment. It is remarkable since the Jews were unfamiliar with exorcisms (Hooker, 1995:65). For the ignorant crowd, the astonishment is because Jesus casts out the spirit with a word without a magical formula (Taylor, 1981:176). What arouses astonishment for Mark however, is “not the action but the *exousia* ...the note of authority”. Mark in

v28 furthers the effect of this by a reference to the spread of this ‘new teaching’ with ‘κατ ἐξουσίαν’ (*with authority*) by the use of the word ἄκοη (*was heard or spread out*). It marks the urgency with which the news about Jesus spread.

Having done brief commentary of Mark 1:21-28 and before delving into a more elaborate analysis of *exousia* in Mark, it would be good to lay ground for the interface of *exousia* with Postcolonialism first by exploring several ways in which Mark’s Gospel has been read.

2.3 Readings in Mark’s Gospel

Since the advent of critical scholarship, in the 19th Century, a lot of scholarly interest has been focused on Mark’s Gospel and many ways of reading the same gospel have been put forward. Several of these ways are explained below. Narry F Santos (1997:452) writing from a perspective of the ‘Paradox of Authority and Servant-hood in the Gospel of Mark’, argues that the “...gospel of Mark is a paradoxical gospel, a riddle that teases its readers’ response, and a narrative that possesses an enigmatic and puzzling character.” Using this paradox motif, Santos arguably shows that paradox serves a key Markan rhetorical device that urges readers to show servant-hood in their exercise of authority within the community of believers and beyond.

On another front, Samuel (2007:108) depicts Mark as “the discourse of a subordinate minoritarian community that attempts to map a space in-between the Roman colonial and the relatively dominant native Jewish discourses.” In

summing up the gospel in such a manner, Samuel of course uses a postcolonial³ hermeneutics to view the gospel as a discourse of power and one in which the author crafts his characters to serve this motif. Liew (1999) also can be seen as harnessing a broad assortment of theoretical resources, to resituate Mark's story of Jesus in its multi-layered imperial framework. In his analysis, Liew (1999:26) concludes that "while Mark may contain critiques of the existing colonial (dis)order, it also contains traces of colonial 'mimicry' that rein-scribe colonial domination." Schildgen (1999:21), who studying Mark from a reception motif, argues there are glaring gaps and silences in Mark's Gospel that are precisely the source of interest for many commentators. His central thesis is that Mark's story is present in our lives and absent at the same time in the silences it enjoins.

According to Stein (2008) Mark's Gospel has a Christological theme which forms the dominating theme. For him, Mark's portrayal of Jesus Christ as the Son of God is multifaceted; hence Mark's view of Christ is not innocent. In fact as he argues, Mark may have "created a majority of his traditions to explain to his readers why the life of Jesus was so '*un-messianic*' and that Jesus became the messiah only after his resurrection" (2008:25).

A further sampling of other relevant scholars of Mark's Gospel, reveals that Mark rejects the imperialistic Roman oppression, repudiating the temple's exploitative economy and advocates to build a just and egalitarian community (Ched Myers, 1988:34). Similarly, Waetjen (1989:116) understands "Mark to be a condemnation of an old order, which is represented

by the temple and the power of the Jewish and Roman establishment, and also characterized by binary exclusion, hierarchical oppression and economic dispossession”. Instead, Jesus’ new order according to Waetjen’s reading of Mark, is typified by egalitarian and familial relationships (1989:117).

Given such a broad spectrum of approaches, opinions and such sharp diversity of debate by somewhat key Markan scholars, one may observe two things, firstly, there is unity and diversity in so far as the reading of Mark’s Gospel is concerned and, secondly, there can be no single and official way of reading Mark’s Gospel. In view of these two observable perspectives therefore, a way of reading Mark’s Gospel for this study becomes imperative and needs to be mapped right from the outset. Therefore, the approach that this study takes in reading the gospel of Mark is quite unique in that it incorporates a postcolonial hermeneutics in its analysis of *exousia* and impunity in a specific socio-location.

2.4 Current Trends in Postcolonial Criticism of Mark

Postcolonial criticism is currently in vogue and seems to be in our days, “the privileged interpretive position” (Penchansky, 2009:35). Since its inception in the 80’s, postcolonial criticism has increasingly become an analytical tool particularly useful in remembering, revisiting and critiquing the aftermaths of the colonial past. So, what is the origin of this way of theorizing? Or in Moore’s words (2006:4), “whence the term ‘post(-)colonial’?” Scholars appear to be agreed that the hyphenated term ‘post-colonial’ could have been invented by historians in the aftermath of World

War 2 and first employed in such expressions as “the post-colonial nation-state” (Moore, 2006:4). Additionally, Moore observes that literary critiques began in the 1970s to adopt this usage albeit sporadically till early 1990s when ‘postcolonial studies’ emerged into prominence. This prominence has not been without protracted contestations and paper politics on which ‘post’ (whether hyphenated or unhyphenated post) to adopt. The options have been whether a chronological (post-colonial) or an ideological one and what it would mean for each. For Moore (2006:5), a naïve conception of post-colonial cannot

...simply account for the complex relations of domination and submission, dependence and independence, resistance and collusion that typically characterize the exchanges between the colonizer and colonized not only during the colonial occupation but also after official decolonization.

Thus the unhyphenated term ‘postcolonial’, supposedly less suggestive of chronological or ideological supersession, is now preferred by the majority of critics.

Although the term was quite used by post World War 2 critics and literary authors (e.g. Frantz Fanon, Aime Cesaire, Chinua Achebe, Albert Memi, and Ngugi wa Thiong’o among others... see Moore, 2006:5) in their unique transitions from colonialism to postcolonialism, according to Sugirtharajah (2001:247), “it has now come to be widely acknowledged that Said, Spivak and Bhabha are progenitors of the theory and practice of postcolonialism.” Though postcolonial criticism has an originally moment and has been there as long as colonialism, the difference the ‘triumvirate’ Said (1993), Spivak (1988) and Bhabha⁴ (1994) make is to theorise this

longstanding criticism on colonialism. The work of these three critics constitutes a more immediate resource for contemporary postcolonial studies.

Said, Spivak and Bhabha are able to imagine and bring up this theory at the moment when diasporic studies are at their height in Western academies. In answering the question on when exactly does the ‘postcolonial’ begin; Boer (2005:169) cites the arrival of Majority World (Convectional for Third World) intellectuals in the Minority World academy as the precise moment. He notes that, operating from the space offered by Western academies, what Said is acclaimed for in his seminal work *Orientalism* (1978) is that he turned the tide of postcolonial studies from what was meant to be Western studies of former colonies to now studies of former colonialists.

Put more clearly and in Robert C Young’s (2001:63) words, “the power of Western academies has been deployed against the West. For the first time in the Western academy, postcolonial subjects become subjects rather than the objects of knowledge.” For Waweru (2011:78) postcolonial criticism emerges in the Majority World with its theoretical underpinnings sketched out in the work of cultural critics Said and Bhabha (1994). Waweru further notes that this stance of hermeneutics emerges as an “alternative to liberationist and inculturationist readings of the Bible, which had sought to confront all forms of oppression, poverty and marginalization in society” (2011:78).⁵ Within the ambit of all these considerations, therefore, what emerges is a kind of exchange whereby Western theory becomes transformed as a result of its encounter with non-Western cultures.

The argument here is that “there is no universal norm from which [postcolonial] writers deviate” (Fewell, 1999:269). Consequently, an upsurge of writings mainly in the brand name ‘postcolonial’ and mainly in social sciences begin to come up, but mainly from these diasporic sites. These writings from colonial cultures reveal that colonial literature “is enmeshed in elaborate ideological formations and hence intricate networks of contradiction that exceed and elude the consciousness of their authors” (Moore, 2006:6).

Since then, Young (2001:57) notes that, “the term postcolonial becomes the subject of protracted and sometimes ingenious discussion.” Ambitious and prolific scholarship is focussed around this theory mainly from literature studies, historical studies and even from the field of geography. Torrents of books are written around this theory and a scenario which West (1997:322) equates to sort of a “cottage industry” evolves. Within the ambit provided for in this critical theory many scholars protrude several tentacles that pit the West verses the Rest. Initially, postcolonial theory is seen as “an oppositional reading practice, and as a way of critiquing the totalizing forms of Eurocentric thinking and of reshaping dominant meanings” (Sugirtharajah, 2003:15). England (2004:89) also observes that

postcolonial studies focus on power configurations that have resulted from the subjugation of indigenous peoples by colonizing powers, and investigates both those regions where the political, economic and cultural realms are still determined and informed by colonialism.

So, postcolonialism becomes so many things and it can sometimes be muddled up and cumbersome. Even though Jeremy Punt (2003:62) argues that

“postcolonial criticism should therefore not try to be everything to everybody, or attempt to replace or co-opt for example Feminism or Marxism” postcolonial criticism especially in biblical studies cannot help being an umbrella hermeneutics. In fact as Jobling (2005:189-192) has argued, without incorporating the angles of a Marxist critique, postcolonial criticism limits its ideological options in articulating the issues of a people in struggle. Similarly, Musa Dube has relatively theorized a postcolonial feminist critique that pays attention to imperial issues that affect women.

Young (2001:57) in his work sees postcolonialism in its theorization and emphasis on imperial modes of domination, naming “a theoretical and political position which embodies an active concept of intervention with such oppressive circumstances.” From an economic angle, Young continues to see postcolonialism as not only exposing, “by casting light upon colonizer-colonized relationships” (2001:58), but also designating the perspective of

...tricontinental theories which analyse the material and epistemological conditions of postcoloniality that seek to combat the continuing, covert, operation of an imperialist system of economic, political and cultural domination (2001:58).

Jon Berquist (1996:28) argues that imperialism and colonization do not just connote acts of accumulation and acquisition. More to that they are supported and impelled by impressive ideological formations. These ideologies include notions that certain territories and people require and beseech domination as well as forms of knowledge associated with this domination. Therefore, for him the theorization of this ideological colonizer-colonized relationship partly

constitutes the postcolonial and what postcolonial studies comprise. All this critique is aimed at texts born out of imperial contexts.

The question that still lingers so far is; what is postcolonialism and is it really relevant to the study of the Bible and Mark's Gospel in particular? Sugirtharajah (2002:25) has revealed that, "the greatest single aim of postcolonial biblical criticism is to situate colonialism at the centre of the Bible and biblical interpretation". In order to do this effectively, there is also need to pay attention to the sentiments of Jobling (2005:187) who additionally observes that "to be of much use to postcolonial contexts, we biblical scholars will need consciously to relate ourselves to a much wider range of practices around the Bible than can be comprehended by biblical studies." In answer to the aforementioned question, what follows now is an attempt to incorporate biblical dimensions in postcolonial criticism of Mark's Gospel.

2.4.1 Postcolonialism and Markan Studies

Though postcolonial criticism entered the field of biblical studies and Mark rather late, the theory becomes increasingly useful in critiquing similar ideologies embedded in the biblical text as in other texts. Postcolonial criticism thus takes a centre stage in biblical criticism. According to Sugirtharajah (1998:16), it becomes the tool for "scrutinizing and exposing colonial domination and power as they are embodied in biblical texts and in interpretations, and as searching for alternative hermeneutics while thus overturning and dismantling colonial perspectives." In postcolonial studies, the Bible and by extension Mark is viewed with great suspicion because as a

text produced in an imperial setting, it directly or indirectly authorizes, legitimizes and supervises the process of colonialism. Indirectly by not resisting the process and directly by offering the ideological mandate for subjugating foreign lands and peoples (Moore, 2006:10-13).

Besides the domination of physical space and peoples, the other important aspect of colonialism was its “ability to persuade the colonized people to internalize colonial logic and speak its language” (John McLeod, 2000:18). In the commonly known process of “colonizing the mind”, the colonized succumbed by accepting the lower ranking in the colonial order while assimilating the values and assumptions of the colonizers. Accordingly, McLeod (2000:18-20) argues that colonialism suggested certain ways of seeing reality and specific modes of understanding that reality. To this end, colonialism managed to offer explanation as to the place of the colonized in the colonial world which in almost all cases was a subservient position while rendering the colonizer as superior in all ways.

It is this subtle dynamic that led to the internalization of certain expectations about human relationships that colonialism was effectively devastating. It stands to show that through language, religion and Bible, colonialism took upon itself the power of describing, naming, defining, and representing the colonized. Therefore, it can be argued that by the space offered by the Bible, colonization by imposing upon the colonized a particular value-system, succeeded in denigrating the colonized cultural values (McLeod, 2000:19).

There is no doubt that in postcolonial studies, the Bible becomes another text of particular interest. Postcolonial theory becomes a handy tool in exposing the ideology not only of the Bible but also of Mark's Gospel and its applied interpretations. When dealing with the Bible, Dube (1997:14) for example applies the theory for the purposes of questioning the prevailing biblical interpretations "by [revising] that complex collection of texts that are brought, born and used in imperial setting to legitimate, resist, or collaborate with imperialism."

As an academic venture, postcolonial theory interrogates Mark's Gospel as well as interpretation of its texts for colonial intentions and tendencies. In a broader manner, it investigates and exposes the link between knowledge and power in textual production where the dialectical relationship between language and power is fundamental and far-reaching. Therefore, and in so far as the gospel is concerned, current postcolonial biblical criticism must provide a space for the subaltern to contest the identities allotted to them.

Further, it must incorporate historical dimensions of decolonization taking into account the realities of nations and peoples emerging into familiar imperialistic contexts (whether new or old) of economic and sometimes political domination. Again, postcolonial discourse must take shape in concepts that not only sensitise the colonized of their peripheral and 'subalternic' status but also provide them with a language for articulation and imagination of their centrality. This centrality must be taken into account so long as it does not involve a counter-marginalization of the other. Moreover,

this declaration is in total purview of impunity which is a major focus of this study.

2.4.2 Mark and Empire

Postcolonial biblical studies take seriously the reality of the empire, of imperialism and colonization and there is no other alternative for Mark's Gospel. Critics like Segovia (2000:56) have emphasized that postcolonial studies must take the empire seriously because the empire is "an omnipresent, inescapable and overwhelming reality in the world." Since colonization was not just about soldiers and cannons but also about forms, images and imaginings, postcolonial inquiry is helpful in investigating the issues of empire, nation, ethnicity, migration, human subjectivity, race and language.⁶With regard to issues of the empire, postcolonialism pays particular attention.

Imperialism according to Dube (1998:297) is an ideology of expansion that takes diverse forms of methods at different times, as it seeks to impose its languages, its trade, its religions, its democracy, its images, its economic systems, and its political rule on foreign nations and lands. In empire building, the colonised are rearranged according to the interests and values of the imperializing powers. Though Dube sees this domination as highly involving suppression by use of conquest through military might and cultural texts, many other critics agree that the use of ideology and religion cannot be underestimated. Imperialism therefore becomes the "process of building an

empire through the imposition of political, economic and social institutions of one nation over a foreign one” (Dube, 2002:47).

Postcolonial biblical studies have paid attention to the issues of the empire in Mark’s Gospel. It has been noticed the role that Mark’s Gospel plays in the process of empire building (which for it involves maintenance and hegemonization of a class which requires a constituent subaltern class). Empire building necessarily involves building structures that maintain its existence. In Mark, this takes the form of pitting the centre verses the margins, a process which involves *othering* from both fronts. This is because, empire studies acknowledge that when the colonial moment is properly understood, it incorporates repression, representation and representability of the subaltern thus touching on major concerns of postcolonial criticism.

When it comes to the Mark’s Gospel, postcolonial biblical criticism begins to interrogate Mark for imperial contamination at the point where it is agreed that Mark is overtly involved in the historical events of imperialism (Dube, 1997:24). If imperialism, is “... a system of economic, political and cultural force that disavows border in order to extract desirable resources and exploit an alien people” (Berquist, 1996:24), then Mark’s Gospel should be gleaned for this state because “...canonical scripture can play a highly significant role in the ideology of imperialism, since religion and scripture also communicate the norms, values and basic assumptions of a society’s ruling class” (:26).

The realization is that in postcolonial studies, Mark's Gospel can no longer be viewed as innocent and must be read with suspicion. Imposing a hermeneutics of suspicion on Mark is necessary because it emanates from imperial centres, written in the language of the empire alongside other imperializing texts. Viewed in such light, Dube (1998:302)⁷ sums up that not only the Bible but also by extension Mark is an 'imperializing text'. This is partly because of the imperial traits that it harbours and also because of its usability in the colonisation of Africa. Referring to Ngugi wa Thiong'o, she illustrates this by drawing parallels between Shakespeare and Jesus to show that both were on a similar mission. Therefore, in reference to her findings, it can be surmised that, Mark as a text of the Bible must be read alongside Shakespearean and other imperialising texts for they both promote the same ideology. This then calls for a reading of Mark which involves a reading for decolonization whereby according to Dube (1998:298) decolonization stands for,

awareness of imperialism's exploitive forces and its various strategies of resisting domination, the conscious adoption of strategies of resisting imperial domination as well as the search for alternative ways of liberating interdependence between nations races, gender, economies and cultures.

What it means is that in postcolonial biblical studies, Mark's Gospel must be interrogated for the role it plays in empire building including the cultural values it condones above others to achieve this course. Postcolonial readers must therefore confront imperializing tendencies in Mark by taking

“cognizance of texts that more often than not offer models of internal relationships which are less than liberating” (Dube, 1998:314).

Apart from this revelation that Mark yields in postcolonial studies, it needs to be said that raging against the Bible and Mark as colonial or oppressive texts the way Dube does may not be of serious reflective and academic use. This is the point that Dube misses out. Though the Bible is the text of the empire, its voice cannot ultimately be equated with that of the colonizers; rather it cannot be read on similar terms with other texts of the empire. So, how does Markan conception of empire contribute to impunity?

Having said this, it is important at this early stage to note that impunity properly thrives in a climate of othering. This climate is properly secured in imperial settings. According to Walter Brueggemann (1985:36-50) imperial reality harbours conditions for marginalization. As he further reveals,

imperial economics is designed to keep people satiated so that they do not notice. Its politics is intended to block out the cries of the denied ones. Its religion is to be an opiate so that no one discerns misery alive in the heart of God(1985:41).

If it can be argued that Mark so aids colonialism and imperialism which necessarily breed othering and hegemonization, then it must be gleaned for impunity. It is necessary to do so in view of impunity which saturates a country like Kenya where the Bible is highly read, preached and accepted for the authority and norm it provides for shaping life and lifestyles.

Suffice it to say that impunity of a special type like the one experienced in Kenya is framed by active legacies of colonial contacts and by the institutional infrastructures inherited from colonial power by elite groups,

or appropriated by later generations of elites. Therefore, if reading Mark the way it has always been read condones impunity, then another way of reading must be sought; however, this is the proper task of this work.

2.4.3 Impunity and Mimicry, Hybridity, and Ambivalence

Postcolonial criticism employs the tools of mimicry, hybridity and ambivalence in its analysis. It is important to explain these tools so as to relate them to the issues of *exousia* and impunity in Kenya.

2.4.3.1 Postcolonial Ambivalence

With regard to postcolonial ambivalence, the question that needs to be addressed in this subsection is, what is the usefulness of this component in relating Markan *exousia* to issues of impunity in Kenya? A brief explanation of postcolonial ambivalence suffices. It has come to be widely accepted that ambivalence in postcolonial studies connotes a state of *unsureness*, a state of deformation or *malleableness*. It can further be explained in the words of Said (1994:34) who in *Culture and Imperialism*, articulates that postcolonial discourse inspires a “stubborn confrontation and a crossing over in discussion, borrowing back and forth, debate.” Ania Loomba (2005:22) similarly states that “even though colonization aimed at dominating and restructuring the colonized view of reality, it was not in itself immune to the restructuring power of decolonization.” Accordingly Bhabha (2004:48) deduces that the cross-overs and the borrowing back and forth in colonial contexts became possible through the “concept of fixity” in the construction of otherness. Such

a concept is reinforced by stereotypes which serve as its major discursive strategy and produce a process of ambivalence in the colonial representation of the colonized subjects.

Though treated differently here, many scholars have attested to the fact that in Bhabha's postcolonial discourse, hybridity and ambivalence seem to be interchangeable concepts. According to Young (1995:161), "ambivalence... describes[s] a continual fluctuation between wanting one thing and its opposite" (also simultaneous attraction towards and repulsion from an object, person or action), while hybridity stands for "the making of difference into sameness, and sameness into difference, but in a way that makes the same no longer the same" (1995:26). For Young, Bhabha uses the concepts as the heart of his analysis to,

...perform a political reversal at a conceptual level in which the periphery – the borderline, the marginal, the unclassifiable, the doubtful – has become the equivocal, indefinite, indeterminate ambivalence that characterises the centre (1995:161).

When in Moore's view (2005:88), colonial discourse is characterized by ambivalence, it exposes it to be riddled with contradictions and incoherencies, which in turn enable "a shifting, unstable, potentially subversive, 'in-between' or 'third' space between the colonizer and the colonized" or hybridity. What remains to be understood in Moore's conceptualization is that hybridity is an insidious product of colonial encounter that threatens to fracture the colonizers identity and authority. A brief explanation of these categories that are closely related and what differentiates them needs to be stated.

As already stated, ambivalence refers to a simultaneous attraction toward and repulsion from an object, person or action. According to Bhabha (2004:85), when adapted to colonial discourse theory, it is used to describe the complex attraction and repulsion, which mark the relationship between the colonists and the colonized. Samuel (2007:28) adds that in this respect ambivalence is closely aligned with colonial mimicry. As such

... mimicry occurs as a result of colonial ambivalence. Ambivalence arouses complicity and attraction in a colonial subject to mimic, but in mimicking the colonial subject ruptures the colonial authenticity and authority and in turn acquires the potential for resistance and repulsion of the colonial authority. Ambivalence suggests both complicity and resistance in a colonized subject. (2007:28)

Conceptualized thus, it can further be deduced that a colonial relationship is always ambivalent, split between its original appearance as authoritative and its articulation as repetition and difference. Ambivalence thus disrupts the clear-cut authority of colonial domination because it disturbs the simple relationship between the colonizer and the colonized. According to Young (1995:161), ambivalence is Bhabha's way of turning the table on imperial discourse. In this way, Bhabha implicates both the colonizer and the colonized as being involved in the ambivalence of colonial discourse.

2.4.3.2 Postcolonial Mimicry

Postcolonial critics have borrowed the term mimicry from Lacanian psychoanalysis and Bakhtinian analysis of parodic-travestying literary forms.⁸ In postcolonial usage the term is used to describe the ambivalent relationship between the colonizer and the colonized. It depicts a situation where the

“colonized subjects mimic by repeating their colonial masters’ cultural habits, assumptions, language, institutions, values, voice etc.” (Samuel 2007:27). What is important to note is that in the repetition, the product is never the same and that the repetition is not for repetition sake. The product of this repetition is somewhat a blurred copy or a camouflage which can be quite disruptive. Following Bhabha, Samuel (2007) notes that as the progenitor of this theory, Bhabha adduces two ways in which mimicry can be understood.

First, it stands as the colonizers most effective strategy of colonial knowledge and power. It is used to subdue and control the colonized ‘other’ under the pretext of civilizing mission. It attempts to make the colonized the ‘other’ the ‘same’ but not quite the same. Secondly, it stands for the “potential menace of the colonized subjects to colonial authority...where the colonized other menacingly repeat their masters’ discourses” (2007:27). The effect on the colonized is a new brand of elites who have double speak and double vision. They are alienated from their original cultures and they also pose a threat to the colonial masters. They are active hybrids rather than passive hybrids. They become a mockery to themselves and to the colonial masters.

In postcolonial biblical discourse, it is not enough to pose and listen to the text to see where it yields to mimicry both in its production and its interpretation. It is important also to glean the Bible for resources which aid in minimizing mimicry. For the specific inquiry of this study, it is useful to invoke the posture of impunity in the reading of the text so that the Bible can

yield leads that implicate it as a source of mimicked impunity and leads that can help address impunity.

2.4.3.3 Postcolonial Hybridity

The term hybridity has become one of the most recurrent conceptual leitmotifs in postcolonial cultural criticism. It is meant to foreclose the diverse forms of purity encompassed within essentialist theories. Bhabha (1994) is the leading contemporary critic who has tried to disclose the contradictions inherent in colonial discourse in order to highlight the colonizer's ambivalence in respect to his position toward the colonized Other. Closely related to ambivalence and mimicry, hybridity is often referred to as in-betweenness or liminality. In language studies, Bakhtin (1990: 358) defines hybridization as a mixture of two social languages within the limits of a single utterance to produce interdependence in the resulting meaning. In postcolonial studies, the in-betweenness is taken seriously for it provides terrains for elaborating strategies of selfhood in the ensuing collaboration and contestation between the colonized and the colonizer. Hybridity connotes also the overlap and displacement of identities.

In hybridity whether aware or not there is antagonism or affiliation, and new identities produced performatively producing multiple layers of existence. Hybridization, whether intentional or default yields cultural identities that were not originally intended in the transaction between the colonized and the colonizers. Hybrid identity becomes a threat to the colonizers because it becomes an inevitable by-product of the encounter. Like

mimicry and ambivalence, it disrupts colonial authority by endowing the colonized with a hybrid identity which also makes them the same but not quite the same. To be more specific, this study pays attention to impunity and in particular questions its presence as an inevitable by-product of the encounter between Kenyans and the text of the Bible.

Applied to the issues of *exousia* and impunity, Kenyans are seen in a cultural exchange that emanates from the colonialists effort to ‘civilize’ them. Needless to say, in the civilizing mission, the Bible is used to fully exploit the Kenyan latent potential in order to create a Westernized Kenyan in religion, morals, manners, and in intellect. However, since in their desire for quick progress Kenyans developed a tendency to mimic the European without acquiring fully the desired European values, the Kenyans are left in a hybrid state, a sort of angst. This hybrid identity in turn creates a gap that destructs more than construct the being of Kenyans.

In a hybrid angst, the result is that the formerly colonized people deploy the cultural hybridity of their interstice conditions so as to translate, interpret and re-inscribe the colonial imagined self. What emerges from this scenario is a hybridized interstice from which we shall read impunity. Although, this shall be done later in chapter five, impunity from this interstice is seen as a contestation against representation and at the same time as an attempt to be present.

2.4.4 Postcolonialism and the Reading of Mark's Gospel

In so far as Mark's Gospel is concerned, several postcolonial critics have added their voices to how this gospel can be read. The reading of Mark's Gospel from a postcolonial hermeneutics has added several attitudes and dethroned conclusions made in the historical critical method. Initially, Mark's Gospel was read from several viewpoints. Though this is not a chronological alignment of such readings, firstly Mark's Gospel was read as a gospel with a messianic secret as advocated for in Wrede's theory⁹ (see Hooker, 1991: 66). Secondly, Mark's Gospel was read as a passion narrative with an extended introduction (Taylor, 1981:653-660). Thirdly, for all intents and purposes Mark was read as a discipleship gospel and discipleship as its major theme. Mark was read for its Christological titles, namely Son of man, Lord, etc. as innocent titles and markers which help unpack the gospel.

However, with the entry of postcolonial biblical criticism, the merits of seeing Mark's Gospel as a highly political document emerge. Postcolonial imports are brought into Mark and 'lines of connection' (West 2002:95) as exposed in relationships of colonized and the colonizer begin to appear. In this way *exousia* of 1:21-28 also begins to emerge not as spiritual authority but as highly ambivalent, mimicked and hybridized colonial authority.

Following Samuel (2007:76), it is noteworthy that current and existing postcolonial reading of Mark may be classified into at least four main models¹⁰. These are, first, Mark is an essentialist postcolonial resistant literature (Horsley, 1988); second, Mark is a resistant as well as colonizing

discourse (Mary Ann Tolbert, 1989); third, Mark is a colonial mimetic discourse representing tyranny, boundary and might (Liew, 1999), and; fourth, Mark is a colonial archive with traces of postcolonial heteroglossy (Jim Perkinson, 1998). A brief appraisal of these models becomes important for the current study.

When through a Horsley-ian (1988) postcolonial optic Mark is seen as *'an essentialist postcolonial resistance literature,'* it means that Mark's narrative efficiently obscures and submerges the histories and aspirations of imperially subjected peoples and therefore needs a radical overhaul.

A postcolonial biblical study includes in its agenda the emancipation of previously submerged or distorted histories of the movements that produced the literature that was later included in the Bible – partly by avoiding, opposing, and replacing the essentialist and depoliticizing categories and approaches of imperial western biblical studies (Horsley, 1998:167).

Arguably, if Mark is an 'on-the-way' gospel, then in postcolonialism it becomes the story of the 'other' people and these are the people who when viewed in postcolonial lenses are 'out-of-the-way' people. These are the people who not only resist the Roman imperialism but also those who resist the new and subtle empire that the Jesus model seems to condone. In Jesus' kingdom and empire, they are the outsiders; those like Judas 'othered' for claiming equal positions with the masters of the empire by 'dipping their hand' together with him.

Thus Horsley rightfully notes that "Mark provides a metanarrative that enables a movement to maintain its own identity and solidarity over against the pretensions of the imperial metanarrative" (Horsley, 1988:161). Therefore,

a postcolonial reading of Mark's story offers a chance of recovery of the stories of those who are othered, the peasantries, those who oppose the empire and also the submerged stories of those who oppose kingdom of Jesus. Mark at best uncovers the immorality of authority in othering, hegemonization and additionally reveals *exousia* as exercised by the authorities, Jesus, disciples and demons as a scapegoat for impunity.

When Mark is viewed in Tolbert's (1989) lenses, '*as resistant as well as a potential colonialist literature,*' it is directly placed alongside other colonial literature. Thus Mark becomes sort of a novelist story and used as "perfect medium for religious propaganda or edification of a people who are rootless and lost restlessly searching for security" (Samuel, 2007:78). Tolbert (1989) recognizes Mark as a resistant as well as ambivalent literature that originated from the margins. The problem according to Tolbert is that Mark's subalterns are not marginal enough...they were the recipients of impunity, if they were,

...those from the marginal groups in antiquity who were excluded from access to social, economic, political and religious power and were in constant danger of concrete persecution and repression by those presently holding that power (Samuel, 2007:79).

Postcolonial reading of Mark further helps reveal that the audience of Mark *per se* lived as a colonized people, under an imperial power and in this respect the gospel might be understood in retrospect as an example of a colonial or even anti-colonial literature. Within this terrain of thinking, Mark may be construed as denouncing colonial collaborators; though in the end it is uncritical of the neo-colonialism that the "beginning" (*ἀρχή*) heralds. What

emerges for Tolbert and for Samuel as well is that Mark in advocating a resistant postcolonial rhetoric against the colonialists, mimics a rival imperial ideology.

Mark just like the Roman Empire enjoins the tactic of invoking violence against the ‘enemies’. This conjures up the image of the common route that impunity takes and especially in Kenya, i.e. the one who has the *exousia* to coerce and run over the subaltern other is foregrounded, endowed with leadership; both economic, spiritual and political.

When in Liew (1999) Mark is viewed as ‘*colonial mimicry of tyranny, boundary and might,*’ it is recognized as colonialist discourse that duplicates and internalises the colonial ideology of the Roman colonialists. Liew (1999:7-31) sums up Mark as tyranny, boundary and might in order to show that Mark continues its own brand of imperial tyranny, boundary and might; and in other words, propagates an imperial regime of impunity. For Liew, this argument is sustained by the way Mark attributes absolute authority to Jesus, preserves the insider-outsider binary opposition and understands the nature of legitimate authority. Mark also presents Jesus in ‘categories of authority’ (:23) in relational and hierarchical terms. Jesus is the fulfilment of the scripture and the ‘master scribe’ (:29). He enjoys ‘tyrannical’ authority to interpret, change or break scripture. For Samuel (2007:80), “this claim to singularity, is of course, an effective ideological weapon that leads to absolutism by allowing no comparison or competition.”

Another colonial mark-up that Liew sees Mark enjoining in a mimetic way, is the boundary making. For the community of Jesus to hold up in Mark's Gospel, following Jesus becomes a precondition for becoming an 'insider'; all others remain 'outsiders.' This leaves no room for criticism or alternative thinking for outsiders will be annihilated at the end in the *parousia*. As Liew notes, "this in effect duplicates the colonial (non)choice of 'serve-or-be-destroyed' (1999:23)." Liew's reading of Mark is insightful for the current study. If Mark is a representation of colonial 'tyranny, boundary and might' then Mark's community is one in which all wrongs are made right and in the understanding of that community. Impunity in Kenya too can be seen as 'righting' of wrongs or vice-versa depending on the point of view of the hegemonic powers that be.

When in Perkinson (1988) Mark is viewed as '*colonial archive with traces of postcolonial heteroglossy*' then it is recognized that "a form of colonialism played a crucial role in shaping the Christian scriptures" (Samuel, 2007:81). Perkinson who is properly convinced that Mark made its way to the NT canon because of its "inkling towards domination" (1988:65) presents interesting modes of reading Mark as a colonial story. For example, in rereading the story of the Canaanite woman, he observes that "...the colonial voice of Jesus, though abounding, fails to silence the Canaanite subaltern voice from emanating and speaking for itself" (:69). In fact she can be read as valorising Jesus' own politics of representing the 'little' in her discourse.

The models outlined above are important for the progressing argument in this study. They at best uncover the colonial bias that Mark's Gospel is laden with. They help buttress the central thesis of this study that Mark's conception of power and authority evokes a rival imperial ideology and provides the ideological hinge in which to swing from Mark as colonial resistant literature and Mark as potential colonialist literature without any contradiction. More, importantly, the models help in the ultimate reading of Mark from a postcolonial perspective that may enable the retrieval of Mark as a narrative of imperially subjected peasantries. Again, this can be done "without subalternizing a narrative that aspired (achieved) hegemony" (Samuel, 2007:83).

Therefore, what a postcolonial reading of Mark's Gospel brings to our attention is the interplay between recognizing it both as resistant as well as a rival, colonizing literature. Said properly, postcolonial reading of Mark helps us to recognize its ambivalence, its mimicry and hybridity. How we go on determining when it is one and not the other or both, will depend on the contextual issues that confront us and whether we speak for ourselves from the vantage of the empire or that of the subaltern.

2.5 *Exousia* in Mark 1:21-28

In the anachronic readings of Mark as advocated for by a historical critical reading, most readings of Mark were innocently 'sacred'. Mark was regarded as a spiritual story. Mark was presented by most interpreters as a gospel that only "repudiates the temples exploitative economy, and advocates

building a just and egalitarian community of sharing and mutual service by way of the cross” (Liew, 1999:7). However, in the light of current developments within postcolonialism, there is need to invoke a hermeneutics of suspicion and to question the one-sidedness of initial Markan readings. This one-sidedness comes into sharp play when we try to explain the meaning of the introduction of *exousia* in Mark 1:21-28.

It is of the view of Liew (1999), that Mark duplicates colonial ideology or in Bhabha’s (1994) concept, Mark is involved in colonial mimicry in the way he uses Roman structures to model the authority of his Jesus. In this he recreates a similarity which is not absolutely the same. Mark is also involved in “colonial worlding” (Liew, 1999:13) which involves both the construction of the colonizers and the internalization of that constructed world on the part of the colonized. Liew may argue like this partly because in Mark 1:21-28 and all the way to the end, as it will be noticed, Mark uses all means possible to attribute absolute authority to Jesus. In fact, Mark 1:21-28 lays an unshakable foundation for this kind of construction of authority.

In the long run, Liew (1999:13) is able to convincingly show that a sizeable number of scholars have presented Mark as full of anti-authority rhetoric. Nevertheless, when it comes to the allocation of an absolute authority to Jesus, “one may question if Mark is concerned with breaking up the very makeup of authority, or merely wishes to replace one authority by another.” In Mark 1:21-28, (the first healing miracle), and Mark 2:1-12 (the first controversy story) Mark contrasts the teaching and authority of Jesus and the

Jewish leaders. This seems to suggest that the issue for Mark has to do with categories of authority (whether new and substantial, or traditional and hollow) than its constitution.

In no less similar thinking, Edwards' (1994:221) view shows that Mark opens Jesus' public ministry in 1:21-28 by establishing his supremacy over the highest authorities in both the temporal and supernatural realms. The temporal realm is represented by the scribes, whose erudition, no less than their prestige among the people, was legendary. The scribes stand in the tradition of the fathers (Mark 7:8-13), however, whereas Jesus receives his authority directly from the Father (Mark 1:11). The scribes derive their authority from Torah, but Jesus appeals to a superior authority resident in himself (:223). What is thus essential for Mark, is not so much what Jesus taught as who Jesus is as a teacher. Even more impressive is Jesus' supremacy in the supernatural realm.

By use of *exousia*, therefore, it can be concluded that Mark builds one characteristic in Jesus that left the most lasting impression on his followers and caused the greatest offense to his opponents. *Exousia* in Mark stands for Jesus' sovereign freedom and magisterial authority. Additionally, and as Edwards (1994:217) reveals, the authority in Mark can be grasped as implied or even unspoken, but more so it is explicit. Therefore, and with regards to implicit authority, Mark particularly operates from a literary axiom that the more significant a truth, the less openly it can be declared.

