

Constituting Feminist Struggle in Kenya

The Challenge of Sexual Violence Against Women

by *Jacinta Muteshi*

Cet article décrit les multiples efforts déployés par les femmes de Lima dans la lutte contre la violence sexuelle. On y

Kenyan women have taken up the challenge of gender-based violence by creating ideas and approaches that mirror developments everywhere; to use the law to improve the position of women.

considère un cas particulier d'activisme local et les liens tressés avec des réseaux nationaux et internationaux.

One of the most important instances of women's activism in recent years has been centred over the control of women's bodies and the attendant concerns of violence against women. Women have recognized the importance of constructing new political understandings for experiences such as wife battering, rape, sexual harassment, and sexual abuse in order to enable the making of spaces for strategizing around these issues. Although the activism directed at violence against women is frequently situational and contextual, it is nevertheless a struggle that has also developed in certain directions because of existing channels of communication, current political practice, scholarship, and the linkages being made between activist women of the South and North. Chandra Mohanty writes about the exigency of making these connections between North and South, for the "urgent political necessity of forming strategic coalitions across class, race, national boundaries" (6).

The perspective right now is that all forms of violence against women are a result of shared common fea-

tures and "violence against women in the family" has become the "central focus of activism" (United Nations 126). Privileged here is gender, or women's unequal relations to men as the cause of the violence women experience in their lives.

Thus the focus is brought on the commonality of women, making it possible to articulate what has come to be the central discourse in the struggles against violence. That is, that inequality is what increases women's vulnerability to violence, and women will not achieve equality or enjoy their rights if subjected to violence (Committee for the Elimination of Discrimination Against Women 1980; United Nations Economic and Social Council Resolution, Paragraph 23). The difficulty is in the absence of an explicit recognition that gender is a complex category, even though all women suffer the fear of violence and can be subjected to gender-specific forms of violence.

Sherene Razack develops a critique that is profoundly skeptical of the dominant discourses that surround gender-based violence, when she aptly notes that "the differences between women of the North and South have entirely disappeared," and questions why the

multiple sources of sexualized violence remain uninterrogated as do the many ways in which women of the North are complicitous in oppressing other women. (52)

Part of the reason for this re-examination is to be found in the ongoing conversations and scholarship emerging worldwide on the situation of women, especially in light of global

restructuring and the unequal distribution of resources between men and women and between nations. It is such material circumstances that have led to the identification of economic policies as causing or putting "othered" women at risk from violence. For example,

In some countries structural adjustment policies have caused women to move from employment in the formal sector to that of the informal sector. There they are frequently subject to poor and unregulated working conditions and vulnerable to physical and sexual abuse. (United Nations 127)

The same applies to women caught up in the increasing international migrations of labour from the South and Eastern Europe to the North. Furthermore, the material lives of women who are marginalized in the South renders struggles with the state difficult under current international economic conditions; where the local alliances with foreign capital and the capital investments and international debt politics of the North have been indispensable in sustaining certain oppressive regimes. How then will those without positions of power, indubitably women, challenge the failure of their nation states to protect the "rights" of their women citizens?

As a first step, this article will introduce the establishment of international networks, conventions, and actions that have been launched collectively by women of the North and South. Such approaches are illustrative of the influential political strategies that emerged in the 1990s, with a global lexicon of women's rights as human rights. Within this discourse of women's rights, current struggles against gender-specific violence are being made manifest and find sup-

port worldwide. Second, this article examines in more detail a specific example of empirical and activist work being done in Kangemi, Kenya, around sexual violence against women in order to underscore its specificity as well as similarity to women's global struggles over the determination of their own bodies. Kenyan women have taken up the challenge of gender-based violence by creating ideas and approaches that

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mirror developments everywhere; that is, to use the law to improve the position of women.

The background: insurgent responses and the global dialogue

The growing demand for social justice by women worldwide received its most important impetus from the "End of the Decade Nairobi Conference" in Nairobi in 1985. The Nairobi Forward-Looking Strategies placed gender-based violence at the forefront, as a major obstacle to peace, and the achievement of all the other objectives of that Decade. At the end of that meeting, women's organizations and networks from all over the world became involved in transnational alliances and local initiatives to substantiate the intentions expressed in Nairobi.¹ Generally, some of the most important initiatives for women of the South would target sensitization and change around national laws, violence against women, and economic rights.

