Uneven Accountability
in the Wake of Political Violence:
Evidence from Kenya’s Ashes and Archives

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Abstract

We examine three competing hypotheses about how governments manage local state security officers in the wake of political violence. First, the “fog of war” hypothesis suggests that the government neglects to sanction officers involved in violence due to a lack of information. But to the extent that political violence is visible, we examine two additional accountability hypotheses. The second “even accountability” hypothesis suggests that the government sanctions any officer who failed to maintain law and order. Third, the “uneven accountability” hypothesis suggests that the government sanctions officers differentially based on whether an officer’s actions were in service of or against the government’s political interests. We find support for the third hypothesis in examining Kenya’s 2007/2008 post-election violence, a period in which a reported 1,100 people were killed and 350,000 displaced. We combine micro-level archival data on 2,500 local officer appointments with fine-grained satellite data on the violence. We find that the government was more likely to fire officials whose jurisdictions saw opposition-instigated violence that targeted government supporters. But we find the opposite result where violence was instigated by incumbent supporters: there, officers were less likely to be fired if violence occurred in their jurisdiction. Our results indicate that leaders can use large-scale and highly-visible political violence as a way to identify and sanction officers with misaligned loyalties, leading to the politicization of the state.

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Introduction

One-third of recent elections have been marred by violence (Hafner-Burton, Hyde & Jablonski 2014), resulting in the death or displacement of thousands and hindering democratization (Snyder 2000, Straus & Taylor 2012, Burchard 2015). The state has often been at the forefront of this violence: in many cases, local state officers (mis)use the coercive capacity endowed to them to engage in violence against the civilians they are supposed to protect (Davenport 2005, Deng & O’Brien 2013, Sullivan 2015). In this paper, we shift focus from the enactment of violence by local state officers to how, in its wake, leaders manage those officers whose jurisdictions experienced violence.

Governments balance two competing goals when managing local state officers in the wake of political violence: *ceteris paribus*, a government wants to maintain law and order. Indeed, maintaining law and order is the official function of these officers and why they are endowed with coercive capacity in the first place. But at the same time, political elites can benefit from the repercussions of electoral violence. Electoral violence can help politicians win re-election, consolidate their base, or “redistrict” a constituency to make for a safer seat (Wilkinson 2004, Höglund 2009, Kasara 2016). How does the government weigh these competing goals when deciding how to sanction – if at all – those local state officers whose jurisdictions saw violence?

We examine this question by testing three competing hypotheses of government management of local state officers in the wake of electoral violence. The hypotheses are based on first, how much information is actually conveyed by the occurrence of violence, and second, how the government uses transmitted information to balance between their two competing goals. First, we evaluate the *fog of war* hypothesis, that the government does not receive enough information during political crises to hold local state officers accountable for their actions (e.g., Betts 1978). In

\[1\] Some examples of this class of officer include regional commissioners, provincial governors, and local police chiefs.
contrast to this hypothesis, we contend that large-scale violence leaves residual evidence of violence that the government can link to an officer’s jurisdiction. We thus examine two separate accountability hypotheses that are based on the government observing, or at least inferring, officer action. We evaluate a hypothesis of even accountability, in which a government attempts to restore law and order and thus unequivocally punishes all local state officers whose jurisdictions saw violence. We also propose an uneven accountability hypothesis. The logic here is that, in a context where the government cannot fully monitor the behavior of local state officers, acute political violence can reveal information about the “type” of the officer whose jurisdiction saw violence. The government can infer officer loyalty from the dynamics of the violence in a jurisdiction and uses this information to selectively cull the security apparatus of those officers with “misaligned” loyalties. In cases of electoral violence when accountability is uneven, the government will only punish local state officers whose jurisdictions experienced violence that supported the opposition while granting immunity or even rewarding officers whose jurisdictions saw violence that instead targeted the opposition (and supported the government).