Though to this point Edwards and Liew seem to be in agreement, however, there is a noticeable difference between them. Edwards differs with

Liew where he sees Jesus' authority purely in spiritual terms. Accordingly, he sees the exorcisms in Mark as presenting the gripping conflict between the kingdom of God and the dominion of Satan, between the One anointed with God's Spirit and those held captive by unclean spirits. For him:

...the in-breaking of God's kingdom in Jesus first begins, according to Mark, not in the human arena but in the cosmic arena, in order to bind the "strong man" (3:27) who exercises power over the natural order. Indeed, as supernatural powers themselves the demons recognize the mission and authority of Jesus before humanity does (1:24; 3:11; 5:7). Nevertheless the encounter is a no-contest event. "What have you to do with us, Jesus of Nazareth? Have you come to destroy us?" cries the demoniac. "I know who you are, the Holy One of God" (1:24). The pericope concludes with the astonishment of "everyone" (ἅπαντες): "What is this? A new teaching—and with authority!" (1:27) (1994:221-222).

In both, however, what we can conclude is that in Mark 1:21-28, the cornerstone of Jesus' public ministry has been set. In both his word and work Jesus is endowed with the absolute authority.

2.5.1 *Exousia* in the Rest of Mark

As has been noted, the use of *exousia* in relation to Jesus indicates his sovereign freedom and magisterial authority (Liew, 1999:14). The term denotes Christ's divinely given power and authority to act, comprising the aspects of both right and power. The term reveals the element of freedom in his authority and shows that Jesus' power is universal. An overview of the usage of this term will shed more light.

Exousia is used ten times in the gospel of Mark. It occurs twice in the context of the crowd responding to the teaching and actions of Jesus as one with authority (Mark 1:22, 27). Twice Jesus gives his disciples the authority to cast out demons (Mark 3:15; 6:7) (Edwards, 1994:218). In Mark 2:10, Jesus

claims the authority to forgive sins. In an interaction between Jesus and the religious leaders in Mark 11:27-33, the term is used four times as the leaders question Jesus' authority after the cleansing of the temple. Jesus shows his authority in the confrontation without directly answering their questions. A final occurrence of the word occurs in the parable of the man on a journey in Mark 13:34. The man leaves for the journey giving each servant authority over some part of the household responsibilities until he returns.

But other times, the authority of Jesus is much more implicit, arising more from His actions than His words and hiding in the background of His evaluations of present-day Judaism and the established Roman systems. The implicit ways that Mark does so is all over the gospel. The examples of Jesus' actions that perform this function include: His healings, His utterances, His exorcisms, His restoration of the dead, His various clashes with Jewish Law coupled with His subsequent reinterpretation, His ability to forgive, His power over Creation (wind, waves, material goods, etc...), and His connection with the Father (Mark 9:7) (Tolbert, 1999:12).

In Mark 8:33, Jesus unreservedly claims to "know the things of God," unlike Peter, a definite claim to authority. There are two instances that appear to stick out in Mark. These are Jesus' capacity to forgive sins and Jesus' right to judge the religious system of the day (including the popular reinterpretation of the Mosaic Law). Though these two events are not the most common of all the examples – like the healings and exorcisms – they are the two instances

where the authority of the religious leaders directly clashes with the authority of Jesus, and where the authority of Jesus is most questioned.

Whether implicit or explicit, in each use, the term *exousia* refers to that abstract notion of the right and power to act, to command, and to in some sense rule over people and circumstances. Jesus has this right to control and command, and to have power and authority because of who He is, and He gives His disciples the potential or resources needed to capably command in accord with his own intentions and purposes. As the one who has divine *exousia*, Jesus reorders social and political priorities, redefines Torah commandments, and claims prerogatives which are otherwise God's alone.

This uniquely Markan *exousia* can also be seen within the wider space of Mark's intentions in building up the figure of Jesus. The construction of this Jesus' *exousia* in Mark cannot be construed as innocent. Accordingly, and due to His authority, Liew (1999:14) rightly notes that in Mark:

Jesus can quote and modify scripture to justify his own actions and teaching whether it is about the Sabbath (2:23-28), the practice of speaking in parables (4:10-12), ritual cleanliness (7:1-8), responsibility to parents (7:9-13), the acceptability of divorce (10:2-12), the assurance of eternal life (10:17-22), the operation of the temple (11:15-17), the credibility of resurrection (12:18-27), the first commandment (12:28-31), the relationship between David and the messiah (12:35-37), or the apocalypse (13:24-27).

Mark does not stop at this, he goes on to offer authorial comments that further blocks and silences any contrary thinking on Jesus' authority from his critics. In Mark 11:18 and Mark 12:37, he points out that Jesus' freedom in the use of scripture is recognized as valid by the crowd as well as the scribes.

Mark heightens this authoritarian figure of Jesus by taking his words and acts beyond any temporal imagination. In all this Mark appeals to one

absolute authority, God. For this reason Liew shows that this ideological construct is buttressed by effectively positioning three scripts, one at the beginning of the gospel (Jesus' baptism Mark 1:9-11) one at the middle (Jesus' transfiguration Mark 9:2-8) and one at the end (Jesus' crucifixion Mark 15:33-40) to declare Jesus as God's son and thus "superimpose a script of divine approval and involvement of all Jesus' activities" (1999:16). Tolbert (1989:259) also points out that presenting Jesus in such a manner gives Jesus an air of omniscience. Thus Markan Jesus becomes an authority in himself and his own authority. His directives become decisions without discussions. If "Foucault's theory of power suggests that power is omnipresent" (Lynch, 2011:15), then Markan Jesus becomes the very embodiment of that omnipresence.

Doesn't this reduce the authority that Mark embodies in Jesus as the will to do what one wills regardless of the contradictions involved? Yes, and much more. The fluidity of this kind of absolute authority is in the fact that Markan Jesus cannot even sustain its demands for himself. Since the minimum definition of impunity is refusal and inability to adhere to the rule of the law or to denigrate authority, Jesus can be seen as falling trap to his own absolute authority. Severally, Jesus cannot adhere to the demands of this absolute authority and He sometimes is forced to override the instructions that He himself gives others to follow. For example, while he rebukes the scribes for exploiting the livelihood of poor widows (Mark, 12:40-44), He allows an undistinguished woman to anoint him with a jar of expensive nard oil that

could have been sold and money given to the poor (Mark, 14:3-9). He also faults the Pharisees and the scribes for neglecting their parents (Mark, 7:9-13) yet He himself justifies the reason for His decision to ignore and shame His mother and his siblings (Mark, 3:31-35).

Again, as Patrick Brantlinger (1988)¹¹ has noted the disciples are reduced to playing ‘sidekick’ roles as the royal satellites or virtually ‘personified colonies’ of the messiah (1988:57). Thus, citing Hall, Liew notes that “apprenticeship or Mark’s discipleship is often just another name for slavery or Mark’s servitude in human history” (1999:19). This is how Mark builds his *exousia*, by reducing his disciples to extremely subordinate status. Further, Liew exposes that current studies on colonial discourse have alerted us to the realization that even language of the family may encode oppressive and dominating relations. In Mark, this may be represented by deliberate obstruction of the ‘fatherly’ authority. In Mark, 3:33-35, ‘father’ is conspicuously absent in Jesus’ definition of the new family. As Liew further observes, this should not be equated with the dismantling of authority or hierarchy for Mark goes on to reintroduce an authoritative ‘father’ in the person of God. Therefore, “Jesus’ definition of family does not automatically eliminate the interplay of power and subordination; quite the contrary, power always resides with the one who has the authority to define” (1999:20).

One last thing that needs to be noted is the inclusion of the ‘child status’ in Markan discourse (Mark, 9:36-37). This is the posture necessary for inclusion and continuing participation. Severally, Jesus out rightly refers to his

disciples as children. Even if one understands ‘children’ as a symbol for something else, “infantilization is still an insulting form of patronization at its best, and an extreme form of victimization at worst” (Liew, 1999:21).

What can be noticed and cannot be redeemed in Mark’s Gospel is his obsession with the status quo. Mark wears an irredeemable hegemonic world view which can also be seen as stemming from his vantage of what Brueggemann terms the “dominant consciousness” (1985:80). Mark refuses to diffuse the thinking of the dominant community and moves alongside and uncritical of that thinking all along. His critical thinking is numbed by his obsession with the royal culture of the day which relied on the mainstream meta-narratives for their construction of the image of Jesus. Unfortunately, a Jesus who heralds ‘Good News’ (το εὐαγγέλιον) and is meant to be a liberator employs the same tactic as the oppressor and ends up mimicking the Roman empire in inaugurating his kingdom.

2.5.2 *Exousia* as Forerunning Lordship in Markan Jesus

Whereas Mark seems to prefer the titles “Christ” and “Son of God,” his Jesus more often calls himself “Son of Man”; other characters in Mark’s Gospel frequently call Jesus “teacher” or a variety of other Christological titles. There are significant uses of the title Lord in the gospel that seem to buttress the concept of *exousia* as used in Mark. Therefore, Power and Authority in Mark’s Gospel must take into account Mark’s development of the Christological title Lord. In fact the introduction of *exousia* in Mark 1:21-28

can be seen as paving way for the later introduction of the Lordship of Jesus. Needful to note is that whenever ‘Lord’ is used for Jesus in Mark, it shows his great affinity with the father.

Within an alternative understanding, however, the Lordship of Jesus in Mark’s Gospel needs to be reread within the wider framework of the Roman Emperor cult. Rieger (2007:56) has observed that “as we become more aware of the all-encompassing nature of the Roman Empire and its ability to integrate all aspects of life, the emperor cult needs to be taken more seriously.” Accordingly, Rieger (2007:57) exposes by way of argument that the emperor cult was not just a political machinization, but the emperor was its object and subject. He was the herald of peace and good news (lit. gospel – εὐαγγέλιον). Therefore, the emperor cult was not just a secondary superstructure but it encompassed the entire life of the Romans.

In Crossan’s (1985:73) words, it was the ‘glue’ that held the “civilized world together.” The cult thrived and got its impetus from a highly structured society. It yielded some sort of power and itself was a symbol of power. Rieger (2007:56-58) notes that even though Augustus and other emperors did not make a personal claim to divinity, the connection between the emperor and the gods was at the heart of this cult.

This is the fabric of society in which Mark was socialized and in which early Christianity developed and imagined its reflections of Christ. However, it is important at this early stage to note that the empire ideology saturated

every sphere of life and played a very important role also in the imagination of the Christ. Further:

What is particularly interesting is not that Christians were influenced by the logic of the empire – after all, the empire was like the air they breathed; what is remarkable is that some of them were able to recognize the ambivalence of the empire and to develop resistance. Without achieving complete independence from empire – an illusionary goal then as now – some of the earliest theologies and Christologies managed to refuse conforming to the expectations of the empire...nevertheless, even if they initially developed as a critique, these earliest theologies and Christologies have also been used in support of the empire (Rieger, 2007:58).

Therefore, for Mark to proclaim Jesus as son of God was deliberately denying Caesar his highest title and to announce Jesus as Lord and saviour was calculated treason. This in-effect is to propose that Christ's Lordship was modelled after the Lordship of the emperor. The distinction has not been emphasized by many postcolonial writers. Therefore, in a way, Markan world-view and his construction of Christ and his *exousia* is uncritically adopted to fit empire world-view. As Crossan (1985:65) has pointed out, "Roman logic assumes the normal order of the world."

In a situation where the empire determines what is normal and what logic to follow, failure to identify this normalcy and to resist it means to support the empire. While it is common knowledge that the theology of the early church and the writings of the Bible were produced in the midst of the empire, therefore it will remain important to point out that everything about the empire was taken for granted. The gospels for example, do not openly blame the Romans for the crucifixion of Jesus. To a certain degree, they even seem to defend the Romans and blame a less powerful group, the Jews.

The title Lord is one of the oldest titles of Christ in the New Testament and also one of the important notions in Mark's Christology. The term Lord is laden with colonial bias because it is closely tied to the history of colonization and the resulting hierarchies of power; reflected even in ecclesial structures to which Kenyans have learnt to pay lordly deference. The contemporary church's lack of association of Jesus' lordship and political power doesn't erase this notion. In fact, even if the Lordship of Christ is seen in narrowly religious and spiritual terms, common imperialistic assumptions about lords return through the backdoor and help shape belief and perceptions. Empire ideology does not necessarily have to be a conscious and conspicuous enterprise; many of its oppressive tendencies are produced by default.

Under the conditions of the Roman Empire, the identification of Christ and the emperor is a constant temptation and the title lord symbolizes it. What complicates the debate further is the narrow distantiation between Christ's lordship and the emperor's lordship. Unfortunately so, our contemporary world fails to understand that in the ancient world there was not an option where religion and politics were seen as separate realms. To shed more light on this, let us briefly illustrate with Paul's view of the Lordship of Christ.

2.5.3 Affinities of Mark and Paul in Applying Lordship to Christ

A brief review of the affinities between Mark and Paul in applying lordship to Christ stands to illustrate the conception of a powerful lord in other biblical literature. According to Rieger (2007:96),

an early adaptation of Christ's lordship to "power-over" – the power of the empire – can be found in ...Pauline letters, which proclaim spiritual transcendence while copying the social patterns of the empire in the church.

In the same manner Horsley (1998: 68-69), shows that Paul's representation of the exalted Christ and reigning Jesus Christ as Lord and Saviour would be used to consolidate the imperial order.

A closer look at Paul's letters will also reveal some ambivalence, in fact rough edges, if not contradictions in dealing with the title Lord as ascribed to Christ. For example, in 1Cor 11:3, Paul seems to advocate subordination with a seemingly redundant argument: "but I want you to understand that Christ is the head of every man, and the husband is the head of his wife, and God is the head of Christ."¹² Also in the famous passage in Romans 13:1-7, Paul seems to argue that Christians should be "subject to the governing authorities". It seems therefore that Paul's own reference to Christ as Lord does not amend or differ with lordship within the Roman Empire which Mark also seems to subscribe to.

In 1Cor 15:24-25 Paul states that Christ will hand over "...the Kingdom to God the Father, after he has destroyed every ruler and every authority and every power. For he must reign until he has put every enemy under his feet." Echoing Horsley (1998), Rieger (2007) rightly remarks that such language could easily be used to reinforce subordination within the Christian community itself. Indeed Paul could be reinstating the empire by reproducing it in the Christian circles by 'othering' while creating polar opposites. Within this questioning of the usage of the title Lord by Paul,

Fiorenza (2000:24-65) sees Paul as being engaged in a distortion of lordship whereby she identifies lordship for Paul as enhancement of the governing dominance or supremacy of elite propertied men. For her, lordship of Paul as ascribed to Christ does evolve parallels between hegemonic discourses of the empire and Paul's discourse.

What needs to be seen in all this is that Paul does not see or use the title lord for Christ differently from Mark. For both, lordship is about power and more so absolute power. If Mark and Paul do not in any way resist the empire in their discourses, then in fact one needs to wonder if they have completely overcome the structures of the empire in their own communities. Therefore, both Paul and Mark do not entirely resist the empire, nor are they aware that it is a problem and needs to be resisted. This seems like a wider conspiracy to read Jesus within the confines and understanding of the dominant story. For Paul as well as for Mark it is the same thing; moreover, and succinctly stated, in Mark and Paul, first of all we are dealing with influence of socializations of the empire before we deal with the text itself.

Although this is the main argument here, it is important to note other voices like Joseph Fitzmyer (1989:112-115). His argument is that *κύριος* (*Lord*) was not just a political term. His main argument is that there were religious dimensions for the applications of the title and this is how lordship needs to be interpreted. In as much as this can be appealing from a pietistic dimension, this may not adequately sustain and explain all there is to do with the title. Moreover, Rieger rightly puts it, and it needs to be noted that a

separation of political and religious sphere can no longer be maintained in this regard. Several valid criticism of Fitzmyer's view have been offered and sustained; mainly his one sided application of the term without considering its Aramaic origin (see Rieger, 2007:69-73). In the end, Fietzmyer's approach does not even engage the emperor's claim to Lordship and thus the empire is not challenged at all in his usage.

Therefore, what begins to emerge is that in the world of the early Christians who began to apply the title $\kappa\upsilon\rho\iota\omicron\varsigma$ to Jesus, the term had clear political and authoritative connotations. Therefore, this title could not have been used for purely religious reasons. While not all Roman emperors preferred the title Lord, the growing popularity of the title indicates a shift in the empire.

Lord is a term of experience because it reflects the early church growing understanding of who Jesus was. During his earthly ministry, (in Mark's version) Jesus was not usually called Lord, but somehow the early Church experienced him as Lord. As Rieger (2007:68) puts it, if Christ's Lordship is left undefined, the masterly as defined by prevailing empires will provide the model. Christ is thus the Lord of the empire unless explicitly otherwise defined. Therefore, what can be noted is that though scantily used, the lordship of Christ had express benefits in the writing of Mark; mainly to sustain his prescription of *exousia* to Jesus.

2.6 Impunity and Empire Tactics of *Exousia* in Mark 1:21-28

Considering Mark's duplication of colonial ideology, his rhetorical and emotional power, could be related to Stewart's (1984:70-103) argument that when anti-hegemonic movement turns hegemonic, it often involves gigantic emotions of obedience, loyalty and faithfulness. In this way, Mark reduplicates colonial ideology and presents an all-authoritative Jesus who will eventually annihilate all opponents and all other authorities. For Mark, the colonial (non)choice mentality of 'serve-or-be-destroyed' is reproduced in his Jesus.

This is the very seedbed of impunity. Impunity recreates its own law and hierarchy and demands to be submitted to. It has no fixed or written law but on the contrary makes its own laws as situations demand¹³. In any given situation, the law of impunity must prevail. It must reduce its victims to subordinates even when it defies logic to do so. It remains at the top and asserts itself as the alternative consciousness and eventually as the dominant consciousness. Hasn't Mark done the same thing in creating his Jesus? Yes he has and much more, in fact, he has recreated in his gospel a "hierarchical, punitive and tyrannical concept of ruler and ruled, while claiming that it was all for the best" (Samuel, 2007:47).

Since as Lewis (2000:12) has aptly cited, "impunity is the wife of power." What are the relationships and outcomes of impunity in a situation of (over)powering as we find in Mark? A consideration of postcolonial implications of Markan *exousia* in the evolution of impunity is important.

There are two main concepts that enshrine these potentials for impunity that need to be brought out i.e. binarism and othering.

2.6.1 Binarism

If in Ashcroft's et.al (2007:19-20), view signs have meaning not by a simple reference to real objects, but by their opposition to other signs, then, signs by their difference form the framework in which binarism thrives. Binarism framework takes into account extreme forms of difference possible e.g. sun or moon; man or woman; birth or death; black or white etc. Such oppositions, as Ashcroft shows, are very common in the cultural construction of reality. The problem with such binary systems is that they suppress the spaces between the opposed categories so that many overlapping regions end up appearing in-between the expected categories. Postcolonial studies have demonstrated the extent to which such binaries entail a violent hierarchy, in which one term of the opposition is always dominant e.g. man over woman, birth over death, white over black etc. and that, in fact, the binary opposition itself exists to confirm that dominance.

Adoption of binary conceptualization means that any activity or state that does not fit the binary opposition becomes subject to repression or ritual. For instance, the indeterminate stage between child and adult – 'youth' – is treated as a suspicious category, a rite of passage subject to considerable suspicion and anxiety. Subsequently, the state between the binarism, such as the binary colonizer or colonized, will evidence the signs of extreme

ambivalence manifested in mimicry, ‘cultural schizophrenia’ (Ashcroft et.al 2007:20), or various kinds of obsession with identity.

Moreover, and as Ashcroft (2007:21) shows, the binary logic of imperialism is a development of that tendency of Western thought in general to see the world in terms of binary oppositions that establish a relation of dominance. A simple distinction between centre or margin; colonizer or colonized; metropolis or empire; civilized or primitive represents very efficiently the violent hierarchy on which imperialism is based and which it actively perpetuates. Binary oppositions are structurally related to one another, and in colonial discourse there may be a variation of the one underlying binary –colonizer or colonized – that becomes rearticulated in any particular contexts. Clearly, the binary concept becomes very important in constructing ideological meanings in general, and extremely useful in imperial ideology.

Although binary distinctions are not always necessarily motivated by a desire to dominate (Spurr, 1993: 103), Mark 1:21-28 sets up conditions fit for binarism with an intention for control. In other words, Mark plays binarism in such a way the ‘other’ cannot be avoided in his discourse of power. Binarism must re-order social relations to pave the best way for the colonizer and this is what we see in the introduction of Jesus’ authority in 1:21-28. Therefore, *exousia* of Jesus comes to expression in social relations thus creating binarism. In 1:21-28, and by use of the word *exousia*, Mark pits the Scribes against Jesus. Fundamentally, Mark employs the tactic of binarism to present a

conflict of Jesus and the religious authorities. Mark heightens the intensity of this conflict with the authorities by absolutizing the authority of Jesus.

2.6.2 Othering

Othering is another empire tactic that Mark employs to absolute Jesus' *exousia*. Othering has to do with representation and the making of differences so as to affirm ones identity. In postcolonial studies, the term refers to the process by which imperial discourse creates its 'others' (Ashcroft et.al, 2007:156). Simply stated, this is the conception of existence as them verses us. This 'other' becomes the focus of inquiry especially when it is construed in the arena of power. Therefore, whereas the 'other' corresponds to the focus of desire or power in relation to which the subject is produced, the other is the excluded or 'mastered' subject created by the discourse of power (Virkama, 2010:47). Othering describes the various ways in which colonial discourse produces its subjects. In Spivak's¹⁴ (1988:214) explanation, othering is a dialectical process because the colonizing *Other* is established at the same time as its colonized *others* are produced as subjects. In any case, in postcolonial discourse, the construction of the 'other' is fundamental to the construction of the Self.

In Mark 1:21-28, 'others' are created by the use of the term *exousia* in the way it requires a subject and an object. Mark does not leave the authority of Jesus in a vacuum. On the contrary, Markan Jesus is the 'Other' who creates his corresponding subordinates (others) by the use of the term *exousia*. Since impunity relies on 'othering' by creating others in order to take root, it

can be argued that Mark's conception of Jesus' *exousia*, paves way for future treatment of Jesus and his subjects in the rest of the gospel. Unless for Mark, it cannot be excused why Jesus transgresses the laws of the 'others' to reinstate his 'Other' law. This lays foundations for the sprouting of conflict and the contours that impunity takes in Mark's Gospel.

2.7 Conclusion

This chapter has discussed current trends in Mark and postcolonialism showing how it applies to the current study. It has discussed the place of Mark's Gospel in postcolonial discourse showing especially postcolonial concerns in Mark's construction of *exousia*. With regards to impunity, this chapter has interacted with Mark's ideology of lump-summing authority into the person of Jesus and discussed the potentialities of evolution of impunity in this kind of absolution of power.

Now, a conclusion must be drawn which expresses that Mark is both a straight forward resistant (anti-colonial) and a colonialist or potentially colonizing discourse. It retains this binarism and ambivalence. On its colonial front which is more espoused than its resistant front, "Mark is mimicking the Roman colonial discourse of power in order to enforce its own brand of imperial tyranny, boundary and might" (Samuel, 2007:109). In other words, Mark succeeds in reproducing a rival imperial ideology. He uses the colonizers cultural categories by making use of the imitation with a difference as a model of self-assertion. Mark ably does this by his treatment of the concept of *exousia* in which the voice and act of the colonialist Jesus abounds.

Initially pretending to ‘represent’ the subaltern ‘other’ the Markan Jesus ends up colonizing the other.

This in-betweenness in Mark’s Gospel can adequately be exploited to sustain the current studies on impunity where Mark is heard and read. In fact, Mark’s mapping of Jesus evolves an in-between cultural space which necessitates that power must be applied on the subject by the one on top. This power must be submitted to, obeyed and respected at all cost. The imagination of an alternative community which emerges from the dominant one almost becomes elusive. The alternative becomes a counter disregard of the power of this Jesus. This is the true seedbed for impunity, for impunity more often than not speaks the ‘other’ voice; breaking up of the hegemonic powers that be. Conversely located, this is letting ‘the subalterns speak’ in ways that have the potential to rapture and explode the official transcript in ways Mark can neither contain nor restrain.

In fact, it appears that the complex articulation of *το εὐαγγέλιον* (the gospel) and *exousia* by Mark in a nutshell shows the colonial or postcolonial conundrum of Mark’s story of Jesus for the contemporary postcolonial reader. Now there is need to connect what has been said about Mark with the Kenyan space. Therefore, in the next chapter, the argument will be about Markan *exousia* and the Kenyan space.

End Notes

¹ 1:22 The corresponding Hebrew word to γραμματεὺς is פֶּרֶשׁ - *sop̄per*, which means to write, to count, to number. The Latin Vulgate rendered it *scriba*, and in English it is traditionally translated 'scribe.' The original meaning was "writer; clerk; copyist," but after the exile, it came to mean a member of the class of professional interpreters of the Jewish Law.

² This sentence can also be translated, "With authority he commands even the unclean spirits, and they obey him".

³ By postcolonial hermeneutic here, what is referred to is an interpretive framework that pays attention to Postcolonialism to read the biblical text.

⁴ Without being uncritical of their 'brand names' which have settled in postcolonial spaces like silt in water, it is important to accord them their rightful space in the studies. It is also important to wade through the contours of Postcolonialism without overly relying on them in order to resist a seeming hegemonization of the discourse that emerges in their veneration.

⁵ See also Ukpogon 2000:14; according to him, postcolonial is representative and plays the role of an umbrella hermeneutics. Postcolonial may at present seem to be the end of coinage of hermeneutics in so far as the scenario of oppression and marginalization is concerned; though it is important to note that "once liberation is achieved, the prophetic voice in that context shifts to another context" (Waweru 2011:78).

⁶ Edward W. Said, *Culture and Imperialism* (London: Vintage, 1994:6); Sugirtharajah, *The Postcolonial Bible*, 16.

⁷ In her earlier work Dube (1997:15) expounds on this as she argues that the Bible has repeatedly authorized the subjugation of foreign nations and lands, its books are born in imperial settings and therefore the Bible hoards all traits of an imperializing text.

⁸ See J. Lacan 'The line and light' in *The four fundamental concepts of psychoanalysis* (1997:73-104) and also Bhaktin, *The Dialogic Imagination*.

⁹ It was William Wrede (see Hooker, 1991) who first attempted to explain the theme of secrecy (which he termed, 'messianic secret') in the gospel by suggesting that it reflects a tension between the belief of early church in Jesus as messiah and the un-messianic character of Jesus' ministry. Jesus' command to secrecy, he argued, cannot be taken as historical but as a dogmatic device to explain why he was not acknowledged as messiah during his ministry. The interpretation of Jesus' words and deeds as messianic belongs to the post-Easter faith of the community and has been imposed upon the tradition. This claim by Wrede has not had easy explanations but is agreeable to most scholars that Jesus was properly recognized as the messiah in the light of the post-Easter tradition.

¹⁰ These are not extant or exhaustive readings but are more or less trial readings of certain isolated periscopes or chapters of Mark. Therefore, they may be seen as signifiers suggesting that Mark is a postcolonial text and that a postcolonial approach is possible and perhaps appropriate for reading this discourse.

¹¹ Cited in Liew 1999.

¹² Trinitarians and progressive Christians would find these tiers of subordination redundant.

¹³ Foremost example here is Jesus' reinterpretation of the Sabbath: "The Sabbath was made for humankind and not humankind for the Sabbath; so the Son of Man is Lord even of the Sabbath" (2:27-28). The establishment of the Sabbath was the crowning act of creation (Gen 2:1-3), succeeding even the creation of humanity. Sabbath observance, therefore, is incumbent on Israel as a constitutive order of creation. Hence the Sabbath ordinance is the longest and most pivotal in the Deuteronomic version of the Decalogue. Alone of all the nations Israel had been given the Sabbath, and Sabbath observance sanctified Israel in God's sight (*Jub.* 2:17-33). Thus when Jesus as Son of Man declares himself to be master of the Sabbath—and even violates its ordinances by plucking grain (Mark 2:23-26) and healing on the Sabbath (1:21-28; 3:1-6)—he presumes the very authority by which the Sabbath was instituted by the Creator. (see Edwards 1994:224-225)

¹⁴ It is important to note that, while Spivak adheres faithfully to the Lacanian distinction between 'Other' and 'other', many critics use the spellings interchangeably, so that the Empire's construction of its 'others' is often referred to as the construction of 'the Other' (perhaps to connote an abstract and generalized but more symbolic representation of empire's 'others').

CHAPTER THREE

POSTCOLONIZING IMPUNITY IN THE KENYAN SPACE

3.1 Introduction

In order to link Kenyan impunity with Mark's Gospel, it is important to present its manifestation. The major task of this chapter therefore, is to align more closely the notion of impunity to the particular elements of the life and history of Kenya through a postcolonial lens. Therefore, this chapter uses the postcolonial framework to trace and analyse several examples of impunity in Kenya. More importantly, it situates the genesis of impunity as stemming from contact with the colonizers. On one front and within a postcolonial framework, impunity in Kenya can mainly be examined as a by-product of othering. According to Fairclough (2005:113), othering enjoins a discourse that normalizes formations between 'we' and 'they' producing divisive relationships that threaten safety and survival in the long term. In pitting 'them' verse 'us', othering makes difference of sameness and this permeates all sectors including economics, culture, penal institutions etc. and at a larger scale, the organization of society.

On another front and still within a postcolonial framework, impunity in Kenya can be viewed as a product of colonial mimicry. Mimicry which describes the ambivalent relationship between the colonizers and the colonized also depicts the situation where the colonized Kenyan mimic their colonial masters' cultural habits, assumptions, language, institutions, values, voice etc. to conjure up the culture of impunity.

In particular this chapter engages ethnicity, political institutions, penal institutions and poverty as fertile grounds where impunity has been sown and grown in Kenya. Initially this chapter begins by briefly mapping the road taken by Kenya prior to independence. Later and in order to get a broader picture of how impunity has stalked Kenya, this chapter intends to survey the extent to which the country has been affected by the impact of colonialism and show in what ways impunity could be as a result of previous contacts with the culture of the empire.

3.2 Faces of Impunity in Kenya

Postcolonial studies have revealed sustained tension between the centre and the margins. On account of this, they have opened a window in which the empire can be seen for what it is, a form of control and domination. Under postcolonial studies therefore, the presence of the empire is unmasked till reality opens “a second world and a second life outside of the officialdom” (Werbner & Ranger, 1996:2). In postcolonial politics, the official world must be unmasked and resisted. This is because the official world comes with imposing and hegemonizing tendencies that undermine the marginal world and threaten the very existence of the subaltern. As such “more recent research has increasingly uncovered the fluidity of social structures and identities in Kenya in the late 19th century, and the haphazard and often casual violence with which the institution of colonial control and production emerged” (Berman & Lonsdale, 1992:4) and which were the products of the exchanges between the centre and margins.

In reconstructing the contacts with the empire and how it contributes to the architecture of impunity in Kenya, one has to be wary of whose history to follow. A large chunk of Kenya's history is more often than not the memory of the dominant group. It means that stories of the subalterns have not been adequately captured without representation or retold from a subaltern standpoint. As John Wekesa (2010:57) argues, the duality of understanding of memory raises the issue of whose history is to be recognized and whose memory forms a central component in the construction of the past. Faced with such a revelation, postcolonial critics have to settle the fact of who controls and owns social memory.

Properly said, "the control of a society's memory- the regulation of what is remembered, how it is remembered as well as what is ignored or erased- is a valuable tool for maintaining and legitimating political power" (Wekesa, 2010:58). Therefore, a comparative analysis of memories constructed by the marginalized groups vis-a-vis those constructed by the larger groups or officially recognized enterprises becomes paramount. The approach to Kenya's past need not take a different contour; rather it needs to pay attention to these views about dealing with the past and particularly noting that Kenya's story of the past is an insistence of the dominant class.

Generally, and as has been noted, impunity is the "exemption or freedom from punishment" (Kimathi, 2010:12). It is "the impossibility, *de jure* or *de facto*, of bringing the perpetrators of violations to account – whether in criminal, civil, administrative or disciplinary proceedings – since they are not

subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims” Masinde (2011: 2). The general understanding of impunity in Kenya can be condensed into one word that is common with the youth in street language (*sheng*)¹ i.e. *utado?* lit “what will you do?” *Utado* is a question commonly put to victims of impunity by perpetrators of impunity asking them what they will do or where will they turn to for help.

Several writers (Sheila Masinde, 2011:5; Kimathi, 2010:15) have alluded to the fact that Kenya has had a long standing history of impunity; in fact a culture of impunity. These writers argue that indigenous Kenyans who took over power from the colonialists upon independence perpetuated the abuse of basic human rights and a vile culture among leaders that put self-service above service for all. Therefore leaders elected and appointed to serve the interests of the common people continued to reap where they had not sown, as majority of Kenyans wallowed in poverty and disease as resources meant to end these problems were siphoned to individual pockets (Masinde 2011:5).

Over the years, impunity in Kenya evolved into a culture that manifested itself in various forms – the ethnic clashes and violence that have long characterized general elections; the mysterious assassinations of charismatic leaders such as Pio Gama Pinto², Tom Mboya, J.M Kariuki and Robert Ouko among others; extrajudicial killings such as was meted by state security against followers of *mungiki*³; barefaced grabbing of public land

including forests in the face of global warming that threatens economic development (Ndungu report)⁴; unresolved corruption scams such as the, Anglo-leasing deal, Goldenberg scam⁵, Triton oil⁶, maize saga⁷ amongst other scandals. The list of incidences that mark impunity in Kenya is endless. Emanating from this, it can be argued that rampant corruption, impunity and disregard for the rule of law in Kenya have contributed towards the longstanding issues for example poverty, inequality, regional imbalances, lack of national cohesion, inequitable allocation of resources and opportunities amongst other injustices. Impunity in Kenya hinges on powerful and those in authority and in all these situations, the question that has been posed again and again to the citizenry is; *mtado?* (What will you do?)

3.2.1 The Cultural Face of Impunity

Together with other faces, impunity in Kenya can be seen as having a cultural face. A cultural dimension of the type of impunity being experienced in Kenya today can be supported by the presence of various pre-colonial cultural councils that were set up to deal with lawlessness. For example, writing about the customs of the *Ameru*⁸ of Kenya, Nyaga (1997:39) reveals that the *Ameru* had several governing structures that were set up to punish criminals and curb impunity. These structures included the famous *njuri nceke*⁹ which was the main council of elders. Under the watchful eye of the *njuri nceke*, impunity was minimized among the *Ameru* and the people enjoyed a just society.

The cultural face of impunity becomes more glaring when a consideration of marriage and the dowry system is evaluated. Marriage and the ‘dowry or bride price’ (John Mbiti, 1992:140) system had their usefulness and made for a lot of meaning in society. Nevertheless, they also had their disadvantages and opportunities for misuse. Although dowry¹⁰ differed from community to community, the dowry system generally gave undue advantage to the man and became a cradle for impunity in marriage. Although Mbiti (1992:141) ignores all the negative connotations on dowry, blaming them on “outsiders” the dowry system remains a lee way for many inequalities in marriage. During the CBS (OI: 26/06/2012) it was noted that impunity is prevalent even in today’s marriages because the dowry system still exists and gives the male partner an upper hand in the union.

Apart from marriage and the dowry system, several other cultural institutions were seedbeds for impunity including tribal circumcision, and systems of tribal leadership (Osogo, 1987; Muriuki, 1987). In the place of initiation and circumcision for example, Mbiti (1992:122) argues that the occasion presented to the initiates privileges and advantages which were not open to those not initiated. It elevated them to another level of existence altogether. This elevation, if unchecked presented several avenues in which impunity thrived in societies.

Given the presence and prevalence of impunity in culture, several communities devised systems of governance that helped curtail but at the same time propel impunity. For example, Saberwal (1970:73) writing about the

Embu people of Kenya, observes that among the Embu, a council of elders maintained order in the community and hence fought impunity. By giving several cases of disregard of elders directives, Seberwal reveals that impunity was rife among the Embu even before colonial contacts. At some point he reveals that the body of elders did not adequately deal with impunity. As such it is observable from his argument that if the elders failed at whatever point, then the community would device its own mechanisms of fighting impunity. For example, he writes that,

...if a man was determined to evade an obligation or a liability, his adversary could find little redress in the elders council. The relationship between them would probably be strained and some informal sanctions applied. Individuals who had managed to antagonize a large number of neighbours no doubt felt the force of informal ostracism; this could be made a formal act through the laying of a public curse (Saberwal, 1970:81).

Several other Kenyan communities had ways of containing society hence addressing impunity. The Akamba of Kenya also had governments that ensured cohesiveness of the society. In the face of impunity and case of disregard of the their law, Ndeti (1972:104) writes that in case of individuals acting in ways that threatened the existence of the community, the most serious and collective retaliation was evoked. The Akamba community took responsibility to protect itself against outlaws to the extent of killing some and banishing others.

