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## Relevance of Thomas Hobbes's political theory in addressing the challenges facing the principle of public participation in Kenyan governance

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### Abstract

This study sought to address the relevance of Thomas Hobbes's political theory in addressing the challenges facing the principle of public participation in Kenyan governance. Law brings order in the society, and it is a prerequisite for ensuring peace, tranquillity and effective governance in a society. Despite the principle of public participation being enshrined in the constitution, political leaders have not fully embraced it. The study was guided by Thomas Hobbes's political theory. This theory emphasises consent and consensus in the formation of government so as to move from the state of nature where life was unbearable. The study was library-based, and the researcher used a purposive sampling method to purposely sample four books that are inclined to materials related to Thomas Hobbes's political theory on the state of nature. The data was collected through reading texts, both published and unpublished. The location of the study was Chuka University Library. The study adopted a descriptive design and used a critical method that questions assumptions, examines evidence, identifies biases, and strives for a deeper understanding of the principle of Public participation under the constitution of Kenya. The study found that there is a need to have an organised society guided by law. The study recommended the need for the government to engage people in public participation so as to get their consent in developments and governance policies.

**Key words:** Competition, diffidence, governance, law, state of nature.



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## INTRODUCTION

Man by nature, according to Hobbes, is selfish, and he is always in pursuit of subduing the other so as to remain relevant. Competition and glory-seeking that lead to diffidence have brought negative implications in society. Corruption, abductions, massive killing of political competitors, and looting of public resources have been evident in Kenya, and this goes against the constitutional provisions. Before the law, everybody is equal, and all must respect it. Delayed socioeconomic developments in Kenya are a result of the political class and the citizens' failure to adhere to and obey the law. In applying Thomas Hobbes' political theory, the study not only evaluated the nexus between Thomas Hobbes's political theory to the Kenyan governance but also showed how it leads to peaceful coexistence and eventually aids good governance. By using Thomas Hobbes's theory, the study critically looked into how best to ensure that laws, especially the constitution, are obeyed so as to ensure that people live in peace and the fruits of devolution.

Thomas Hobbes was a 17<sup>th</sup>-century philosopher born in England. His philosophy was shaped by the political turmoil. "Competition is the activity or condition of striving to gain or win something by defeating or establishing superiority over others" (Hughes et al., 1992). Diffidence is the quality of being shy and not confident of your abilities (Buttler, 2017). Law is an ordinance of reason promulgated by one in authority for the common good of society (Ogden, 2022). Hobbes describes the state of nature as a state of disorder; there is no industry, no civilisation, no order, and people live in fear for one another (Hobbes, 1651). He describes life here as brutish, solitary, selfish and eventually short. Hobbes is relevant in democratic governance, like in Kenya. This paper aims to examine and uncover the inference that can be drawn from Hobbes's political theory in the Kenyan context.

## LITERATURE REVIEW

### Peace is a Prerequisite for Effective Governance

Thomas Hobbes was the first and foremost peace theorist, rejecting the usual grounds for war, pretexts based on just war, infringements on property or trade, and thus trespass (Patricia, 2018).

Competition, diffidence, and glory lead people to war since everybody is looking for self-preservation. Some authors have tried to define and contextualise the concept of peace. Peace refers to a state of tranquillity or quiet (Merriam, 2020). The concept of peace has also been defined and viewed as the absence of violence, conflicts, and war. It has been posited as a freedom from fear of war, conflicts, or violence, followed by settlement treaties (Mani, 2005). In the Hobbesian state of nature, there existed no peace, and people used to kill each other out of competition for scarce resources. The challenges to peace in Kenya include inequality, marginalisation of societies, tribalism, ethnic animosity, corruption, gender-based discrimination, and resource scarcity or poverty, among others. Hobbes contends that when there is no peace in society, there is no industry, no civilisation, and no development, and this leads to people becoming wolves to others. In 2007/2008, the general election led to violence necessitated by competition for power. Hobbes observes that the agreement or contract that allows individuals to organise in a society under a political and legal order is a pact of union, on which he bases his contractual theory alongside his theory of the state, with human beings who are radically individualistic, who cannot have any meaningful discourse, and who look at each other solely as threats (Johnson, 2020). For Hobbes, peace is paramount so that human beings can develop and live in harmony. Every man ought to endeavour for peace as far as he has hope of obtaining it, and when he cannot obtain it, he may seek and use all helps and advantages of war" (Forsyth, 1979). Peaceful societies in Kenya have enjoyed better business environments, higher per capita income, higher educational attainment and stronger social cohesion (Joab, 2020). Better community relationships tend to encourage greater levels of peace by discouraging the formation of tensions and reducing the chances of tensions devolving into conflict. Bett (2018) conducted research on the impact of conflicts among the communities in Elgeyo Marakwet. In his research, he did not address the reason for the conflicts; hence, his study only addressed the outcome, and hence, no solution was provided. This study used Thomas Hobbes to show the main reasons for conflicts among many communities in