Further recognition of violence against women as an international concern received impetus relatively recently, shortly after 1989, when it became a priority for United Nations bodies dealing with women's issues. The Committee on the Elimination

of Discrimination Against Women at its eleventh session on CEDAW (1992) set things in motion when it requested that all signatories to the Convention provide information on incidence of violence against women and the tactics employed to counter such violence (Charlesworth). The Committee on the Elimination of Discrimination Against Women at its eleventh session on CEDAW (1992) would take its strongest position two years later when it launched its most specific recommendations on the issue of violence against women. This Convention framed the issue of violence against women within an understanding of

the close connection between discrimination, violence, and the violation of human rights and fundamental freedoms. Clearly women were not able to enjoy such rights in contexts where violence against women was being overlooked or condoned. For nation states, such as Kenya, that had ratified CEDAW, general recommendation 19 would require that states act to protect women or be in breach of the Convention. CEDAW was a way for local women to call upon their governments to fulfill their international commitments with respect to ending discriminatory practices against women.

In terms of affecting a wider range of responses the Women's Caucus at the UN Conference on Human Rights (1993) exhorted the United Nations Treaties committee to make gender-based violence an essential component of all its treaty monitoring and enforcement sessions. By 1994 the United Nations had also appointed a rapporteur on violence against women. At the same time sexual violence was also on the international agenda of the Human Rights Watch, which established the Women's Rights Project in the early 1990s to monitor violence against women and gender discrimination worldwide.

Concretizing further the issues of

violence for women within the human rights framework were actions by non-governmental groups at the regional level as exemplified by the creation of two networks within Women in Law and Development (WLD). WLD comprised of the African-based (WILDAF) in Harare, Zimbabwe, and the Asian Pacific Forum on Women, Law, and Development (APWLD) located in Kuala Lumpur, Malaysia (Schuler). Two key concerns of these networks focus on developing strategies for ending violations to women's rights and empowering women to resist such violations through law. One of the first measures introduced by WILDAF was the establishment of links through membership drives in different countries in Africa in order to disseminate information, to make the law more accessible, and to support networking among women's groups in the South that are committed to issues of women's human rights.

Another regional network targeting a specific group of women is the Women Living Under Muslim Law (WLUML). One of its primary activities has been mobilizing immediate responses to "appeals for support in instances of human rights violations ... such as rape" (Shaheed 1011). Another very crucial project for WLUML is to launch international campaigns on all kinds of human rights cases. Thus "from Peru and El Salvador to Kenya or Australia," WLUML has been called upon by organizations and individuals within these countries "to provide documentation concerning women whose lives are threatened by either laws or the prevailing social customs" (Shaheed 1013).

International and regional linkages, collective work and strategies have thus been the crucial way in which most women have come together to put to the world their critical concerns with regards to violence against women. Collective struggle has also been the way in which diverse women have united in their attempts to make nation states accountable for the violence against women.

Throughout the 1990s the world

thus began to see greater recognition being brought to bear on the epidemic proportions of violence against women. The multiplicity in forms of violence against women also became more discernible as women around the world shared their findings, and scholarship brought attention to where and how women were at risk to violence. For example, the vulnerability of women to violence in conflict situations,² marital rape, rape as torture, and female genital mutilation were increasingly politicized as manifestations of gender-specific forms of violence and a violation of women's human rights (Centre for Global Leadership; Bunch; United Nations).

Clearly, and first of all, the concern about violence against women as an abuse of human rights is the pervasive and dominant feminist discourse on the issue. Second, violence against women has been named as explicitly about the failure of the state to protect women. Third, women's rights as human rights has tilted activism in the direction of law. Legal systems as national and international mechanisms have, thus, become the tool in the struggle against gendered violence. These are, therefore, the dominant discourses upon which violence against women is debated, reform initiated, and the parameters within which such struggles get to be heard, or find support among international women's groups.

