

### SO WHO PUT THE STUD ON DR. MUTUNGA'S EAR?

One of the greatest publicity coups of the last two millennia was Emperor Nero's dealing with the Great Fire of Rome. It is rumored that he started the fire himself then placed the blame on the community of people known as Christians. I'm sure that even Josef Goebbels (Hitler's Minister of propaganda) would have applauded the ingenuity of this.



Today I am wearing a paper clip on my left ear - well for some part of the day at least. I'm told by some sections of the media that there is a community of people, ironically most of who, answer to the title Christians, have taken exception to this ornament and as such Kenyan's will be denied the choicest of fruits of the not so new Constitution. Put quite simply by one word smith – "I thought that what matters is what is between one's ears rather than what is on them".

But of all the comments and statements that I have heard, I'm yet to see how this is in any way attributable to Christians in general in Kenya. There is no doubt that some politicians have been heard to mention the ear stud but the Christian community/church/church leaders? That would really take a stretch of imagination to prove. A quick review of statements issued by Christian professionals (on 15th May) and church leaders (on 16th May) reveals no evidence of a "stud phobia".

Allow me to pause here and say that I DO NOT support the recommendation of Dr. Willy Mutunga and Ms. Nancy Baraza to the positions of CJ and Deputy CJ of the Republic. My reasons do not relate to Daktari's stud in the ear. They are threefold and summarized as follows:

(a) The forwarding of single names is not in keeping with the Constitution or the Judicial Service Act and is tantamount to the JSC either (i) transforming itself into an appointing authority; or (ii) setting the stage for practical difficulties.

(b) In many respects the legal philosophy of at least one of the nominees – Dr. Willy Mutunga is at odds with the very core of humanity's two cornerstones – life and family. As regional director for the Ford Foundation he has been part of an organization that opposes the protection of the unborn. Further, he was involved in the establishment of the Kenya Lesbian and Gay Trust.

(c) The JSC fell short in assessing the personal integrity of all the nominees including the two who were shortlisted as is required by the Constitution. Isn't it ironic that we'd pontificate about the circumstances surrounding the death of Samuel Wanjiru Kamau and in the same breath say we don't care to inquire about the morals and conduct of the head of the Judiciary?

So "who put the earring on the table" is the question. I've taken the liberty to see where the story started and been rather surprised by my findings:

(a) Tuesday May 3rd – Dr. Willy Mutunga is interviewed by the Judicial Service Commission (JSC) as a candidate for the Chief Justice of the Republic. This interview received fairly low key treatment in the Kenyan dailies.

(b) Friday May 13th – The JSC announces the nomination of Dr. Willy Mutunga for the position of Chief Justice and Ms. Nancy Baraza for the position of Deputy Chief Justice.

(c) Saturday May 14th – The Saturday Nation reserves a choice morsel for its readers explaining Dr. Willy Mutunga's earring and his communication with the spirit world through the earring.

(d) Sunday May 15th – Suspended Higher Education Minister William Ruto is captured on national TV repeating the statements contained in the previous days Nation – albeit in Kiswahili.

(e) Sunday May 15th – Citizen's weekend edition (anchored by Julie Gichuru) poses the "earring" question – does it matter?

(f) Monday May 16th – The earring debate goes viral!!!

There can be no doubt as to who brought up the earring into public debate. Which makes me wonder – when did the media start putting on earrings? Kenyans trust the media. Many Kenyans take the media's word as the gospel truth. Kenyans preface conclusive statements by saying "It is written and/or said" (by the media). No doubt then we trust and lean on a source that ultimately will lead to the edge of the cliff called "unthinkable" and then makes us ask (on the way down) "When and where did we start to fall?"

But again it makes me think. This isn't Rome. And even if it was, two thousand years and more have gone by.