We evaluate these competing hypotheses using micro-level data on Kenya’s 2007/2008 post-election violence. We focus on Rift Valley Province where a reported 1,100 people were killed and 350,000 displaced (Human Rights Watch 2008). The province saw two waves of violence in geographically distinct areas. In the government’s area of core support, the government’s co-ethnic Kikuyus attacked opposition supporters. But in opposition strongholds, opposition supporters attacked Kikuyus. We examine how the government managed state-appointed “chiefs” in the wake of the violence, the local level security officers most directly responsible for maintaining law and order.\(^2\) Moreover, existing research alleges that many chiefs used their authority to facilitate electoral violence in their jurisdiction; some on behalf of the government and others on behalf of the opposition (Waki Report 2008).\(^3\)

\(^2\)Despite their title, Kenyan chiefs are wholly state-appointed officers.
\(^3\)The Waki Report (2008) was produced by the official international commission of inquiry on the
We compile unique archival data on the post-violence career trajectories of 2,500 chiefs. Data on state personnel involved in political violence is difficult to obtain. This is especially true when officers were allegedly directed to engage in political violence by the same government elites who maintain these records and grant researchers access to them. We merge this archival bureaucratic data with two separate measures of violence. First we use a database of satellite data on daily arson activity from NASA (Harris 2012, Kasara 2016). As we describe below, arson is a particularly good measure of Kenya’s post-election violence because arson was the predominate tool of violence.

Second, we separately combine our bureaucratic data with the Armed Conflict Location and Event Dataset (ACLED).

We find strong support for our “uneven accountability” hypothesis. Chiefs whose jurisdictions saw violence against the government’s co-ethnic Kikuyus were more likely to be fired from their positions than other chiefs within the same district whose jurisdiction did not see violence. But we find the exact opposite result in areas hit by violence that favored the government: chiefs whose jurisdictions saw Kikuyu-instigated violence against opposition supporters were less likely to be fired in comparison to other chiefs within the same district whose jurisdiction did not see violence. Our results hold through a series of robustness tests. Our results indicate that political violence can reveal officer loyalty and show how that information can be used by the government to remove state officers with misaligned loyalties.

This paper makes several contributions. First, we add to literature that uses political violence as the independent variable (e.g., Zhukov & Talibova 2016). Looking at electoral violence in particular, existing research has focused on its “sparks”, suggesting the role of factors as varied as electoral 2007/2008 post-election violence. It is widely considered the most thorough and independent report on the post-election violence. We are confident in this data to capture all localities where violence occurred as secondary accounts that track the full spectrum of violent tactics report that non-arson activity occurred in the same jurisdictions that experienced arson (Waki Report 2008).
incentives (Wilkinson 2004, Bratton 2008, Straus & Taylor 2012, Fjelde & Höglund 2016), the local economy (Berman et al., 2011, Buhaug et al., 2011), and unresolved land grievances (Boone 2014, Klaus & Mitchell 2015, Klaus 2016). But by shifting violence to the right side of the equation, we demonstrate how electoral violence may have the unintended consequence of fostering incumbent learning by revealing misaligned local officials and allowing the incumbent to cull the security apparatus in preparation of future rounds of violence.

Second, our paper contributes to the growing literature on how states delegate political violence. Much of this work looks specifically at the sub-contracting of violence to non-state actors (Carey, Mitchell, & Lowe 2013, Cohen & Nordås 2015, Stanton 2015). Sub-contracting violence is thought to be useful because conflict-ridden states are especially weak (Mueller 2000, Demeritt 2014) and because it allows the government to avoid international reprimand (Roessler 2005, Mitchell, Carey, & Butler 2014). The results of our paper indicate that even low-capacity states can coerce their citizens, not only by sub-contracting violence, but by effectively managing their security apparatuses (Greitens 2016, Hassan Forthcoming). Further, we suggest that governments can placate international observers by selectively holding some local-level perpetrators accountable, while implicitly condoning the actions of other perpetrators who used their authority to bolster the government’s political position. We also contribute to the growing movement that leverages subnational variation in political violence to better understand macro political processes (e.g., Kalyvas 2006, Straus 2006, Balcells & Justino 2014, Roessler Forthcoming).