If there are asymmetries between women of the North and South, there has also been the possibility of creating alliances. Such coming together between women of the North and the South is what Seyla Benhabib calls a "circle of meaning and value" that has "been predicated upon the recognition of a common humanity" (240). Elite women of the South have found shared grounds and kinship with women of the North on such powerful discourses as equality and women's rights as human rights. As elite women of the South, they are located by education, ability, and class to channel international power in the direction of women's activism

in the South, by articulating and mobilizing international support and resources for local struggles against gender-specific violence. I have in mind the coalitions between the Kenyan Federation of Women Lawyers (FIDA) and the Norwegian Agency for International Development (NORAD) intended to produce research and publish materials for educating Kenyan women about the law. There is also the Women and Law in Southern Africa (WLSA) project with links to Tove Stang Dahl's "Women's Law" project in Norway, that addresses issues of application of law in women's daily lives and has supported a legal diploma course for southern and eastern African women.

Making gendered violence visible: Kenya's emancipatory projects

The insistence on law as strategy for resisting violence against women is not recent in Kenya. For example, in 1966, when the Commission on the Law of Marriage and Divorce was set up by the state, it was racially diverse and comprised of both Kenyan women and men. What was interesting was its attempts to expand its mandate and address the status of women in Kenyan in those early years of independence. Specifically, the issue of "wife beating" was on its agenda

the male right in custom to "discipline a wife." Kenyan women have subsequently only been able to bring assault charges under the Kenyan criminal code of assault; the gendered dimension of domestic abuse is unrecognized.

Subsequent local initiatives which received great impetus from the Nairobi Forum have primarily tackled legal reform and legal literacy for Kenyan women as a means to raise public awareness on violence against women. Such a project was first undertaken in 1985 by the Women's Bureau, the Public Law Institute, and the Women's Rights Awareness Project. Its offshoots have included ongoing community legal rights education projects at various sites throughout Kenya. The Public Law Institute also carried out empirical work in the late 1980s culminating in a book on the legal issues that face Kenyan women (Mbeo and Ooko-Ombaka).

In 1989, Oxfam funded a Women in Law Development initiative that encompassed research on customary law and cultural practices as they affect the lives of Kenyan women. Primarily, the "Oxfam Legal Project Partners" project prepared and disseminated legal curricula materials in areas of concern for Kenyan women, as well as assisted diverse women's target groups across Kenya

Kenyan women began to create political spaces within which they organized for collective activism and critique. Most importantly there emerged talk and action directed at gender-specific violence in communities as an issue of democracy.

and the Commission drafted a bill recommending the need to prohibit spousal violence legislatively. But the Commission's recommendations and Bill met with little success, because the all-male parliament denied—as it has since then—debate on the issue, with arguments that trivialized the concern, and uphold patriarchy's control over women within ideologies of

to utilize and teach with such resources. Other local initiatives arose at the Women's Resource Centre of Kangemi. Established in 1989, this centre specifically serves the local needs of the community of Kangemi. It would become a site for community legal education and activism around gender-specific violence in 1991 when the centre formed a coa-

lition with the Oxfam Legal Project Partners Project. In 1992, there was also the birth of the Kenya Anti-Rape Organization. This organization sought to make Kenya's rape laws comprehensible to women and it specifically set as its most important task the work of encouraging more Kenyan women to pursue legal redress through the courts (Muteshi).

Escalating physical and sexual violence against women has seen an increasing reportage in the Kenyan media. This increased visibility and discussion about the violence in women's lives became possible within a climate of burgeoning calls for transparency and accountability in government. The early 1990s saw the beginnings of a new political climate in Kenya that can be situated in the conversations about democratic politics emerging worldwide in the same period. The year 1991 saw the democratization of the Kenyan constitution, ending the one-party state and creating a brief opening for oppositional politics and the promotion of alternative power structures that enabled demands of human rights to be articulated in Kenya. Within such changes Kenyan women began to create political spaces within which they organized for collective activism and critique. Most importantly there emerged talk and action directed at gender-specific violence in communities as an issue of democracy. In other words, the ending of discrimination against women and democratic practice became constituted as interdependent and inseparable goals (Kamau; Mbugua; Mpaka; Muhindi; Mwakisha).

