

# **Civil Society and the Struggle to Restrain the Leviathan: The Case of the Law Society of Kenya under Jomo Kenyatta**

**G. H. Muyumbu**

*Egerton University Philosophy, History and Religious Studies Dept; Global Team Leader, Social  
Accountability, VSO International; +254 721 391 278*

**Corresponding Author: [gilbertmuyumbu@gmail.com](mailto:gilbertmuyumbu@gmail.com)**

The 2010 political revolutions in parts of the Middle East and North Africa also referred to as ‘the Arab Spring’ emerged into contemporary political history as a process in which ordinary citizens through their organised groups exerted decisive influence which brought down powerful governments. Studies on the impact of citizens’ influence on governments have, however, mostly associated it with democratisation, where it is mostly reduced to electioneering processes. Within Kenya, few studies have explored how citizens work to restrain governments from actions that are against public interest. Even fewer studies have ventured into the field of vertical accountability, to examine the interaction between citizens and governments, in which citizens confine government to only lawful actions. Using the Law Society of Kenya (LSK) as a representative of citizens’ organisations, this paper examines how Kenyan citizens endeavoured to restrain the state from excesses during the Jomo Kenyatta era between 1963 and 1978. Using archival data from the Kenya National Archives in Nairobi and secondary data from written accounts on Kenya’s legal, civil society and governance literature as well as the postcolonial governmentalities theoretical framework to explain findings, the paper examines the activities which the LSK deployed to restrain the Jomo Kenyatta state, the state’s reaction to LSK’s efforts to restrain it, and the rule of law regime which evolved out of this interaction. It establishes a complex relationship of accountability between the Jomo Kenyatta state on the one hand, and society and the LSK on the other hand. Under this relationship, the state used different approaches to curb the LSK from restraining it and to maintain its limited accountability to society in general. The paper contributes to Kenya’s rule of law history, particularly by examining the distinct field of vertical accountability.

**Key words:** *Leviathan, restraint, civil society, vertical accountability, state excesses*