Third, our data efforts demonstrate the potential benefits of archival data to deepen our understanding on the institutional responses of conflict. Geolocating violence to officer jurisdictions allows scholars to study how state institutions prepare for and respond to political violence at a highly-localized level (e.g., Balcells & Sullivan 2016). At the same time, our analysis has some important limitations. The archival records we rely on cannot provide us with a “smoking gun” – we do not have concrete evidence that a specific chief dismissal was explicitly a result of the officer’s behavior during the violence. To achieve this level of evidence would require internal
personnel archival data. Such information, however, even if it were available to researchers, would suffer from significant source and omission biases. Instead, by relying on normatively neutral information and seemingly inane administrative records, we minimize the risk of drawing inferences from data that the government has tampered with or whitewashed. Relatedly, the dataset we construct is a contribution in itself as the files used to create it have been destroyed by the Kenyan government (personnel files are destroyed after a set period of time, see below). The dataset may be of use to scholars of post-election violence or the security apparatus in the future.

Accountability in the Wake of Political Violence

Though our analysis is applicable to most forms of political violence, we focus specifically on electoral violence. We define electoral violence as political violence that is shaped by the dynamics of, or seeks to influence, the electoral process (e.g., Straus & Taylor 2012). Electoral violence can be incumbent-instigated, enacted by government supporters and targeting the opposition’s supporters, or opposition-instigated where those supporting the opposition target incumbent supporters.

We focus on local state officers who have coercive capacity (e.g., control over the local police or militia, authority to punish or detain those who threaten law and order). Some examples of these officers include centrally-appointed mayors, local police chiefs, and village executives. We focus on these local-level officers for two reasons. First, these officers are the local-level individuals with state-granted coercive authority. These are the people whose formal role is to constrain violence locally, but their docket of duties can also be deployed to enable that violence in the first place, as in the case of police officers in Guatemala (Sullivan 2015), local administrative officers in China (Deng & O’Brien 2013), the Detroit police (Davenport 2005), or undercover officers in Spain (García 2014). Second, and relatedly, these officers are at the forefront of election violence precisely because they are locally-embedded and this violence is often so localized. They
are capable of differentiating the political affiliations of residents in their jurisdiction so instead of resorting to indiscriminate violence due to a lack of information (Lyall 2010, Toft & Zhukov 2012), locally-embedded officers can target specific individuals (Straus 2006).\(^5\)

How will the government manage those local state officers whose jurisdictions saw violence? Governments weigh two goals when making this determination. First, governments want to re-establish law and order. Electoral violence represents a breakdown of the state’s monopoly on the legitimate use of violence that may metastasize beyond the local area and threaten the sanctity of the state. Second, the government considers the perceived loyalty of those state officers whose jurisdictions saw violence. The government has an incentive to retain officers that it can trust to facilitate violence on the government’s behalf. Put simply, electoral violence tends to recur in the same local areas (Boone 2014) so the government would prefer officers who have a proven record in using their authority to bolster the incumbent.

Fundamentally, however, the government cannot weigh these two incentives if it is not capable of observing or inferring officer action. This brings us to our first hypothesis, that the fog of war limits the government from holding officers accountable for their actions (Betts 1978).\(^6\) As such, this hypothesis predicts no discernible pattern in how the government holds officers whose jurisdictions saw violence accountable from those whose jurisdictions did not see violence.

\[ H_{FogofWar} : \text{The government will not punish officers whose jurisdictions saw electoral violence or officer punishment will be random.} \]

\(^5\)While existing research has shown the role of non-state militias (Roessler 2005, Mitchell, Carey & Butler 2014, Cohen & Nordås 2015, Eck 2015) and state militaries (Davenport 1995, Brooks 1998, Bellin 2004, Cook 2007) in enacting political violence, local state officers are uniquely equipped to enable or constrain election violence.