Besides the local and international struggles around democracy, a second impetus for the recognition and activism of Kenyan women against violence arose in the aftermath of the event of rape and violence at St. Kazito, in Meru, Kenya in 1991. On July 13, 1991, at a co-educational secondary school in Meru, 19 female students died from physical assault and rape perpetrated by fellow male students. The violence arose out of the refusal by the female students to

participate in a student protest organized by the boys against the headmaster over their refusal to pay these fees (Reuters News Agency). The sexual violence of St. Kazito forced Kenyan women into collectively contesting the rationalizing of violence in the culture. They drew upon discourses of women's rights and demanded that Kenyans be sensitized to the violation of female sexuality.

The Kangemi Women's Resources Centre provided a place for exploring how sexualized violence was being made visible in Kenyan society. Kangemi offered a way of entering into a discussion about concerns that were specifically pertinent to Kangemi women but that also spoke to the global concerns of violence against women.

Kangemi: contesting legal culture

In 1992, I was an observer at two workshops that had been initiated by Kenyan women under the auspices of Oxfam-Kenya to create a community legal education centre for women. Initiating a legal project at Kangemi was initially difficult. The early beginnings had floundered and by the end of 1990 Oxfam-Kenya saw the need to provide resources that would support and bring women together to formulate strategies for legal education for the socio-economic development of women. This connection between law and development, law and women's rights, and law and equality, was already a key aspect of women's struggles globally, and therefore established a solidarity between Kenyan women and international women's movements. As Rosemary Kaduru has written:

The law plays an important role in regulating the levels of participation by women in the development process.... A discriminatory legal status based on sex plays a significant part in shaping the socio-economic behaviour brought about by a sexual division of labour in society.... Legislation has given ba-

sic rights to women, but they remain basically ignorant about these rights. (237)

However the drive for economic development through law, for the South, is not unproblematic. For transnational corporations the insertion of less developed countries into the global economy has been predicated on their providing access to exploitative labour and the nature of this labour:

It is Third World workers (and women in particular) who suffer twice over, from the subordinate status of their countries within the global economy and from the depredations of developmentalism. (Adelman 212)

It is not difficult to find in the feminist legal literature deep ambivalence about the legal system, documenting its reproduction of oppressive social orders. Nevertheless, it is true that the law cannot be overlooked, for law is implicated in the construction and structuring of gender and the legal culture has shown itself to be deeply gendered. However, as Jeanne Gregory and Sue Lees have also argued:

To abandon legal strategies altogether would be no solution at all; rather it would be to concede defeat, leaving the law unchallenged, our silence taken to imply that we had no criticisms to make. (80)

In Kenya, it is Kenyan family laws (customary laws) that allow the application of discriminatory practices. It is also through customary prescribed practices that women have been subjected to harmful and violent treatment. For instance, at the Women's Resource Centre at Kangemi, Oxfam-Kenya found out very quickly that legal intervention and family law education were key issues for the women:

My work was more to do with women, income generation, and

whether its addressing the traditional role of women, whether its giving them political power, economic power, hence political power in the household... [But] we had a lawyer at that point, she was in the consultation, she gave a session for two hours on family law ... to the women from different parts of Kenya who we were in partnership [with Oxfam-Kenya]. The session was like fire!! Everything else was forgotten [during] the three days ... at the end of the workshop they wanted a women law, and development consultation! (Adelina Mwau)

In September 1989, the first workshop was organized by the Kangemi Women's Centre and Oxfam-Kenya to initiate possible approaches to the concerns raised around family law. As an outcome of this meeting a further workshop was planned and took place in November 1991. In the aftermath of St. Kazito, the key delib-

erations at this meeting highlighted sexual violence against Kenyan women. The participants—both men and women—discussed, critiqued, strategized, and mobilized new responses to the problem of sexual and physical violence against women in Kenya. At the end of the workshop, 17 recommendations were developed and presented to the Kenyan press. This activism brought into focus the salience of these issues for Kenyan women. Most importantly Kenyan men and women were able to subvert old representations about rape and produce new meanings.

There were two subsequent workshops at the Kangemi Women's Centre in May and June 1992, which I attended. The first was a follow-up to

the November 1991 meeting. These meetings were also organized under the auspices of Oxfam-Kenya. There was a feeling on the part of those who organized these meetings that for far too long, there had been a public acceptance of the "disciplining of a wife allowed in the cultures," and that we were also gathered here to "disclose," "absolutely refuse," and "organize against sexual violence" (quotes from field notes).