The *Agikuyu* of Kenya, as Muriuki (1974:111) writes, had “knit family (*nyumba*) systems. Each family was regarded as a social and administrative unit under the headship of the father.” The father was supreme in all family

matters. Beyond the family, was the clan or *mbari*, whose affairs were coordinated by a *mbari* council and thus the kikuyu controlled impunity.

Unfortunately, for many African societies many of these structures were male dominated and were controlled by a certain class of people. Therefore, impunity in pre-colonial Kenya can be seen to have had a gendered face which was mainly patriarchal. Different forms of patriarchy presented women with distinct “rules of the game” and defined for them how they were to live. Under patriarchy life options were minimized with varying potential for active or passive resistance in the face of oppression. Under such options, conditions for the proliferation of impunity were multiplied. Even though, it needs to be noted that impunity in pre-colonial Kenya though given impetus by culture and patriarchy, had a subtle face in that it was not outright.

It is not in the interest of this study to venture deeply into a cultural aspect of impunity. However, what can be noted is that there is a cultural side however minimal to the face of impunity that is experienced in Kenya today. Admittance is therefore made of the fact that not all impunity being experienced in Kenya today emanates from colonial contacts.

Impunity mostly is couched in male dominated structures which not only trade but dominate structures of power and authority. This means that impunity and authority or power over thrive together. It can also be said that although there was impunity in Kenya before contacts with the colonialist it was not at the level as it is experienced today. It is probable that colonialism and imperialism gave Kenyan impunity the face that it wears today.

3.2.1.1 Gendered Perspectives

Cultural transactions necessarily yield impunity that has a gendered face. Although gendered impunity is very detrimental to both gender, the worst effects bear upon women in Kenyan cultures. As was noted during the CBS, women's experiences are varied depending on their social location and proximity to the empire. Even tough, their experience under any form of patriarchy is one of second class or lower citizen status. Therefore, gender perspectives become necessary in reading empire and impunity because of the impetus gender positions are given by the struggles for power.

It will be acknowledged that Kenyan women have been recipients of impunity in almost all sectors: in the homes as spousal abuse, on the roads where women drivers are bullied, in employment spaces where they are sexually exploited, silenced, harassed and violated; in all these sectors, women bear the blunt of impunity in Kenya (OI: 03/05/2012). This experience is worsened if it is given impetus by texts of the empire and the Bible in particular.

Readings by a myriad of postcolonial feminist writers have exposed how the Bible has conformed to its social-historic setting to condone patriarchy and impunity in all its *status quo*. This is to say that postcolonial texts propound relationships of profound inequality (Dube, 2007:17). Most of these relationships are driven by expansionist aims that exhibit fear of difference while promoting authority of certain groups over others (Ibid).

3.2.2 Hybridized Impunity

Impunity in Kenya has a hybrid face. This can be taken to mean the official face or the face exhibited by those who are the dominant group and represent others in Kenya. When speaking of impunity in the official spaces, it is assumed that impunity has rank and its seriousness in practice and effects seem to follow the top bottom trend and the cause and effect matrix. Impunity of this type is very serious, however, it is more serious if the cause is the top and the effect is at the bottom. Impunity committed by people in high places of power tend to reveal a connectedness which betrays an in-betweenness, a collaboration and a contestation in identity between the rulers and the masses ('other') in Kenya. It is easy for those on top to practice impunity. For example, according to the Kenya National Human Rights Commission (KNHRC) report (2011:21)¹¹, leaders and administrators allied to the political parties to which the executive belongs seem to be more prone to practicing impunity. However, well connected private or non-state actors also play a critical role either in initiating or abetting impunity in collaboration with their state partners. For instance, during the post-election violence and financial scandals such as Goldenberg, Anglo Leasing, the City Council Cemetery land, and National Hospital Insurance Fund (NHIF), individuals and companies have been found to be the key purveyors of impunity in the public sector.

Keenly considered in the hybridized form of impunity, players or actors exhibit an overlap and displacement of identities. In hybridity whether aware of it or not there is antagonism or affiliation, and new identities

produced performatively, producing multiple layers of existence. Hybridization, whether intentional or by default yields cultural identities that were not originally intended in the transaction between the colonized and the colonizers just like the evangelized and the evangelist Mark. Just as in hybridity studies, hybridized impunity becomes a threat to the centres of power or colonizers because it becomes an inevitable by-product of the encounter.

3.2.3 Mimicked Impunity

Impunity in Kenya could also be construed as having a mimicry face. In postcolonial studies, mimicry stands for a situation where colonial subjects mimic by repeating the colonial masters. Applied to Kenya, this is the face worn by the masses other or the Kenyan subaltern when they relay the impunity that is wielded in the power spaces. Unlike the hybridized impunity which spaces itself in the high offices, this form of impunity has its domain mainly in the low spaces for example the *matatu* sector, roads by motorists, streets in burglary and mugging, junior ranking police officers and city council *askaris* etc. (OI: 20/09/2012). What is important to note in this form of impunity, is that in the repetition, the product is never the same and that the repetition is not for repetition's sake. It is for the sake of fostering or layering other forms of impunity.

3.2.4 Ambivalent Impunity

As already stated, ambivalence refers to a simultaneous attraction towards repulsion from an object, person or action. According to Bhabha (2004:85), when adapted to colonial discourse theory, it is used to describe the complex attraction and repulsion, which mark the relationship between the colonizers and the colonized. Applied to the Kenyan situation we assign this to the impunity practiced by religious people and more so Christian leaders and followers. This is to say that impunity in Kenya has a religious face. It is the situation described as people wanting one thing and its opposite and at the same time. When Christians desire to adhere to abide by Christian principles and at the same time desire to circumvent the law they commit impunity. It is impunity that results from Christians or Christian leaders circumventing religious laws and the laws of the land to achieve specific goals. The Ndungú report¹² names churches and Christian leaders who were involved in land grabbing. Put differently, this is the inability of the Kenyan Christian strictly to stick to the 'narrow way' (Matt 7:13-14) which in turn poses an attraction and repulsion to the wide way. Perhaps the Christian gospel and the Bible presents Christians with ambivalent injunctions such that the Christian is only limited to an ambivalent reception of the same for a way out.

In summary, it can be noted that what goes on in Kenya today is more of a power and authority play stage as depicted in Mark's Gospel. In thinking about impunity, Kenya today may be seen as suffering power experimentation and improvisation in which everyone indulges. In a climate of impunity, the

post-colony is cantered within the philosophy of who represents and represses who, the very traits that colonialism impinged on the citizenry. This is in realization that with the coming of independence Kenyans became free only in the absence of direct physical control of the empire. Therefore, Kenya has been free in its un-freedom. Western hegemony, whether met in practice by resistance or collusion, serves as the cultural machine; it is as if it manufactures what the local people are made of making impunity in Kenya a multifaceted complex.

3.3 Impunity and Building Empires of Corruption

The usefulness of postcolonialism as a discipline is seen in the fact that it acknowledges the severe impact of colonialism and recognizes the force of continuing neo-colonization in the form of globalization (Sugirtharajah, 2006:64). Applied to the issue of impunity, corruption and empire building in Kenya, postcolonialism becomes a very useful theory in uncovering how colonial forces working with dominant forces collude to marginalize others through corruption and impunity. Put differently, postcolonial theory helps uncover empires which have been assembled through impunity and corrupt deals. This is to acknowledge that encounters and exchanges with the colonizers in Kenya produced a hybrid crop of Kenyans who were bent on sustaining imperialism. As Moore (2006:13) puts it, “colonial discourses regularly enjoin the colonizers to internalize and replicate the colonizer’s culture. If colonial mimicry is “using the mater’s tools indeed” (Punt,

2003:78) then those involved in corrupt deals in Kenya and who are mainly the rich and privileged have used the master's tools to build corrupt empires.

Imperialism “when characterized by the exercise of power through direct conquest or through political and economic influence (Young, 1999:84)” imbibes an expansionist ideology. Under a capitalistic system inherited from the colonialist, Kenya becomes a suitable ground under which empire building ideology takes root and at various stages; personal and corporate. The building of corrupt empires in Kenya aptly takes the form of economic influence whereby “economic influence” (1999:85) partly involves abdication of the consequences of the law through impunity.

3.3.1 The State of Corruption in Kenya

Studies have revealed that corruption is endemic in Kenya. Kenya is one of the most corrupt countries in the world ranked by Transparency International (Corruption Perception Index CPI) at position 154 out 182 countries in 2011¹³. A more recent survey (July 2013) has ranked Kenya the fourth most corrupt country in the world. According also to Mutua (2004:17),

the political history and governance of the Kenyan state is a catalogue of gross human rights violations, the arrogance of power, and the commission of mind boggling economic crimes.

Corruption while seeking to entrench hegemonic empires produces negative consequences of an economic, political and administrative nature. Given this picture of corruption by Mutua and Transparency International, then it can be noted that corruption has become another way of life in Kenya. Corruption is practiced in both the high and low offices; it is practiced by the state officers

and by the common *mwanachi* (citizen). It may have become cultural in a way. The prevalence of corruption in Kenya can be illustrated in the fact that it is found in the public sector, private sector and even in the religious sector.

The impact of corruption on governance in Kenya can be seen as impeding the upholding of the principles of good governance. To illustrate this, it can be well noted that corruption is said to cost Kenya as much as \$1bn annually.¹⁴ As Mitullah (2010:329) expounds, theft, embezzlement of public resources and fraud by public officials reduces the availability of government funds for development-related activities. The resultant limited finances impact negatively on the provision of essential services. Such was the case in 2007 where the Kenya National AIDS Control Council (NACC)¹⁵ which was set up to coordinate the prevention and control of HIV and AIDS was discredited when it was discovered that senior staff had paid themselves inflated salaries and allowances among other irregularities. This not only led to the withdrawal of US \$15 million AIDS grant by the Global Fund to Fight HIV and AIDS, Tuberculosis and Malaria but also led to apathy on the part of patients (Katumanga, 2010:344).

The impact of corruption can also be seen as impeding the upholding the rule of law; rather as promoting impunity.¹⁶ For example, and according to media reports, the former Attorney-General (AG) in Kenya (Amos Wako) was severally accused of misusing state powers by acting unilaterally using *nolle prosequi* on cases of public interest and outright criminal activities. Such was

the case where Tom Chomondley¹⁷ a grandson of a former colonialist was cleared of criminal liability of murdering a game warden on his ranch.

This and other cases have been investigated by the former Kenya Anti-Corruption Commission (KACC) and with several bottlenecks (which is now Ethics and Anti-Corruption Commission (EACC)). However, the fact that the KACC had no prosecutorial mandate, (it only investigated and the AG prosecuted on its behalf) left its position undermined by allegations of impropriety of shielding prominent people in the government (wa-Mungai, 2010:79). In the past this led to a public affront between the AG's office and KACC over the prosecution of top government officials allegedly involved in corrupt practices. Under the current constitution, KACC has been transformed to encompass an ethical dimension in the now Ethics and Anti-Corruption Commission (EACC). It remains to be seen what the newly reconstituted EACC will do in the current constitutional dispensation.

3.3.2 Corruption and the Empire

Corruption is seen as aiding in empire building when its proceeds are used by the *wenyeinchi* (lit. those who own the nation) to further marginalize (*wanjikunize* or subalternize) the *wananchi* (citizenly). Corruption in Kenya comes in two forms. Petty corruption in Kenya occurs when citizens are asked for a bribe (*kitu kidogo...* lit. Something small) for trivial reasons e.g. to get a document stamped, a service provided, or an infringement overlooked. The amounts are small, but hardly petty to the many people who can hardly afford the required petty (*chai*) amounts (OI: 24/07/2012). Kenya also has corruption

in high offices or grand corruption particularly in public purchases made at inflated prices; public benefits handed out to people who are not entitled; fictitious companies being paid for contracts that they never executed (Katumanga, 2010: 352).

Corruption in high offices conjures up the picture of imperialism. The mention of high corruption in Kenya quickly brings to mind several cases including Goldenberg and Anglo leasing scandals.¹⁸ In the year 2012 there were several other reported scams including the flawed tendering process for the extension of the Jomo Kenyatta International Airport and corruption in the Prime minister's office where Kenya lost approximately Kshs. 23 billions in subsidies and taxes.¹⁹ There has also been the Free Primary Education scandal in the Ministry of Education where through corrupt deals money meant to meet the international mandate of free education for all was looted by well connected individuals.²⁰ The National Hospital Insurance Fund (NHIF) scandal will remain in the annals of Kenyan history, perhaps the greatest attempt by people in power to loot not only funds meant for health but also the health of the nation itself. According media to reports,²¹ a scrutiny of the National Hospital Insurance Fund (NHIF) scheme revealed a curious decision where two private medical facilities received the bulk of the first quarter disbursement of the new civil servants' out-patient medical cover rollout. Clinix Medicare Limited and Meridian Medical Group clinics and their ghost outlets were said to have been awarded funds in corrupt deals whose investigation has never been made public. Again this was a cartel of well

connected people trying to further marginalize the Kenyan subaltern through corruption funded expansionist schemes.

Corruption therefore not only robs the state the much needed revenue through corrupt officials but also ensures that the poor remain poor and that they have no chance of enjoying better services. The government of Kenya has admitted on several occasions that it had failed to tame corruption because the very institutions vested with this fight are fraught with corruption and political interference by interested parties bent on making their corrupt deals at the expense of the citizenry. Though the government exercised ingenuity in establishing the then Kenya Anti-Corruption Commission (KACC) in 2003, due to political interference by well connected people, KACC and the current EACC have remained only a public educators on corruption with no prosecutorial mandate.

3.3.3 Impunity and Connectedness

Impunity relies on connections for its continued spread in Kenya. These connections can be theorized using the term connectedness. Connectedness just like imperialism can be seen as an expansionist ideology. It is subordinate to imperialism because it is a tool in empire building. Connectedness' can be conceptualized in a spiral manner whereby it can be seen as a sphere of influence. In this understanding, it stands for the ability of a person to wield power and influence at various levels of society. In Kenya, connectedness main aim is to spread tentacles far and wide but more so to have those tentacles anchored to the centre (Throup, 1993:377).²²

Connectedness in Kenya is of a special type and endemic because systems of governance are unreliable. Therefore, it is an attempt to fill the vacuums created by collapsed governance systems. Connectedness penetrates all sectors of a society, shattering all bureaucratic barriers, assuring and delivering its services in record time. Connectedness when utilized for good purposes can be very useful in any society because it fosters communal integration and categorizes society in terms of expertise. However, when used by a few people in power, it can contribute to the worst form of othering in a society.

What is interesting about impunity and corruption in Kenya is the ability of the so called well connected people to circumvent the law. These are the people either at the bottom but connected or at the centre of governance but also connected to the masses. They are the decision makers and virtually wield influence on all or most law enforcing agencies. According to Murunga (2007:264), this problem stems from Kenya's centralization of power in the presidency that removes competition and benefits a few political actors. These are the people who represent the 'others', a majority of them bear Christian names and are well connected in churches. They are the hegemonic powers that be and their hegemonic powers are represented from top to bottom in every sector of the Kenyan society.

Their empires of corruption and impunity are sustained through connections. The police seem to know the perpetrators of economic and political crimes but they are reluctant to arrest them either because of bribery or inadequate evidence to link them to the offence or because of their

connections with the people in high places (Murunga, 2007:83). They are well connected people and for them impunity or life without legal consequences is another way of life. It is a culture which cycle to break may take more than ever-green constitutional dispensations.

3.4 Impunity and Postcolonial Identities in Kenya

Postcolonial identities emerge in Kenya in the discourse of tribe and ethnicity. Wanyonyi (2010), a key writer on identities begins his discourse on negative ethnicity in Kenya by borrowing from a newspaper article by Philip Ochieng. The citation partly states that,

...one word seems to drive our national fate; tribalism. If the December (27, 2007) elections were hijacked, we all blamed it confidently on tribalism. In any case, the most spectacular consequences – the violence that rocked the entire country – seemed to pit certain tribes against others.

Within the ambit of the 2007 Post Elections Violence (PEV), Wanyonyi like other writers tries to conjure up the ghost of ethnicity into the wide scale disregard of system authority in Kenya during that period. How much can tribalism and ethnicity be included into the definition of the impunity prevalence in Kenya? The answer to this question can only be determined by considering what tribe or ethnic identity means to the Kenyan.

3.4.1 Tribe and Ethnicity

Although these terms are cousins in their meanings, their definitions and usage may not be all that close. Various authorities have attempted to situate the origins of the terms ‘tribe’ and ‘ethnicity’. Wanyonyi (2010:33) argues for several possible ways in which the origin of tribe can be traced and

understood. Firstly he posits that ‘tribe’ owes its origins to ancient Rome. Placing its origins from the Latin word *tribus* which originally signified each of the satellites into which Italian people were classified, he shows that with the expansion of the Roman Empire, the term later came to be applied to non-Italic people. Within this understanding therefore, it stands to show that the meaning of tribe may not have necessarily been confined to blood, cultural or such related identities.

Secondly, Wanyonyi indicts the period 1500 years ago when Western Europe began rising to the position of world hegemony. Under this stream, “tribe becomes a group of individuals with a common blood heritage, eking out a living at a very low level of socio-economic formation” (2010:33). Wanyonyi further states that the word tribe can be identified with *tributus* or tributary or third rate. In fact he demonstrates that Julius Caesar, the Roman Emperor, used it when he conquered and colonized a people to distinguish his people from the conquered subjects. In the same understanding, it can be used to highlight the argument that the British after conquering Kenya classified the indigenous people as tribes and their languages as vernaculars. Therefore, within these two categories of origins, it can be seen that the term tribe and tribalism are mostly regular pejorative and negative terms.

Turning to an understanding of Ethnicity and following Wanyonyi it can be noted that the term ‘ethnic’ is derived from the Greek word ‘*ethnikos*’ (ἔθνικος) which originally meant nation. With time it also meant and included entries such as heathen, pagan, gentile, non-Jewish and non-

Christian. Within the years, the pejorative overtones in the term have been minimized and in its application the term may not be as harsh as tribe. As such the concept of ethnic identity is much less offensive or more acceptable to its composite term tribe.

According to Ashcroft (2007:89), ethnicity is a term that has been used increasingly since the 1960s to account for human variation in terms of culture, tradition, language, social patterns and ancestry, rather than the discredited generalizations of race with its assumption of a humanity divided into fixed, genetically determined biological types. Ethnicity refers to the fusion of many traits that belong to the nature of any ethnic group: a composite of shared values, beliefs, norms, tastes, behaviours, experiences, consciousness of kind, and loyalties (Schermerhorn, 1974:2). A person's ethnic group is such a powerful identifier because while he or she chooses to remain in it, it is an identity that cannot be denied, rejected or taken away by others.

Whereas race emerged as a way of establishing a hierarchical division between Europe and its 'others', identifying people according to fixed genetic criteria, ethnicity is usually deployed as an expression of a positive self-perception that offers certain advantages to its members. Membership of an ethnic group is shared according to certain agreed criteria, even though the nature, the combination and the importance of those criteria may be debated or may change over time (1974:20). In addition to this, sociologists of race and ethnicity typically focus on the dynamics of racial and ethnic inequality,

providing studies of income, education, discrimination, public opinion about race, and racially marked poor neighborhoods. They also concentrate on how people of various races and ethnics adapt to life in their groupings.

In Ashcroft's view (2007: 78-9), the term 'ethnicity' however, really only achieves wide currency when these 'national' groups find themselves as minorities within a larger national grouping, as occurs in the aftermath of colonization, either through immigration to settled colonies such as USA, Canada, Australia, New Zealand, or by the migration of colonized peoples to the colonizing centre. One further consequence of this movement is that older European nations can no longer claim to be coterminous with a particular ethnic group but are themselves the heterogeneous and, in time, hybridized.

A feature of the use of the term is that the element of marginalization evident in the earliest uses of 'ethnic' often seems to remain implied in contemporary usage. Where it originally referred to heathen nations, it now suggests groups that are not the mainstream, groups that are not traditionally identified with the dominant national mythology. Thus, in settler colonies of the British Empire, the dominant Anglo-Saxon group is usually not seen as an ethnic group because its ethnicity has constructed the mythology of national identity. Such identification is not limited to colonial experience, but does reveal the 'imperialistic' nature of national mythology, and the political implications of any link between ethnicity and nation. Given the fact that 'ethnicity' comes into greatest contemporary currency in the context of immigration, Ashcroft (2007:77) views ethnicity as:

...a group or category of persons who have a common ancestral origin and the same cultural traits, who have a sense of peoplehood and of group belonging, who are of immigrant background and have either minority or majority status within a larger society.

In more of Ashcroft's words therefore:

Ethnic identities thus persist beyond cultural assimilation into the wider society and the persistence of ethnic identity is not necessarily related to the perpetuation of traditional cultures. In most cases, very few features of traditional culture need to be selected as 'symbolic elements' around which ethnic identity revolves, and individuals need experience very few of the defining criteria (e.g. common ancestry) to consider themselves members of the group. No ethnic group is completely unified or in complete agreement about its own ethnicity and no one essential feature can ever be found in every member of the group. Nevertheless, this dynamic interweaving of identifying features has come to function as an increasingly potent locus of identity in an increasingly migratory, globalized and hybridized world (2007:92).

3.4.2 Tribe and Ethnicity²³ in Kenya

According to Wamwere (2008:96) tribe and ethnicity in Kenya may not be discussed the way postcolonial writers discuss it. For Wamwere, they may mean the same but 'tribe' is ascribed to Africans who possess lower class races while 'ethnicity' is ascribed to white people who have higher class races. According to Wamwere, "this distinction between 'intellectuals' ethnicity and ordinary folks' tribalism ensures that *wananchi*, or common people, are left out of scholarly discussions of ethnic hate" (ibid). In fact, Wamwere in many places uses the two terms interchangeably although he reserves 'tribalist' for anyone who harbors negative ethnicity.

Notwithstanding this, tribe and ethnicity in Kenya have a history and not only in terms of origin but also in terms of prevalence. Tribe and ethnicity in Kenya can be discussed under four periods namely, the colonial period, the Jomo Kenyatta's regime (1963-1978), Daniel Arap Moi's regime (1978-2002)

and the Mwai Kibaki's regime (2002-2012). These periods are markers of the four political transitions that Kenya has had in its journey to nationhood. This discussion can be held in view of the fact that the construction of tribe and ethnicity in Kenya is riddled with colonial bias and crave for power and domination. In order to understand fully the effects of the application of tribe and ethnicity in Kenya; "postcolonial theory becomes a profitable alternative theory to uncover colonial domination in all its forms" (Sugirtharajah, 2006:64).

3.4.2.1 Colonial Period (1895-1963)

If ethnicity can be taken to incorporate the non-pejorative meaning of what is tribe in Kenya, then several things can be noted. Among these is the picture of ethnic identities in Kenya before and after colonialism. According to Wanyonyi (2010:35), pre-colonial people of Kenya existed in porous boundaries separating members of different communities. People intermingled freely and it is possible that dominant groups assimilated the minor groups. To affirm this further he notes that colonialism for long periods of time created systems of production, exchange and redistribution which were predicated on local identities rather than specific Bantu or Nilotic identities. To demonstrate this Muriuki (1974) observes that the Agikuyu represent a fusion of many different ethnic elements including the Gumba, Maasai, Athi and the Okiek. This can be construed as true of every other community in Kenya such that: one cannot talk about a pure ethnic group" (Wanyonyi, 2010:35).

When the colonialists arrived in Kenya, this picture was completely altered. Upon establishing authority over their subjects, the colonial administration radically transformed inter-ethnic relations including interactions and mingling. This ushered in a very different social milieu with its hallmark as curtailed freedom of association among the colonized. Within this agenda of the colonialist, Wanyonyi rightly observes that “colonial forces achieved this by introducing new authoritarian policies, administrative values and practices, all of which aimed at benefiting colonialists to the disadvantage of the colonized people” (2010:36). In colonial *worlding*, ethnic identities were of paramount importance for part of colonial scheme and empire ideology is divide and rule.

Within this ideology, Wanyonyi further notes that the introduction of *kipande* (identity card) in colonial Kenya was majorly to help rigidify ethnicity. In curving Kenya into zones and provinces for different ethnic groups, the colonialists were thereby able to create what Wanyonyi terms as “segregation boundaries” (2010:37). Wanyonyi reserves very harsh words for this accomplishment when he observes that “the strategy also helped to intensify and fossilize ethnic consciousness amongst the different communities and ended up promoting the feeling of exclusiveness and eventually planted the seeds of ethnocentrism and the urge for ethnocracy” (2010:37). As Maathai (2006) further observes, these “segregation boundaries” existed even in colonial ‘owned’ spaces and in settler farms. Maathai gives the example of settler Neylan’s farm where labour force was drawn from different local ethnic

groups. However, she notes that these communities could not live in close proximity of each other within Neylan's farm. She observes that: -

Each community kept to the category of jobs assigned to it. The Kikuyu worked in the fields, the Luo laboured around the homestead as domestic workers and the Kipsigis took care of the livestock and milking. These workers also lived separately. Thus a Kikuyu village was separate from a Luo one which was in turn separate from a Kipsigis counterpart (Maathai, 2006:22).

What can be noted is that this practice contributed to the emergence of specific ethnic stereotypes and at the same time perpetuated interethnic exclusivity. These in turn were to be the seedbeds of impunity along tribal lines.

3.4.2.2 Jomo Kenyatta's Period (1963-1978)

Having fossilized ethnicity in Kenya (see Kundu, 2000:173)²⁴, the exit of the colonialists never marked the end of negative ethnicity. In fact ethnic othering blossomed like a kindled fire. To briefly illustrate this, it can be noted that the ideological differences between Mzee Jomo Kenyatta (Kikuyu) and Oginga Odinga²⁵ (Luo) in the post-independent Kenya were taken by many of their followers as ethnic differences. This not only led to ethnic suspicion from time to time between Jomo Kenyatta and Oginga Odinga but also between the Kikuyus and Luos whom they represented. Following Wanyonyi (2010:41) it can also be observed that ethnic animosity between the Kikuyu and the Luo took a violent turn in 1969 with the assassination of Tom Mboya.²⁶ Assassination is the most extreme measure to deal with political dissent (Gimode 2007:235). With the allegation that Tom Mboya (a Luo), was assassinated by Nahashon Njenga Njoroge²⁷ (a Kikuyu), ethnic emotions rose

to a crescendo in Nairobi and Nyanza (Kikuyus were more concentrated in Nairobi while the Luos were more to be found in Nyanza).

Many commentators agree that the assassination of Mboya on 5th July 1969 (Gimode, 2007: 237) marked one moment that further divided the young republic along ethnic lines. According to Ogot (2003: 233), Mboya's death united the Luo under the leadership of Oginga Odinga and the Kikuyu under Jomo Kenyatta. In retrospect this death can also be seen as having divided the nation along ethnic lines.

Although there were other political assassinations during Kenyatta's time which involved the death of fellow Kikuyu's consequential evidence can point to the fact that these assassinations occurred to Kikuyus who aligned themselves with Kenyatta's dissidents.²⁸ Assassinations of dissidents and economic balkanization of opposing 'tribes' marked Kenyatta's way of polarizing Kenya along ethnic lines (Margaret Gecaga, 2007:73). The foregoing and many other examples during this time can be put forth to show that Jomo Kenyatta's tenure of office was marked with tensions among the bulk of the Luo and Kikuyu populations. Other small ethnic groups were also inclined to align themselves with the bigger ethnic groups. Kenyatta's period was one of heightened ethnic concientization where the language of the day became prevalently, which ethnic group was against which other.

3.4.2.3 Daniel Arap Moi's Period (1978-2002)

Daniel Moi's time proved difficult and took ethnicity to a different level altogether. Perhaps ethnicity took its ugly and unique twist during Moi's

regime because of his limited education and a kind of inferiority complex (Gimode, 2007:239)²⁹. Upon ascending to the throne after the demise of Mzee Kenyatta, Moi gradually but systematically entrenched himself. By use of the slogan *Nyayo*³⁰, (footsteps) Moi promised the nation to follow the footsteps of Mzee Jomo Kenyatta. However, as it came to be evident Moi meant different things and his *Nyayo* slogan became another way of perpetuating ethnicity.

For example, immediately he took over power, Moi appointed members of his ethnic group to key positions in government previously held by the Kikuyu's (see Gecaga, 2007:61-65). He used state power to not only consolidate his power but also to destroy the Kikuyu economic base (Gecaga, 2007:69). Although Moi initially attempted to stomp out ethnicity by outlawing ethnic groups e.g. Gikuyu, Embu, Meru Association (GEMA), The Luo Union, The New Akamba Union, The Abaluyia Welfare Association as well as ethnic based soccer clubs, it is evident that ethnic based practices in government offices never disappeared. In fact to counter the GEMA movement that was proving to be an enigma during his period, Moi allowed the formation of the Kalenjin, Maasai, Turkana and Samburu (KAMATUSA) and Luyia communities (ibid).

One of the key elements of Moi's governance that perpetrated ethnicity was his policy on District Focus for Rural Development. District Focus aimed at transferring development strategies from provincial to district level, but given that many districts in Kenya are constituted around ethnic communities, one might conclude that District Focus for Rural Development further

reinforced negative ethnicity. Although Morton (1998:210)³¹ though inadequately tries to defend Moi's scheme of District Focus for Rural Development, it can be noted that districts inhabited by ethnic communities favourable to Moi's regime benefited from allocation of resources from the national coffer. What was meant to be District focus actually ended up being 'Moi's selective focus.' This heightened tribal suspicion and animosity especially from ethnic groups that were oppressed by Moi's regime. If Kenyatta's regime pitted the Kikuyu against the Luo, Moi's regime pitted the Kikuyu against the Kalenjin (Amutabi, 2007:209). Noteworthy, is that the Luos were also marginalized during Moi's time. The animosities between the Kikuyu and Kalenjin ethnic groups were to have their full expression in the 2008 post-election violence (although this was not the full cause of the post-election violence in 2008).

Although ethnicity and the education sector cannot wholly be blamed on Moi (see Kundu 2000:178), Moi's regime used the education sector to propel ethnicity hence contributed to ethnic consciousness in Kenya. Moi introduced the quota system of admission in high schools. The quarter system was meant to give opportunities to students from around the school locality and allowed admission of only a portion of students who hailed from outside the province. As Wanyonyi (2007:46) argues, this system while meant to encourage communities to invest more in constructing new and well equipped schools, also adversely affected the nation building approach. In deed many undeveloped communities saw the quota system as a way of restricting certain

ethnic identities from benefitting from national schools many of which were located within the jurisdiction of the majority ethnic groups. This again contributed to ethnic suspicion and political unrest around ethnicity.

3.4.2.4 Mwai Kibaki's Period (2002-2013)

In order to have a balanced view of negative ethnicity under all the presidents of Kenya, writers in Kenya history give fitting examples of how Kibaki's regime continued ethnicity. Wanyonyi (2007:44) argues that Kibaki's entry into State House exploited ethnic structures in the name of political parties that Moi had built around him for political security. Under Moi various political parties though claiming to be national, were actually ethnic caucuses (see Munene, 2012:131-137). The Kenya National African Union (KANU) had largely become a Kalenjin party; Ford-Kenya³² was mainly comprised of Luo while Ford-Asili and DP were mainly GEMA outfits (Oloo, 2007:117). Every major political party received its greatest support from among the ethnic community that its leader came from. Due to the democratic space offered and liberalism achieved by advent of multiparty politics formation of more ethnic parties was experienced (Munene, 2012:137). In the case of small ethnic groups, the era of tribal party alliances was inaugurated. When Moi's KANU made alliances with Raila's NDP (National Development Party), Kibaki's DP (Democratic Party) made similar alliances with Charity Ngilu's SDP, Kijana Wamalwa's Ford Kenya to form the huge infamous ethnic stream that was NAK (National Alliance Party of Kenya). It was to this NAK that Raila and allies decamped to in when his alliance with Moi could not be sustained, but

not without forming a loose alliance known as LDP (Liberal Democratic Party) in 2002 which was comprised of mainly KANU dissidents (Oloo, 2007:115).

The marriage of NAK and LDP gave birth to NARC (National Alliance Rainbow Coalition) in 2002 which could have been viewed as a huge ethnic mainstream. In as much as many commentators (see Wanyonyi, 2010:44) view NARC as a viable model that could have downplayed ethnicity in Kenya, little do they consider the othering it had done to the Kalenjins and affiliate identities. NARC should be seen for what it was; a loose morphing up of groups by ethnic leaders for short-term political gains. This is the NARC that brought Kibaki to power in 2002 but not without a memorandum of understanding (MOU) as a pledge for ethnic balance.

Just like Jomo Kenyatta and Daniel Moi, Mwai Kibaki was unable to sing eloquently the song of tribal balance. In the initial years of his rule, Kibaki denigrated upon the MOU that was signed in 2002 and marginalized the LDP allies. This kindled the wrath of Western Kenya ethnic groups who were sympathizers of LDP. This further raised animosity between these groups and the Central Kenya groups. According to Mwangola (2007:157), the trashing of the MOU became just another example of the Kibaki's administration determination to retain power along tribal ranks. On account of this, it can be argued that the 2005 National referendum on the so called Wako Draft of the constitution was in many ways a contest between the Central Kenya ethnicities and other ethnic groups. In fact, "the overwhelming majority

voted for ‘NO’ [Orange] in the referendum not to the constitution but to an ideology of anti-Kikuyuism that had coalesced amongst the ‘YES’ [Banana] supporters” (Wanyonyi, 2010:45)³³.

The picture that comes up in this work attempts to show that Kenya has become a centre stage for negative ethnic theatrics with politics being the main catalyst. Each political leadership including that colonial has never been able to completely remove Kenyans from an ethnic outfit and to set them into ‘Kenyanness’ (see Mwangola, 2007:143; Wekesa, 2010: 51) or national identity. Ethnicity in Kenya is about transacted and perceived power and authority. Negative ethnicity in Kenya is almost another way of life and counts for power over and othering. Just as the story of Mark is sustained through Christ power, so is the story of Kenyan life sustained through tribal power. In fact ethnic identity in Kenya has been ‘commodified’ to the extent that it is the news that sells just as soccer sells in England. As long as ethnic identity will be characterized by economic well being and political favouritism, negative ethnicity will remain a major source of impunity in Kenya as groups use the political and economic arenas to out-do each other. It remains to be seen what the Uhuru Kenyatta presidency coupled with the current constitution will do to bring Kenyans to another experience of Kenyanness altogether.

3.4.3 Ethnic Identities and Impunity in Kenya

Negative ethnicity is so entrenched in the Kenyan fibre such that one has not introduced themselves properly until they have answered the question, ‘where are you from?’ in terms of ethnic identity. While it is certain that

people can be born and married in areas where their parents did not come from, the fact that they bear certain names, confines them to belong to where their names originated from. Even families who have been residents in an area for generations, perhaps with younger members who have never even set foot in their rural 'home' are still subject to immigrant status (Jenkins, 2012:579).

On account of such ingrained tribal differentiations, various atrocities in Kenya have been perpetrated in the name of tribal and ethnic identities. Impunity is meted out through zoning of areas to be tribal zones and no go zones for members of other ethnicities. During the 2008 post-election violence (PEV) for example, parts of the Rift Valley, parts of Central Kenya, Western Kenya, Kenya's Coast and Nairobi etc. were no go zones for other tribes (Chelanga et.al, 2009:35). Members of other ethnic groups who were found there were either killed, maimed or forcefully evicted. Tribal gangs and illegal outfits ensured that this was accomplished in the name of tribe (Waki, 2008:148-165). In spite of the fact that the former and current constitution declared Kenya a land for all Kenyans, on account of tribal consciousness and impunity, these groups disregarded the law to behave the way they did.

Impunity in Kenya is vented through ethnic identity in times of un-rest and when the law seems to be crippled. In view of the *kipande* (National Identity Card) that is noted as a powerful colonial tool, it can be argued that in postcolonial Kenya ethnic identity in times of turmoil is betrayed by the *kipande*. A case to note is the post-election violence that rocked Kenya in the wake of December 2007 and parts of January 2008. According to the Waki

report (2008:95), goons used the *kipande* to identify individual's ethnic identity and either vented violence on them or spared them as the case demanded. In this case, the goons in the rift valley were under instructions to remove all *madoadoas* from the Rift Valley province of Kenya (ibid).

Beyond the PEV it is no wonder and in general circumstances when business is usual many Kenyans prefer introducing themselves to "Others" using the Western or baptismal or other name in order to disguise their tribal identity (see also Jenkins, 2012:579). This concealment of identity cuts across all sectors from business to employment to security etc. During the Contextual Bible Study (CBS), it was noticed that in many instances in the purchase of bargain-able items, the ethnic name of the seller and that of the buyer may determine the pricing of the item in question (OI: 25/07/2012). For example, ethnic group A will sell fruits to ethnic group B at an inflated price while ethnic group B will repair ethnic group A's vehicle at an inflated price (ibid).