\(^6\)While the fog of war often refers to real-time decision making, it can also contribute to an actor’s ability (in our case, the government’s) to collect and decipher the dynamics of conflict or behavioral variation within the conflict (Davenport & Ball 2002).
A more nuanced variant of this hypothesis is that the government uses the wake of the violence to purge certain officers. Although the government gains no new information from the violence, the government opportunistically uses the violence to punish officers that it presumed \textit{ex ante} to have misaligned loyalties regardless of whether those officers used their coercive authority against the government or not. In many countries with salient ethnic cleavages, such as Kenya, these misaligned loyalties are presumed based on an officer’s co-ethnicity with the opposition.

\textit{Hypothesis FogofWar}: The government will “purge” officers that it believed \textit{ex ante} as having misaligned loyalties.

In many instances, however, the government is able to observe, or at least infer, officer action. Electoral violence leaves immediate and lasting signs in an area; a mass exodus of victimized groups, large numbers of civilians dead, scorched fields. Moreover, local state officers are sufficiently well-known in their jurisdictions that their role in the violence is visible to area residents: even governments of low capacity states receive information through the chain of command, from national-level elites who are locally stationed there, or civilian or NGO complaints. In cases where a government cannot ascertain officer action completely, it can make well-informed inferences about the probability of the officer’s actions. That violence played out in the officer’s jurisdiction acts as a credible – albeit sometimes noisy – signal as to the likelihood of the officer’s actions.

In an attempt to re-establish law and order, the even accountability hypothesis predicts that the government will use the information gained from observing violence to punish all officers involved.

\textit{Hypothesis EvenAccountability}: The government will uniformly punish those officers whose jurisdictions saw electoral violence.

We contrast the even accountability hypothesis with our uneven accountability hypothesis. Here, governments weigh the information that violence provides about the loyalty of an officer.\footnote{While there may be concern about the government’s ability to perfectly see officer action, this concern empirically biases the results towards \textit{Hypothesis FogofWar}.}
When political violence breaks out, local-level officers may be expected to use their state authority to further the incumbent government’s interests. Local officers engage in acts of electoral violence on behalf of the government when they have a neopatrimonial relationship with government elites (Höglund 2009). In return, government elites agree to use their national-level linkages to lobby for the officer to keep the coveted position, “earn” a promotion, receive more benefits, or get a raise.

But local officers can also use their authority to facilitate electoral violence to advantage the opposition. Elites in the opposition often have sources of private funding (Arriola 2012) so they can promise officers goods outside of the state such as money, land, or favors for their compliance. Further, elites in the opposition can pledge to retain or promote the officer should the opposition win, a consideration that the officer weighs heavily when the election is expected to be tight. Put simply, officers can create neopatrimonial relationships with government or opposition elites. Separately, officers may have their own incentives. During heightened periods of political competition, salient identities – whether ethnicity, religion, sect, region – solidify (Fearon & Laitin 2000, Eifert, Miguel & Posner 2010). Officers with opposition sympathies may choose to direct violence against the interest of the government without elite direction.

Following the uneven accountability hypothesis, the government uses the officer’s revealed type to punish officers who facilitated violence to the government’s electoral disadvantage. Punishment of local-level officers with revealed misaligned loyalties occurs for two distinct reasons. First, because electoral violence tends to recur in local areas, punishing shirking officers serves as a preemptive management technique for future rounds of violence. Second, punishing shirking officers

8 An alternative strategy for the government to bypass these principal-agent problems is to “pack” the coercive apparatus with loyal officers. However most governments appoint area locals to staff local-level officer positions, as these are the people who best know an area, and thus can tap into their existing networks on behalf of the government. In countries where political cleavages follow geographic areas, the government finds it difficult to appoint loyal locals in areas associated with the opposition.
signals the government’s resolve to other officers. Government elites can only maintain neopatrimonial relationships with officers if officers understand that there are negative consequences for non-compliance. On the other hand, the government will grant immunity – and in some instances reward – officers who facilitated electoral violence to the government’s advantage, thus revealing their alignment with the government.