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Sexual violence: the politics of location and the subject of rape

When the Kangemi Women's Resource Centre was first established, its mandate was to provide a space where women could gather in solidarity and find the supports they needed to surmount oppressive social contexts. However, the Kangemi Women's Resource Centre, given its location, also came to be seen by the community as a place to receive welfare aid, a place where women found it possible to name their economic insecurity as determined by their squatter status, as well as their constant fear of evictions from unscrupulous landlords. Julietta Mbugua, the centre's coordinator comments:

Here we were trying to talk about other issues, but their important needs were economic. They were to come here and say: oh I don't have money for food, and so on... Mentioning other things like problems with land issues, others had problems with tenancy ... others had problems with family planning but it was economics that [informed] their ideas. And we [Kangemi Women's Resource Centre] were not good at this type of thing, but we decided to try to do something about this economic [problem]. And the talks were really well attended when people heard that we were going to talk about small businesses, even men came, we couldn't even fit in this room. So now you see the real need... What they were lacking [are] skills ... money ... knowledge... We came up with a program, we planned a timetable. So every Friday afternoon these women come, there are 30 of them.

The area of Kangemi is predominantly a mixture of squatter communities and legal settlement. The lack of access to opportunities and resources for the people who live in this neighbourhood has led some local women into activities that place them at great risk to violence. As has frequently been the case for urban poor women in Kenya, two important sources of income-generating activity for women have been domestic liquor brewing and prostitution, both currently illegal in Kenya. As one workshop participant explained:

There are many women in our community who brew and sell changaa [illicit beer]. They are often waylaid at night and raped

by young men, most of them [men] are around seventeen years [of age] and they are known to the community. And because the women are sometime drunk themselves they do not lay charges against these men.

The idea that some women are justifiably abused has been part of our popular understanding about rape. The Catholic Cardinal of Nairobi addressing an Easter Sunday congregation said: "... dressing indecently, women invited devilish deeds, rape included." We are so emphatically reminded here that as women our clothes will induce violence, our postures will summon violence, our speech will incite violence.

The women who have been raped have been coming home late [from beer selling], [the] women raped have been indecently attired ... she was lying on the road side, drunk, and in manner that exposed herself.

At the May 1992 workshop the lawyer present at the meeting counselled that the fact of inebriation did not excuse rape nor should it stop the women from seeking a response from the justice system. The presence of women lawyers in the Oxfam-Kenya workshops and the bringing of women lawyers to talk to women was important. The lawyers also provided information regarding legal resources and the existence of supportive structures for women such as legal aid centers.

Engaging the law

Concerns about access to the justice system were expressed not only in terms of an adequate number of female police officers and police doctors, but also in terms of the fear of not being heard because you are a woman and come from the community of Kangemi.

When women report rape at the police station, she is told to go to a hospital and obtain verification and return with it to the police

station. At the hospital help may not be forthcoming because only a police doctor can examine a raped woman ... it is difficult and impossible and unfair to have a woman who has been raped undertake a trip, usually on public transport to a hospital that will usually be at some distance. (Kangemi workshop participant, May 2, 1992)

For those who persevered in their determination to access the system, procedural difficulties awaited them in the courts. Chief Justice Owour, one of the two highest ranking female Kenyan judges of the Court of Appeal, discussed Kenyan law and sexual offenses, acknowledging these disadvantages:

The standard of proof upon the woman is very high, corroboration is needed from doctors and the police which can be difficult, there is therefore a high failure [in the prosecution of these cases].

