

**Ethnic Minorities in Kenya's Emerging Democracy:
Philosophical Foundations of their Liberties and Limits**

by

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**A thesis submitted in fulfilment of the requirement for the Degree of
Doctor of Philosophy in Philosophy at the University of Nairobi,
November 2011**

Declaration

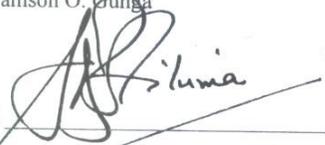
This thesis is my original work and has not been submitted for the award of a degree in any other University.

Signed  29/11/2011
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This thesis has been submitted for examination with our approval as the University supervisors.

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Abstract

This study focused on the problem of the domination of Kenyan ethnic minorities by their majority counterparts. Its objective was to undertake philosophical reflection, with a view to providing a rationale for a set of moral principles to serve as a basis for the constitutional protection of ethnic minorities in Kenya's emerging democracy. Its theoretical framework comprised of John Rawls' two principles of justice, namely, the principle of equal liberty and the principle of difference, with their emphasis on the need for society to be ordered in such a way as to cater for the interests of the least advantaged in it.

The study proceeded from the assumption that political philosophy can provide a rationale for a set of moral principles upon which to build a just constitutional order. It employed two methods of inquiry, namely, description and philosophical reflection.

The main finding of the study was that contrary to the liberal democratic orientation of Kenya's constitutional order since the attainment of independence in 1963 to date, there is a sound rational basis for the constitutional protection of ethnic identities and interests due to the need to mitigate the economic, social and political domination of ethnic minorities by their majority counterparts. The study concluded that this would be best achieved by re-ordering John Rawls' two principles of justice, so that the principle of difference takes precedence over that of equality. In addition, a third principle, that of the recognition and protection of ethnic identities and interests, ought to be upheld. It

recommended that the three principles be incorporated into the country's constitution as part of the national values and principles of governance.