*Hypothesis Uneven Accountability:* The government will punish officers whose jurisdictions saw opposition-instigated electoral violence. The government will reward or offer immunity to officers whose jurisdictions saw incumbent-instigated electoral violence.

For both accountability hypotheses we acknowledge that political violence can occur for reasons beyond the facilitation of the local-level officer posted there. Indeed, violence might be the result of the local officer’s incompetence. An officer might simply be unable – as opposed to able but unwilling – to stop violence in their jurisdiction. The even accountability hypothesis is theoretically ambivalent about the cause of violence; either way, the presence of violence in an officer’s jurisdiction signals a breakdown of law and order that the government must punish. The uneven accountability hypothesis will also be ambivalent about the cause of violence in jurisdictions that saw opposition-instigated violence. There, officers either willing instigated violence against regime supporters or were unable to stop this violence and will be punished either way. Regarding incumbent-instigated electoral violence, the uneven accountability hypothesis predicts that the government will reward officers whose jurisdictions saw violence while punishing those incompetent officers who lost local control; officers who were incompetent were unable to stop the violence but inherently wanted to. It is empirically difficult to disentangle these two mechanisms in jurisdictions that saw incumbent-instigated electoral violence to observe the relative importance of each. Analyses that do not disentangle between those places that saw incumbent-instigated violence due to direct instigation versus incompetence – such as ours – will be empirically biased towards zero.
Kenya and 2007/2008 Post-Election Violence

Kenyan Local Officers: Chiefs and Assistant Chiefs

Our analysis centers on Kenyan “chiefs” and “assistant chiefs,” appointed village-level state officers that serve a wholly bureaucratic function. These officers are the two lowest tiers of Kenya’s Provincial Administration (PA). The PA is a highly-centralized organ in charge of upholding internal security and maintaining law and order. Chiefs report up the chain of command, ultimately to the Permanent Secretary for Provincial Administration and Internal Security and the president himself (see Table 1). Decisions about a chief’s hiring, promotion, or dismissal are formally made by the Permanent Secretary.

These appointed officers are the most powerful officials within their jurisdiction and have a wide range of duties relevant to our study; they control the local police, have the authority to punish and jail area residents who they deem as disturbing law and order, and adjudicate local land disputes. These officers are appointed from, and only serve in, their local jurisdiction; unlike higher tiers of the PA, they are never rotated across jurisdictions. They are a member of the local ethnic group and thus speak the local language, are familiar with local customs, and can tap into family and ethnic networks.

The residency requirement has important impactions for our analysis. First, the government cannot pack chiefs with those ethnic groups that are aligned with the government in places that are ethnically affiliated with the opposition. Second, and relatedly, loyalty of these officers is uncertain and the possibility of defection is real.
Rift Valley, Ethnicity, and Land

This paper’s empirical analysis focuses on the main site of Kenya’s 2007/2008 post-election violence, Rift Valley Province. The 2007/2008 post-election violence in Rift Valley and the preceding electoral violence there in the 1990s are cases of “sons-of-the-soil” conflict (Fearon & Laitin 2011), stemming from historic and contentious land politics. As we describe below, the violent tactic of choice in Rift Valley is arson as autochthons attempted to evict migrants.

Rift Valley is a contested space. The province is considered the homeland of various pastoralist groups, namely the Kalenjin. Since the colonial period, however, Kikuyus as well as other “migrant” ethnic groups have settled in the province. Kikuyu migration into Rift Valley continued under the country’s first president, Jomo Kenyatta, a Kikuyu himself. The government acquired large tracts of land from the colonial regime which it passed on to small-scale farmers. These “settlement schemes” helped resettle Kenyans by giving them land at low prices or favorable lending terms. Kenyatta favored his co-ethnics in allocations across the country without regard to historic land claims. The Kikuyu population of Rift Valley grew from 341,000 in 1969 to more than 950,000 by 1989 (19.2% of the province’s total population) in response to these policies. The Kikuyu are concentrated in those districts with high numbers of settlement schemes (Hassan & Klaus 2016) but are a majority in only one Rift Valley district, Nakuru.