Kenya, as well as the solutions and measures to be taken to curb the trend.

### **Law is an Important Governance Principle for Effective Governance in Kenya**

Thomas Hobbes did not advocate despotic government, but he endorsed rule by law (Goldsmith, 1996). In the state of nature, people lived in suspicion and distrust since everybody was fighting for self-preservation. There was no government to make laws and implement them. Hobbes opines that this distrust led life to be nasty, brutish, and short. This necessitated the creation of a ruler, the sovereign. For this sovereign, Dyzenhaus (2001) holds that he is "by definition, one who governs through law", therefore concluding that all absolute rulers are legally constrained insofar as they need to sustain the proper functioning of the legal order." In Kenya, the laws of the country are enshrined in the constitution, which ensures that the elected representatives of the people act in accordance with the law. In Kenya, the application of good governance values is becoming an increasingly common phenomenon both at the central and regional levels (Astomo, 2014). The presence of these values has had a positive impact on improving the culture and performance of the bureaucracy. According to Everson (1988), "laws are made after long consideration, whereas decisions in courts are given at short notice, which makes it hard for those who try the case to satisfy the claims of justice." In Kenya, this is evident in that some decisions are made in courts that demean the spirit of the law. An example is the ruling on the housing levy that allowed the government to continue extorting money from Kenyans. The stay orders have been issued to reinstate impeached governors back in office. For example, the governor of Meru was impeached by both the county assembly and the senate, but she is still in office as a result of a court of order.

Montesquieu (1748) advocated for the rule of law and the principle of separation of powers. For him, the executive, legislature and the judiciary ought to perform their duties without interference. In Kenyan governance, this principle has faced challenges and is almost neglected. The executive tends to interfere

with the legislature by influencing the decisions they make. A recent example is the finance bill 2024-2025, where the president directed the national assembly to pass it. The consequences were massive riots and demonstrations among the young people. Separation of powers when obeyed, the arms of government work and make informed decisions. Many times, especially when the three bench judges of the high court declared the housing levy unconstitutional, the executive attacked the judiciary. According to Dicey (1982), no man is above the law, whatever his rank. This is the reason why Hobbes advocated for a leviathan to ensure laws are maintained and enforced. In Kenya recently, the acting inspector general of police declined the court summons as a result of massive abductions of people. This study used Hobbes to show the need for a government that ensures laws are made, kept, and enforced. Leviathan was there to ensure that vices and illegalities like abductions and killings are avoided in the state of nature.

### **Theoretical Framework**

This study adopted Thomas Hobbes' political theory. Thomas Hobbes was born in Malmsbury, England, in 1588. He is famously known for his social contract theory. Hobbes's political theory paints a picture of life in the state of nature. In the state of nature, Hobbes presents a picture of a society surrounded by lawlessness and absolute freedom, which is characterised by equality among all people. Men in the state of nature fought and competed for self-preservation. In pursuit of this objective, Hobbes claims that all men were equal in the state of nature, where nobody interfered with other people's freedom. In this state, life was full of competition for scarce resources, and because of selfish man's nature, they used to fight so as to acquire more for themselves. Life here was solitary, brutish and short. Explaining the reason behind this claim, he says that they are equal who can do equal things one against the other, but those who can do the greatest things, namely, kill, can do equal things. All men, therefore, among themselves, are by nature equal (Peters, 1956). In addition to the claim on the equality of men, Hobbes also holds that all men are equally rational in the state of nature. They use their rationality to attain their goals. As a result of man's



selfishness and competitive nature, they become enemies of one another and try all means possible to eliminate each other for self-preservation.