Though ethnic identity is priced in postcolonial studies as a recovery of the subaltern identity erased from the mainstream memory by colonial narratives (Sugirtharajah, 2001:178), engrossment with tribal identity in Kenya more often than not yields negative phenomena. Nevertheless, the Kenyan like others must celebrate their ethnicity with ease. The celebration of the ethnicity without resulting to impunity must be a task which postcolonial scholars in Kenya should endeavour to enable. This can be attested by many sentiments of CBS respondents and interviews; the full findings of which shall be incorporated in chapter four.

3.5 Poverty, Subalternity, and Impunity

Poverty in Kenya has many dimensions that interlink with impunity. Ethnic politics in Kenya have a lot to do with ethnic ascendancy into economic ladder. In a relevant book, *It is our Turn to Eat Wrong* (2009), has argued that when used in a political campaign program, the slogan “it is our turn to eat” elicits a lot of support; and of course it results to othering. Kenya which was once a steadily growing economy and later termed a ‘man eat man’³⁴ (Munene, 2012:52) society has slowly become a ‘man eat nothing’ society. Poverty in Kenya is a serious problem. Many people live below the poverty line. Many Kenyans are not poor *per se* but they have been made poor (Munene, 2012:79-80). Poverty in Kenya can be termed systemic; rather it is not by default that many Kenyans are poor but it is by design (UNDP 2006:17). Kiambi, (2010: 75-78) traces the problem of poverty in Kenya to the ever-widening gap between the rich and the poor or the centre and the margins. This according to Kiambi has part of its genesis stemming from the Kenyatta’s family which was the family under focus in the attainment of independence. In line with this thinking Miller (1984:50) notes that, the Jomo Kenyatta family had within the first years of independence transformed and entrenched itself into a famous political and economic power. In fact, “the wife of the first president, Mama Ngina had acquired a substantial economic domain and was actively expanding to include large tracts of uncultivated land and working farms, plus businesses involving transport, ivory, wildlife

trophies and mining” (1984:50). This was tantamount to building an empire fashioned after and transcending that of the colonialists.

In constituting the picture of the rich and the poor in Kenya by ‘othering’, Miller at a very early age revealed that in the building of the Kenyan class empire, ‘nepotism was common place’ and a large number of extended family members and others profited by their favoured positions (1984:51). Furthermore, “in Jomo Kenyatta’s regime, all major decisions flowed from the top to the bottom and were taken by Jomo Kenyatta or by his close lieutenants. The inner circle that held real power was the family” (1984:61) and apart from governing, “capital accumulation was the basic objective of the people close to the regime” (1984:61). As a result, Miller just like Mwangola (2007:143) observes, that the private business and private wealth of the inner circle grew to astounding levels. This means that prosperity was directly or indirectly tied to connections to the first family. Therefore a class of the very rich was in its making and in retrospect another class of the very poor. Just as it is noted in Mark’s Gospel ordering of society, so it can be noted of Jomo Kenyatta’s time that “a clear patron client relationship existed between [Jomo] Kenyatta’s cabinet members and a network of supporters in their home areas who benefited or hoped to benefit by their ties to those in power” (1984:62).

This shows that at an early stage poverty became a class issue. Those who knew somebody in power and were well connected, though poor could get their way out of poverty. When those in power only ‘lift’ those they know,

it in essence results in a relatively stable lower middle economic class and a recognizable class of poor people while others go ahead and obtain exceptional wealth (Munene, 2012:83). Therefore, it can be noted that under Jomo Kenyatta and even subsequent regimes, it is the wealthy black elite who govern the nation with an entrenched hegemony. It is also important to point out that among these wealthy in the ruling class are the clergymen and clergywomen. In essence, Kenya can further be re-grouped into two distinct groups i.e. the *wenyeinchi* [those who own the nation] and the *wananchi* (children of the nation or the poor citizenly); in postcolonial language, these can translate in the centre and the margin. Oscillating between them, perhaps are the middle (upper or lower) classes.

The systemic marginalization of the poor in Kenya can further be seen through an analysis of hybridity which is an enticing idea in current postcolonial studies. As has been noted, the concept of hybridity helps explain by examining and unpacking societal configurations that enable and officiate stack obfuscated inequalities. Hybridity provides a way out of binary thinking, allowing the inscription of the agency of the subaltern, and permits a restructuring and destabilizing of power.

Examined through this concept, the situation that allowed for the making of the most of the marginalized in Kenya immediately after independence can best be described by Miller (1984). Miller's aptly narrates that soon after the attainment of independence,

The elite began to regard themselves as a cohesive group that deserved prestige and economic wellbeing. There were variations in income, but

members of this elite were clearly distinguished from the poor and the lower middle class not only in income but in style. They adopted British styles in clothing, housing, furniture and entertainment. They lived in red brick tiled bungalows with well-tended gardens in Nairobi's residential sections. They played tennis, drank whiskey, and owned well priced cars. In fact the new African elite who had joined or replaced the white elite not only copied their lifestyle but often adopted their outlook. They would still help their poor relatives, in conformity with traditional African values, but many of them tended to keep aloof from less favoured citizens. They were accused especially by university students of perpetrating dualistic social system of colonial days and of favouring a system of mutual accommodation with the remaining whites. They did not yet constitute a hereditary upper class... (1984:72).

This quotation from Miller illustrates how a hybrid generation that was as a result of colonial mimicry was on its way and constituting itself in the post-independence Kenya. Thus hybridity and mimicry³⁵ played a big role in the stratification of the Kenyan society between the poor and the rich. The black elite who had wholeheartedly embraced Western values were alien to their mother culture. This situation also highly contributed to the gap between the rich and the poor (Miller, 1984:84; see also Munene 2012: 81-86 for a similar argument). They did not believe that Kenyan cultural values were the key to development. Western religion (Christianity in particular), medicine and free enterprise were each emphasized over indigenous systems. Due to this Haugerud also rightly sees modern politicians in Kenya not only as bypassing indigenous values, but also openly using Western dress, automobiles and forms of entertainment as status symbols, particularly as a way of distinguishing themselves from the subalterns (1997:136).

3.5.1 Poverty Realities and Markers of Impunity

Even though the gap between the rich and the poor in Kenya can be read from a postcolonial angle of hybridity, poverty in Kenya can also be viewed within the wider matrix of the poor nation itself. The state of official poverty in Kenya can best be described using Webner and Rangers (1996:31) words,

...exports have declined in relative and absolute terms. Food production has declined. Imports of food and other necessities have risen greatly. Import-substitution industries have not lived up to expectations. Industrialization has, with some exceptions, failed to materialize. Borrowing and debt have soured. Currencies have weakened or collapsed. State revenues have plummeted. State controlled economic activities have foundered. State funded services have declined or disintegrated. Official economies have shrunk and parallel economies have grown.

Given this picture of poverty in Kenya and the potential representation of inequality in a mature class society, then it can be expected that pockets of resistance and violence must result from time to time and especially from the 'submerged' (Horsley, 1998:155) classes.

The reality of poverty in Kenya can also be seen through the eyes of the United Nations Development Programme (UNDP)³⁶ report. As stipulated on the front page of its website, the UNDP is the United Nation's (UN) global development network. It is the organization that advocates for change and connects countries to knowledge, experience and resources to help people build a better life. Moreover, UNDP is on the ground in 166 countries, of which Kenya is one of them, working with them on their own solutions to global and national development challenges. UNDP produced the first Human Development Report for Kenya in 1999 with an aim of assessing human

development. Subsequent reports have followed annually and in many of them, human development in Kenya linked to issues of unequal distribution of resources has been a key concern. The UNDP Kenya National Human Development Report 2006 with its theme, 'Human Security and Human Development: A Deliberate Choice' particularly dwells on how a secure environment enhances human development, and also deals with issues of the gap between the rich and the poor in Kenya.

One of the key observations that the report makes is that poverty in Kenya is systemic, partly due to deliberate marginalization of some areas. The sentiments of the report can further be buttressed by Munene's (2012:82) argument. Munene argues that creation of poverty is as a controlling mechanism. Poverty as a controlling mechanism becomes a tool to be employed by those in power against those who would challenge the status quo. Although the UNDP 2013 Human Development Report testifies to a profound shift in global dynamics driven by fast-rising powers of the developing world, human poverty appears to have deepened. This can be attributed to the growing structural inequalities in the HPI components (access to health, water, doctors, and nutritional status of children) (UNDP 2013:17).

Analysis from HPI distribution per county for example show that those without representation in the ruling class are the most affected by poverty levels, while those from where the majority of the ruling class hail attain relatively rich indexes. The rich index attained by the poor near the centers of power can be explained as benefit by default i.e. the benefits are not intended

for the poor in the first place, but as the rich bring services closer to their localities, the poor who are close to them and mostly from their communities end up benefiting in a way. Therefore, counties like Kiambu and Muranga have a lower HPI as compared to Vihiga and Marsabit which have a relatively high index. The same case applies to counties within the central areas as opposed to those in the northern areas and coastal areas. The point is, even collective wealth in Kenya is unequally distributed and its distribution follows after the patterns of poor and rich classifications whereby the rich are typified by the elites who are colonial hybridists and mimics while the poor are lower middle class and the general masses.

Poverty and its creation in Kenya is a contrived process that has long historical roots (Murungi, 2000:87). As a contrived process, it is deliberate and manipulated by some people in power for the purposes of favouring or victimizing persons or particular groups of people. Those who believe they are victimized become resentful believing that their perceived poverty is due to those in authority (Ibid). They in the long run encourage a disregard of the authority of those in power. Some of them nurture feelings of betrayal which in long run become justifications for full blown impunity.

Economic inequalities in the Kenyan society can be attributed to a schemed or deliberate imbalance (Munene, 2012:87). As Thiong'o (2006:216-217)³⁷ has also argued, when the colonialist left Kenya, they only took away their physical presence but left behind their ideologies. A breed of neo-colonialists who were willing to foster the interests of the colonialist and their

own interests connived to create poverty by amassing wealth for themselves (see also Munene, 2012:86, Murunga, 2007:43). Githiga (2001:89) further also observes,

since independence, there had been known cases where people in authority had accumulated property without thinking of the plight of the poor and the marginalised... this grabbing of economic opportunities by a few Kenyans created a wide gap between the rich and the poor.

What can be argued is that this phenomenon is a direct import from the colonial experience through interaction with the colonialists (Munene, 2012:85).

According to Horsley (1998:155), the agenda of postcolonial discourse is to give voice in the central cities to subjects from previously colonized areas. A postcolonial reading of impunity and poverty in Kenya must aim to emancipate previously submerged histories and identities in the process to reveal complex hybridity and contingencies in contemporary world. Postcolonial discourse must reveal that conventional poverty and marginalization in Kenya contributes to the prevailing culture of impunity. Seen in this way, two strands of impunity begin to emerge; impunity as exercised by the ruling class and impunity as enjoined by the subaltern in their struggles.

Impunity of the empire becomes the tool by the ruling class to maintain their status quo, while impunity by the subaltern becomes a tool of resistance. Impunity becomes an attempt by the subaltern to redefine authority hence redefining self. Impunity of the subaltern becomes aware that resisting laws that be, is rejecting hegemonic or normative *worlding* that ensures the

subaltern will never get to the centre of economic freedom. Under postcolonial thinking, perhaps rejecting the laws of the dominant is no longer impunity. It is an emancipatory quest for life that can provide a basis for political challenges to regnant or prevailing forms of domination.

3.6 Impunity and the Law

When it comes to ordering a state within the confines of the law, there is a statement mentioned in the book of Habakkuk³⁸ that rightly reflects the state of Kenyan law and many legal processes. Habakkuk alluding to his days maintains that the law has been crippled. For Habakkuk, this meant that impunity was rampant in his days since the law could not catch up with anybody. Is the law in Kenya crippled and if so at what point did it lose its swiftness?

Before the advent of colonialism, many Kenyan communities were governed through unwritten and social rules and society customs and norms (Ogot, 2000:23). Colonial agents and missionaries however destroyed most outward manifestation of the old tradition; at the same time they first built their own cognitive view of rural African society and then imposed it on daily life before or during the 1920s (Wanyonyi, 2010:35-38). They also erected a structure called customary law which was utterly foreign to the spirit of the former tradition. Customary law was the headstone on its grave (Werbner and Ranger, 1996:275). The familiar old ways of life were reeling and there was a tragic chasm between the physical and cognitive realities.

According to Wanyonyi, during this period variants of neo-African tradition were gestating in cities and the countryside replacing the real identities of the Kenyan. The elites were left to guide the contour which the Kenyan identity should take after the exit of the imperialists. They prevented the post-colonial Kenyan from inventing new structures to cope with new situations. Instead the elites mimicked colonial structures, preferred to Africanized structures and enforced them. These whole structures of perceiving life and reality made sense only to the elites and the need for the so called civic education on how to live. The Kenyan was on an irreversible cultural crisis and being turned almost to cultural schizophrenics (Werbner and Ranger, 1996:276).

Law in Kenya today can be seen as a representation of mimicked colonial worlding. It is caught up in a capitalistic world which Kenya copied from the colonial masters. It is the tool of the dominant meant to control the masses. When Kenyan law and penal institutions as they are today can be read through a Marxist lens, they can be viewed as being caught up in class relations and economic structures (Garland, 1990:111).

Accordingly, Garland argues that in a capitalistic society, law is evolved to produce categories which are legal expressions of bourgeois values. For him, law materializes and universalizes categories which are specific to a particular class-based mode of production (1990:112). Therefore law provides a powerful ideology which helps legitimize these relations by phrasing particular economic interests in a vocabulary of universal right. According to

Garland (1990:113) law is an instrument of class domination and occasionally of class terror. It protects the world view of the dominant as well as the social and moral structures which support them while excluding that of the subaltern. It is chiefly directed against those elements who have 'lost their position' in society.

Postcolonial Marxism helps us to see law for what it really is; an ideological vehicle of the dominant class for social and economic control. Studies that fail to recognize and identify this class dimension and ordering of society by the dominant merely reproduce the ideological effect which law seeks to promote. The practice of law is thus a mechanism of class rule embodied in a legal form which seeks to disguise its class content. Law therefore is a weapon in immediate class struggles and not a guarantor of individual freedoms as it purports to be (Garland, 1990:114). When the subalterns realize this, a revolution in social structures can bring about the conditions needed to dislodge the hegemonic class.

Law therefore, seen in this way becomes the vehicle for organized state terror. Conversely, this becomes inverted impunity because it is only permitted by a world view that is sympathetic to the hegemonic class. For example, it is important to note that law in a dominant class serves class purpose in a way that also enlists support from the subaltern class. In such a situation, the law which protects everyone at one level, also legalizes the basis whereby one class exploits another. Therefore, seen in another way, 'impunity' becomes the subaltern's response to hegemonic worlding. In its performative aspect,

impunity becomes an ideological counter-structure by which the subaltern cries out for an inclusive interpretation of the society. Seen in this way, law becomes a corrupt class instrument (OI: 26/06/2012). Accordingly, law is all about social authority (ἔξουσία) and the governing claims of those in power. In this view, then it becomes right to argue with Garland (1990:123) that law “reinforces these claims by means of coercive sanctions as well as symbolic displays”.

In Kenya impunity of the law has been perpetrated in many instances when the application of law tends to favour those in power or when structures of authority are organized in view of the dominant class. For example, on Wednesday 30th May 2012, Kenya’s Parliament held debate and approved the Bill to control opinion polls. Part of the debate spelt that opinion polls in Kenya disregard many laws and are tools for popularity through impunity. Debaters argued that pollsters in Kenya disregard all law to manipulate or declare their kings as the most popular. In passing the bill, Parliament noted this and included stiff penalties for those found flouting opinion polls control laws. How easy it is for the dominant powers to circumvent consequences and intention of law is shrouded in the words of one of the debaters, Hon. Boni Khalwale as he argued for stiffer penalties, “if we don’t enhance the punishment for breaking the law, then those who do it can ignore the law because they can afford the fine” (Rugene et.al, DN 31/05/2012 p36).³⁹

This only illustrates part of what the dominant class can do when the law is legislated in their view. It also illustrates that in Kenya it is easy to

break the law willingly and use class positions and money to settle the offence or escape. To shed more light on this, during the CBS, participants (CBS: Holy Family Basilica, 01/08/2012) noted that law in Kenya is intended to favour the powerful and torment the powerless. For them, impunity thrives in an atmosphere where there is no fair playing ground.

In Kenya, the judiciary which is supposed to act as the beacon of the rule of law has to a great extent been marred by allegations of lack of transparency, inefficiency, and assertions of corruption among members of the judiciary (CBS: AIPCA, 11/10/2012). This can be illustrated by the backlog cases that have in the past filled the court system because on many occasions, trials fail to commence within reasonable time, and cases are not concluded expeditiously. The cumulative effect and consequences of delayed prosecutions is the erosion of faith in the law on the part of the people and also the undermining of the rule of law. When 'justice delayed becomes justice denied', this state of affairs provides little or no incentive to the citizen to obey and respect the law as it is viewed as retrogressive. The interference of the judiciary by the political elites, legislature and the executive further undermines the due process of the law thus promoting impunity.⁴⁰ No wonder, during the CBS, members noted interference in the judiciary by the powerful as one of the major contributing factors of impunity in Kenya (OI: 13/09/2012). Although, Kenya is currently enjoying a reformed judiciary and there is great promise that things are going from worse to better, citizens need

be encouraged to have faith in the judiciary and other institutions created under the current constitution.

3.7 Impunity as Empire Resistance

Postcolonialism puts emphasis on the economic, material and cultural conditions that determine the global systems in which postcolonial nations are required to operate. Since as Young (2001: 57) indicates, resistance must be registered often since there is no 'postcolonial condition' outside specific instances of complex intermingling of structural forces with local and personal experiences. Postcolonialism must both be contestatory and committed towards political ideals of a transnational social justice. It must attack the status quo of hegemonic economic imperialism doing so with active engagement as does Marxism or Feminism. Drawing on these resources, postcolonialism must invite the subaltern other to some sort of interventionist methodology (Young, 2001:58) to combat the continuing, often covert, operation of an imperialist system of economic, political, religious and cultural domination. A change of the prevailing conditions exerted by the empire upon its subjects must first attract critique and resistance from the position of its victims and not its perpetrators. As such the empire must be resisted.

According to Young (2001: 60), the postcolonial era in its name pays tribute to the great historical achievements of resistance against colonial power, while paradoxically, it also describes the conditions of existence that have followed in which many basic power structures have yet to change in many substantive way. What Young explains is a condition of complacency

immediately after many countries attained their political independence; a condition that ushered in new forms of colonial domination perpetrated by a 'native bourgeois elite' produced during colonial time and that which took on-board many western presuppositions including the idea of the nation-state itself (Young, 2001:59).

In Kenya, this is the group that has superintended over hegemonic power. According to Magaga (2000:89) it is the one that has overseen many violations of human rights. Impunity through human rights violations and economic crimes that have occurred in Kenya over the years have left in their wake countless victims, unheard, denied justice, their grievances and injuries having no redress. The victims and survivors range from individuals and families of political assassinations and killings, torture, inhuman and degrading treatment, arbitrary arrest and detention, disappearances, abductions and extra judicial killings⁴¹.

Added to this group is an even larger number of victims of conflict, insecurity, civil strife; and internal displacements resulting from politically instigated clashes (see Mwakikagile, 2007:154-156; Waki, 2008:458). Grand corruption and theft of public resources results in countless numbers of landless poor, and marginalized groups (Lumumba, 2008:43), while the culture of impunity continues to breed lawlessness and disrespect for the law. Pockets of violence and mass violence all point to some sort of fatigue and impatience with the hegemonic powers that be. In Kenya especially and in spite of a recent change of regime, it is difficult to trust the hegemonic powers

that be to offer the subaltern other with tools of resistance. The *wanjiku*⁴² driven constitutionalism seems to be the best moment for empire resistance. However this period in which the country stands is also posed with many challenges. Part of the challenges includes undue handles and delays in implementing the *wanjiku* constitution and also the desire by the hegemonic powers to amend *wanjiku* clauses that do not favour the status quo.

3.7.1 Resistance through Violence

According to Kurtz (1999:23), violence has for centuries been a common place feature of social life with its causes embedded in the socio-cultural, historical and economic contexts. It can take varied forms including: physical, economic, political, ethnic, religious or linguistic. Among other factors, violence resulting from conflict can be fuelled by the institutionalization of difference whereby exclusion and inclusion are easily discernible (Ndung'u, 2010:112).

Writing in search of answers for the violence in Kenya that emanated from the contested presidential results of the December 2007 general elections, Ndung'u (2010:111) observes that Kenyans "have been socialized into violence through multifaceted ideas and practices; economic, politics and culture all have something to do with this socialization". Ndung'u arrives at this conclusion because as she argues, in the case of the PEV, everyone who followed the events prior to the elections knew that trouble was brewing and at some point inevitable.

Socialization to violence in Kenya cannot just be pegged to the 2007-2008 PEV⁴³; Kenyans have been socialized to violence and this can be illustrated from several fronts. According to Fairclough (2005:45), language is the chief tool for the socialization and institutionalization of violence. Following Fairclough's model of Critical Discourse Analysis (CDA) Ndung'u (2010) argues that Kenyans have mainly been socialized to violence through language. Maintaining that "human beings cannot claim their humanity in exclusion of the language that carries their culture because there is a very strong symbiotic relation between culture and language," Ndung'u, (2010:112) goes on to show how Kenyans have been affected by violence markers in language.

Accordingly, one of the ways in which Kenyans have been socialized to violence is through the religious sphere. Religious language pictures the creator verses the creature. In doing so it creates a hegemonic ideal which must be subscribed to without question. Employment of militant language in theological settings encourages violence in subtle and blatant ways (Ndung'u, 2010). For example it can be noted that many Christian songs embody combative metaphor .e.g. 'Stand up, Stand up for Jesus', Onward Christian soldiers etc. According to her, Kenya has witnessed gospel songs that are reworked during times of agitation for example, *Yote yawezekana bila Moi* (everything is possible without Moi), *wakenya msilale, bado mapambano* (Kenyans do not resign to sleep, the struggle continues) to give credibility to violent struggle (see also Gimode, 2007:245).

On account of Christianity's central message that mainly pictures Christians in constant battle with the devil, sermons from the pulpit have also been known to engage combative language and metaphor. So have prophecies which have also been used to achieve particular goals. It is agreeable with Ndung'u to argue that "violence that is presented in religious contexts and philosophies is volatile since the divine aspect is considered unquestionable" (2010:116).

All what this illustrates is that violence can become official and institutionalized (as it has in Kenya) to the extent of becoming the inevitable way of achieving that which cannot be achieved in normal ways. The might is right mentality epitomized in the Swahili saying "*mwenye nguvu mpishe*" (give way for the strong to pass) seems to propel the culture of impunity in Kenya. Violence breeds where there is a gap and so impunity in Kenya takes the form of violence which is given impetus by language. So in Kenya, the empire has become the most powerful domain; the one who can silence all others with whatever means; more so the one who can silence the law with whichever means. When impunity is countered by impunity, then a society is on its very knees and ready for imminent breakdown.

3.8 Conclusion

This chapter has assessed the situation of impunity in Kenya. It began by sketching a brief narrative of Kenya's history and linking the history of impunity to the history of colonialism in Kenya. It has developed the faces of impunity in Kenya and through a postcolonial optic explained how impunity is

given impetus by ethnicity, colonialism and a weak judicial system. Toward the end the chapter has retold the thin tension that there is between violence as a tool for resisting the empire and other ideological options availed for a people in struggle.

It can be argued that a world that does not in reality exist sociologically but has always been present must be named. This world is the world of impunity that slowly seems to be forming itself as the official and unofficial world of Kenya. Given impetus by crave for a Kenyan *exousia*, empty religion, eroded culture and the hopeless that is the hallmark of today, this world seems to threaten by replacing the reason for being in the normative world. Now, new concepts must be developed in which this world can be resisted and its ideology disentangled from the ideal world. By reading Mark 1:21-28, the next chapter begins as an attempt to map how this disentangling can be conceptualized.

3.9 End Notes

¹ Sheng in Kenya is the language formed from a creative combination of many vernacular, Swahili and English terminologies. It is very common with the youth and street gangs. It is not the language of hegemony or the *mwenyeinchi* dominant, on the contrary it is the language of the subaltern; the common *mwanainchi*. Per se it is the language of mimicry in Kenya.

² He was the first Kenyan politician to be assassinated after Independence. The gravestone at City Park Cemetery, Nairobi, where he is buried describes him as a socialist and freedom fighter, a political detainee from 1954 to 1959 and a Member of Parliament from 1963 till an assassin's bullet ended his life on the morning of the 24th of February 1965. By the time he died, he had become the main ideological strategist for Vice President Oginga Odinga's radical and left-leaning wing of Kenya's ruling party, the Kenya African National Union, (KANU).

<<http://www.kenyahistory.co.ke/personalities.php?pg=personalities&id=53#sthash.oh10xazu.dpuf>> Accessed 04/09/2012

³ According to Gecaga (2007: 154), Mungiki is a Gikuyu word that has its etymological root in the word *muingi*, meaning masses of people. "Mungiki denotes a mass movement." However, the fact that a majority of its followers are from the Gikuyu shows that it is an exclusive ethnic group. The ideology of the group is characterized by revolutionary rhetoric, Kikuyu traditions, and a disdain for Kenyan modernization, which is seen as immoral corruption. The group is banned in Kenya because of its involvement in criminal activities.

⁴<<http://www.icpcafrica.org/cgi-sys/suspendedpage.cgi>> Accessed 04/06/2012

⁵ According to Wrong (2009:43) The scandal is alleged to have started when the Kenyan government wanted to replace its passport printing system, in the year 1997, but came to light after revelation by a government officer, in 2002.

It was among the many corrupt deals that were inherited from KANU Government that had ruled Kenya for 24 years. Even though the new NARC Government came to power with a promise to fight corruption, which some effort was put but completely watered-down by the magnitude of the Anglo-Leasing Scandal.

⁶ According to AFRiCOG, the 2009 Triton Oil scandal involved the unauthorized releasing of oil by Kenya Pipeline Company (KPC) without informing financiers. The scandal became public in January, 2009. The release of the oil occurred in 2008 when Triton Oil Company was allowed by KPC to withdraw oil amounting to Kshs 7.6 billion or (US\$98.7 million). The company collapsed shortly afterward, withdrawing the oil and selling it to the market.

⁷ According to AFRiCOG, the maize scandal involved sale of imported maize to supplement local reserves which were below the required minimums. Defunct briefcase millers and government officials in various ministries colluded and minted a lot of money from the public coffers.

⁸ One of the Kenyan ethnic groups

⁹ Meru Council of Elders

¹⁰ See Mbiti (1992:140) who uses several names for it i.e. bride price, gift etc. Although Mbiti refutes that dowry is not a payment, emerging trends in Kenyan marriages actually bear witnesses that the bride price has been commercialized. This commercialization has bred its own source of social evils and impunity in marriage.

¹¹<http://www.justice.go.ke/index2.php?option=com_content&do_pdf=1&id=25> Accessed 08/06/2012

¹²<<http://www.standardmedia.co.ke/?id=1144019353&cid=4&articleID=1144019353>>Accessed 08/06/2012

¹³<<http://www.guardian.co.uk/news/datablog/2011/dec/01/corruption-index-2011-transparency-international>> Accessed 08/06/2012. Transparency International reports need to be taken with a pinch of Salt. Sometimes the agency just exists to serve the interests of Western powers.

¹⁴ TI Kenya 2005 Bribery index source

<[http://www.tikenya.org/documents/Kenya%20Bribery%20Index %202011.pdf](http://www.tikenya.org/documents/Kenya%20Bribery%20Index%202011.pdf)> Accessed 08/06/2012.

¹⁵<<http://www.standardmedia.co.ke/?incl=blogComment&id=1143998369&cid=&articleID=1143998369>> Accessed 08/06/12

¹⁶<<http://repository.up.ac.za/handle/2263/1222>> Accessed 08/06/2012

¹⁷ A-G defends release of Delamere's grandson' *East African Standard* 25 May 2005.

¹⁸ In the Goldenberg export compensation scandal, Kenya lost billions of shillings in the early 1990s. According to witnesses <<http://worldpress.org/Africa/1499.cfm>> as much as 60 billion Kenyan shillings (US\$850 million) — a fifth of Kenya's gross domestic product—was looted from the country's Central Bank through billionaire Kamlesh Pattni's Exchange Bank in 1991.

¹⁹<<http://www.standardmedia.co.ke/?id=1144030785&cid=4&articleID=1144030785>>

Accessed 08/06/2012. According to Onger, the original plan was an initiative to cushion the poor by selling maize directly to millers at below market prices. The NCPB, (National Cereals and Produce Board) which determines the producer price of maize by intervening to buy on behalf of the Government, in times of surplus harvest and selling when supply is low, chose to sell maize to brokers who sold it to millers at a profit which created conduits for corruption. In business deals involving politicians and businessmen, brokers — who sometimes doubled up as millers — exploited the loophole and bought maize from NCPB and later sold the consignments to millers at a profit pushing maize prices to double that of international trends. While enriching a few rich tycoons, this move affected the urban poor who are mainly net buyers, the landless and subsistence farmers who at some point in the growing cycle have to buy maize.

²⁰< http://www.standardmedia.co.ke/?articleID=1144025226&story_title=Onger-silent-over-Sh1.3b-book-scam> Accessed 08/06/12

²¹ See Peter Orenge (2012)

<http://www.standardmedia.co.ke/?articleID=2000059152&story_title=How-NHIF-plan-may-have-been-turned-into-cash-cow> Accessed 08/06/2012

²²<<http://www.jstor.org/stable/pdfplus/1161427.pdf>> Accessed 08/06/2012

²³ Theoretical studies have de-emphasized the positive aspects of the cross-cultural evolution of ethnic consciousness that had clear links to identify formation processes whose history predates the colonial period. Such cultural forces are usually conflated with the divisive forces of ethnicity and often projected as undermining the process of nation-state formation (Wekesa, 2010:63). The modernization theorists see cross-cultural linkages as anachronistic forms of ethnicity that were bound to disappear in the face of modernity of the new nation, Kenya. On their part dependency theories tend to concentrate on the external constraints on the Kenyan state while neo-Marxist theories concentrate on class structure of society, and often consign ethnicity to the realm of 'false consciousness'. In our brief sketch, we don't follow any of these particular theorists but we highlight their usefulness in a triangulated manner.

²⁴ Kundu (2000:173-175) observes that the British froze interactions between Kenyan communities in order to perpetuate their 'philosophy of divide and rule. In doing so, they discouraged inter-ethnic rural interactions and migrations. As a result the various ethnic communities were kept apart in suspicion and prejudice. Even their education and religious policies were meant to be ethnic in orientation. Sooner or later ethnic groups began to be identified as 'predominantly, Methodists in Meru, Anglican in Western Kenya, Presbyterian in Central Kenya, Seventh Day Adventist in Kisii, Catholic in Ukambani etc.

²⁵ Oginga Odinga was independent Kenya's first vice president

²⁶ He was a politician during Jomo Kenyatta's government. He was the founder of Nairobi People's Congress Party, a key figure in the formation of Kenya National African Union (KANU). He was the Minister of Economic Planning and Development at the time of his death. Mboya was assassinated on 5th July 1969 in Nairobi.

²⁷ He was the only man arrested for the killing of Tom Mboya. He was a former waiter and a watch maker and later employed as a KANU activist and errand boy for various politicians. See <www.tommboya.org> accessed 22/05/2013

²⁸ Koigi W Wamwere does not see this angle to Jomo Kenyatta's history. In fact he reads against the grain and sees Mzee Kenyatta as having been totally against his Kikuyu kins. (see Wamwere, 2008:138) where enumerates possible injustices that Kenyatta meted against the Kikuyus.

²⁹ Unlike Kenya who had a high level modern education, Gimode observes that Moi had a limited education. He also had rather permanently hoarse voice, was a poor public speaker and was from a least esteemed ethnic background. This made up for his inferiority complex which made him loathe academicians and other seemingly esteemed tribes.

³⁰ Many Scholars have theorized the *Nyayo* philosophy and what it meant. Haugerud (1997) consolidates several scholarly views and observes that the *nyayo* slogan drifted severally from its initial conceptualization. What was meant to be a continuation of Jomo Kenyatta's legacy or footsteps soon became 'follow my footsteps'. Later it became the footsteps of universal African spirit or the spirits of the ancestors

³¹ Moi's biographer, Morton (1998:210) inadequately tries to argue that District Focus for Rural Development helped switch Kenya from tribal to political economics. According to him, it was an attempt to develop from the bottom rather than from the top. His arguments lack merit at the point he invokes Dr. Eshiwani who at that time was a political crony of Moi's regime. Further, Morton misses out to state which districts were meant by 'focus' and which districts actually benefited from Moi's selective focus.

³² Forum for Restoration of Democracy (FORD) – A Political Party which split into two. Ford-Kenya and Ford-Asili. Ford-Kenya was mainly for Western Kenya Tribes while Ford-Asili was mainly for Central Kenya tribes.

³³ During the 2005 referendum on the constitution the symbols 'Orange' for those against the constitution and 'Banana' for those favoring the constitution were used. Most Orange supporters came from Western Kenyan ethnic groupings. Later, 'orange' was used as a symbol for a political party. This party had support from the same tribes.

³⁴ It may seem like ages since the late Mwalimu Julius Kabarage Nyerere of Tanzania declared Kenya to be a man- eat man society. In response, the then attorney general Charles Mugane Njonjo quipped that Tanzania was a man eat nothing state due to its socialist "ujamaa" economic policy.

<<http://nationofafrica.blogspot.com/2011/08/man-eat-man-society.html>>

Assessed

07/06/2012.

³⁵ Even though Robert C. Young (1995) explains hybridity and mimicry as Bhabhan concepts that are used to show how the colonised resist colonial authorities by copying it, the Kenyan elites engage mimicry of a special type. They copy colonial identity and ideology when it aids them in colonizing the Kenyan subaltern but they resist it when it threatens to shutter their hybrid identities. They hoodwink the Kenyan subaltern into believing that colonial power is over with the exit of colonial masters yet they duplicate a subtle neo-colonial rule in Kenya.

³⁶ < <http://www.ke.undp.org/>> downloaded on 20/04/12

³⁷ His arguments are recorded in a recent edited book, *Ngugi wa Thiong'o Speaks: Interviews* by Reinhard Sander and Bernth Lindfors. See also *Devil on the Cross* for such sentiments.

³⁸ Habakkuk 1:6 (NRSV).

³⁹ Eugene, N., Shiundu, A., & Wafula, C. (2012, 31st May). MPs approve Bill to control opinion polls. *Daily Nation*, p. 36.

⁴⁰ International Commission of Jurists (ICJ) 'Kenya Judicial Independence corruption and reform' (2005) Sourced <http://www.icj.org/news.php3?id_article=3663&lang=en> Accessed 06/06/ 2012.

⁴¹ Some of these under discussed under various political eras of the presidents discussed in this chapter. A catalogue of social injustices meted to individual citizens and citizen groups can be constructed from the writings of Mwakikagile (2007), Lumumba (2008) and Njoya (2003) etc.

⁴² Wanjiku is a common Kikuyu feminine name. Wanjiku was one of the nine daughters of Gikuyu and Mumbi. It was coined during the making of the new constitution as a concept to

represent the subaltern, the grass-root people or said succinctly, the common mwananchi. It was president Moi who popularized the name during that time when dismissing calls for a new constitution. He said, “Do you think Wanjiku understands what a constitution is?” People started to use the name in different forums and the name has stuck.

⁴³ According to Jenkins (2012), the 2008 violence was not an isolated incidence in Kenya’s political history. Episodes of ethnic violence have characterized Kenyan elections since the transition to multiparty politics in 1992.

CHAPTER FOUR

READING OTHERWISE: MARK'S *EXOUSIA* AND KENYAN IMPUNITY

4.1 Introduction

Much of the discussion so far has solely been based on the interpretive work of trained readers. It is their questions and concerns which have shaped most of the discussion; and yet, the ordinary readers though being present are usually back-grounded. Quite a while ago, Spivak (1988) raised the need to beware of the ordinary readers by asking the question, “Can the subaltern speak?” On the basic level, what Spivak intended though with caution, was to raise the awareness that mainstream scholars have always ‘pretended’ to represent the subaltern. The argument was that the subalterns have a mind and a voice and they should no-longer be represented because they can speak for themselves.¹ Through a “reading with” approach, Spivak foregrounded and encouraged the voices of the subalterns to the level of celebration.

Sugirtharajah (2006) in a similar venture edited the seminal book *Voices from the Margins: Interpreting the Bible in the Third World* and brought out reading resources from the third world². Within a postcolonial framework, which problematizes the centre and the margins, Sugirtharajah noted that “struggles and exegetical concerns of those who are on the periphery of the society must be foregrounded” (2006:109). This was also in recognition of the fact that dominant biblical scholarship had elided the needs of the non-academic readers in the society. As such, dominant Bible readings

and interpretations had rarely focussed on people's experience of hunger, sickness and exploitation.