The settlement of Rift Valley by the Kikuyu has fueled feelings of land injustice among the 744 of the reported 1,133 deaths (Waki Report 2008) and 1,021 of the 1,775 fires during the post-election violence were in Rift Valley (see below).

The Kalenjin comprise around 11.5% of the country’s population and 46.8% of Rift Valley’s population. The other “indigenous” Rift Valley groups are significantly smaller in size; the Maasai (1.7% of country, 7.2% of Rift Valley), the Samburu (0.5% of the country, 1.8% of Rift Valley), and the Turkana (0.8% of the country, 5.2% of Rift Valley). All ethnicity figures are from the 1989 census, the most recent census to release sub-national ethnicity information.

The Luhya, Luo, and Kisii comprise 9.6%, 3.9% and 2.5% of the population, respectively.
Kalenjin. Kalenjin land narratives of “lost” or “stolen” lands became tied to the presidency and the political process; Kalenjins saw Kenyatta’s distribution of land to the Kikuyu as a political move to reward his supporters at the Kalenjin’s expense (Klaus 2016). Kalenjin identity evolved around the “fear of political and economic exclusion and marginalization by more cohesive and advanced ‘tribes’” (Lynch 2011). The country’s second president, Kalenjin Daniel arap Moi, engaged in the same land distribution tactics Kenyatta did by doling out land to his co-ethnics after coming to power in 1978. But Moi’s attempts to settle the province pale in comparison to Kenyatta’s; Kenyatta distributed 178,000 hectares of settlement schemes while Moi distributed less than 28,000 hectares (Hassan & Klaus 2016).

The tension between ethnicity and land in Rift Valley rose to the surface in the run-up to the 1992 election, the country’s first multi-party election since the independence era. Moi was facing a serious electoral challenge from the Kikuyu community. Politicians from the Rift Valley’s indigenous ethnic groups stirred fears that a Kikuyu presidency would result in a reversal of Moi’s land-allocation policies with Rift Valley’s land again being parceled out to Kikuyus. Political elites incited “youths” from the Kalenjin community to launch pre-election violence centered in districts with large migrant communities” (Throup & Hornsby 1998).

Importantly, the violent tactic of choice was arson. The instigators’ goal was to evict Kikuyus and other migrant groups and to claim their land (Akiwumi Report 2002, Boone 2011, Hassan & Klaus 2016). In the end, some 1,500 people died and 300,000 were displaced (Human Rights Watch 1993). Boone (2011) suggests that the violence worked in displacing migrants with almost two-thirds of evictees not returning to their homes a decade later.

2007 Election and Subsequent Violence

Kenya was gearing up for another contentious presidential election in 2007. Incumbent Mwai Kibaki faced a challenge from Raila Odinga, a Luo candidate. Kibaki, a Kikuyu, was in power since 2002 after he consolidated the opposition and beat Moi’s hand-picked successor (Arriola
Odinga chose William Ruto, a Kalenjin, as his running mate to help win the Kalenjin vote. As during the 1990s, national-level politicians tapped into Kalenjin fears about land injustice to mobilize electoral support (Lynch 2008, Mueller 2008, Klaus 2016). Early election results gave Odinga a commanding, almost insurmountable, lead but later results favored Kibaki. Kibaki was declared the winner on December 30 amid serious allegations of fraud.\footnote{Gibson & Long (2009) report the results of the only nationally-representative exit poll for the 2007 election. They suggest that Odinga won 46.1\% to 40.2\%.}

Violence broke out soon after the official announcement of the results. As before, Kalenjin youth attacked members of non-indigenous groups. Kalenjin-instigated (opposition-instigated) violence was centered in Kalenjin districts and Trans-Nzoia (a Kalenjin minority district). Harris (2012) finds that this violence targeted the Kikuyu. Unlike the 1990s, however, there were sustained retaliatory attacks by Kikuyu youth on the Kalenjin and the Lou in Nakuru district.