### METHODOLOGY

This research employed a descriptive research design to identify and analyse Thomas Hobbes's political theory and his concept of the state of nature. The study used a descriptive design that led to the development of significant ideas that can be used by political philosophers, legislators, policymakers, researchers and any other party interested in the interrelationship between human nature, the state of nature, law and governance. Purposive sampling method was used since the books that were sampled were the only ones that aligned with this study. Purposive sampling was used to select five books that deal with Thomas Hobbes's political theory of public participation and governance. These contained relevant information on Thomas Hobbes's political theory and the nexus that can be drawn in the Kenyan context. In the context of this research, purposive sampling involved selecting texts for this study that provided insights and perspectives relevant to the examination of the nexus between Thomas Hobbes's political theory and Kenyan governance under the 2010 constitution. The study was done in Chuka University library since this library was equipped with rich philosophical materials related to this study. Secondary data were obtained both from published documents and books like journals, newspapers, magazines, unpublished theses and periodicals from various libraries. The three data sources were corroborated to give valid and reliable data.

### RESULTS AND FINDINGS

From the study, it was noted that in the state of nature, there was no law guiding human behaviour. All people were equal, and they all pursued their own self-interests and self-perservations. The law in the state of nature had nobody to make and implement. Chaos and human destruction were rampant. This is the reason why Hobbes opines necessitated the rise of the government. This brings the need to have a government to make and enforce the laws. Human beings compete with each other as a result of scarce resources. Considering that human

nature is that of selfishness, the study found that people will try all they can to eliminate each other in the state of nature.

In the Kenyan context, competition among the people has led to the rise of corruption, nepotism and tribalism. In the recent impeachment of the deputy president, legislators paraded more than ten companies associated with the deputy president. In their arguments, they opined that these companies, by proxies to the deputy president, were used to serve the conflict of interest. Nepotism has become the order of the day, leading to the impeachment of some governors. For example, the governor of Meru was impeached on account of nepotism, corruption and abuse of office. In Kenya, elected leaders strive to outshine others in all manners so as to maintain their political glory and positions. Abductions of people during the anti-finance bill demonstrations and the killing of young people in Kenya were clear indications of disrespect to the constitution. The state officers have been accused of employing their tribesmen and appointing others with integrity issues under Chapter Six of the constitution. All these are done for selfish gain. In Kenya, the political class is afraid of dissenting voices, and they try to eliminate them. To achieve this, people use all means possible, including killing the innocents in the event that they are perceived to be enemies.

Thomas Hobbes did not advocate for a despotic government. He rather advocated for a government that abides by the rule of the law. The people agreed to give some of their rights to the leviathan, who in return would lead them in accordance with the law. The reason for this is that when people are left to govern themselves, there is chaos everywhere. The study revealed that the government is important in guiding the actions of the people by making laws and ensuring they are implemented. From the study findings, it was concluded that peace is important for economic, social, and political stability, and peace is paramount. When there is no tranquillity in society, no industry, no social life, and no economic and political sanity hence, life becomes unbearable. This eventually necessitated the formation of government and society.

### CONCLUSION

From the study, it can be concluded that Thomas Hobbes' political theory is relevant in contemporary society. When there is no law put in place in a society, people tend to live like beasts to others, hence no respect for human rights. From Thomas Hobbes' view, people in the state of nature fight as a result of competition for scarce resources. From the study findings, it can be concluded that the

government is important in bringing checks and balances and making, keeping, and enforcing the laws. From the study findings, it can be concluded that peace is paramount for economic, social, and political stability. This peace can be found if there are laws to govern people's conduct in society. From the study findings, competition, glory-seeking, and diffidence bring war amongst the people since, as Hobbes opines, human beings are selfish by nature.

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