It is important to note that Spivak's and Sugirtharajah's criticisms were labelled against the hegemonic West and its attempt to dominate the rest³ in biblical scholarship. The dichotomy of their argument was between dominant Western readers and third world readers in Asia, Africa and Latin America. It should be noted that for Sugirtharajah especially, third world did not mean a perception of geography but "a designation for a people who had and have been excluded from power... a people who face harassment and exploitation wherever they are" (1991:3).

In paying attention to this awareness raised by both Spivak and Sugirtharajah (among others), and as a celebration of the researchers social location, this chapter aims at giving the Kenyan subaltern a voice in the discourse of Bible and impunity. In particular this chapter aims at using Kenyan subaltern resources (through a Contextual Bible Study – CBS) to show the relationship between Mark's *exousia* and Kenyan impunity. For this study to be *bona fide* postcolonial, the interpretive tools of the ordinary readers must be foregrounded and more so at this stage of the discussion. This approach shall be made more obvious when consideration of the views from the Contextual Bible Study shall be brought into fore and integrated into 'mainstream' Kenyan reading of the Bible.

4.1.1 Why “Read with” the Ordinary?

Part of the reason for “reading with” is because as it has been noted in chapter one, the boundary between the classroom or academy and the village has to be somehow and strategically blurred and if possible eliminated. The need to close up this boundary would be an attempt to foster liberative readings as opposed to oppressive readings. Kalilombe (1991:397) has rightly noted that,

...in the past, the Bible has often been invoked in such a way as to legitimize the most obvious social, economic or political injustices, to discourage stirrings of revolt against oppressive or discriminatory practices and to promote attitudes of resignation and compliance in the face of exploitive manipulations of power-holders.

Even today there seems to be an intensified invasion of certain types of biblical interpretations which can only be characterized as simplistic and distracting in the way that they tend to white wash the problems of a people in struggle. Such interpretations seem to centre on the spiritual and interior needs of the people such that the connection between the Word of God and the realities of every day become secondary, almost irrelevant. This can be blamed on representative readings of the Bible that have been fostered by ‘missionary type of reading’ (Waweru, 2011:83) of the Bible. Now, more than ever before there is need for people from all walks of life to read and interpret the Bible for themselves. The academic readers must allow the non-academic readers a voice in biblical interpretation in what this chapter terms “reading with”.

Within postcolonial biblical criticism “reading with” the ordinary readers is done in recognition of the relationship between the centre and the margins; rather the “socially engaged biblical readers and ordinary readers” (West, 2003:24). The interface between academic readers of the Bible and ordinary readers of the Bible (“reading with”) aims at deconstructing the traditional and hegemonic top-bottom approach to knowledge (Nadar, 2009:3) or the so called Freireian (Freire, 1972:25) “banking method of education.” In retrospect, “reading with” promotes a mutual and shared learning as the basis of approach to knowledge. It produces new energy as it opens up new horizons for repackaging liberative biblical concepts. This approach recognizes that grand narratives more often than not mirror the voices of the dominant while muting or abolishing the voices of the marginal. Constantly, Spivak’s question “Can the subaltern speak?” becomes the urgent and haunting voice in this quest. The disquiet produced by the urgency and the haunt in turn helps shutter the assumed correctness and appropriateness of the academic readers (though not for all times).

Reading with the ordinary readers is subversive in that it brings down the “epistemological privilege of the ordained” (Nadar, 2009:13). It brings it down to what can be termed a democratized knowledge, where it is no longer the teacher who has monopoly of knowledge, but knowledge is constructed in the interface between the ordinary and academic readers. Within this mode of reading, there has been a rediscovery of the role of the ordinary reader in biblical interpretation. There is need now more than ever before for an active

and transformative solidarity with ordinary readers, particularly the *wanjikus*⁴, oppressed and marginalized Kenyans or what we have termed the subalterns.

More pragmatic factors have played a role in foregrounding the ordinary reader in relation to the Bible. A factor which has particular relevance for the Kenyan context is the growing recognition that ‘we are the people’ and that ‘*wanjiku*’ must be allowed to speak for themselves. For too long the dominant in society have spoken on their behalf or, worse prescribed for the other. So, one of the purposes of this chapter is to allow the ordinary readers to speak for themselves in matters of the Bible in relation to their context. In doing this, interaction with views from Church groups and key informants that were sampled for this study will suffice for the greater part of the discussion. This journey begins with the quest for the difference it makes with whom we read and what this kind of un-representative reading entails.

4.2 Bible Reading in “Ordinary” Readers Terms

African Bible reading has been indelibly marked by the missionary and colonial encounter. The truth of this statement is made obvious by the fact that the Bible came to Africa as part of the missionary or colonial package. As Waweru (2011:72) has observed, much of the reading of the Bible in Africa has been guided by interpretive tools of the missionary. Rarely, save may be the period of the hunt for emancipation from colonialism was the Bible used against the colonial enterprise.

During this period, African biblical reading turned the tools it had been trained with by white missionary and western readings against the damage

done by Western missionary colonial forces. The Bible was interpreted to the disadvantage of the colonialists during the struggles for independence. Except perhaps for this period, the rest of readings of the Bible in Africa have largely been “Westernized”⁵ (alien) and representative; rather based on the interpretive tool of the hegemony.

However, and as West (2002:70) notes, “missionary and colonial forms still haunt Bible readings in Africa, but they no longer dominate its consciousness.” As such, Africans have been their own primary dialogue partners. African context as the object of interpretation becomes increasingly stronger gradually assuming the primary position with respect to the dialogue between the original meaning of the text and its meaning for the African context. If Bible reading in Africa has to be pictured thus, then ordinary readers have to be seen as emerging from the shadows of their academically trained comrades to take a more prominent place in the process of biblical interpretation.

Perhaps at this point, the question that this section should address itself to is, what difference does it make with whom we read the Bible? As Bonino (1991:80) has argued, there is no innocent reading of the Bible because different people approach the text from their own vantage and with many preconceptions. These vantages and preconceptions are relatively informed by contexts, socializations and aspirations of the readers. Again it becomes apparent that reading the Bible can never be a neutral enterprise and hence it

matters with whom we read. Truly said, a whole range of difference is experienced when we read with the ‘other.’

Therefore, to read the Bible with the ‘ordinary’ readers means several things. Firstly, and key among these is that the views and concerns of the ordinary readers are placed at the centre of biblical interpretation. This means that the Bible is freed from preconceived interpretation and opened up or allowed to take up new interpretations which are meaningful for the particular readers. If freeing the Bible from previous interpretative entanglements can be imagined, then reading with the ordinary is tantamount to reading the Bible ideologically; i.e. the “point of view”⁶ of the reader and his or her *sitz-im-leben*⁷ are ‘importanced’ in the meaning of the reading. For Africans and other world readers, this is crucial because the views about the Bible assert themselves in almost any discussion of the Bible.

Viewed in this light, then biblical readings allow the interpretive interests and strategies of ordinary readers to permeate the meaning of the Bible i.e. instead of talking about the meaning of the text, ordinary reading explicates meaning in terms of interpretive interests (Masoga, 2002:98). Interpretive interests in ordinary reading stand for the dimensions and contours of the text that particular readers privilege as the location of meaning whether this be ‘in front of the text’, ‘in the text’ itself, or ‘behind the text.’⁸

In the end this means that there is no precise or fixed meaning of the Bible when reading in ordinary terms. As in all postcolonial biblical readings,

“when reading with,” it becomes apparent to note that, “it is not texts which contain meaning, waiting to be discovered, but meaning is properly viewed as being construed in the text-reader interaction” (Punt, 2003:78). Therefore meaning of the Bible is construed in the interface of the ‘now’ reader and the ‘now’ context of the ordinary reader, showing that another meaning for the same text may be achieved in another reading of that text such that same text may mean different things when read each time. Clearly, ordinary readers recreate the biblical meaning guided by their peculiar contexts and experiences and this is the main difference it makes with whom we read.

Secondly, Bible reading with the ordinary reveals that the Bible is read selectively. Although Maluleke (1996:13) is much attuned to liberation hermeneutics more than the broader postcolonial criticism, he nevertheless rightly observes that ordinary readers are creatively pragmatic and selective in their use of the Bible so that the Bible may enhance rather than frustrate their life struggles. In this mode, the Bible is read with a looseness towards the text which reveals an interpretation that is not so much controlled by the words of the ‘text’ but by the reader’s social experience. Therefore, just as in Black Theology and Liberation Theology, reading strategies of the ordinary readers involve smoothening the Bible and aligning it with the aspirations of a people in struggle.

Thirdly, Bible reading with the ordinary in retrospect and as West (2002:72), reveals also means that, “academic readers recognize that there

remain elements of ordinary reading in their own ‘scholarly’ reading process.” Probably what West alludes to is not an attempt to recover a primary naïveté, but in recognition that academic readers remain in some sense ordinary readers and especially when they don’t give prominence to the systematized and structured interpretive processes they learn in their biblical training. This revelation means that biblical scholarship becomes more inclusive of scholars, non-scholars, the rich and the poor (Okure, 1993:77). Consequently, ordinary readers become less than mere informants for the enterprise of academic readers, they become part of constituting the meaning of the Bible.

Fourthly, Bible reading in ordinary terms means that the voice and interpretive understandings of the hegemonic class are shuttered, while those of the ordinary are acknowledged and celebrated. For example, if in reading the biblical story of the conquest of Canaan⁹ (with the eyes of the Canaanites) with the marginalized victims of land grabbing in Kenya, then probable questions would be raised as to whether God sides with the land grabbers as he did with the tribe of Israel. This reading would see the story of the conquest of Canaan as a potentially dangerous story in the Kenyan context where land is a volatile issue. Bible reading in ordinary terms enables the reader to understand the meaning of the Bible differently and especially when that reading is enabled by the resources of the subaltern. This understanding means that ordinary readers are forced to see the meaning of the Bible within overturned structures of the dominant and are called upon to participate in the *re-worlding* of the world in ordinary terms.

Finally, Bible reading in ordinary terms not only identifies the utopian character into which academic reading succumbs by merely moralizing the prophetic message into a well-meaning admonition for those in power to repent and put an end to injustice, it also goes ahead and calls those in power to account for their deeds. The check and balance involved in this mode of reading becomes the primary role of the ordinary readers for challenging the status quo. This mode of reading also reveals that there are good and pragmatic reasons for continuing to read the Bible in ordinary terms and with the ordinary. Therefore, so long as the Bible remains the Church's most readily available resource for social transformation, then it has to be read with all and by all and this is particularly so for Mark 1:21-28.

4.2.1 The Contours Taken in “Reading With”

Before engaging in the actual reading of Mark 1:21-28 and having addressed the question of the difference it makes with whom ‘we’ read the Bible, it is also important to address the question of how to read when reading with the other. Several dimensions present themselves to any reader who begins to read with the ‘other.’ A brief explanation of the Contextual Bible Study method (CBS) which in this chapter was used to read the Bible with the ordinary reveals the paths that emerged in the process of ‘reading with’. These paths need to be borne in mind in any other ‘reading with’ process.

In biblical studies, CBS has increasingly been mooted as the most applicable method of reading the Bible with ‘other’ interest groups. CBS in biblical studies can be equated to Focus Group Discussions (FGD) in other

social science studies. The major difference is that in CBS unlike in FGDs, the Bible remains the only constant and independent variable. This method was initially fronted by the Institute for the Study of the Bible (ISB), now Ujamaa Centre for Biblical & Theological Community Development & Research, of South Africa under the guidance of Gerald West (2003: 110-127; 2006: 140-144).¹⁰

Although West postures as the progenitor of this reading stance, however, it should be noted that this mode of reading is anticipated and championed in several of Ukpong's writings e.g. Ukpong 2000, 2001 and 2002. In particular, Ukpong (2002:24-25) brings out the basic steps taken in reading with although not within the confines of postcolonial theory. Several other biblical scholars e.g. Nadar, 2003: 255-259 and Haddad, 2000b:49 take up this method and especially in Southern Africa; it has become almost the *modus operandi* in so far as reading the Bible with non-academic readers is concerned.

Reverting to West,¹¹ it is noteworthy that the CBS method applies the See-Judge-Act method, whereby the Bible Study process begins with analysis of the local context (See), then reading of the Bible to allow the biblical text to interact with their context (Judge), and finally moves to action as readers respond to what God may presumably be saying (Act). Social analysis enables reality to be understood through re-reading the Bible, judging to see whether the reader's reality is as God intends it to be; and planning for action that enables participants to work with God to change their reality.

A further analysis of West's (2003:46) methods of CBS and how it typifies the See-Judge-Act method can be explained as follows. First, CBS is always situated within the social analysis and needs of particular communities of the poor, the working-class, and marginalized. It is their understanding of reality that guides the entire Bible study. Second, CBS provides a forum for doing theological analysis, in "reading the signs of the times" (2003:48). The Bible is read keenly in order to discern its unique voice within its own context. By doing so, it provides a theological orientation in which readers view and engage their own social analysis.

Finally, by allowing interaction with the local context, CBS allows an end which naturally leads to a plan of action in which readers can imagine and chart their own social freedom. This is what Ukpong (2001:188) calls the "reading with" process. It is "an interactive, participatory and dialogic process that seeks to facilitate critical reading among ordinary readers and put academic readers in touch with perspectives, concerns and insights of ordinary readers, (2001:188)."

Just as in FGD, the CBS method involves dividing the participants into small groups (depending on the number), which discuss assigned texts separately and then report to the entire group. Unlike the FGD, during the process of the CBS, two types of questions are asked namely; community consciousness questions and textual questions. These questions bring into dialogue, the biblical Text, the Reader and the Context or what can be termed the TRC. As shown in West (2000:37), community consciousness questions

draw the participant's attention to their own context, calling them to analyse it and interpret the text in the light of that context. Textual questions are regarded as critical consciousness questions. They enable the participants to focus on the text critically again and again as a dialogue partner, using a literary approach. At least one question may be asked to deliberately draw the attention of the participant to the world 'behind the text.'¹² The trained reader may offer this information where necessary.

The Bible study always begins and ends with community consciousness questions whereby the last question calls the participants to an action plan. The participants evaluate whether the Bible study can contribute towards social transformation in their communities and if they agree to it, then they are asked to formulate an action plan to indicate how the liberating elements of the Bible studies can be implemented in their communities.

Although CBS is not purely postcolonial, however, it is important to point out that it was incorporated into this study because it serves similar interests that postcolonial does; namely overturning mainstream interpretations of trained readers. This was particularly done by foregrounding the reading resources of the ordinary readers in a hegemonizing world.

4.2.2 How Mark was Read during the CBS

During the CBS, the Bible and in particular Mark 1:21-28 was read within the wider framework of postcolonial criticism. Participants in the CBS were not 'postcolonial literate' however, the questions and framework of the study were. In doing this and in engaging the CBS as the method for "reading

with”, there was a realization that all interpretations of the Bible are contextual or subjective and that every reader is an interpreter (West, 2006: 131). Therefore it can be noted that the participants and the faith communities which were involved were more or less viewed as having postcolonial agentic potential, and a lot to offer to an ‘otherwise’ reading. This was the view taken in the reading of Mark 1:21-28 i.e. select groups read in their own contexts even though they were pre-critical (untrained) readers.

Because CBS was adopted from the Institute for the Study of the Bible in South Africa, (ISB) the slight difference in approach between the ISB and this study was in the groups involved. According to West (2003: 94-95) the ISB in South Africa conducts Contextual Bible Study with internally structured groups of the poor and marginalized “who have the identity, structures, and resources to ‘own’ the reading process” (West, 1996: 34). The latter as the owners of the workshop take the initiative to invite the ISB to conduct the Bible study. They choose the biblical text and set the theme (West, 1996: 33).

As pertains the reading of Mark 1:21-28, however, there was no such existing organized Contextual Bible Study group and hence sampled groups were invited and created to form such a group. The groups were not necessarily “poor and marginalized” (West 1997:331) but the only requirement was that they were not theologically trained.¹³ They are termed ‘ordinary readers’ in this study. The text was given to them and the theme set for the group. In other words, the process of “reading with” was in the study’s

interest and not theirs, though the end result of emancipation by alternative reading was meant for their benefit. The method applied brought the groups to own the Contextual Bible Study and made it their own project in order for them to articulate their interpretive potential.

During the CBS process, this method raised issues of positioning for the researcher as a trained biblical scholar among the ‘un-trained’ interlocutors. West and Haddad (2006, cf. Haddad, 2000) regard the positioning of the intellectual activist in the CBS as crucial. In their view, the role of the intellectual activist is not to conscientize¹⁴ but to provide “enabling forms of criticism” (West, 2006:34), that is, to collaborate with the ordinary readers and enable them to use their own interpretive resources. The intellectual activist in the CBS therefore “reads with” meaning that the trained biblical scholar and the untrained readers read the text as two subjects rather than a subject and an object.¹⁵

Haddad’s (2000:49) viewpoint however, advocates for a slight difference in that it regards the role of mediation as necessary by sometimes giving opinion on the interlocutors’ experiences. This enticement noticed by Haddad severally presented itself during the CBS. Nevertheless, the researcher restrained from making the study an opinionated enterprise. Through experience, Nadar (2003:186-189) introduces a third position. This position introduces and takes the role of conscientizing seriously for the person involved. This is based on the conviction that liberation resources offer the community tools to subvert the dominant modes of biblical interpretation.

Again, the experience of Nadar was equally encountered during the CBS. Perhaps, this is one point where the participants were conscientized on the necessity of using the Bible to address impunity in Kenya.

During the CBS process, this study slightly differed from the ISB¹⁶ and like Nadar (1999:19) took the issue of conscientization of the groups involved more seriously. Adopting a pointed approach to conscientization was because the issue of impunity was an urgent one and needed serious interventions. Invocation of the Bible to issues of impunity too offered concrete promises which needed to be retrieved in such a study. However, unlike Nadar¹⁷ (2003:188) who regards conscientization as the main aim of CBS, this study's primary aim hinged on being informed by the participant's critical reading of the text in their own context. This however did not automatically ascribe a dormant role to the researcher but, like West (1996:45), acknowledged the presence of creative facilitation during the entire process. This in turn created an interactive environment where there was learning from one another as perceived equal subjects.

One more thing, it is important to note that apart from the positioning of the intellectual activist, issues of identity became crucial to the process of the CBS. Haddad (2000) has argued that what the researcher or for her case the intellectual activist decides to do with their identity is crucial in the effort to build solidarity with the select ordinary. This is in recognition that the identity or rather the privileges of the intellectual reader may be a barrier to "gaining certain kind of Other knowledge" (Haddad, 2000: 189).

In view of this prevailing identity tension, during the CBS therefore, the researcher underwent an “identity deconstruction or conversion” (West 1996: 26-27). This posture was also required of the research assistant. It was required of both the researcher and the research assistant to be “constituted partially by the experiences, needs, questions, and resources of (the) communities” (West, 2003:17) and not to allow self-identity to protrude beyond admissible levels. These were some of the important factors that were borne in mind in “reading with” during the process of CBS for this study.

4.2.3 Hindrances during the “Reading with” Process

During the CBS process and apart from the difficult question of the positioning of the researcher, several other hindrances were noted that need to be highlighted. Firstly, it was noted that “Reading with” is not an easy venture. It involves unmasking the logic of domination which represents a combination of historical, contemporary, ideological and material practices which postcolonial criticism also does. Secondly, the interplay of such opposites in turn presents several inhibitions including lack of a common bargaining language. In view of this, intellectual readers often learn from the ordinary readers and at the same time help them emancipate themselves from various forms of oppression through laying a foundation for social struggle.

The conscientization of the marginalized forms the basis for the instability and vulnerability of the empire. Reading with the ordinary, on one hand presents a constant threat to the hegemony. Repeatedly, the hegemonic centre rebrands itself in newer forms of hegemony and perhaps making itself

elusive. On the other hand it also causes the reader to be in constant pursuit of a methodology that helps peel back the mask that hegemony wears at any given time. As shall be revealed, when conducting the CBS, perhaps, the greatest single hindrance to “reading with” was lack of a consistent methodology. This in turn made the researcher more aware of the key hindrance to “reading with” which is presented below.

4.2.3.1 Authorizing ‘Eisegesis’

As shall be observed in the analysis of the field data that was gathered, due to lack of a guiding methodology, “reading with” became some sort of freelance enterprise. “Reading with” is not more historical critical than it is postcolonial, it is not more liberation than it is feminist, not more inculturation than it is postmodern. The study was opinionated that “reading with” is many things. However, “reading with” was more contextual and more situational; it was more contemporaneous with the issues of the life journeys of a particular people. “Reading with” became both ‘eisegesis’¹⁸ and exegesis making it a complex especially when it removed the empire’s caveat of eisegesis in reading the Bible. Reading with also became a kind of reading the Bible with *i-magination*.¹⁹ Waweru (2011:74) recognizes this tension and states that,

...recognizing the importance of the context [situation] of the reader raises the question of how to relate the two contexts – those of origin and the reader – as both contribute to the creation of the meaning of the text.

What Waweru argues is that the presuppositions, agendas and biases of the reader must be brought into conversation with the text. Viewed in this light, biblical interpretation in postcolonial Africa [becomes] a conversational

enterprise (2011:74). Further, and as Punt (2003:78) argues, in biblical interpretation “it is not texts which contain meaning, waiting to be discovered, but meaning is properly viewed as being construed in the text-reader interaction”.

This way of reading and for scholars imprisoned by modern interpretive methods becomes eisegesis which for some like Forbes (2000:41) becomes “hermeneutical radicalism and interpretative anarchy.”²⁰ Therefore, in advocating the restating of eisegesis, postcolonial interpretation is done in an attempt to free texts and interpretations from the “ideological silo” (Jobling 2005:188) in which they have been contained. If speaking back to the Bible from ones vantage is eisegesis, then in postcolonial biblical interpretation it must be authorized for this is what ‘reading with’ essentially entails.

It should however be noted that there are disadvantages that begin to emerge if in postcolonialism a total break with the past reading resources is sought. Such readings underestimate the role the Bible plays as a ‘book of the way’ that Jesus (John 14:6) proclaims himself to be. Furthermore, such readings rob the Bible of its voice by imputing many voices to it. Therefore, a similar thing to Said’s counterpoint needs to be sought that makes meaningful what both advocates of exegesis and eisegesis acknowledge.

Having said this, it becomes imperative to present what the respondents said in the course of the study. It will be followed by the analysis of field data that was gathered in CBS or ‘reading with’ gatherings.

4.3 ‘Ordinary Readers’: Analysis of Contextual Bible Study

As explained in chapter one, a total of six Church groups from within Nairobi, comprising of twelve participants each were involved in the CBS mode of Bible study. The groups comprised of Bible readers who were mainly, “ordinary non-academic” (Masoga, 2002:95) and untrained readers of the Bible i.e. those who had no theological exposition on reading the Bible. The participants were confirmed members of the sampled churches and had some ordinary knowledge of the Bible. Respondents read Mark 1:21-28 within a framework of impunity. Several questions were presented to the respondents to this effect and their responses are presented below.

Q1. Read Mark 1:21-28. What is the text about?

During the CBS sessions, participants read Mark 1:21-28 and came up with their own views concerning the main theme of the text. The most frequent responses were as follows:- All the six groups pointed out that the text was about the authority of Jesus. Among other views, five groups also mentioned that the text was about representation of authority of men. All the groups also pointed out that the text had something to do with the power of Jesus. On the same theme and in particular, four groups said that the text was about the power of Jesus while two groups saw the text as about display and interpretation of the power of Jesus. Five groups reported that the text was about the defeat of Satan. Two groups maintained that the text was also about Jesus’ teaching. From the findings, it stands out that power and authority were seen as the dominant theme of the text.

Q2. Now read Mark 1:14-20, the text that immediately precedes Mark 1:21-28. Are there connections between 1:14-20 and 1:21-28? If so, what are they?

Under this question, participants read Mark 1:14-20 as part of the main pericope and brought out the connections between it and the key text i.e. Mark 1:21-28. All the groups saw supremacy of Jesus as the main connection between the two readings. They pointed out that Jesus was acting and was not being acted upon; his presence was active not passive. In order to arrive at this, four groups pointed out that in both texts, there was respect for authority. For two groups, it seemed that the theme of restoration of new authority was a connection between the two readings; that in both readings Jesus is seen as instituting a new form of authority. Six groups out of six maintained that Jesus' authority over nature and spiritual world was the main connection between the two readings.

It is important to note that two groups out of six noted that obedience to Christ was a major connection between the two readings. The groups pointed out that Jesus can be seen as a commander in the two reading and especially that the disciples are coerced to follow Jesus and they abandon their careers without serious questioning. At this point and though not overtly so, the groups seemed to insinuate the presence of impunity in the text.

Q3. Now also read Mark 1:29-45, the text that immediately follows Mark 1:21-28. Are there connections between 1:21-28 and 1:29-45? If so, what are they?

In order to place the key text i.e. Mark 1:21-28 within its proper context in the continuing pericope, the CBS groups further read Mark 1:29-45

and sought for lines of connection between the two texts. All the six groups saw the continuing supremacy and dominance of Jesus as the main connection between the texts. The groups mentioned issues to do with the power and authority that Jesus was wielding. Four out of six groups pointed out issues to do with Jesus' identity as the main connection. They particularly mentioned the reluctance of Jesus to reveal his identity as the main connection. In addition, the groups noted the onerous tension between the desire Jesus had to display his power and need to conceal his identity. All the six groups pointed to the healing power of Jesus as the main connection between the two texts i.e. in the two texts Jesus was seen as having power over sickness.

Q4. In the first part of his ministry at Galilee, Jesus enters the scene (Capernaum) at 1:21 and leaves the temple at 1:45. In this continuing passage, who are the main characters or groups of characters? What do we know about them, and what are the relationships between them?

This question was meant to let the groups scrutinize the role of the characters and how authority interplays in their relationships in the entire section in Mark's Gospel. All the six groups repeated the role of each character as spelt out in the text. Concerning authority, all the groups noted that authority is hierarchically stratified with Jesus at the top of the echelon. From these relationships, all the six groups conceived a top bottom model of authority. Several groups debated on how the demons power and authority can be understood. Majority of the groups agreed that demons are only powerful above human beings when the same have lost their godliness.

Power and authority as conceived in the CBS can be seen as mirroring power as it was construed in the world of first century Israel. According to Waetjen (1989:6-11), the distribution of power and authority can be pictured as a pyramid in which the majority of the power is concentrated on a relatively small class of people at the pinnacle while the majority of the people at the bottom held very little or no power.

Q5. Based on this passage, how did the synagogue function during the time of Jesus (first Century Palestine) and what authoritative role does Jesus play in the temple system?

Many groups did not understand the exact functions of the temple in primitive Palestine. However, based on the text, respondents agreed that the temple acted as a cultural centre for many things including religion. They especially noted that it acted as a place for practicing power; more or less the power stage (CBS: All Saints Cathedral, 21/06/12). It was a place for religious and Jewish cultural bureaucracy (CBS: ICC Mombasa Road, 24/07/12). It was a place for healing. It was a place for linking God and humanity; a religious centre (CBS: AIPCA, 11/10/2012). The respondents also noted that the temple acted as a venue for exercising authority. It was a place for teaching and receiving religious instructions. It was a place for rubberstamping authority. The respondents pointed out that Jesus played all of these roles that were in tandem with the functions of the temple. Jesus chose the temple as his performance stage because his authority would be enhanced by it (CBS: Holy Family Basilica, 01/08/2012).

Q6. Do you think the political leaders of his day were comfortable with his authority? In your own opinion, what are some of the factors that could have contributed to the underlying comfort or discomfort?

During the study, the respondents noted that it was highly probable that many of the leaders in Jesus' days were uncomfortable with his authority. They explained that the text was plain that Jesus' authority was favoured by the audience and this could have created rancour and tension with other groups or power players (CBS: Holy Family Basilica, 01/08/2012). On the question on the factors that could have contributed to acrimony and uneasiness with other power players, respondents noted among other things; envy, as it was seen as if Jesus' authority was out to replace theirs (CBS: NPC, 23/10/2012). For some respondents, it was because Jesus is presented as attracting more power from the people (CBS: MCK, 07/08/2012). Other respondents mentioned that Jesus was spiritual and the other people were carnal and they were envious of his spirituality. Some groups actually argued that the would-be-powers of his day also had demons and that is why they were reluctant to appreciate Jesus' power as emanating from above. Additionally, some groups brought out the fact that the political and religious powers of his day felt threatened that Jesus was out to make them irrelevant.

Q7. With respect to disregard of the rule of the law being experienced in Kenya (impunity), how would this text speak about the exercise of authority in our respective context?

According to the respondents, power and authority were being misused in our country (CBS: MCK, 07/08/2012). The respondents noted that in Kenya

many people desired power so as to overpower. More to that, those who had been entrusted with power misused it for personal advantage. Respondents noted that Mark 1:21-28 was instructive to our context on how power should be construed. One group (CBS: All Saints Cathedral, 21/06/2013) pointed out that people who had been entrusted with authority must look up to God for guidance on how to exercise their authority, for God is the absolute authority and the source of all authority. Figuratively, it was particularly noted that Jesus should be allowed to heal our nation and cast out demons as he did with the sick man. The groups in a haphazard way commented that Jesus should be recognized as the ultimate authority and be submitted to.

Other groups noting the progressive dictatorial posture of Jesus in the passage argued that Kenya needed someone like Jesus with different power and authority who would subdue all the impunity being currently experienced in Kenya. However, some groups (CBS: MCK & NPC) noted that Jesus' action in disregarding the authorities of the day and displaying himself as the most powerful was tantamount to impunity. They pointed out that in other gospel passages; Jesus is seen as disobeying the laws of the day and replacing them with his own laws. Respondents (CBS: MCK, 07/08/2012) pointed out that coming from a saviour and divine person this tread could be misused by many Kenyan leaders and justified by use of scripture to oppress others. This posture taken by Jesus can further be taken as the main interface between authority and impunity.

Q8. Do you have any comments to make concerning the relationship between authority in this text and the presence of impunity in our context?

In response to the above question, several important comments were offered by the groups as follows. That impunity in Kenya was as a result of the Bible. Impunity is not directly placed in the Bible. It is disregard for the rule of the law. Those who know the law are the ones who were breaking it. In order to end impunity in Kenya today there was need for those being led to respect the authorities; at the same time there was need for those in power to use authority in the right way. The law must be strengthened and respected. Many leaders were driven by self interests and not the interests of the majority as Jesus did.

It was remarked that a charismatic leader should not be apologetic just like Jesus when championing causes that benefit the majority and when rescuing people from oppressive powers. Respondents noted that in His days Jesus did not keep quiet in the face of impunity and neither should Kenyans. In the face of impunity in Kenya, respondents noted that with God all things are possible. They expressed optimism that God would one day change the *status quo* of impunity in Kenya someday. Some respondents however showed some form of critical thinking and noted that though the gospel passage displays Jesus in favourable light, it is possible to copy his style of leadership and oppress others (CBS: All Saints Cathedral, 21/06/2012). The groups that thought this way remarked that Jesus was so authoritative that he can be

questioned. He does things single-handedly as he alone sees fit. Therefore, as it was further remarked, Jesus' style of leadership cannot fit in a working democracy.

Q9. What actions will you plan in response to this Contextual Bible study?

In line with James 1:22 (“...*be doers of the word and not hearers only...*”) the goal of every CBS is action. CBS requires participants to respond to the study with creative points of action in the respective societies. Owing to this and in response to the question, respondents mentioned several actions that would be planned in response to the study. Most groups responded that they would act on whatever scale to change the face of impunity in Kenya. All the six groups said that they would run a program in their respective churches to sensitize people about the need to stop impunity. In particular, all groups expressed that they would conduct a CBS session to sensitize their members on the need to speak out and reduce impunity. The groups expressed the willingness to be facilitated with personnel during the sessions. All the participants agreed to take personal responsibility and speak about it and condemn it openly in all available forums.

4.4 Reading Mark 1:21-28 for Impunity: Reading with the Key Respondents

In order to bring out more connections between Kenyan impunity and the text of Mark 1:21-28, a total number of 12 key informants were interviewed. Their mode of study was through interviews and they also read

Mark 1:21-28 within a framework of impunity. Some of the interviewees were trained biblical readers and they held specific view points in line with the interests of the researcher. However, as the study came to realize, none of them was trained in postcolonial criticism. Six of them were clergy and six of them were lay people but holding leadership roles in their various churches. Section by section their responses are reported here below.

Section A

Q1. In your opinion, what is impunity?

Respondents defined impunity in various ways. Some of the definitions are sampled below:- Impunity was defined as a culture of irresponsibility and “don’t-carism” (OI: 03/05/2012). It was mentioned as a lack of respect for law or recognition of authority reflected in people’s behaviour (OI: 26/06/2012). Impunity was also defined as behaviour that culminates from the knowledge of the possibility to get away with offences without any repercussions (OI: 24/07/2012). Impunity was further defined as the total disregard for the rule of the law; “life goes on as if there is no law.” It is harmful actions propelled by a “nothing will happen to me mentality” (OI: 24/07/2012). It was seen as doing wrong without caring about the consequences. Most respondents were of the opinion that impunity entailed a deliberate lack of accountability. It was also seen as wrong doing because of the ability to circumvent justice. These definitions were generally in agreement with the study’s definition and revealed that the respondents not only understood the topic but were also delimited by the culture.

Q2. What are your thoughts about impunity in Kenya?

On this particular question, the respondents felt that the levels of impunity in Kenya were extremely high. They used such words as ‘prevalent’, ‘rampant’ and ‘excessive.’ Respondents noted that impunity as experienced in Kenya today is of the highest order; “it is the life of Kenyans and levels are growing higher even with a new constitution” (OI: 05/09/2012). They also noted that the presence of impunity in the life of Kenyans was a serious indictment for a people who are 82% Christians; that people don’t care anymore because of selfishness coupled with a weak moral fibre. Some noted that impunity was “common practice” (OI: 26/06/2012) in Kenya and Kenyans have come to a point where they “care less about laws” (Ibid).it was noted that impunity was practiced everywhere and that there was low and high impunity; impunity practiced by both the elites and the poor citizens. Another respondent noted that impunity as exercised in Kenya today was due to the fact that Kenyans had lost the moral responsibility to look to law for guidance (OI: 13/09/2012). With regard to the prevalence of the culture of impunity, the respondents added that “we as a country have never come to such a point before.”

Q3. What are your thoughts about impunity and the Church?

This question was meant to enlighten the study on the impunity practiced in the Church (if any), and the nature it took. One of the frequent answers given was that the church in Kenya today is compromised and it lacks

moral authority to condemn impunity. Some respondents reserved very harsh comments for the Church. One in particular stated that, “the architects of impunity are found in the church” (OI: 06/05/2012). The Church was accused of directing the gospel but refusing to be directed by the gospel.

One respondent noted that Christians were using the Bible to justify their acts of impunity e.g. during the PEV, Christians justified and fought for land the way the Israelites fought for land in Canaan (OI: 26/06/2012). Another frequent response that came up was that Church leaders were seen to be above the Church law and seriously abused the goodwill of the congregants. Impunity in the Church was cited as cover-up of scandals committed by the leadership in the Church (OI: 24/07/2012). The Church was also indicted as being a beneficiary of impunity e.g. corruption and land grabbing. This respondent also frequently noted that preaching against impunity was weakened because the Church had failed to set a good example. In addition, this respondent maintained that Church members were practicing impunity and getting away with it without any discipline.

Q4. What should be the Christian response to impunity?

According to the respondents, Christians should set a good example. They should fight impunity and stand against it even if it is practiced by the people they love. Another response that was repeated severally was that Christians should speak against it, shun it and eradicate it. Christians should be in the front line in eradicating impunity by following the commands of God. Christians should be law abiding citizens.

Q5. What should be done to people who get involved in acts of impunity?

During the interview, a majority of the respondents noted that people still practicing impunity should be brought to book. They should bear individual responsibility and be punished for their deeds. One of the respondent however, argued that they should be forgiven but allowed to bear the consequences (OI: 26/06/2012). He added that there is need to know “which vengeance belongs to God” so that people can be held accountable for their deeds. Most respondents said that if people guilty of impunity are Christians, they should be excluded from the fellowship. Respondents, (OI: 11/10/2012) expressing the mission of the Church noted such people should be warned and forgiven.

Section B

Q1. If you are employed, what time are you meant to report for work?

Most questions in this section were meant to measure the personal accountability of each respondent. Some respondents were not in formal employment and they had no answers to give. However, a majority of the respondents who were employed mentioned that under the Kenya labour laws, they were meant to report to work at 8am. A few respondents who were self-employed (e.g. OI: 13/09/2012) observed that their schedule operated differently based on the nature of the business that they had for each day.

Q2. What time do you report for work?

Respondents who were within the applicability of this question, noted that they reported to work before 8am. This question was not applicable to several respondents as indicated in the preceding question.

Q3. If you report late, what action is taken by the management?