As during the 1990s, the primary violent tactic was arson.\footnote{Existing literature has established that arson was the primary violence tactic during the violence (e.g., Waki Report 2008, Human Rights Watch 1998, 2008) Understanding why arson was chosen among the available repertoire of violence tactics is outside the scope of this paper.} Instigators of the violence attempted to displace local residents of ethnic groups associated with their political opponent and subsequently claim their land (Anderson & Lochery 2008).\footnote{Kasara (2016) argues that a secondary goal of the violence was to redistrict constituencies for future elections, and make safer Kalenjin parliamentary seats. Indeed, Harris (2012) finds that the number of registered Kikuyu voters in Kalenjin districts dropped in areas with arson activity.} Youth torched the farms, shops, and compounds of area residents that they knew to be from the opposing ethnic group. The victims would flee and leave the land for the instigators to claim. Much of the violence was intra-communal: local residents knew where members of other ethnic groups lived locally (Mueller 2008). In the end, some 1,100 were killed and 350,000 were displaced.

The violence abated when Kibaki and Odinga signed a peace accord on February 28, 2008.
The accord set-up a coalition government where Kibaki retained the presidency and Odinga was appointed Prime Minister. Kibaki and Odinga’s parties subsequently shared ministerial positions. And in fact, the Assistant Minister of Provincial Security after 2008 was a member of Odinga’s party. Yet, he claims that he had little *de facto* authority over the PA: “they only give me scraps. I am kept off the real decisions.”[15] Instead, Kibaki and his inner circle made the vast majority of decisions about personnel within the PA after the violence. Kibaki remained president until 2013 when Uhuru Kenyatta, his co-ethnic and an alleged organizer of the Kikuyu-instigated violence, took office.

**Data and Models**

**Archival Data on Chief Appointments**

We construct a dataset of chief and assistant chiefs postings in Rift Valley province. The data comes from administrative officer records located in the archives of Rift Valley’s provincial headquarters from 2009 - 2012. Each provincial headquarters is mandated to keep all bureaucratic records for three years after their publication, after which they have permission to destroy the files (often times the records are purged at the end of the calendar year). The field research for this project began in 2011 - 2012, when Rift Valley headquarters still had records from the immediate aftermath of the violence.

The records list all of the locations and sub-locations within a district (districts are one administrative tier lower than provinces), the officer stationed there, when that officer started her post, or the station’s vacancy if empty. We geolocate each chief and assistant chief’s location or sub-location to its corresponding administrative unit from the 1989 and 1999 censuses so as to merge in demographic information. We are able to geolocate more than 96% of observations in our

[15]Interview with Assistant Minister of Provincial Security, 01 February 2012, Nairobi, Kenya.
study area. We could not geolocate a satisfactorily high number of observations for two districts – Turkana and West Pokot – so we remove them from the analysis.

Geolocating Electoral Violence

We geolocate the post-election violence in two separate ways. First, we use NASA’s Moderate Resolution Imaging Spectroradiometer (MODIS) Thermal Anomalies Fire data to measure whether a given location or sub-location experienced post-election violence between December 30, 2007 - February 28, 2008. As we discuss above, arson was the violent tactic of choice in Rift Valley. Indeed, Kasara (2016) finds that 89% of the 736 police cases during the post-election violence involved arson. Moreover, arson occurred in the same jurisdictions that also experienced post-election violence of other forms (Waki Report 2008).