There are other pernicious reasons why Kangemi women do not access the legal system. Many of the women knew the perpetrators. When asked by the lawyer "If these young men are known to you all, why have you not reported the matter to the police?" one woman responded:

Some women tried to do so [take the matter to court], but there is corruption ... [she described a particularly well-known incident in Kangemi]: The fathers of these young men have money to pay off the police. They are the sons of landlords.... Sometimes the matter will be settled with the father of those men without having to go to court. (Kangemi workshop participant, May 2, 1992)

These women recognized that sexual assault in Kangemi is supported by social structures and unequal class power. Being forced out one's home due to the unscrupulous behaviour of the landlords, "the father" of the rap-

ist, is very real for women living in Kangemi. Given the marked class and power differentials in Kenyan society, access to tenant courts may not be adequate where there are perceptions of risk to personal safety in pursuing such rights. Furthermore, some of the squatter dwellings in Kangemi are illegal structures. "Sons of landlords," as a privileged class, also have the power to define and contain this crime by determining the forum for arbitration and even shaping how the rape crime comes to be adjudicated. As the United Nations has recognized:

The community not only constitutes a site of violence against women but also supports aspects of the family which make it the major site of victimization for women. (128)

The privatizing of rape: using local "customary" mechanisms

Rape at Kangemi, more often than not, is privatized as a family matter, even though rape is a statutory offence with punitive but not severe consequences in Kenyan law.

Informal family-based mechanisms exist for resolving family disputes. Such a system draws upon Kenya's cultural past where community family heads came together to resolve family issues. At Kangemi it was usually the task of males of both families to acknowledge and compensate for the injury suffered, but without punitive consequences.

In indigenous cultural practices, adjudicating cases, compensating injuries, and meting out punishment was established in a framework within which sustaining familial and community relationships was paramount. Certain questions therefore arise: might this overriding concern with community cohesion not deflect from the seriousness of sexual violence? Does the privatizing of rape as a family matter not contribute directly towards ensuring continued male control over women's bodies and sexuality? Will there also con-

tinue to be a social blindness towards the severity of this gendered sexual violence against women, if it continues to be an affair only between families? Furthermore, given that community interests are frequently analogous with male interests (and more so) in contemporary patrilineal cultures, the troubling questions here are: what particular and specific relationships were being protected? As a consequence of male dominance, might there not be a failure to act justly?

It is, in fact, such experiences of traditional customary practices that have convinced local women's organizations working with international groups and networks to seek and promote an awareness among Kenyan women of the statutory nature of the crime of rape, in order to remove the crime from the jurisdiction of indigenous or customary family fora.³ It is undeniably true that when the issue is sexual violence against women, the privileging of community and cultural talk is being carried out over and above the harm to an individualized woman subject.

I would, however, also argue that there has been an inadequate understanding and response by activist organizations as to why these informal traditional mechanisms are often used. The discussions by the Kangemi women do provide some answers. Kangemi women's economic vulnerability leaves them with limited choices. They must of necessity continue to live in Kangemi, therefore, they try not to antagonize the local power structures. In addition, as poor and marginalized women they lack the power to confront these structures; recognizing that the class power relations that are being mediated through cultural discourses perpetuate violence against Kangemi women. Experience has taught Kangemi women that turning to the formal authorities does not guarantee just responses. Furthermore, Kangemi women do not complain to the formal authorities because as they make clear they fear possible repercussions from the relatives of the offender. It

however, remains very questionable whether the informal application of traditional customary sanctions in "modernizing" contemporary contexts sufficiently compels and restrains the perpetrator from repeating such a crime. Instead what is clear is that customary dispute settlement systems interlock with the formal legal system and gendered/cultural ideologies in order to shut down the spaces within which Kangemi women may challenge gender-specific violence in Kangemi.

Conclusion

Placing gender-based violence within the human rights discussions has become a significant and recent feminist tactic in different parts of the world. Most importantly, however, there has been the growing recognition by women's rights activists that the practice of such women's rights requires a continual focus on making visible women's experience of violence because they are female and the sustained condemnation of the dominant discourses surrounding gender violence. But also needed is an articulation of human rights law that will render legitimate, enforce and protect the claims advanced by women in the face of cultural and traditional resistances to the project of transforming existing gender power relations.