Although this question did not apply to all the respondents, it was meant to show what organizations were doing to stem the rise of impunity. Applicable respondents noted that they are mainly reprimanded and warned against repeating the mistake. Other respondents noted that they are required by the management to explain the courses of their lateness (e.g. OI: 20/09/2012). One respondent noted that the management is also usually late and is not very keen to follow-up on punctuality.

Q4. What would be your general comment about the action?

This question did not apply to all the respondents. Applicable respondents noted that most of the actions taken by the management were fair; they deter future lateness and mediocrity in the organization (OI: 25/07/2012).

Section C

Q1. What are your comments about church attendance in terms of regularity and punctuality?

Questions under this section were meant to link church with impunity. This particular question attracted a myriad of responses from the interviewees. One respondent noted that it was not a major problem in their denomination, “Catholics don’t have a major problem here” (OI: 25/07/2012). Several respondents noted that it was a major problem but beyond their sphere of influence. Other respondents noted that it depended on what programs were

being ran in the church; “some programs are more attractive” (OI: 24/07/2012). One respondent noted that the weather was also a determining factor because in times of unfavourable weather regularity and punctuality was always an issue of concern (OI: 24/07/2012). Another respondent noted that this was a serious problem in their denomination and was an indication of impunity (OI: 13/09/2012). This respondent reported; “the pastor always reprimands the congregation because they report to their offices punctually yet they always come to Church late. They respect their employers more than God.”

Q2. What in your view should be done to members who miss Church or who come late?

Majority of the respondents noted that Church is a voluntary society and people cannot be punished or excluded for missing it or coming late. They reported that people should be encouraged to improve their standards. They should be taught on the importance of taking Church seriously. They should be followed up by the pastors.

Q3. Is there any action you are aware of that is taken against people who miss Church or come to church late?

Most respondents were not aware of any action. Other respondents said “not any more” (OI: 26/09/2012) insinuating that something used to be done and which they were not privy to. A respondent answered that as pertains to lateness, the church’ main door would be closed when important activities are going on e.g. prayers, sermon or Holy Communion (OI: 13/09/2012).

Q4. Is there any need in your Church to address attendance and punctuality? What do you think should be done?

In response to the above question, majority of the respondents felt that there was need to address the issue of attendance in terms of punctuality and regularity. Again, majority of the respondents pointed out teaching as the main action that should change the behaviour of the congregants. Moreover, some added that people should be encouraged and Church attendance publicised in every event. Other respondents noted that the Church should be made lively and relevant so that it can attract some level of seriousness. Moreover some respondents were of the view that peoples' personal walk with God should be encouraged so that members can be accountable in their own ways.

Section D

Q1. Why do you think there is impunity in Kenya yet the Christian population is well over 82%?

Questions in this section were meant to help decipher the relationship between Christianity and impunity. For this particular question, respondents gave varied answers. There were some who felt that the 82% statistic of Christians in Kenya only reflected religious affiliations and not Christianity as lifestyle (OI: 05/09/2012). Respondents argued that people in Kenya were only Christians by name and that Christianity had not 'sunk' i.e. Christians have not allowed the gospel to transform them. Many other respondents gave answers that reflected this view. In line with this thinking, respondents noted that Christianity in Kenya was compromised. Others felt that Christians were beneficiaries of impunity and were living double standard lives.

According to some respondents, people in Kenya were suffering from colonial hangover, because “African culture had no impunity” (OI: 26/06/2012). Colonial laws were against the blacks. Africans have copied their lifestyles and impunity was one of them. Some respondents also saw lack of models as the reason why the majority Christian population in Kenya is living in impunity (e.g. OI: 05/09/2012). Others said that it is because impunity is a culture and many have been born into it; “it has been fossilized” (OI: 20/09/2012).

Q2. What do you think are some of the factors that lead to high impunity levels in Kenya?

As a follow-up question, this question was meant specify contributing factors to impunity. Respondents mentioned several factor as contributing to high impunity levels in Kenya. Most of these factors are directly or indirectly addressed in the Bible. Those which were repeated again and again included, selfishness, poor parenting, greed, materialism, impatience, unhealthy competition, negative ethnicity, slow or absent justice, injustice etc. A respondent noted that “society that rewards wrong and basis success on might and power” (OI: 26/06/2012) is the root cause of impunity. Another respondent mentioned “frustrations by political powers” (OI: 11/10/2012) poor leadership, inequality in society and ability to purchase (in)justice. One respondent (OI: 03/05/2012) described the phenomena as below:-

If you see what time it takes to conclude a simple case for the poor person; while the rich go about justice in a very short time. How long will the poor person wait. When you catch a thief and take him to the police, the same person is released to steal and torment you again. Next time the person is caught, *wananchi* will not consult the police; they will mete instant justice on the person.

During the interviews, majority respondents pointed out that many governance systems in Kenya were dysfunctional and they had provided impunity with the right climate to thrive in.

Q3. As per your definition of impunity in Section 1 above, what form (if any) do you think it would take in the following institutions in Kenya:-

This question required the respondents to mention the form that impunity takes in various sectors of the Kenyan society. Several answers were given as highlighted below in order of occurrence.

Family: In the institution of the family, the frequency of forms of impunity revolved around rebellion in children, lateness at home, disregard of family rules, spousal abuse, verbal and non-verbal violence, underpayment of domestic workers, and dictatorship etc.

Police: In the police sector, respondents frequently mentioned brutality, bribery, corruption, negligence of duty, favouritism, and police executions.

Judiciary: Bribery was the most frequent form of impunity mentioned under this category. Other forms frequently mentioned were delayed judgment, corruption, and unfair judgments.

Public Transport: With regard to the transport sector, respondents maintained that public transport was the home of impunity. Impunity in this category, frequently mentioned forms were disrespect for traffic rules, disrespect for passengers and pedestrians, and extortion by hiking fares at will.

Other forms of impunity in this sector include careless driving, bribery, speeding, obstruction and overlapping.

The Executive: Respondents maintained that disregard of the law e.g. “unclear appointment of county commissioners” (OI: 24/07/2012) was the main form of impunity that was experienced by the executive arm of government. Dictatorship was also mentioned with the example of the alleged late Hon. Michuki and KTN saga (OI: 25/07/2012). This respondent illustrated with the incident of the late Hon. Michuki.

When he was minister for internal security, the Kenya Television Network (KTN) was raided by alleged government mercenaries. When the minister was questioned by journalists about it, he had retorted, “if you rattle a snake be ready to be bitten” insinuating that the government had actually raided the station because it was “a snake that had been rattled.”

Church institutions: Frequently mentioned forms of impunity under this category included, dictatorial rules, manipulation of worshippers, cover-up of scandals and abuse of goodwill.

The Legislature: Corruption in the legislature part of government took the form of grand corruption, theft of national coffers, e.g. CDF money, and bribery (OI: 06/05/2012).

Section E

Q1. From your interactions with the Bible, do you think in any way that there is any condition of impunity in Mark 1:21-28?

This section was very important because it was meant to highlight the connection between Mark’s Gospel and impunity. During the interviews, respondents (OI: 11/10/2012, 05/09/2012, 06/05/2012 and, 25/05/2012) said that there was no impunity or condition for impunity in Mark’s Gospel. The

rest agreed in various ways that there was impunity and there were conditions for impunity in Mark 1:21-28. Of these, one respondent answered, “Yes, Jesus came to set at liberty the oppressed; if there was no impunity, Jesus would not have come” (OI: 13/09/2012). Another respondent put it this way,

Is Mark perpetuating impunity? Is he a child of impunity? Look at the don't care spirit he portrays Jesus with. Mark cultivates a culture of non-questioning. Mark's disciples are puppets; they don't engage logic (OI: 26/06/2012).

A respondent cited Jesus' power over the scribes as impunity. This respondent also mentioned the time when Jesus' disciples did not fast as expected; that it was tantamount to impunity.

Q2. How does impunity (if present) in the Bible affect the hearing, reading and interpretation of Mark's Gospel in Kenya?

With regard to this question, those who had admitted that there were conditions for impunity in Mark's Gospel also maintained that this can affect the hearing and interpretation of the gospel in Kenya. Respondents (OI: 03/05/2012) mentioned that it is likely for those in power to ape Jesus' authority and use law for their own benefit. This respondent maintained that Mark's Gospel invites those oppressed to retaliate in the name of liberating themselves. Another respondent (OI: 25/07/2012) seriously criticized Jesus' action of breaking the law and states;

...authority that breaks the law encourages breaking the law... yes, images are powerful... people can copy Jesus and become unquestionable like Jesus e.g. pastors who do things in the name of Jesus and cannot be questioned.

Q3. Think about any situation of impunity in Kenya e.g. (During the Post-election Violence (PEV) or any other); do you think authority as constructed in Mark's Gospel would be used or misused to justify any facet of the same?

This question was meant to ascertain if Kenyans evoked the Bible to act as they did in times turmoil. In so far as this question was concerned, a majority of the respondents did not think that anybody can use the Bible to justify irrational violence. A few respondents thought some portions of the Bible can be 'twisted' to justify violence e.g. portions of the book of Joshua (e.g. OI: 24/07/2012).

Q4. (Read Mark 1:21-28) What are your general comments on the exercise of authority by Jesus in Mark 1:21-28?

The primary intention of this question was to help analyse Jesus' use of power and authority. In the opinion of many respondents, Jesus is portrayed as a firm leader; he spoke the truth and stood for justice. Additionally, many respondents saw Jesus as a non-compromising leader. Although he was extremely authoritative, he was genuine in his concern for the people. He had the interests of the people at heart. In explaining this further, OI: 11/10/2012 pointed out that Jesus authority was recognized and accepted in that it was associated with God. He added that Jesus was aware of who he was and what his mission entailed. Therefore, the exercise of authority by Jesus set him up above other authorities. It is important to consider OI: 26/06/2012 who argued that Jesus was God and it was Mark's authorial intention to build Jesus in such a manner in view of other conflicts in the gospel.

Q5. (a) From your knowledge of the Bible, and in particular Mark's Gospel, how would you describe the exercise of authority by Jesus? (b) On the same terms how would you describe the exercise of authority by the following actors in Mark's Gospel?

In response to this question, majority of the respondents described the exercise of authority by Jesus in the following terms: authoritarian, absolute and final, leading and not misleading, godly and just. In part (b) of the same question, respondents pointed out the following concerning the exercise of authority by other actors in Mark's Gospel:

Judiciary and the trial of Jesus: In general respondents touched on Pilate as a representative of the judiciary. They responded that he did not make the right decisions; he acted according to the wishes of the Jews and not according to the law. Pilate avoided using his authority, by not scrutinizing the witnesses who spoke untruth. The judiciary was compromised.

The Temple System: Respondents mentioned that the way they understood it from the Bible, the temple system was a corrupt system, it was very not spiritual, it was a symbol of prestige, conservative, it was questionable, it had authority but was not committed to justice and it was not democratic. Several other NT references were included in these observations; two particular references stood out i.e. Matt 21:20 when the Temple was used as a "forex bureau" (OI: 26/06/2012), and Matt 12:41 where rich people are mentioned as giving large sums of money in the temple.

The disciples: concerning the disciples, majority of the respondents saw them as powerless puppets, they were "docile and confused about their authority" (OI: 20/09/2012).

Q6. In your own opinion, can authority as expressed in Mark's Gospel be used to solve contextual and situations of impunity in Kenya?

This was the last and equally important question. It sought to establish if the Bible can be endorsed as a text with solutions for addressing impunity in Kenya. All the respondents agreed that authority as expressed in Mark's Gospel can be used to solve contextual and situations of impunity in Kenya. The respondents did not show how but they gave several reasons to explain their opinion. Respondents (OI: 24/07/2012) observed that,

...people in authority should be cautious; totalitarian authority can be used positively. During the PEV Kenya lacked a person with authority who could quieten the nation... When late Hon. Michuki²¹ used totalitarian authority, order was restored on our roads. Authority can end impunity.

Other respondents (OI: 05/09/2012) also responded by saying that,

we must learn from the way Jesus exercised power and authority in Mark's Gospel; he did it with skill and ability. Every leader is given authority; it is a trust and not a right and should be used for the benefit of the people and not for self. Christ models how to exercise power and authority.

In answer to the same question, some respondents (OI: 25/07/2012) put it this way, "yes, Christ is exercising real authority in that he is genuine and pays attention to the context. We must assert authority in order to end impunity." However, others (OI: 13/09/2012) cautioned that if authority as exercised by Jesus is not interpreted correctly by human beings, it cannot be used to end impunity; instead it can be misinterpreted to promote impunity. Towards this end, respondents noted that in order to end impunity, power and authority must be used correctly by somebody "bigger" (Ibid). Good authority should be respected and submitted to. According to OI: 13/09/2012, democracy should indulge some dictatorial powers.

4.5 Analysis of Findings from the Study

Within a postcolonial framework, this study now turns to decrypt what the respondents said. In order to do this, it is important to bear in mind key postcolonial concerns particularly those of prioritizing the margins at the expense of the centre. Postcolonial criticism is a critical sensibility acutely attuned to a specific range of interrelated historical and social phenomena (Moore, 2006:7). It provides the grounds for mounting serious challenges against reigning forms of hegemony (Horsley, 1998:170) and further, it functions as an anamnestic and heuristic framework within which to engage the biblical texts (Punt, 2006:67). From the responses of CBS, Mark 1:21-28 seemed a logical place enough from which to launch a postcolonial reading of Mark's Gospel, centred on the issues of power, empire and representation.

4.5.1 Authority in Kenya as a Deliberative of Markan *Exousia*

From the CBS discussions, (Section 1, question 2) the groups demonstrated that Jesus had absolute *exousia* and that authority in Mark 1:21-28 is hierarchically structured. It was clear from the respondents that and as Liew (1999:13) has remarked, despite a stance of anti-authority rhetoric in Mark, he is concerned with replacing one authority with another. In Mark, there is an almost discernible cascading of authority with the elites always on top. This authority always involves the representation of the rest by the other. The views from the respondents mean to point to the fact that this is Mark's way of conceiving reality in the realm of power. In other words, Mark enjoins an ideology of absolutism to portray that power must always be wielded from

the top and by those at the top. In effect, theorized from a postcolonial perspective, by reporting that Mark conceives a very powerful Jesus, the respondents in effect agreed that Mark mimics the Roman colonial discourse and structures of power (Liew, 1999:23). For Liew, Jesus' absolute tyrannical authority is evident in the way he is represented in categories of authority in relational, hierarchical terms. Thus in Mark 1:21-28, the representative voice of the colonialist Jesus has just began to emerge.

Although some respondents tried to excuse Jesus from the portrait of a tyrant (Section 1, Q2) that clearly protrudes from the reading by ascribing 'God' to him, what they could not however deny was that Mark's Jesus disrupts all other authorities in order to reinstate his own. Jesus becomes extremely powerful and thus patronizes all other powers. In Jesus, Mark is guilty of 'othering', he creates a 'Them' verses 'Me' binary in power relations. In the end, his power becomes more attractive than repellent and especially to the would be rulers.

4.5.2 Kenyan Authority as Mimicked and Hybridized Power

As has already been demonstrated, key respondents described Kenyan authority in the following terms; authoritative, colonial, absolutes, authority that pleases the West, selfish authority, inconsiderate etc. (Section D, Q3). According to them, those who wield power and authority in Kenya do so for their own benefit. They always want to be on top and practice impunity at the top and even use the Bible to justify some of their actions (OI: 03/05/2012).

Key respondents highlighted forms of impunity by those wielding power and authority as: bribery, corruption, brutality, lack of performance, justice on sale among others. (Section D, Q3). In relation to postcolonial categories of mimicry and hybridity, what the respondents attested to is that much of Kenyan power and authority that relates to impunity is mimicked in the way it is hybridised. Since according to Bhabha, “colonial mimicry is a strategy of the colonizers that backfires” (1994:212) Kenyan authority enjoins both mimicry and hybridity.

It mimics in the way it desires a reformed recognizable other. In doing this it copies the colonialists in order to disrupt colonialism but unfortunately the gaze remains thus alienating Kenyans from their cultural ‘purity or essence’ and expands them into the cultural regimes of their colonial masters (Samuel, 2007: 27). What can be said is that power and authority in Kenya is authorizing and overpowering. It is a deliberative of the Bible and of the colonialists. Thus power and authority in Kenya becomes a blurred copy of the original power and authority producing many misrepresentations of the same. These misrepresentations bring forth offshoots of distorted power including the rise of impunity. Such views can be supported by the answers given in section E, Q2.

Within the thinking of the key respondents, (Section E, Q4) power and authority in Kenya can be construed as hybridized in the way it condones an ‘*in-betweenness*’ (Samuel, 2007:29). It is a mixture of the traditional, the colonial and the biblical. What it means for this study is that power and

authority in Kenya is a concoction of all and conscious of none. It brings forth new signs of identity of a people and innovative sites of collaboration while at the same time inviting contestation of this hybrid identity. In hybridized societies, the struggle to become breeds all sorts of power struggles. In such situations impunity emerges as a language of struggle. It becomes both a way of taking advantage by the elite and a way of self redefinition by the subaltern. Impunity in such sites thus becomes a complex; a vice that needs to be rooted out and at the same time an on-going negotiation with the powers that be, demanding an all inclusive interpretation of what it means to be.

One more thing needs to be said in the way that the respondents understood power and authority. Accordingly, most CBS groups construed power as hierarchical. The idea of a 'sovereign power' (Lynch, 2011:13) was not elided. Traditionally, power has been understood as being at the top of a pyramid; and that was all it was understood to be. Although this was the mainline thinking of the respondents, there were indications that power can be understood otherwise and within a fuller understanding. Respondents (OI: 03/05/2012) were of the opinion that power arises in all kinds of relationships; (although in Mark's Gospel, it was noted that it is the pen of the narrator that assigns this power depending on the character he wants to build (Section B, Q1).

In this way, and for the CBS' power was seen to be in Jesus, in the venue (temple), in the evil spirit, the possessed man, the teachers of the law, and the people. In this way the views of the respondents can be aligned to key

readers in power for example Lynch (2011) who notes that “power is omnipresent, that is, power is found in all social interactions (:15). This means that power is always there and that no-one is really outside of power (Foucault, 1980:141). What Foucault has in mind is the accidental feature of power in particular contexts and that power has an essential characteristic that allows it in all spheres of interactions. Therefore, in constituting the picture of impunity in Kenya, it is all these dimensions of power that are taken into account.

Impunity if on one side can be seen as negative power, then it thrives at all levels in the Kenyan society. This can best be illustrated by how the respondents handled the question of impunity in the family (Section D, Q3). To borrow from one respondent, “impunity in the family is not just a top bottom issue; on the contrary, it goes back and forth drawing its synergy from all players i.e. children, parents and others.” (CBS: 07/08/2012). Similarly, impunity in the public transport sector goes back and forth and is indeed ‘our’ national participation for all: pedestrians, *matatus* and personal vehicles.

4.5.3 Empire and Impunity in Mark 1:21-28

According to Horsley (1998:153), “postcolonial criticism of prevailing political-economic and cultural relations in the modern world makes it possible to discern the concrete ways in which various layers of biblical literature are the products of the very emergence of domination and authority”. This domination took form in the empire’s power to overwrite various traditions into a version authorized by its own. Now more than ever before, it

is the task of modern colonized readers to unearth previously submerged biblical voices and histories that undermine self-authorization to represent others by the empire as well as the current beneficiaries of that hegemonizing posture of the empire.

In thinking about empire in Mark's Gospel, one need go no further than Horsley (1998) who sees Mark as adapting the distinctively Israelite script of a popular messiah, acclaimed by the people as the leader of their independence from human rulers, but then captured and executed by the imperial rulers. What Horsley attests to is that Mark's Gospel is fully aware of the Empire. It is aware of a people who have become creatures of the empire (Horsley, 1998:158) and the empire can be termed as the backdrop on the stage in which Mark's Gospel is performed. Mark nurtures this notion of empire and knowingly or unknowingly intermingles with the character of his Jesus within the confines of empire.

In thinking about, empire and impunity in Mark 1:21-28 and Kenya, various views come to mind that were provided by the respondents during the study. First, Empire can be seen in the expansion program that Jesus inaugurates (CBS: AIPCA, 11/10/2-12). He comes into the fore, whether by narrator's intent or by imposing himself upon others. Put in postcolonial language, respondents mentioned that Jesus overwrites the rules of the teachers of the law, the people and the evil spirit in order to institute his own (OI: 06/05/2012). Many respondents agreed that Jesus represented the interests of the heavenly kingdom (empire) in his mission. In other words, Jesus'

empire now replaced the Roman Empire. More to that is the way that he did this; he “taught with authority” (Mark, 1:22) and replaced other empires by force. He was intolerant and never gave the evil spirit chance to express its point of view fully but forced the evil spirit to “be quiet” (Mark, 1:25). In Mark 1:21-28, Jesus, is the dominant voice; for him might is right and this is another definition of impunity (OI: 26/06/2012).

As Horsley (1998:161) has noted, “power to narrate or to block other narratives from forming and emerging, is very important to culture and imperialism and constitutes one of the major connections between them”. Equally, the power to be on top of everybody as it is in Kenya by way of silencing and transgressing others is very important to the culture of impunity. It constitutes part of what Jesus is seen to be doing in Mark: 1:21-28 and it forms the road that impunity trends on in Kenya.

4.5.4 Postcolonial Feminist Concerns in Mark 1:21-28

On the question, what Mark 1:21-28 was all about, some respondents (CBS: All Saints Cathedral, 21/06/2012) pointed out that the text was about the exercise of authority by males. This point that was raised by some respondents further highlights the difference it makes with whom we read. Without some serious scrutiny, one would hardly notice that the characters enjoined by Mark in this episode are all male. If the episode is historical, one may probably ask, was it as it is reported (world behind the text)? If it was not so, then why are women silenced in Mark 1:21-28. According to Dube (1997:20), the challenge posed by imperializing texts that silence the

participation of women calls for a feminist reading that reads to recover or reconstruct women's participation in the biblical narrative.

Therefore, as Dube further asserts, Mark 1:21-28 should be investigated for patriarchy and be decolonized from its male centred presentation of life. This male centred presentation of life enables Mark to pen a narrative involving the whole community while still silencing women. Reading Mark's Gospel (and not just 1:21-28) as a postcolonial feminist reader, involves paying attention to those intricate details that render women able to deconstruct gendered imperialistic narratives.

When postcolonial feminist readers read this way, they notice that more often than not, female characters are presented as being of questionable moral character. An ideology of subjugation begins to emerge as female gender is used to articulate relations of subordination and insubordination (Dube, 1997:19). So in Mark 1:21-28, women need to be foregrounded, known and respected. But how can they be known and respected in a state of utter silencing? Isn't this also in the culture of impunity that women can be silenced deliberately? If patriarchy can be seen as enjoining impunity in its project, then the answer to this question is, yes, and much more. Dube proposes that it is only in imagining and retelling the biblical narrative that women can come alive again and be liberated. Doing this will form part of the task of the next chapter. Nevertheless, at this stage, a postcolonial feminist reader is invited to notice those texts and life situations that tell women that

they are not part of the story and that if they are, they only exist as represented.

4.6 Conclusion

In this chapter, particular attention has been paid to the reading resources of the ordinary or non-academic readers including what this process entails. A presentation of what transpired during the “reading with” process has been analysed. Succinctly said, field data has been presented in this chapter and analysed. This effort was geared at laying the ground for a reading from the Kenyan space and in order to offer an interpretation of the interface between Mark’s *exousia* and Kenyan impunity within a postcolonial framework.

In reading with ordinary and non-academic readers of the Bible in Kenya, several points have emerged. Major conclusions must now be drawn on the findings that have emerged in this interface:

- 1) Ordinary readers as they have been referred to in the study, have something to offer in so far as biblical interpretation is concerned. This ‘something’ has everything to do with their situations and contexts. Meaningful Bible reading should not therefore exclude the interpretations of those whom the Bible was meant to liberate. In order to do this, a hermeneutical key that irons out and incorporates a reinterpretation of eisegesis needs to be sort.

- 2) If read within a postcolonial framework, *exousia* in Mark 1:21-28 constitutes grounds for impunity as experienced in Kenya. There is obvious relationship between *exousia* in Mark 1:21-28 and impunity in Kenya. The text offers grounds for othering, patriarchal impunity, representation of the other, mimicking impunity, authorizing impunity and hybridized impunity. The text not only presents power in its most absolute form but also celebrates overpowering. *Exousia* is understood hierarchically and it remains a device for the centre and not for the periphery.
- 3) Impunity as experienced in Kenya today is as a result long standing history with colonialism and cultural exchanges with colonial masters. The Bible which is a product of an imperial culture is part of that exchange. It enjoins motives, images, language and attitudes that are intended to serve the interests of the Empire. It therefore needs to be read for decolonization.

Finally, since many biblical narratives are imperializing texts insofar as they use history to propound power relations, “it is imperative that biblical scholars take cognizance of the world that is wedged between imperial domination, collaboration and resistance” (Dube, 1998:314). As Dube further adds,

it is also imperative that biblical scholars take cognizance of texts that, more often than not offer models of internal relationships which are less than liberating; which have served in different imperializing projects and lift up writing-reading communities which are calling for decolonization (1998:314).

or an otherwise reading. In the following chapter, the study offers a postcolonial liberative reading and also exposes implication for such a reading in Kenya.

End Notes

¹ In "Can the Subaltern Speak?", Spivak encourages but also criticizes the efforts of the subaltern studies group, a project led by Ranajit Guha that has re-appropriated Gramsci's term "subaltern" (the economically dispossessed) in order to locate and re-establish a "voice" or collective locus of agency in postcolonial India. Although Spivak acknowledges the "epistemic violence" done upon Indian subalterns, she suggests that any attempt from the outside to ameliorate their condition by granting them collective speech invariably will encounter the following problems: 1) a logo-centric assumption of cultural solidarity among a heterogeneous people, and 2) a dependence upon western intellectuals to "speak for" the subaltern condition rather than allowing them to speak for themselves. As Spivak argues, by speaking out and reclaiming a collective cultural identity, subalterns will in fact re-inscribe their subordinate position in society. The academic assumption of a subaltern collectivity becomes akin to an ethnocentric extension of Western logos--a totalizing, essentialist "mythology" as Derrida might describe it--that doesn't account for the heterogeneity of the colonized body politic.

<<http://www.postcolonialweb.org/poldiscourse/spivak/spivak2.html>> Accessed 12/09/2012

²Textual politics also recognize the use of the terms 'Majority World' and 'Two Thirds World' to refer to Africa, Asia and Latin America which were previously referred to as the third world.

³ Sugirtharajah gives an example of the famous "Dictionary of Biblical Interpretation" whereby he notes that it is proudly presented as a work of distinguished scholars yet it does not carry a single entry by an Asian, Latin American or Black biblical interpreter. More revealingly, it has only one reference to the work of a non Euro-American scholar.

⁴The Kenyan subalterns, *wanjiku* means the ordinary Kenyans, the lay, the untrained readers
⁵(see Ukpong, 2000:11-13).

⁶ Point of view critique is introduced by Gary Yamasaki (2008). He notes that in the context of literary analysis, the concept of 'point-of-view' relates to the position held by the teller of a story vis-à-vis the elements of the story itself. Yamasaki draws comparison from the movies to show that, in a movie, the story is filtered through the perspective of the camera eye. In this way, and due to the preferences of the director, the viewer's perspective is both expanded and controlled by the camera; he or she can see the action from many directions and perspectives, but can only see what the camera shows him/her. Likewise Yamasaki observes that 'biblical narratives like modern prose narratives, narrate like film. The narrator is the camera's eye; we see the story from what he [she] presents' (:90). That means that the audience see the events of the biblical story and in particular the parable from various camera angles that are chosen for them by the director or narrator.

⁷ In biblical scholarship, *sitz-im-leben* is a German import for 'setting in life'. The term originated with German scholar Hemann Gunkel

⁸See West, 2002:74, see also Draper's (2001:148-168) tri-polar exegetical model. In Draper's Tri-Polar exegetical model, the three processes of distantiating, contextualization and appropriation are advocated.

⁹ According to Prior (1999) a consistent reading of the biblical text requires the liberating God of the exodus to become the oppressive God of the occupation of Canaan. This reading requires the Bible to be read with the eyes of the Canaanites in as much as it is read with the eyes of the Israelites. The Bible provides the title deed for the establishment of the state of Israel in a land held by another community in trust. This is an act of impunity and provide basis for potential community conflict.

¹⁰ According to West (2003) the relationship between socially engaged biblical scholars and ordinary poor and marginalized readers lies at the heart of liberation hermeneutics. Though this is stated by West, it should be noted that this mode of reading is not necessarily a preserve of the liberation hermeneutics.

¹¹<http://www.diohuron.org/what/HR/clergy_conference/2012/Ujamaa%20CBS%20Manual%20part%201.pdf> Accessed 09/05/2012

¹² Draper's (2001) mode of Bible study, recognizes three stages of biblical contexts that must borne in mind when reading the Bible, i.e. the world behind the text, the world of the text and the world in front of the text.

¹³ The call for reading the Bible with the ordinary non-academic readers is motivated by the fact that they have resources which might be useful, provided we are willing to read the Bible and do theology with them. Who knows that they could hold a hermeneutical key that is nowhere within the confines of the academy?

¹⁴ Haddad (2000: 49) for example is explicit about her stance. She states: "I now recognize that my role is not to conscientise but to enter into mutual dialogue and collaborative work with those I work with".

¹⁵ 'Reading with' is different from "reading for" or representation where the intellectual presumes to know more about the subaltern than she or he knows about him or herself (see Haddad 2000: 185-186). The emphasis in contextual Bible study is on interdependence between the two.

¹⁶ This study took note of the fact that both West and Haddad also play a conscientizing role by asking the critical questions. However, it can be noted that they conscientize at different levels whereby West is more passive, Haddad takes a middle position while Nadar goes overt.

¹⁷ For Nadar, who is a Feminist postcolonial reader, the process of knowledge should be considered a gift bestowed by those who consider themselves to be knowledgeable upon those whom they consider to know nothing. Teaching should begin with real experience so that readers are brought to bear upon their own biases and in turn be able to embrace 'other's experiences. This in turn raises consciousness hence elevates levels of advocacy.

¹⁸ In biblical studies and especially with reference to historical critical modes of reading the Bible, 'eisegesis' is the reading of meaning 'into' the Bible as opposed to drawing meaning 'out' of the Bible (exegesis).

¹⁹ What is meant by i-magination is in realization of living in an i-generation i.e. in relation to ipad, iphone, ipod, itunes etc. In the absence of these gadgets, one has to revert to i-magination.

²⁰ Forbes does not advocate for this method of reading i.e. text-reader approach. He argues that the inherent danger in the idea of an autonomous text (where meaning is solely achieved between text and reader) is that ultimately there is no necessity for the reader or reading community to be challenged or transformed by the text. Furthermore, if the text has no objective meaning, then there is no definite Christian message to proclaim, for the principles of revelation and grace have been undermined.

²¹ Late Hon. Michuki was minister for Transport and later minister for Internal Security and environment. During his tenure as Minister for transport, Hon. Michuki was acclaimed to restoring order and discipline on the Kenyan roads through the infamous Michuki rules.

CHAPTER FIVE

TRANSACTIONING ALTERNATIVE HERMENEUTICS AND IMPLICATIONS FOR KENYAN READERS

5.1 Introduction

The general task of this chapter is to offer an alternative hermeneutics for reading Mark 1:21-28 while pointing out the major implication of such a reading for Kenyans. What follows is a brief but particular explanation of how this reading will be accomplished. In the previous Chapter, *exousia* in Mark 1:21-28 was “read with” ‘ordinary readers’ in the select Kenyan churches. In “reading with,” the three key elements of African biblical interpretation, namely the biblical text, the African (Kenyan) context, and the act of appropriation were seen to be interlinked. Since the biblical text and African context cannot participate in a conversation on their own, their dialogue was facilitated by what Segovia (2000:41) calls “real flesh-and-blood”¹ Kenyan readers.

The readers in conformity with the contours of African biblical interpretation moved constantly “back-and-forth” (Dube, 2007:67) between the biblical and Kenyan context, bringing them together in an on-going conversation which could be termed as appropriation. How the readers moved between text and context in relation to impunity was determined by a range of factors. These included their

ideo-theological orientation, their ecclesio-theological missionary heritage, their engagement with fellow ordinary readers of the Bible in the church and community, and the important issues that require attention in the African context (West, 2009: 45).

During the readers appropriation of the text stage, several issues were brought out with regard to the contours of the meaning of the text when the Bible was read for impunity within the optic of *exousia*. First, it was noticed that impunity in Kenya was as a result of issues of *exousia*, (power and authority) whether derived from African culture, colonial encounters, Mark's Gospel, or the current context. Secondly, it was noted that impunity has a gendered face; that it is given impetus by patriarchal structures and women are mostly at the receiving end of structural impunity. Thirdly, impunity was seen as permeating all sectors of the society and lastly, impunity was seen as capable of being addressed.

In bringing the concept of impunity to bear upon the studies of Mark's Gospel and by extension the Bible, the purpose was to analyse how such a phenomenon bears on such studies. Similarly, in bringing the optic of impunity to bear on biblical criticism it was important to question the reach of such a criticism. All this was meant to show that the Bible could be read 'otherwise' and in a more liberative sense. Mainly, it was realized that impunity studies bring another trajectory into postcolonial criticism; namely the long lasting effect of impunity inscribed by the empire upon its subjects.

In view of such understanding, the task of this chapter firstly is to propose a postcolonial reading that situates Mark 1:21-28 in the sphere of literature that would help address impunity in Kenya. Secondly, this chapter shows the implications that reading Mark for impunity will have on the Kenyan readers. Within the mandate of the first task (situating Mark 1:21-28 in the sphere of literature that would help address impunity in Kenya) this chapter begins by considering Mark 1:21-28 within the scope of two postcolonial reading resources that have been proposed by two African readers. These are a contrapuntal reading by Waweru (2011) and divining by Musa Dube (2001). Later on this chapter will propose a hermeneutics for reading impunity in the Kenyan context.

5.2 Contrapuntalism and Mark 1:21-28

The concept of contrapuntality was first used by Edward Said (1993) in the essay 'Reflections on Exile' and then developed in more detail in *Culture and Imperialism* (1993). In doing this, Said was responding to critics of *Orientalism* (1978) who had argued that in *Orientalism* Said had focused more on European culture than on the voices and agency of former colonized peoples. Although it can be noted that the work of Edward Said had been largely ignored by mainstream studies (hegemony), notable exceptions to this trend have been noted in postcolonial scholarship (Chowdhry, 2007:3).

According to Chowdhry (2007:5) through a contrapuntal reading, Said engaged in a reading back to uncover the "submerged but crucial presence of

empire in canonical texts” and to demonstrate the complementarity and interdependence instead of isolated, venerated, or formalized experience that excludes and forbids the hybridizing intrusions of human history. Bayani and Rubin, (2000:367) later showed that unlike univocal readings in which the stories told by dominant powers become naturalized and acquire the status of ‘common sense’, a contrapuntal reading thus demonstrates a simultaneous awareness both of the metropolitan history and of those other histories against which (and together with which) the dominating discourse acts. It can be noted that, originally Said was influenced by his love of western classical music to borrow the concept of contrapuntalism.

What Said sought for in a contrapuntal reading was a simultaneous interpretation of discrepant experiences to a point of achieving coherence and this is what should be sought for in Mark’s *exousia*. According to Waweru (2011:84), Said’s method of approach in interpreting experiences that are fundamentally relational, coherent but separate and comprehensible to particular traditions, would lead to a counterpoint. In music, a counterpoint is the result of two voices and rhythms being played independently, but nevertheless ending up in creating a harmony. Said (1993:208) himself shows that,

...in the counterpoint of western classical music, various themes play off one another, with only a provisional privilege being given to any particular one; yet in the resulting polyphony there is concert and order, an organized interplay that derives from the themes, not from a rigorous melodic or formal principle outside the work.

The goal of a contrapuntal reading is thus not to privilege any particular narrative but to reveal the wholeness of the text, the intermeshed, overlapping, and mutually embedded histories of metropolitan and colonized societies and of the elite and subaltern. Accordingly, contrapuntal reading is like a fugue which can contain two, three, four or five voices; they are all part of the same composition, but they are each distinct.

Contrapuntalism is taken up more eloquently and in an African setting by Waweru. Thus Waweru (2011) has theorized contrapuntalism as a category for reading the Bible in Africa. Though Waweru sees similarity in this approach with comparative studies and inculturation, (2011:84) nevertheless, he argues that being a “profoundly ideological model” (:85) contrapuntal reading is one mode of approach among others. Within this understanding Waweru uses the contrapuntal model to read the book of Revelation alongside the *Kikuyu* culture. The particular issue is to understand what John in the book of Revelation says about the future in the Apocalypse and also to understand how the Kikuyu myth about the past can influence the way to interpret John’s view of the future and access its meaning in the “Apocalypse community” (:86). In a broader sense, Waweru’s contrapuntalism is attuned to reading the entire Bible. In Waweru’s contrapuntalism therefore, it can be observed that meaning or the counter point is found and becomes the interface between the reading and the reader of the Bible.

Within the parameters of an African contrapuntal transaction that Waweru champions, Mark's *exousia* can be read (sang with) alongside the Kenyan context to achieve its counterpoint. This would be done in view of Said's plea for a contrapuntal reading. On this point, Said is best explained by Chowdhry (2007:6) when he observes that,

...a contrapuntal reading is not meant to valorize plurality, rather it is a plea for worlding the texts, institutions and practices, for historicizing them, for interrogating their sociality and materiality, for paying attention to the hierarchies and the power-knowledge nexus embedded in them, and for recuperating a non-coercive and non-dominating knowledge.

Therefore, and within the confines of Mark 1:21-28, Mark when assigning *exousia* to Jesus worlds a stage that venerates a Jesus (person) who is above all pre-existing laws. One, who makes, interprets and applies the law as he goes and as is suitable for him. Similarly in the Kenyan context political sphere, the public perceives the presidency or power in a person who is a reminiscent dictator (whether progressive or retrogressive), one who messes and fixes society at own prerogative (OI: 24/07/2012). Even under the dispensation of the current constitution this perception has not been minimized in the public sphere. It remains to be seen if what has been put on paper will be actualized in real life.

When Mark 1:21-28 as a drum is played on its own, the sound of an excess *exousia* is heard. Although Mark's *exousia* is divine, it still creates loop-holes for impunity. If on the other hand the Kenyan context as a drum is

played on its own, the sound of dictatorial human authority is heard. Likewise, it creates room for impunity to thrive. When Mark and the Kenyan context are played together the harmonious voice of power and authority is heard. Thus to create not just a counterpoint but a beneficial counterpoint this study proposes that a unique contrapuntal reading of the same needs to be sought.

In the thinking of this study, a unique contrapuntal reading would involve a reading which incorporates the benefit of Mark's divine *exousia* in achieving the counterpoint. This means that Markan *exousia* which mainly has divine elements would inform authority in the Kenyan context and not vice-versa. In such a reading, this study believes that impunity can be addressed for it is not the project of this study to do away with the Bible. If impunity can be 'coerced' into a contrapuntal reading in that a counterpoint point can be achieved through such a proposal, then the imagination of an impunity free Kenya can be achieved.

Advocating a Contrapuntal reading of Mark and Kenyan context, needs to bear in mind that contrapuntalism remains majorly a western category and therefore, needs to be used with caution in African contexts. Unless it is used as a mimicked category; one which offers the gaze that disrupts the master's conceptualization, then contrapuntalism retains the mainstream and hegemonic elements which postcolonialism loathes altogether. However, properly used it remains a suitable postcolonial category for addressing impunity in Kenya.

5.3 Divination and Mark 1:21-28

It is no longer worthwhile to continue reading the Bible in Africa guided by the contours and images of alien perspectives. Time has come for African biblical scholars to reimage Western conceptualizations of truth including the Bible itself. As Manus (2003:1) notes, “for too long African theological education has been integrated into the mainstream European and North American academic tradition, neglecting the norms, values principles and insights inherent in African culture.” Divination is introduced into postcolonialism by Musa Dube (2001) as a way of transacting the Bible and the sacred oral ‘texts’ of indigenous African religions (West, 2001:96). It is also introduced as a way of launching the uniqueness of African biblical studies and as a way of balancing Bible readings inside and outside the academy.

In an unmatched and ground-breaking paper ‘Divining Ruth for International Relations’, Dube within a Botswana socio-location offers varied ways in which the divining concept can be reused as a category for studying the Bible in Africa. Dube defines divination as the art employed by a divine healer to read books of social life, so as to diagnose problems and to offer solutions to Consulting Readers (CRs). She notes in part,

for Botswana and other South Africans, reading a divining set with a professional diviner-healer was, and still is tantamount to reading an authoritative book of social life. Diviner-healers read divining sets to diagnose problems and to offer solutions to consulting (nonprofessional) readers. Divining sets, which could be composed of carved bones, beans, beads, coins and so on are not fixed or closed canons or stories. Rather, each consulting reader writes and reads his/her own story with the diviner-healer in the reading session. (2001:181)

Dube explains this concept as borrowed from the Batswana and especially when Robert Moffat, a missionary first read and interpreted the Bible to Batswana. During this memorable reading, their response was to regard the Bible as a talking book and as a divination set. According to Dube, with time the Bible became one of the divining sets among the Batswana and especially those emanating from the African Independent Churches (see Browning, 2011:21). It was and is used for treating troubled relationships as well as physical ailments, for health among Africans and is closely associated with healthy relationships (Dube, 2001:181).

In divination, (whether using the Bible or other divining sets) the professional healer reads to diagnose and heal distorted or broken relationships and to encourage homogeneity and life affirming relations in society as therapy for hurting (submerged) bodies. Noting that with the coming of Christianity in Botswana (Dube's socio-location) the Bible has extensively been used as one of divining sets, she argues that divination as an art must be encouraged more and more "as an ethical method of reading in ... Africa" (:184). In this way it can be shown that divining² entails production of new knowledge for it requires "a substantial understanding of social relationships" (:184).

It is important to note that reading a divining set is not as esoteric as many and catechised African Christians may tend to think. On the contrary, "it involves reading and rereading human stories and confirming them as the divining set progressively reveals" (Browning, 2011:17). It places demands

upon the Consulting Reader to right all the wrongs surrounding their social relationships. Therefore, neither the diviner-healer nor the divining sets possess exclusive knowledge nor does the consulting reader bring hidden knowledge. Divination according to Browning (2011:18) is thus a production of social knowledge that demands ethical commitment from all participating readers. Its hermeneutical turning point is given impetus in the way it always starts with the experience of the people.

Divination in Kenyan societies was and is used to diagnose living texts for physical and social healing; although it is largely stigmatized and relegated to abstruse spaces. Divination was one of the ways that Christian missionaries and colonialists tarnished as backward and termed as witchcraft or black magic. This body of knowledge that contributed healing to many Kenyan societies, families and individuals was replaced by more Western Christian and colonial friendly methods of counselling and ‘modern’ medicine. Though this die-hard practice continues, it has highly been stereotyped and is only practised among a minority of Kenyans.

The precise link between divination and postcolonial criticism lies in the fact that that divination as a subaltern category can not only be used to deconstruct the masters house but also paves way for the use of other and similar categories – sort of a subversive act of decolonizing. This category assists in placing the margins reading resources at the centre of biblical interpretation and without displacing the centre’s categories.

When it is used as a category for reading the Bible it makes the meaning of the Bible in its relation more express to African readers. According to Wimbush (2003:3), divination offers the right to invade and disrupt the discursive world of western academic critical biblical interpretation that is equally important and astounding. The usability of divination lies in the fact that it can be seen as a starting point for engaging other indigenous categories in doing biblical studies in a Kenyan context. What follows now is a demonstration of how a ‘divined’ reading of Mark 1:21-28 can be used to address impunity in Kenya.

5.3.1 Divining Mark 1:21-28 for Impunity

One of the key aims of postcolonialism is to contest Euro-centric ways of thinking as the only ways of approaching knowledge. Using the divining technique is one such way that Euro-centric conceptions of knowledge can be contested. Therefore, in divining Mark 1:21-28 for impunity, Consulting Readers (CRs), must first account for what makes the power relations in this text so predetermined? Again, in allowing this story to accompany his narration, what “ideo-theological” (West, 2007:8) impact does Mark intend to make on the part of the readers? One of the noticeable things that is directly expressed in reading the Markan text is that “power is socially constructed and therefore ideological” (Shillington, 2002:272).

When the divining set is opened within a literary framework and with this conscientization, it can be noticed that in Mark 1:21-28, Jesus is exposed as the over-towering and overpowering one. According to Samuel (2007:122)

Markan Jesus embodies the *sultanate* of the son of humanity. What is notable is that in this high and towering view of Jesus, Mark already creates a tension between Jesus and other religious leaders. This in turn creates possible tension and division between him and other religious care-givers whether they are right or wrong by their own standards as he is equally so. As Belo (1981:103) observes, “what attracts attention is the authority (*exousia*) with which he speaks, for it contrasts with the habitual teaching practice of the scribes.” Moreover, Mark heightens this tension by portraying Jesus as the one who wields authority and exercises a commanding vision and voice. He is the only one allowed to define reality and existence for others.

By allocating Jesus such a space, the divining set already reveals a stage set for religious conflict which revolves around the issue of power and authority. Mark’s Jesus is set to act in impunity if by use of this space he abrogates all other authorities. This can be expressed more freely if “judicial authority and military or political dominion” (Samuel, 2007:111) is brought to bear upon the meaning of *exousia*.

Setting the stage for religious conflict in Kenya would rightly be seen as setting others for religious division. Denominationalism can be a major problem in Kenya. When missionaries first brought the gospel in Kenya, they each competed for space in the Kenyan society by dividing Kenyans along denominational lines. Unfortunately, many of such denominations were also knowingly or unknowingly instituted along tribal lines.

In terms of the Kenyan context, many religion seekers would buy into the fallacy of who has “a new teaching and with authority” (ἐξουσία) set ‘them’ versus ‘us’ identity. Such communities need a diviner, a healer who shoots or waters down religious competitions and fosters communal healing. The issue here in this incidence is power games and ideology coupled with the desire to maintain the most powerful religious system. Kenya being a highly religious country has many societies reordered by use of religion. That is why for many Kenyans, including politicians, it is important to acquire religious power by all means possible because it means access to control. Severally, politicians are known to camp around those religious people like Jesus who have some *exousia*.

It is best stated that religious movements and denominations that exist because they have overpowered others need to be exorcised in Kenya. In line with this, Gitari (2005:112) gives an example of evangelism to the nomadic communities of Northern Kenya. He cautions religious movements that offer individualized or sectional salvation by stating that, “we are convinced that in our primary evangelism among the nomadic [Kenyan] peoples, our approach must not be that of rescuing individuals from a sinking boat but rather winning communities to Jesus Christ.” Gitari’s argument is that religion among communities that have strong family ties should not be used to overpower others but to free and empower all of them³. Divisive evangelism not only causes tribal, family and societal feuds and disintegration but also fosters religious animosity. Texts like Mark 1:21-28 that tend to celebrate

overpowering of one religious group over others need to be exorcised of the divisive traits and language that they enjoin because they become breeding points for chaos and impunity.

Secondly, the divining set notices that Mark is engrossed with Jesus' power and superiority over and against the empires of this world that he makes Jesus tackle only those things personal at the expense of the communal. In the healing episode, (Mark 1:26) Jesus should have concentrated on facing and addressing structures that make for individual infirmity and demon possession. On the contrary, Mark's Jesus concentrates on healing an individual and ignores structural sins that leave a whole community vulnerable to multiple possessions including impunity.

The diviner set finally focused on the power relations notes that Mark does one more thing; he pits Jesus and the evil spirit in a contest. In doing this, for Mark, the greatness of Jesus lies not in the freedom of the healed man but in the defeat of the evil spirit. Jesus should have been more interested in dismantling the imperial and systemic spaces which are stubborn in the face of religion; which colonize the other. Mark seems to accept the notion that defeat of the subject counts for more power and reputation than freedom of the object. Viewed in Brueggemann's *Prophetic Imagination* (1985), Mark's Jesus lacks a 'prophetic ministry' which is fuelled by a 'prophetic imagination' that creates and nurtures an alternative consciousness, which in turn creates and nurtures an alternative community (1985:13-16). Hence Jesus' action however benevolent it is lacks a critique which is centred on eliminating

numbness to the death of the organizing principles of our world. Mark fails to offer a God who accords freedom to all, who dismantles the structures of weariness, and dethrones of the powers of fatigue declaring them incapable of offering what they claim to offer. If only for this text, the divining set must exorcise this individuated idol that Mark perceives for Jesus and replace him with an almighty God who has all the dimensions of existence at his purview.

From the foregoing, it can be surmised that divination helps reveal the strongholds of impunity which are embedded in Mark's placement of *exousia* and resultant power plays. To address impunity in Kenya, divination becomes a useful category since it continually offers the possibility of speaking to unhealthy relationships.

Since biblical texts are social productions and they emerge out of very particular social and material settings divination becomes important in revealing how they take sides in social debates; debates which usually centre around the issues of power which challenges or defends the way in which people are socially constituted. In Mark 1:21-28 for example, power relations are made to protrude by the author both embedded and assumed in the text. Thus the story of the confrontation between Jesus, the teachers of the law and the evil spirit possessed man in Mark 1:21-28 not only preserves a memory of how these were socially constructed in the past; it also advocates a similar or different social ranking of such in the present. This opens ways in which Mark 1:21-28 can yield "oppressive strands" and be construed as a "text of terror" in the words of Tribble, (1984:12).

Divining Mark 1:21-28 not only reveals social stratifications but also yields ideological perspectives of power and authority that are inscribed in the text. Whose interests are being served in the preservation and commodification of *exousia* in this narrative? From whose point of view is the narrative told? Power in this narrative constitutes a dominant ideology for without it, the whole logic of the narrative would collapse.

Power as Mark construes in 1:21-28 is ideological because it has been accepted by the dominated segments of the society for what it is. The ideological creation of power subordinates presents two rival ideologies in the same narrative. *Exousia* demands for sub-ordinates and the Markan society has constituted itself to be so. This is a tension that Mark maintains not only in 1:21-28 but also throughout the gospel. In the end it is difficult to tell if Mark is a pro-subaltern text or a pro-empire text; but the counterpoint of ideological tension remains.

5.3.2 Diving Applause of *Exousia* in Mark 1:21-28

Shiner (2004) (a rhetoric critic) has ably placed Mark in the body of literature that enjoins applause as one of elements (ideologies) in its formation. For him, applause as a performance in Mark's Gospel serves as an indicator of audience reaction not only to the gospel but also to the person of Jesus Christ; plus the way Mark makes his Jesus to elicit such a reaction. According to Shiner (2004:130-136), the public presentation of the gospel before it was written, resembled that found in other sorts of oral performances in the ancient world.

In line with this, Rhoads and Michie (1982:37) also suggest that, “if the meaning of the gospel is found in the way it moves the emotions rather than in the facts that it presents, then applause, both as a marker of emotional reaction and as a factor inducing its own emotional response, is quite significant for our understanding of the gospel.” That Mark was fully aware of this element is attested not only in the way he brings it to bear upon the *exousia* of Jesus but also in the way he enjoins applause throughout the gospel narrative (Shiner, 2004:131).

The ideology of applause is particularly present in 1:27-28. In it Mark records, καί ἐθαμβηθήσαν ἅπαντες ὥστε συζητεῖν πρὸς ἑαυτούς λέγοντας, τί ἐστὶν τοῦτο; διδαχὴ καινὴ κατ’ ἐξουσίαν καὶ τοῖς πνεύμασι, τοῖς ἀκαθάρτοις ἐπιτάσσει καὶ ὑπακούουσιν αὐτῷ²⁸ καὶ ἐξῆλθεν ἡ ἀκοή αὐτοῦ εὐθύς πανταχοῦ εἰς ὅλην τὴν περίχωρον τῆς Γαλιλαίας (*Mark 1:27-28 They were all amazed, and they kept on asking one another, saying, “What is this? A new teaching-- with authority! He commands even the unclean spirits, and they obey him.”* ²⁸ *At once his fame began to spread throughout the surrounding region of Galilee*).

In this passage, it seems audience experience was part of the reception of the gospel; the performer must have tried to move and involve the audience during the recitation of the gospel. It is also imperative to think about the kind of response and applause he would expect during the performance. As Shiner

further remarks, "...we misunderstand the gospel in its first century context as long as we are thinking of it as a text on a page rather than words that are heard, gestures that are seen, and the response of those standing, sitting, or reclining around the listeners" (Shiner, 2004:133). So was applause part of Mark's material for sewing the garment of his gospel, and what ideological import could it have had on his understanding of *exousia*?

There is great probability for either a yes or a no answer, but according to Olbricht (2004:17), applause was such an important factor in the impact made by an oration that it was not uncommon during the first century CE to find people hiring cheerers during orations. This phenomenon of hired people indicates the extent to which applause was received as an important part of orations. Although Shiner (2004:134) points out that in religious gatherings applause could have been more restrained, he however underscores the strong emotional impact it had on religious orations. Is there a probability that the crowd in Mark 1:21-28 is purely an applause crowd? According to Shiner (:134) Jesus' inaugural sermon in Mark 1:21-28 is met with active response.

In Mark the "audience is amazed at the authority of Jesus' teaching; one man, possessed by a demon, yells out disruptively, causing Jesus to seriously modify his presentation; and the audience discuss the meaning of Jesus and his teaching after the exorcism" (2004:136). Besides, Mark's Gospel has many places where the logic of any narrative would not make sense except that it gets endorsements from the constituted crowds. In view of this and if

Shiner's hypothesis is plausible, then Mark can be construed as having used the ideology of applause to pamper the *exousia* of Jesus.

Thus Mark lays the very grounds that his Jesus can be viewed as practicing overall and imperial power through the use of applause ideology. Although it is not worth painting the entire gospel as an applause gospel, it is possible to identify the reason why Mark's audience would be enjoined in applause and whose interests are being served; mainly the inscription of the difference. Just as early audiences were likely to do when their side defeated the opposition, similarly Mark's audience makes their applause when Jesus silences the scribes and defeats the evil spirit.

Applied in conjunction with other methods of textual analysis and in particular postcolonialism, then applause can be construed as a tool of the hegemony and especially if it was used to keep the gaze of the subaltern fixated at the centre. Analysis of the text for expected applause lines can help us to establish the meaning of the text and the emotional impact it had on its readers. This is because emotional meaning is much the same as intellectual meaning. This may help explain why uncritical use of applause merely for indicating power in Mark's Gospel may also be borrowed by its readers and applied to life situations. The question is, is it possible for Kenyans to applaud impunity; probably and more so if impunity is being committed by the hegemonic and the favourable side.

As an ideology, applause can and has been used to account for “differences between people, differences that eventuate in stereotypes and differences that manifest themselves in power relations” (Weems, 1992:31). Whether in the media, religious, political or other gatherings, the ideology of applause in Kenya has been used to recreate structures of the empire; structures that aid celebrate impunity and make it seemingly harmless and especially when it is practiced by those who have *εχουσι* and applauded by the subaltern.

5.4 Finding a Postcolonial Hermeneutical Key for Mark 1:21-28

There are many holes in Mark 1:21-28 that hermeneutical keys could be inserted. However, bearing in mind that postcolonial criticism is interested in critiquing travel narratives that end up celebrating the occupation of other peoples land and spaces then the evil spirit becomes such an important place to insert a postcolonial hermeneutical key.

If the evil spirit in (1:21-28) is to be identified analogically with the Roman occupation, then the man with the evil spirit may be identified in turn as the land and people under occupation and overpowered. The evil spirit portends to speak on behalf of the man and even to possess knowledge of the almighty and entreats Jesus not to send the spirit away; but Jesus “rebuked” (Mark 1:25) the spirit and cast him out. Jesus’ later proclamation that his plundering of the property of the ‘strong man’ portends the end of Satan’s empire (3:23-27) could then be read as equally portending the end of the Roman Empire.

Seen in this manner and in line with Moore's, (2006:27), thinking, reading Mark in such a way uses 'possession' as a hermeneutical key. Such a hermeneutical key can tentatively be used to read the whole of Mark's Gospel to unlock the wider implications of Mark's *exousia*. Caution however, need be taken for as Moore (2006:27) warns, if such a hermeneutical key is overused it can easily break in the lock. On a more serious note, reading Mark within the framework of such a hermeneutical key is to read Mark within the confines of its major identity; an allegory. This is to pay attention to the extent to which particular individual situations can be generalized to represent histories and destinies of majority of peoples and more so former colonial subjects like Kenyans.

5.4.1 Reading 'Possession' in the Kenyan Context

Possession involves displacement, occupation and settlement. In Mark 1:21-28 the evil spirit had made abode of the possessed man. Most of the possessions are not symbiotic relationships, they are as a result of empire building for economic reasons and for the benefit of the colonizer. Within this ambit, Kenya can symbolically be termed as possessed by an 'evil spirit' of impunity and which forms fertile grounds for other forms of subalternization.

This evil spirit ravages and estranges the victim. Impunity thrives in the *poverty-rization* and marginalization of the other. It thrives in domination, and representation through hegemony; the classification of the 'other' in all forms of political machinizations. The 'other' is totally overpowered and disempowered and mainly for economic reasons. In the example of Kenya,

politics of impunity grip the nation mainly for economic reasons. The evil spirit that possesses Kenya can be seen through Munene's (2012:9) optic.

According to Munene, this evil spirit cannot be fully understood without a clear grasp of the country's colonial history. Munene argues that many in the top echelon of the coalition government that was formed in 2008 are products of British norms and thinking. Some are the products of education at Mangu, Alliance and Maseno and later Makerere in the 50s and early 60s. Others were junior officers in the British colonial service in the 50s and 60s. These are part of the group that inherited the colonial state as youth of the day, formed a new political class and in many ways remain in charge of the country irrespective of the political party they claim to belong. The children of this political class are supposedly the 'younger generation' of leaders and are likely to have attended schools such as St. Mary's, Lenana, and Nairobi school etc. These ended up at the universities and training colleges, some joined the elite in terms of wealth acquisition and the ability to manipulate the political climate.

What Munene is driving at is that a class structure has evolved in Kenya over the years of who is who which has its roots to the dominant families upon independence. Therefore, a spirit of neo-colonialism is breathed on Kenyans by the second generation of neo-colonialists. The spirit presents itself in othering, representation, hegemony and the empire. This is the spirit that grips Kenya and needs someone with a "new teaching" and with *exousia* to cast out. This is the spirit of the empire and when threatened, occasionally it

always finds ways of assuaging the ego of the subalterns. It does so by incorporating a few leaders of the subalterns into the empire club or by mounting temporary diversions such as drumming up ethnic hostility. Like a vicious cycle, the 'evil spirit' generates and domesticates impunity and the grip of both the spirit and impunity becomes tighter with every passing year.

5.4.1.1 Possessed by Impunity

The spirit that possesses Kenyans is that of impunity. Impunity more often than not manifests and thrives in poverty. Poverty in Kenya is systemic, partly due to deliberate marginalization of some areas. Human Poverty Index in Kenya continues to rise with every passing year. The HPI (Human Poverty Index) value for Kenya is lower than the income poverty level. Despite rapid economic growth in the last few years, human poverty appears to continue deepening. According to the UNDP (2012:17), this can be attributed to the growing structural inequalities which thrive in a climate of impunity.

In an impunity possessed society, poverty or subaltern other in Kenya continues to be recreated; it is not natural and it is relative rather than absolute. Impunity and poverty in Kenya have different levels and dimensions which end up complementing each other. Because of the complimentary role they play to each other, when impunity, empire and poverty are viewed together, they form a dangerous triad. It is no reason that the empire enjoins poverty to sustain impunity. It follows then that the reason the empire goes out to create poverty is political because "poverty is a controlling mechanism" (Murungi,

2000:58). According to Munene (2012:82), creating poverty was also a controlling mechanism which colonialism ably applied to Africa.

Writers in poverty have seen Kenya, like other African and majority world nations, as having been a victim of poverty creation by donor countries. The tragedy is that they do that with full knowledge and support of the governments of the states whose people are being made poor. It is those governments that evict people from their land in order to make land available for the multinationals etc. Therefore, as Munene (2012:87) adds, poverty creation is a contrived process that has long historical roots.

As has been mentioned before, poverty as a contrived process, is deliberate and manipulated by people in political power for the purposes of favouring or victimizing particular groups of people (Murungi, 2000:79). Those who believe that they are victimized become resentful believing that their perceived poverty is due to those in authority (Munene, 2012:88, see also Murungi, 2000:87). Some of them nurture a feeling of betrayal and results to acts of impunity e.g. as epitomised in the contested issues of the MRC (Mombasa Republican Council). Addressing systemic poverty therefore, becomes an important step in the direction of reducing impunity levels in Kenya.

5.4.1.2 “Possessed” by the Powerful

Writers in power also depict Kenya as having been possessed by the powerful people. That Kenya is “possessed” by the powerful can be attested by the economic disparities that exist today; the rich get richer and the poor

get poorer. In Kenya many top spaces are dominated by the elites hence it is the boss who matters (Murungi, 2000:135). This power cultural aspect is mainly an import from the colonialists. According to Miller, (1984:84) the Kenyan elites, who had direct or indirect contact with the colonialist, have keenly followed after the *nyayo*⁴ or footsteps of the colonialists. Miller's argument is that in Kenya the black elites continue to wholeheartedly embrace all the power and overpowering traits that were reflected by colonial lifestyles. Consequently, in status, symbols and wealth a brand of elites are possessed by power and in turn they possess Kenya.

In trying to maintain and sustain a power identity and by mimicking the rule that the colonialists⁵ had on Kenyans, the dominant class have selectively used aspects of the British Empire that favour their lifestyles and economic dominance. They have used the buildings, wealth, infrastructure and political structures inherited from the 'white man' to entrench their hegemony. More so, they have used Christianity and the Bible (and for this case the language, images and ideology) to provide a religious approval to this hegemony.

In their brand of leadership, they have not governed in the same way as the Britons did nor have they replicated colonial ideology in exactly the same terms, but they have produced a dis-counter-point and a worse rule than that of the colonizers. Since power of the empire is the interlocutor of postcolonialism, it can be argued that their power dominance has been the recipe for the prevailing situation of impunity in Kenya. The Bible in

particular has provided images, language and ideology for justifying the grounds of this dominance.

5.4.2 Kenyans as Reformists

During the 2012 election campaigns, one of the raging debates was about who the reformers were and who the conformists were. Unfortunately, the definition of these two categories had been narrowed down to tribal affiliations. In whichever way it can be viewed, Kenyans can be reformists and conformists at the same time. The reality of who Kenyans are, can be detrimental or useful in the fight against impunity. Kenyans boast success in resistant struggles. Kenyans battled the colonial masters through *mau mau* and won; Kenyans battled Moi's dictatorship under the single party rule and ushered in democracy by style. Kenyans have of recent battled *alshabab*⁶ under Africa Mission in Somalia (AMISOM) and expelled vigilante and terrorist groups from Somalia.

All these are visible enemies; enemies can sometimes be invisible. Kenya's history is dotted with stories of success so far as resistance and armed struggle is concerned; but unfortunately it could be possible that Kenyans are successful in fighting visible enemies and not invisible ones. It still remains to be seen how Kenyans can handle ideological and invisible enemies. The shackles of impunity that bind Kenyans are more ideological, invisible than say visible. Kenyans will need to think harder in order to liberate themselves from the ideological silo of impunity in which they have been tombed.

In view of this and the raging debates on impunity, Mark's Gospel abounds with resources that could aid in triumphing ideological foes. Although Mark has largely been read as a conformist gospel, it can also be read retrospectively as a resistant and reformist gospel. Read this way, Jesus in Mark 1:21-28 can be seen as defeating his enemies ideologically through direct confrontation and through teaching; but more so through the use of his *exousia*.

So can reading Mark within a postcolonial framework portray it as resistant literature and bring out these resources? According to Horsley (1998:155), Mark's good news is the (hi)story of a concrete renewal movement of a people in resistance to imperial domination. According to Samuel (2007:77), Mark's story of Jesus is written from the periphery, from the perspective of the other, for the 'out-of-the-way' people, the colonized of Galilee. Seen in this way, Mark stands not in what the anthropologists have called the 'great tradition' of the Judean scribes and their temple state sponsors, but in the 'little' or popular tradition of Galilean peasantry. Therefore Mark becomes the voice that speaks and for a subject of people in opposition to institutions in an imperial order.⁷ This aspect of resistance in Mark's Gospel can be used to encourage on-going resistance of naming and shaming impunity.

5.4.3 Kenyans as Conformists

Conformity arises when all members of society accept both the means and the social goals, and it is recognized that for any stability in a given social

formation, there has to be consensus among its members over a given period (Ndungu, 2010:121). In reading Kenyans as conformists from the resources offered by Mark 1:21-28, and without lamp-summing the entire population, one immediately has in mind the αὐτοῦς (crowd) of 1:22. In 1:22, Mark paints the picture of a conformist followership. In Kierkegaard's (2003:111) school of thought, a conformist is a naïve follower. It is anybody whose behaviour borders a sycophant or one who agrees to all things so long as they don't derail the treasures of a comfort zone. An age that is not critical breeds conformists.⁸By use of the word αὐτοῦς Mark presents a highly compromised and conformist audience (say ambivalent in postcolonial terminology). It is an audience which is willing to sacrifice its known scribes and subscribe itself to the authority of a new teacher. It is one which applauds impunity because it is committed by the mighty and not the Almighty.

Similarly, the Kenyan society in many ways mirrors the αὐτοῦς (crowd) of Mark in that it tends to have a symbiotic relationship with impunity. Not many Kenyans seem ready to champion an uprising or reformist agenda against impunity and majority seem to perfectly mind their own business. Moreover, there is a gated community, many who are beneficiaries of a climate of impunity that loathe demonstrations, uprisings and resistance. As long as the monster of impunity does not turn on them, this brand of Kenyans remains mum while the monster keeps on feeding and growing. So, a number of Kenyans have become 'rich', 'fat', patriotic and very comfortable with the present order of impunity and other things. There is an extreme

capitalist captivity even in the churches that conditions the opening of the Bible in a selective way and makes the present outlook of impunity as ordained or even willed by God.

Therefore, impunity in Kenya becomes both a religious and a political issue. It is the trust in the legitimacy of the two systems (religion and politics) that gives rise to the political and economic conformity which has bankrupted Kenyan ethics⁹. Conformity to the inevitabilities of history has been such a common and debilitating failing in the history of the Church (Wallis, 1979:52). The distinctive and decisive witness to the word of God, and the uniquely crucial role that can be played by the gathered community of God's people, can become obscured or completely lost in that process of conformity. In Wallis' (1979) words, Kenya must place its faith solely and completely in the efficacy of the word of God. It must hope in the gospel alone. "This is to establish an eternal revolutionary posture in the world which unceasingly and in every circumstance perpetually seeks justice, liberation and peace (1979:56)." In Tutu's words, "it is never being satisfied to rest false hopes in the powers and idols and systems of the world that continually claims to be our salvation" (Tutu, 1999:56).

Prophetically speaking, Kenyans must come out of their comfort zones and engage the powers that be; the powers that make it possible for impunity to thrive and subdue an entire society. Kenyans must liberate themselves from ideological silos (Bonino, 2006:42) in which they have been caged by enjoining 'reformists' talk in addressing impunity. When it comes to the use of

the Bible, Kenyans must read for decolonization (Dube, 1997:12), being wary of all attitudes and ideologies that directly or indirectly feed the monster of impunity.

5.5 Finding a Hermeneutics of Impunity

Wimbush (1989:45) has defined hermeneutics as the science and art of biblical interpretation. This science must be brought to bear upon the reality of what it means to be a Kenyan living in a context of impunity. For it is no longer sensible to continue reading the Bible from alien perspectives. So far, it can be noted that impunity as a slippery subject can be conceptualized in two ways. It can be viewed as positive energy and negative energy.

In the negative sense, people who practice impunity convince themselves that the human beings they are violating and whose well being they do not protect are unworthy of something better. They entrench themselves as more powerful and important at the expense of the 'others' good. Impunity becomes an *ism* at the point it enculturates itself; taking the form of a culture. Positively, impunitism (henceforth) can be seen as the desire and taking charge for a better society. In this way, impunitism is the desire to burst open existence in terms of what has been defined by hegemony. It is also the determination to burst open the fallacy of social order.

Therefore, impunitism can be theorized as a hermeneutics of dialogue. It involves a dialectical process; this is a constant conversation between the Bible and the Kenyan context, challenging the established order of things and calling for action against those that are dehumanizing. Thus conceived,

impunitism is the process of creating new horizons and connecting the disparate elements of our lives into a meaningful whole. In this way, it stands for deconstruction of power and reconstitution of the same, involving decentring the hegemonic understanding of power and instituting negotiated power. This happens especially in situations where power has been misused. Only in this sense can Mark 1:21-28 Jesus can be read as making use of positive impunity energy.

On the negative space however, constitution of impunity to make up another *-ism* involves several attitudes that are aligned with it including, *don't-carism*, and overpower-ism. Impunitism understood in such a manner indicates the replacement of power by the powerful or resisting power by the powerless. This replacement is an inherent desire in human nature to ascend beyond, to stand above and not to withstand or to equalize or neutralize. Negative impunitism is the spirit behind competition and super-powerism. It is power leadership of a powerless followership. It is the dis-ordering of society such that representation is inevitable. It is ascendancy, domination and domineering. This evokes resistance which involves disregard of the rule of the law of laid down systems for as Garland (1990:5) notes, these systems are suspected of hegemony laded with the ideology of class control.

5.5.1 Postcolonialism and Impunitism

The past decade has witnessed the birth of a wide array of postcolonial readings of the Bible from a variety of Postcolonial and Majority World contexts. Following this hermeneutical trend, an interface between

postcolonialism and impunity becomes necessary. The cues for a postcolonial impunity hermeneutics are politically and ideologically drawn primarily from a myriad of other 'grown-up' hermeneutical persuasions including; postcolonial feminist hermeneutics (Dube, 2000), Liberation hermeneutics (West, 2004), cultural hermeneutics (Berger, 1986), Marxist hermeneutics (Jobling, 2005) among others. In thinking of postcolonialism and impunitism, the question of how much does impunity become a tool of hegemony and empire analysis emerges; and in retrospect how much does it equally become a tool of analysing subaltern resistance. In answer to this question, two fronts are seen to emerge; the front that advocates impunity as a tool of the empire and the front that sees it as a subaltern tool for resisting impunity.

In thinking about impunity as a tool of the empire, postcolonial criticism scrutinizes and exposes how impunity is a form of colonial domination and power. How it is embodied in imperial texts and their interpretations and the Bible (say Mark 1:21-28) in particular¹⁰. This tool aids in the imagination of how colonial perspectives riddled in imperialism can be overturned and dismantled. It fosters an active confrontation with the dominant system of thought, its lop-sidedness and inadequacies that permit impunity to thrive unchecked and declaration of its unsuitability for any and the Kenyan society.

Although impunity emanates across all cultures, cultural impunity that has its contents poured out on another culture is more intolerable than the same peoples' impunity. Therefore, impunity that is manufactured in imperial

centres becomes more detrimental to the Kenyan society than what can be traced as the native impunity. This is because imperialism proceeds by denying the validity of the 'others' values while it imposes its own master 'values' on them. Therefore, impunity is not so much a reconstruction of nation impunity as it is a provision of a counter memory for the same. As a hermeneutics it seeks to state that society must be negotiated from the central and peripheral, the previous and the current spaces. Otherwise, there will be impunity and counter impunity unless a negotiated plan for a just society are put into place.

5.5.2 Analysis of Impunitism as a Hermeneutical Tool

As Pui-Lan (1989:26) has noted, biblical interpretation is never simply a religious matter, for the processes of formation, canonization and transmission of the Bible have been imbued with issues of authority and power. Within this understanding, there is a complex relationship of truth and power that need to be taken into account when developing impunity as an orientation for reading the Bible. Impunitism can be developed as an analytical tool for biblical interpretation. Viewed in such a manner, it would not take a totally different contour from other main hermeneutics. More so, within postcolonialism, it would be seen as picking up and foregrounding the peripheral, othered themes and texts of the Bible. Admittedly, there would be a creative tension that would begin to emerge when impunity is theorized as a hermeneutical tool. This would be a tension between its usefulness in overturning, rejecting, and disregarding bourgeois laws and a call to maintain

an orderly society at the same time. Viewed thus, impunity could serve both as a hermeneutics and a hermeneutical key at the same time.

As a hermeneutics, impunity would be able to make the connections that are to view the entire Bible whether reading behind the text, the text or in front of the text within the grid of impunity. Equally as a hermeneutical key, impunity would act as a key which would help unlock some pericopes, narratives and sections of the Bible using an impunity orientation. This would account for why the Bible advocates for acceptability of some *exousia* while openly calls for resistance and rejection of other forms of the same.

5.5.3 Impunitism and Service to God

Can acts of impunity be seen as serving the cause of God? Is there progressive and retrogressive impunity? Can the impunity inscribed in the *exousia* of Mark 1:21-28 utterly be termed retrogressive? Not at all! A near similar biblical illustration will suffice to answer this question. Exodus 1:15-22 introduces the saga of the Hebrew midwives. The narrative can be read as celebrating acts of impunity due to the fact that the Hebrew midwives reject the King's decree and replace it with their own laws. This is because, as the narrative progresses, it is noticeable that the midwives are commanded by the King to kill all male children born of Israelite women. These women conspire and without excuse reject this command. When these women are called upon to account for their actions, they are again involved in total disobedience by lying blatantly. The narrator adds that they do this in fear of God and God 'rewards' their behaviour 'with good families'.