It is in referencing women's rights in the legal sphere that Kenyan African women now attempt to challenge the gender regimes that subordinate them as women. Women's human rights is also a discourse that African women engage to resist the oppressive social relations inscribed in legal rules, legal structures, and legal institutions. For contemporary Kenyan women, struggles for justice vis-à-vis female-male relations have not only implied their assertion of women's human rights, but also their pursuit of gender equality in law. In Kenya, the rights discourse, as a moral discourse, has nevertheless given legitimacy to the particular claims that women are beginning to advance. As

Patricia Williams has so persuasively argued:

In the law, rights are islands of empowerment. To be un-righted it to be disempowered, and the line between rights and no rights is most often the line between dominators and oppressors. Rights contain images of power. (19)

Rights and equality-oriented conversations seem crucial for Kenyan women, given the continuing challenges to their equal participation in the material production and reproduction of the household and the wider political economy. The response on the part of Kenyan and international organizations to address these women's legal issues has been incorporated within the discourses of economic development.⁴ The question to be posed is whether these actions by women, situated within the development discourse, can constitute a radical response to the systemic sources of women's objectification or are limited in confronting our dominant legal structures.

By incorporating legal awareness for women into the development paradigm, the women development workers may have created spaces for struggle for Kenyan women. However, such spaces may sustain colonizing experiences for African women because privileged and remaining intact are the normalized cultural understandings about African women that imply a dependence upon the development enterprise. Educating for an awareness of women's rights has to include a critical understanding of the discursive practices of development, for development is also what African women are up against. Legal literacy within development is not likely to disrupt the definitions, social relationships, and structures of modernization and progress and the attendant associations of universality. Thus the rights discourse has been imagined as being at home everywhere.⁵ The struggles at Kangemi speak to the commonality of the experiences of marginalized women the

world over; but also made clear is the need to make explicit the specific alternatives needed for particular women.

Continued advocacy on issues that make women vulnerable to violence is indispensable. And women of the South have explicated the experiential and conceptual issues with which the women's rights movement now struggles around the concern of sexual violence against women. Specifically, this means addressing the material conditions of women's existence. For most certainly, the current inequitable distribution of global resources, the clearly unsustainable production and consumption patterns of the world and the new market-driven economic strategies being imposed globally have been impervious to how they dis-enable women and thus fundamentally create conditions that are unresponsive to ensuring women's need for bodily safety.

Clearly, current accounts by Kangemi women illustrate how substantively disadvantaged women have become. In focussing upon the experience and threat of sexual and physical violence in women's lives, we recognize the particularity of disadvantage and struggle, at law and in social life, that women will have to face. What must therefore be taken up in any project for social justice are the discursive grounds in which the various aspects of the self are being positioned: gender, power, class, location, and the various discursive practices of culture, sexism, and law that come to intersect and reinscribe violence upon women.

Given the general complacency within the institutions of the state and the failure of the judiciary to deliver justice for Kenyan women, the burden of change has fallen upon Kenyan woman. This movement into popular politics and resistance by Kenyan women is rendered conceivable because historically Kenyan women have always been involved in cooperative networks where they draw upon their relationships with each other to provide mutual supports and engage in popular resistance. And

since 1992, this struggle has moved centre stage in Kenya.

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¹For example, in July 1985 women from around the world participated in a five-day world forum on Women, Law, and Development. This subsequently led to the creation of WILDAF, now based in Harara, Zimbabwe (Schuler).

²The strife in the former Yugoslavia being the most recent case in point of the sexual victimization of women (Amnesty International).

³Fatma Anyanzwa, founder of the Kenya Anti-Rape Organization, is of the opinion that elders and local chiefs seek to "settle" rape cases, through "fines or damages being paid to the victims or the victims' parents after a chief had arbitrated the case" (Muteshi).

⁴The Vienna Conference on Human Rights in 1993 is one such recent venue for the recognition of violence against women and an attempt to link this to the development process.

⁵There are African women who challenge the notion that individual human rights are purely derivative of western norms, articulating rights as African desire. Thandabantu Nhlapo thus writes: "Human rights discourse is pre-eminently a moral enterprise ... [and] ... the idea that 'human rights' is a western construct with limited applicability to the African reality is misleading for the simple reason that traditional African society recognized human rights norms of many types, some of which coincide squarely with the internationalized modern ones" (115). There are however, feminist critiques that have emerged to remind us of the limits in the usefulness of rights as strategy for

resistance for women everywhere. In countries where formal equal treatment exists rights have not guaranteed change in sexist attitudes. And rights talk conceals that women are not positioned to pursue rights and entitlements.

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