Can God tolerate impunity when it seems to honour Him; does the honour and glory of God enjoin evil to add to a social millage? Quite on the contrary, the midwives do not lie, they simply do not tell the whole truth. As Weems (1992:29) has pointed out, “it is the conventional weapon of the powerless, especially women in the Old Testament, against those in power, to use the weapon of deception where “truth” is not defined by the powerful, but becomes the priority of the underclass to interpret and shape meaning according to their own reality.” By rejecting to tell the truth, the Hebrew women become a law to themselves. The refusal to tell the “truth” becomes tantamount to refusal to obey. The refusal to obey is refusal to adopt hegemonic assertions. This ‘impunity’ in turn becomes a most effective way to counter the empire. Disobedience or impunitism becomes a sure way that service to God is rendered in this narrative. The rejection of bourgeois laws becomes part of subaltern service to God.

In exercising his *exousia* in Mark 1:21-28, Jesus is depicted as being caught up in impunity and yet not many dare term it thus because of his messianic character and mission. Impunity as service to God brings out a tension and especially when Jesus is viewed as enjoining impunity to achieve his mission. There is need for biblical readers to work creatively with such a tension because it is not only necessary but also it cannot be easily resolved. This tension which emanates from enjoining some measure of impunity by invoking the divine requires understanding in all its parameters for it can be used to liberate the oppressed.

5.6 Conclusion

This chapter has addressed itself to the issues of some postcolonial reading of Mark 1:21-28 and has exposed some implications for Kenyan readers. On one hand using a contrapuntal reading, it has been revealed that Kenyan society must be brought into a counter and dis-counter point with itself; rather a harmony of acting *exousia* with itself even in the face of the culture of impunity. On the other hand using a divining category, this chapter has noted that the Kenyan society needs a diviner healer with “a new teaching” and with “power and authority.” This diviner healer must open a radical set that reads the Bible for decolonization.

This means that Kenyan readers must be willing to reshape or understand differently the truth of the Bible; an understanding which postcolonial hermeneutic promises. In what has been termed impunitism, this chapter has concluded by proposing an impunitism hermeneutics; one which not only reads *exousia* in Mark 1:21-28 but the entire Bible through an impunity orientation. The benefit for this would be to decolonize and free Bible reading from ideological cover-ups. The question that this conclusion needs to raise in readiness for the concluding chapter is “how can all the propositions raised in this chapter be made more practical for a context like Kenya?” Let it be noted that this is not an easy task because the texts usability in today’s liberation struggles is made problematic by the fact that it does not finally answer all questions, but only recasts, the ideological differences (Weems, 1992:26).

End Notes

¹ For Sevogia, these are readers in their own social locations and who in turn become important elements in analysis of the text. They are variously positioned and engaged in their own social locations, they use different strategies and models in different ways, at different times and with different results.

² Tinyiko Maluleke (2001:86) encourages further theorization of this category but cautions against the use of this category uncritically (though in a feminist sense) citing that divination procedures are situated within a patriarchal setting and have sometimes been used even to foster violence against women. This taken care of, we should note that Dube's intention, within the broader postcolonial framework, is to resist Western categories by employing an African category to approach knowledge; or rather to employ subaltern tools to demolish the master's house.

³ Gitari cites the New Testament mandate for such evangelism when he cites that Paul Baptized the household of Cornelius and of the Philippian jailer; Acts 16. Thereby, evangelism is not plucking individual out of their communities but having communities turn to Christ.

⁴ Nyayo philosophy, which was a brain child of the second and long-serving president of Kenya, meant that he would not depart from the footsteps of the first president of Kenya, *Mzee* Jomo Kenyatta, for, so it was thought, he had governed the country well. In our view however this is seen as a pledge to maintain the imperial dispositions of the former president and as a way of maintaining the status quo.

⁵ In reference to the mimicry and hybridity of this 'comprador bourgeoisie' Ngugi (1986:34) notes that 'this class has incurable wish for permanent identification with the culture of the imperialists...but to truly and really become an integral part of that culture, they would have to live and grow abroad. But to do so would remove the political base of their economic constitution as a class. So this class can only admire that class from undesirable distance and try to ape it the best way they can within the severe limitations of territory and history' (:56).

⁶ Means, 'movement of striving youth'. It is an off-shoot of Islamic Courts Union that seeks to extend Islamic rule in Somalia and wages war over 'enemies of Islam.' Kenya recognizes alshabab as a terrorist group and has waged war to uproot it out of the vicinity of it boulders.

⁷ Very few scholars have seen in Mark the element of resistance; the majority of the myriad of scholarship and voices focused on Mark agree that Mark is conformist literature.

⁸ < <http://www.neo-philosophy.com/Phil101Week14.html> > Accessed 06/02/13

⁹ <<http://davidbawks.wordpress.com/2011/11/30/prosperity-gospel-an-experience-at-a-kenyan-church/> > Accessed 06/02/13

¹⁰ To study postcolonialism without taking into consideration the use of the Bible in informing and justifying colonialism and imperialism is no use (Kgalemang, 2006:218)

CHAPTER SIX
SUMMARY OF FINDINGS, CONCLUSIONS, AND
RECOMMENDATIONS

6.1 Introduction

This study began by observing that in Mark's Gospel, Jesus is presented as the authoritative one in the sense that He exercises power and authority by virtue of His high position and relationship to God the Father. It further noted that Power and authority are concepts that Mark builds up in his Gospel, with the use of the word, *exousia* to distinguish Jesus' authority from that of the world. Therefore, using postcolonial biblical criticism, this study explored Mark's usage of *exousia* in 1:21-28 to argue that imperial ideology is constituted in the gospel's construction of the concept of authority (*exousia*).

As it has already been stated, the inquiry on the usage of *exousia* in Mark's Gospel came against a background of an ever growing culture of impunity in a country that is predominantly Christian. Therefore, the key question was; how can we address the prevailing and ever-growing culture of impunity in Kenya through a postcolonial reading of the concept of *exousia* in Mark 1:21-28? In order to address this and other emergent questions, this study employed the postcolonial framework to argue that Mark is influenced by the imperial setting of his day to provide the images that he does in the concept of *exousia*. The study's objectives were to offer an alternative and contextual reading of *exousia* in Mark's Gospel, to establish the need for postcolonial biblical criticism in Kenya, to demonstrate that pre-critical

reading of the Bible in Kenya has contributed to the culture of impunity, and to develop enabling and emancipatory language in addressing impunity in Kenya.

Through a conclusion of what has gone on, the task of this chapter therefore, is to offer a summary of the findings, conclusions and recommendations. In so doing, the chapter proposes ways in which the Church in its own right can rally up majority of Kenyans who are its adherents to address the issue of impunity. This is done in view of Mark 1:21-28 (the Bible) and the space of biblical interpretation in Kenya for as the study found out, these are the key ingredients for addressing impunity in Kenya.

6.2 Summary of Findings

Within the limits of Objective 1 and 2 and the assumptions therein, the study sought to investigate and expose ideological imports in the usage of *exousia* in Mark 1:21-28. The study found out that the usage of the concept of *exousia* in Mark's gospel is not innocent. This is to say that *exousia* is a concept that Mark severally and ideologically employs in his gospel to make his Jesus stand out. *Exousia* of impunity in Mark 1:21-28 is best seen alongside Mark's wider scheme of mimicking Rome and reproducing in his gospel a typology of Rome for his gospel. Therefore, whenever Mark uses the concept of *exousia*, he maps out a space of impunity for his Jesus. To achieve this, Mark marshals all available literary tools just to make Jesus' authority stand out as absolute. As has been exemplified in v25, Jesus uses the word $\phi\iota\mu\acute{\omega}\theta\eta\tau\iota$ (*come out*) which was used in ancient world in magic spells for

binding people and demons. In v27 the word ἐθαμβήθησαν (*to be amazed*) which is a very strong word is used to express great astonishment and heighten Jesus' *exousia*.

And why does Mark cut out this picture of Jesus' *exousia*? As the study found out, it is because Mark's story of Jesus is couched in a multi-layered imperial framework. Mark contains critiques of the existing colonial (dis)order, and at the same time contains traces of colonial 'mimicry' that reinscribe colonial domination. Therefore, Mark's Jesus is like another Roman emperor, but because of his divinity, he is a Roman god and therefore this study sees his *exousia* as a trajectory of Roman rule.

Through a postcolonial orientation, and guided by the study's third objective, and the assumptions therein, the study found out that contacts with the empire have evolved a residue of impunity in Kenya. Impunity in Kenya is more than behaviour that is naturalized. As the study found out, impunity is worse than corruption for it breeds corruption, negative ethnicity, gender and economic profiling of Kenyans. It is an ideology which has developed overtime into a culture; in fact a tool of the empire for crippling and containing the 'other.' The study found out that although there is a cultural dimension to impunity, most of the impunity practiced in Kenya is as a result of contacts with the empire.

Within this thinking, the study found out that there is economic impunity in Kenya. This conclusion was drawn on the basis of the fluidity of

social structures and poor identities impunity recreates in Kenya each day. As a strategy of the empire, impunity was recognized for its residue of organizing principle and colonial 'worlding.' Whenever poverty has increased in Kenya, more often than not impunity has been used to recreate it. Again, the study found out that economic impunity involves a gender dimension. The study acknowledged that although gendered impunity is very detrimental to both genders, the worst effects bear upon Kenyan women. The study noted that women experiences are varied depending on their social location and proximity to the empire. Even tough, their experience under any form of patriarchy is one of second class or lower citizen status. Therefore, gender perspectives become necessary in reading empire and impunity because of the impetus gender positions are given by the struggles for power.

The fourth objective was meant to discuss why Kenyans would condone impunity, despite being Christians. The study found out that in spite of boasting an 82% Christian population, many Kenyans practice impunity. To this end, the study established that Mark 1:21-28 embraces an ideology of power that in many ways inform impunity in Kenya. Though the study did not engage other dimensions of Christianity in Kenya (i.e. emerging 'Christianities'), the study blamed this posture on pre-critical modes of reading the Bible. The Bible when uncritically read endorses both positive and negative sentiments, forms and postures like impunity. The element of power in Kenyan Christianity is such that many Kenyans still understand *exousia* as the ability to have ones commands obeyed and followed, or the power to wipe

out those who do not. Kenyan Christians are overtly influenced by the Bible in the way they construe and construct power. Just as Mark's gospel mimics imperial Rome in its construction of *exousia*, Kenyan Christianity in many ways mimics the powers that be in the construction of ecclesiastical power. There is a thin line that separates power and impunity in Kenya Christianity.

The last objective was meant to bring out the implications of a postcolonial reading of Mark 1:21-28 within a climate of impunity. Although the study had assumed that the Bible is a text of the empire, firstly, the study found out that the Bible is not a text that you can easily dismiss in Kenya. For many, it is a part of what it means to be human and Kenyan. Postcolonial approach of regarding the Bible as a colonial artefact, while useful, may find it difficult to navigate in some Kenyan spaces. Secondly, the study found out that the continued reading of the Bible from alien perspectives will multiply impunity and other vices. The study found out that the Kenyan society is ripe for other reading resources for example postcolonialism.

6.3 Conclusions

Within the scope of the findings, the study makes the following conclusions. Firstly, this study concludes with Liew (1999) that Mark is a gospel of '*colonial mimicry of tyranny, boundary and might,*' in that it is a colonialist discourse that duplicates and internalises the colonial ideology of the Roman imperial (dis)order. Through an ideologically caricatured Jesus, Mark's gospel extends its own brand of imperial tyranny, boundary and might; and in other words, propagates an imperial regime of impunity. Mark 1:21-28

presents Jesus in “categories of suppressive authority” and in relational and hierarchical terms. Jesus in Mark enjoys ‘tyrannical’ authority to interpret, change or break scripture. Mark’s gospel is irredeemably Rome and therefore, this gospel is a source of impunity for its readers.

Secondly, Mark’s impunity is ideological. With Samuel (2007), this study concludes that Jesus’ claim to singularity is an effective ideological weapon that leads to absolutism by allowing no comparison or competition. If impunity is an imperial force with an accompanying domination strategy, then Mark’s gospel sustains impunity in the strategy of authority that it employs for Jesus. Under the guise of divinity, Mark maps a space of unquestioned authority and through this he is able to allow instances of null expectation of punishment for any of Jesus’ actions. This way, Mark reduplicates colonial ideology and presents an all-authoritative Jesus who will eventually annihilate all opponents and all other authorities. Therefore, Mark has recreated in his gospel a “hierarchical, punitive and tyrannical concept of ruler and ruled, has subtly weaved it in religious language and left it for his readers to emulate.

Noting the imperial nature of the text of the Bible, the study concludes with Dube (Dube) that there is need for revising that complex collection of texts that are brought, born and used in imperial setting to legitimate, resist, or collaborate with imperialism. The study acknowledges that, the general experience in Kenya is that the traditional mode of the official church’s reading of the Bible is not capable of responding adequately to the questions that Kenyan Christians are asking about their life in Christ and their

experience with the Bible. Therefore, the study concludes that Kenyan readers in particular and Africans in general must start reading the Bible otherwise even as they take charge of biblical interpretation.

While noting the limitation of reading the Bible from alien perspectives, this study concludes that it is possible to use the Bible to tackle the culture of impunity in Kenya. Kenyan readers have to bear the consequence of reading the Bible under postcolonial methodologies. This will mean using the Bible both as a text for retrieval of silenced voices and of subversive speech- directed to the prevailing imperial structures of oppression. An immediate benefit for such a reading will be the unexplained effects of a re-ordered (dis-ordered) society. As has been said, there is a new realization that laws that govern society more often than not are a creation of hegemony. Society 'worlded' by strange forces more often than not produces impunity. The text of the Bible helps to speak back to the empire whereby world organizing principles are unmasked for what they are; messengers of the empire. Just as Jesus brings in new teaching and with *exousia* in Mark 1:21-28, impunity must be addressed by a determination to replace the old order of things with a new order; old laws with new laws.

Although severally this study takes an extremely critical view of the Bible and even considers it as a colonial artefact, however, the study found out that the Bible is not a text that you can easily dismiss in Kenya. For many, it is a part of what it means to be Kenyan. Again, Postcolonial approach of regarding the Bible as a colonial artefact, while useful, may find it difficult to

navigate in some Kenyan spaces. Therefore, this study in its conclusion ambivalently still holds the Bible as the best master's tool for dismantling the master's house. The Bible can be read in more energizing, imaginative and attractive ways that help address imperial traits.

The promise of Mark's Gospel in ending impunity lies in the fact that the text is so powerful and compelling, so passionate and uncompromising in its anguish and hope, that it requires that readers submit their experience to it and thereby re-enter their experience on new terms. Indeed ending impunity in Kenya depends on the reading and hearing of the text. If readers fail to hear the text, they may succumb to a fraudulent discernment of their situation.

So everything depends on the Bible, for without this "transformative, critical, liberating, subversive speech, readers can live in a speechless, textless world that is always misunderstood (Brueggemann, 1986:21)." Therefore, without the Bible, people are at the mercy of powerful ideology of misrepresenting propaganda, of anxieties that make them conformists, and despair that drives them to impunity. It is precisely the Bible in its odd offer of holiness and pathos, of rending and healing, that dismisses ideology, exposes propaganda, overrides anxiety and offers forgiveness in the place of brutality [impunity] (:21).

6.4 Recommendations

It is worth stating at this stage that it is frustrating not to be able to say, all at once, everything that needs to be said about reading Mark in its entirety. For example, that Mark is powerfully rhetorical, insistently direct and indirect,

it pulls the reader in different directions simultaneously that it is ultimately possible to describe Mark as an ambivalent narrative and perhaps a poor place to find answers for real life issues. Reading Mark as a solution centre must involve what Brueggemann (1988:19-21) calls a dialogical imagination; which must bear in mind the consciousness of conflict that Mark protrudes. This is the recognition that there is something not fitting about Mark and the entire Bible in so far as solutions to real life conflicts are concerned. Dialogical imagination involves finding a new image, and patterning reality and interpretation to that image.

African Christians and Kenyan Christians in particular are recognizing the dissonance between the kind of biblical interpretation they inherited from the empire and the Kenyan realities they are now facing. Therefore, there is need to find new images for Kenyan reality and to make new connections between the Bible and the contemporary Kenyan life. Due to time constraints and a tight methodology, this study did not venture in evolving images and hermeneutics for Kenyan readers. It recommends that future research should be focussed in evolving a truly Kenyan postcolonial hermeneutics for transacting uniquely Kenyan experiences with the Bible.

Again and again, in this study, the usefulness of postcolonialism as a tool for scrutinizing and exposing colonial 'worlding' as embodied in biblical texts and in interpretations and as a tool for fronting alternative hermeneutics while overturning and dismantling colonial perspectives has been reiterated.

This study therefore, recommends the uptake and integration of postcolonial studies in Kenyan biblical studies. As an example, the study has given a tentative methodology for reading biblical impunity in Kenya. This can further be developed into a full hermeneutics within postcolonial criticism.

While noting that impunity more often than not is multiplied in the public spaces, this study recommends a public sphere approach for addressing the culture of impunity in Kenya. While advocating for an application of cultural policy in the public sphere, Mcguigan (1996:176) informs that the institutional core of the public sphere is to enable public stake-holding in the solution to social issues. It comprises of communicative networks that make it possible for the public to participate in the reproduction of a culture and “for a public of citizens of the state to participate in the social integration mediated by public opinion (:176).” Though a public sphere concept was not the pursuit of this study, a recommendation is made for its incorporation in addressing impunity in Kenya.

As the study noted, impunity in Kenya remains mainly un-conceptualized, abstractly mentioned in media and other spaces. In order to compel analysis and critical judgement as a way to address impunity, it needs to be grounded in the public sphere. Therefore, the study recommends the incorporation of impunity issues in the Ethics and Anti-Corruption Commission or formation of a commission to campaign against impunity in the National and County spaces. The implication of this is that social issues

including impunity will be brought to public attention in a deliberate manner and with the permission of the public.

Addressing impunity in Kenya through a postcolonial reading of *exousia* in Mark 1:21-28 has not been a venture to present a grand theoretical plan. The aim has been to identify and interrogate impunity as a social and religious issue from the point of view of emancipatory knowledge i.e. postcolonial biblical criticism. The intention then has not been to come up with a hardy set of immediately practical policy proposals or even to frame the technical criteria for doing so. Impunity as has been treated here will remain an on-going concern. It will remain an object of praxis, an object of theoretical interpretation and of public debate and for this the study seeks to enjoin the voices of future postcolonial researchers.

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APPENDICES

Appendix 1: Questions for Contextual Bible Study (CBS)

Introduction for research assistants: (We are here to read portions of Mark's Gospel together. This is in aid of the research being carried out by Julius Kithinji Kiambi, a doctoral student in the department of Philosophy and Religious Studies, at Kenyatta University. The study being carried out is on Bible and impunity in Kenya. The research is out to establish if the reading and hearing of the Bible in Kenya could have contributed to high impunity prevalence levels currently being experienced and if so, how it can be used to minimize the same in Kenya. Kindly, therefore be free to participate and give your views as positively and as accurately as you can. Your views will be of great help in this respect. We guarantee confidentiality and the use of your responses for no other purpose other than the purpose stated i.e. academic research. Thank you in advance for your assistance.)

1: Read Mark 1:21-28. What is this text about?

2: Now read Mark 1:14-20, the text that immediately precedes Mark 1:21-28.

Are there connections between 1:14-20 and 1:21-28? If so, what are they?

3: Now read Mark 1:29-45, the text that immediately follows Mark 1:21-28.

Are there connections between 1:21-28 and 1:29-45? If so, what are they?

4: In the first part of his ministry at Galilee, Jesus enters the scene (Capernaum) at 1:21 and leaves the temple at 1:45. In this continuing passage, who are the main characters or groups of characters? What do we know about them, and what are the relationships between them?

- 5: Based on this passage, how did the synagogue function during the time of Jesus (first century Palestine) and what authoritative role does Jesus play in the temple system?
6. Do you think the political leaders of his day were comfortable with his authority? In your own opinion, what are some of the factors that could have contributed to the underlying comfort or discomfort?
- 7: With respect to disregard of the rule of the law being experienced in Kenya (impunity), how would this text speak about the exercise of authority in our respective context?
- 8: Do you have any comments to make concerning the relationship between authority in this text and the presence of impunity in our context?
- 9: What actions will you plan in response to this Bible study?

Appendix 2: Interview Guide for Key Informants

(I am Julius Kithinji Kiambi, a doctoral student in the department of Philosophy and Religious Studies, of Kenyatta University. I am carrying out a study on Bible and impunity in Kenya. I am doing a research to establish how the reading of Mark 1:21-28 in Kenya could have contributed to high impunity prevalence levels being currently experienced and how it can be used to minimize the same. Kindly, therefore respond to this interview positively and as accurately as you can. Your views will be of great help in this respect. I guarantee confidentiality and the use of your responses for no other purpose other than the purpose stated i.e. academic research. Thank you in advance for your assistance.)

Personal Information

Name.....Age (Optional).....
 Sex.....Marital status.....Residence.....
 Church Affiliation.....Occupation

Position in Church.....

Section A

1. In your opinion, what is impunity?
2. What are your thoughts about impunity in Kenya?
3. What are your thoughts about impunity and the Church?
4. Do you think the Bible in any way condones impunity? Please explain.
5. What should be the Christian response to impunity?
6. What should be done to people who get involved in acts of impunity?

Section B

1. What time are you meant to report for work?
2. What time do you report for work?
3. If you report late, what action is taken by the management?
4. What would be your general comment about the action?

Section C

1. What are your comments about church attendance in terms of regularity and punctuality?
2. What in your view should be done to members who miss church or who come late?
3. Is there any action you are aware of that is taken against people who miss church or come to church late?
4. Is there any need in your Church to address attendance and punctuality? What do you think should be done?

Section D

1. What factors would make a Christian disregard the rule of the law?
2. Are you aware of any situation where Christians were involved in impunity?
3. As per your definition of impunity in Section 1 above, what form (if any) do you think it would take in the following institutions in Kenya:-

Family.....

Police.....

Judiciary.....

Public transport.....

The executive.....

Church Institutions.....

The legislature.....

4. (a) From your knowledge of the Bible, and in particular Mark’s Gospel, how would you describe the exercise of authority by Jesus? (b) On the same terms how would you describe the exercise of authority in the following symbols of authority in Mark’s Gospel?

The Judiciary/ trial of Jesus.....

The temple system.....

The Disciples.....

The images that Mark applies in Narratives and parables.....

Section E

1. Do you think there is impunity in Kenya?
2. If so, why do you think there is impunity in Kenya yet the Christian population is well over 82%?
3. If not or if so, what do you think are some of the factors that would make up for such a scenario?
4. From your interactions with the Bible, do you think in any way that the world behind construction of authority in Mark's Gospel (context) harbours any conditions for impunity?
5. In the same way, do you think that authority in Mark's Gospel: sayings, narratives or any other genre can be construed in any way as promoting impunity?
6. How do the conditions in question one and two above affect the hearing, reading and interpretation of Mark's Gospel in Kenya?
7. (Read Mark 1:21-28) What are your general comments on exercise of authority by Jesus in Mark 1:21-28?
8. In your own opinion, can authority as expressed in Mark's Gospel be used to solve contextual and situations of impunity in Kenya?

Appendix 3: GLOSSARY OF TERMS USED

A: GREEK WORDS

ἅγιος- Holy

ἀκυω – To hear

ἀνακράζω- To cry aloud

ἀρχη - Beginning

ἄντους - Crowd

γραμματεῖς- The scribes

δίδασκω - Teach

ἐθαμβήθησαν- To be amazed

ἐθνικός - Nation or tribe

εἰς- In or into

εἰσπορευμαι- Proceeded into or enter

εἰλγομαι - Enter

ἐξεπλήσσομαι - Astonished

ἐξουσία - Power and Authority

ἐσχατον- The end

ἔχω - Have

εὐαγγελιον- Gospel or Good News

θεου- God

Ἰσχυρος - Strong

καί- And

καφαρναούμ- Capernaum

κατ' ἐξουσίαν - With authority

κύριος- Lord

συναγωγή- Synagogue

σκληροκαρδία- Hardness of heart

πώρωσις- Stubbornness or lack of feeling

περιπατεῶ - To walk about

υἱός - Son

φιμώθητι- Come out

B: SWAHILI WORDS

Baraka - Blessings

Bunge – Parliament

Kazi - Work or employment

Kipande – Identity Card

Kitu kidogo – lit. Small thing/ Bribe

Mapambano - Strife

Msilale – Do not sleep

Mungu – God

Mwananchi – Common Citizen

Mwenye nguvu mpishe – Saying (Give way to the strong one)

Mwenyeinchi – A citizen of higher status

Pwani - Coast

Vijana – Young People

C: OTHER WORDS

Alshabab – Terrorist group in Somalia

Madoadoa – Shades

Mbari - Clan

Muingi – Masses, population

Mumbi – Kikuyu; first woman to be created

Mungiki – Illegal sect in Kenya

Njuri Nceke – Meru Council of Elders

Nyumba - House

Sheng – Colloquial for Kenyan street language

Utado – What will you do?

Appendix 4: LIST OF RESPONDENTS

NO	NAME	SEX	AG- E	CHURC -H	POSITI -ON	OCCUP -ATION	PLACE OF INTER- VIEW	DATE OF INTER -VIEW
1	Rev. Mary Kinoti	F	46	MCK	Circuit Minister	Clergy	Nairobi Sports Club	03/05/2012
2	Paul Njogu	M		MCK	Chairman	Business	Kariokor	06/05/2012
3	Caroline Mbui	F	41	NPC	Member	Farmer	Karen	13/09/2012
4	Fr. Bernard Kabiu	M	32	Catholic	Father in Charge	Priest	Holy Family Basilica	25/07/2012
5	Rev David Sawe	M	57	ACK	Pastoral Care	Priest	All Saints Cathedral	26/06/2012
6	Jacob Mwatsuma	M	45	Catholic	Clerk	Clerk	Holy Family Basilica	25/07/2012
7	Joseline Ogolla	F	39	ACK	Worship Team	Banker	All Saint Cathedral	26/06/2012
8	Margaret Tei Mbaya	F	65	MCK	Circuit Minister	Circuit Minister	Karen	20/09/2012
9	Amondi Agutu	F	35	K.A.G	Secretary	Pastoral Intern	ICC Mombasa Road	24/07/2012
10	David Muiruri	M	30	AIPCA	Teacher	Admin. Assistant	Bahati	11/10/2012

11	Rev George Nuthu	M	45	K.A.G	Executive Pastor	Pastor	ICC Mombasa Road	24/07/2012
12	Rev. Anataka Mgenyi	M		NPC	Deputy Pastor	Pastor	Karen	05/09/2012
13	Edwin Njue	M	34	NPC	Mission	Church Worker	Karen	05/09/2012
14	Benson Mchinji	M	27	AIPCA	Member	Student	Bahati AIPCA	11/10/2012
15	Daniel Mburu	M	61	AIPCA	Chairman	Business	Bahati AIPCA	11/10/2012
16	Daniel Maigua	M	45	AIPCA	Treasurer	Accountant	Bahati AIPCA	11/10/2012
17	Ginanu Gikonyo	M	24	AIPCA	Youth Leader	Student	Bahati AIPCA	11/10/2012
18	Margaret Muthoni	F	56	AIPCA	Women Leader	Cook	Bahati AIPCA	11/10/2012
19	Robert Muriithi	M	42	AIPCA	Men Leader	Driver	Bahati AIPCA	11/10/2012
20	Anita Wachera	F	23	AIPCA	Youth Leader	Student	Bahati AIPCA	11/10/2012
21	Marie Muthoni	F	23	AIPCA	Youth Leader	Student	Bahati AIPCA	11/10/2012
22	Leanne Mwendwa	F	24	MCK	Youth Leader	Student	Kariokor	07/08/2012
23	Mutwiri	M	25	MCK	Youth	Clinical	Kariokor	07/08/

	Rarama				Leader	Officer		2012
24	Paul Kaugi	M	25	MCK	Youth Leader	Clinical officer	Kariokor	07/08/2012
25	Fridah Kirimi	F	47	MCK	Secretary	Finance Manager	Kariokor	07/08/2012
26	Rev. Samuel Kathia	M	52	MCK	Synod bishop	Bishop	Kariokor	07/08/2012
27	Joseph Obwanda	M	40	MCK	Youth Pastor	Consultant	Kariokor	07/08/2012
28	Florence Mugambi	F	40	MCK	Admin Ass.	Secretary	Kariokor	07/08/2012
29	Joyanne Kajuju	F	25	MCK	Youth Leader	Student	Kariokor	07/08/2012
30	Frank Koyoo	M	29	MCK	Youth Leader	Microbiologist	Kariokor	07/08/2012
31	Enid Koome	F	46	MCK	Ass. Treasurer	Social Worker	Kariokor	07/08/2012
32	Doris Baariu	F	55	MCK	Women Leader	Banker	Kariokor	07/08/2012
33	Samuel Githinji	M	31	MCK	Prayer Groups	Business	Kariokor	07/08/2012
34	Anderson Mtalaki	M	34	ACK	Member	Lawyer	All Saints Cathedral	21/06/2012
35	Patrick Mwai	M	43	ACK	Youth Pastor	Internship	All Saints Cathedral	21/06/2012

36	Ruth Utheri	F	29	ACK	Youth Leader	Accountant	All Saints Cathedral	21/06/2012
37	Samson Gacathi	M	38	ACK	Pastor	Pastor	All Saints Cathedral	21/06/2012
38	Kevin Kamotho	M	36	ACK	Member	Clerk	All Saints Cathedral	21/06/2012
39	Faith Wairimu	F	33	ACK	Member	Business	All Saints Cathedral	21/06/2012
40	Nobuhle Mkabayi	F	28	ACK	Member	Student	All Saints Cathedral	21/06/2012
41	Peter Wanga	M	36	ACK	Member	Teacher	All Saints Cathedral	21/06/2012
42	Sarah Kimani	F	26	ACK	Member	Business	All Saints Cathedral	21/06/2012
43	Patrick Kimonde	M	41	ACK	Member	Business	All Saints Cathedral	21/06/2012
44	Susan Anyango	F	28	ACK	Member	Secretary	All Saints Cathedral	21/06/2012
45	Joseph Mutua	M	42	ACK	Member	Cashier	All Saints Cathedral	21/06/2012
46	Claire Wambui	F	28	ACK	Member	Student	All Saints Cathedral	21/06/2012
47	Jerusha Ateka	F	30	ACK	Member	Business	All Saints Cathedral	21/06/2012
48	Lilian Kangethe	F	22	ACK	Member	Business	All Saints Cathedral	21/06/2012

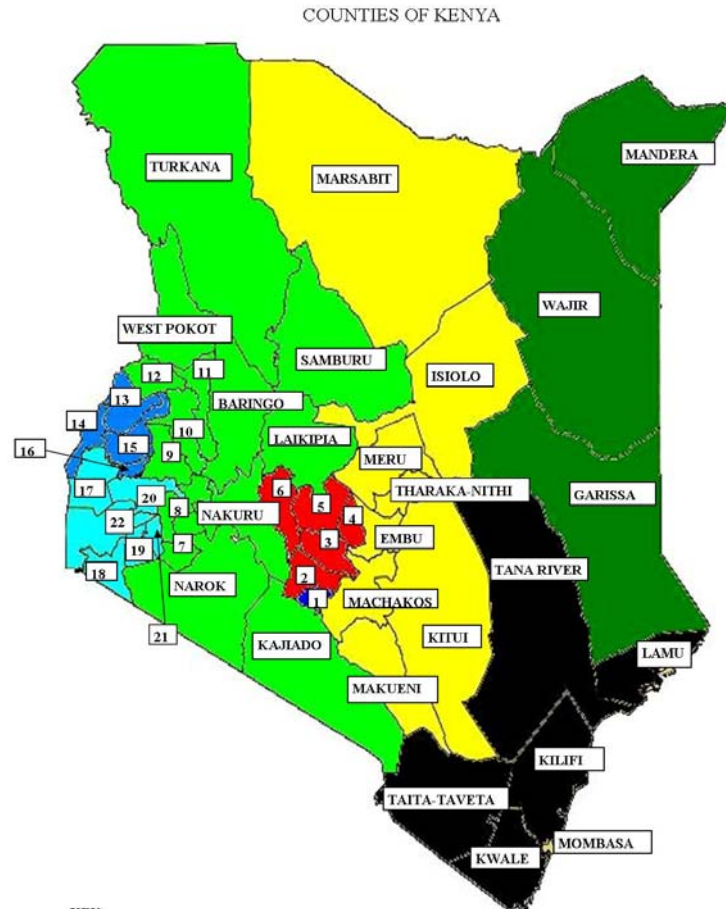
49	Peter Muriuki	M	38	ACK	Member	Teacher	All Saints Cathedral	21/06/2012
50	James Opondi	M	57	ACK	Member	Librarian	All Saints Cathedral	21/06/2012
51	Wanjiku Muteru	F	26	KAG	Worship Team	Nurse	ICC Mombasa Road	24/07/2012
52	Gathogo Frank	M	30	KAG	Hospit-ality	Caterer	ICC Momba sa Road	24/07/2012
53	Kelvin Kamotho	M	32	KAG	Member	Business	ICC Momba sa Road	24/07/2012
54	Lydia Kinuthia	F	38	KAG	Steward	Secretary	ICC Momba sa Road	24/07/2012
55	Wanjiru Ashiono	F	42	KAG	Worship Team	Business	ICC Momba sa Road	24/07/2012
56	Lilian Ndinda	F	30	KAG	Member	Journalist	ICC Momba sa Road	24/07/2012
57	Dominic Kamau	M	30	Catholic	Member	Student	Holy Family Basilica	01/08/2012
58	Bridget Kariuki	F	26	Catholic		Student	Holy Family Basilica	01/08/2012
59	Agatha	F	32	Catholic	Member	Student	Holy Family	01/08/2012

	Wahome						Basilica	2012
60	Francis Munyiri	M	21	Catholic	Member	Student	Holy Family Basilica	01/08/2012
61	Robert Mungathia	M	24	Catholic	Member	Student	Holy Family Basilica	01/08/2012
62	George Kamau	M	26	Catholic	Member	Student	Holy Family Basilica	01/08/2012
63	Azarua Paulo	M	23	Catholic	Member	Student	Holy Family Basilica	01/08/2012
64	Lucy Murito	F	20	Catholic	Member	Student	Holy Family Basilica	01/08/2012
65	Patricia Nzilani	F	27	Catholic	Member	Student	Holy Family Basilica	01/08/2012
66	George Achar	M	23	Catholic	Member	Student	Holy Family Basilica	01/08/2012
67	Beatrice Bassanga	F	29	Catholic	Member	Student	Holy Family Basilica	01/08/2012
68	Gabriel Kituku	M	22	Catholic	Member	Student	Holy Family Basilica	01/08/2012

69	Moses Nzioka	M	30	Catholic	Member	Student	Holy Family Basilica	01/08/2012
70	Juliana Mulwa	M	23	Catholic	Member	Student	Holy Family Basilica	01/08/2012
71	Njoroge Kiruthi	M	21	Catholic	Member	Student	Holy Family Basilica	01/08/2012
72	Carol Natalie	F	21	Catholic	Member		Holy Family Basilica	01/08/2012
73	Annie Muendo	F	22	Catholic	Member	Student	Holy Family Basilica	01/08/2012
74	Regina Rehema	F	26	Catholic	Member	Student	Holy Family Basilica	01/08/2012
75	Milly Nduki	F	25	Catholic	Member	Student	Holy Family	01/08/2012
76	Linah Mbithe	F	29	NPC	Member	Lawyer	Karen	23/10/2012
77	Sharon Wata	F	25	NPC	Member	Student	Karen	23/10/2012
78	James Kimani	M	62	NPC	Member	Forest Dpt.	Karen	23/10/2012
79	John Mutunga	M	54	NPC	Member	Unionist	Karen	23/10/2012

80	Florah Mwikali	F	27	NPC	Member	Florist	Karen	23/10/2012
81	Victor Ogamba	M	27	NPC	Member	Business	Karen	23/10/2012
82	Michael Agaya	M	47	NPC	Member	IT	Karen	23/10/2012
83	Alex Kimathi	M	40	NPC	Member	Business	Karen	23/10/2012
84	Inga Kimaru	F	45	NPC	Member	Consultant	Karen	23/10/2012

Appendix 5: MAP OF KENYA SHOWING NAIROBI COUNTY



KEY

- | | | | |
|--------------|---------------------|--------------|--------------|
| 1. NAIROBI | 8. KERICHO | 15. KAKAMEGA | 22. HOMA BAY |
| 2. KIAMBU | 9. TRANS NZOIA | 16. VIHIGA | |
| 3. MURANG'A | 10. UASIN GISHU | 17. SIIYA | |
| 4. KIRINYAGA | 11. ELGEYO-MARAKWET | 18. MIGORI | |
| 5. NYERI | 12. NANDI | 19. KISII | |
| 6. NYANDARUA | 13. BUNGOMA | 20. KISUMU | |
| 7. BOMET | 14. BUSIA | 21. NYAMIRA | |



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