We follow the procedures other projects have employed when using MODIS to locate political violence. First, the data itself is prepared to ensure that each observation is a fire as opposed to, for instance, hot gas or volcanic activity (Giglio, Desclloitres, Justice & Kaufman 2003). Second, we acknowledge that the satellites sense non-violent fires. We create an indicator variable for whether a fire occurred in the area over the same time in the previous year (December 30, 2006 - February 28, 2007) and use this measure as a control[16] Figure 1 displays arson activity in Rift Valley during the 2007/2008 post-election violence. Figure 2 plots the number of fires per day in Rift Valley from December 30, 2007 - February 28, 2008. As a comparison, we plot the number of fires one-year prior (December 30, 2006 - February, 28 2007).[17]

MODIS cannot identify whether a specific fire targeted Kikuyus, Kalenjins, or members of

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[16] In the Supplemental Information (SI), we re-run the analysis after only including the largest fires – those at the 75th and 90th percentiles of intensity. The results are substantively similar.

[17] We note that there may be error in the geographic accuracy of the MODIS data (see Harris (2012), Boone 2014). In the SI, we re-run our main models after re-coding Arson to consider arson attacks in the event’s nearest adjoining location or sub-location. Our results hold.
other groups. However, we believe that the geographic concentration of the violence alongside pre-existing settlement patterns allows us to infer the target of arson in a jurisdiction.

As a second measure of violence, we use the Armed Conflict Location & Event Data Project (ACLED) to geolocate the full repertoire of violent tactics (Raleigh, Linke, Hegre & Karlsen 2010). We only include events related to the post-election violence in Rift Valley during our period of interest. We create a binary measure of whether a given location or sublocation experienced post-election violence. The results are substantively identical to those using the MODIS data so we report our findings using the MODIS data for the rest of the paper (the results using ACLED are in the SI).

Variables and Specifications

We run logit regressions where our dependent variable is $Fired_{ij}$, a binary indicator of whether a chief or assistant chief $i$ was fired in location or sub-location $j$ sometime during 2008 - 2009. We back out this variable by determining if there was a new hire for the jurisdiction in the wake of the violence. Since chiefs and assistant chiefs are institutionally mandated to be from the area they serve, they can not be rotated – if a new chief is serving in an area this is due to the previous chief having left her post.

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18 We prioritize the MODIS data for two reasons. First, as we describe above, arson was the most common violent tactic used in the post-election violence and occurred in the same jurisdictions that experienced other forms of post election violence, whereas other forms of violence occurred in only a subset of jurisdictions where arson also occurred. Second, ACLED relies on media reports of violence which may suffer from incomplete coverage or biased reporting (Davenport 2009, Eck 2012).
Only looking at locations or sub-locations with officers currently in them, however, under-accounts the number of administrators who were let go because there is a time lag in-between when a chief is fired and when a replacement is hired. For this reason, we also code as $Fired_{ij}$ whether a station was vacant as this indicates that the previous administrator was fired.\textsuperscript{19} Unfortunately, records from the pre-election period (pre-2007) were largely destroyed in line with government policy (as described above). Empirically, this means that we cannot link specific officers to dismissals or measure officer promotion. That said, we are confident in our ability to capture when officers in our sample were hired, and thus whether the jurisdiction an individual chief serves in saw a dismissal in the wake of the violence.

We run three different specifications, first with no controls and then with controls for a total of six regressions. In the first specification, our independent variable is $Arson_j$, a binary indicator drawn from the MODIS data of whether location or sub-location $j$ experienced an arson during the post-election violence. In the second and third specifications, we interact $Arson_j$ with $OppositionDistrict_j$ and $Nakuru_j$, respectively. These are binary indicators of whether a location or sub-location is in an opposition district or Nakuru.\textsuperscript{20} Our regression equations for the main models are as follows:

\begin{align*}
\text{logit}(Fired_{ij}) &= \beta_0 + \beta_1 Arson_j + X_j \quad (1) \\
\text{logit}(Fired_{ij}) &= \beta_0 + \beta_1 Arson_j + \beta_2 OppositionDistrict_j + \beta_3 Arson_j \cdot OppositionDistrict_j + X_j \quad (2) \\
\text{logit}(Fired_{ij}) &= \beta_0 + \beta_1 Arson_j + \beta_2 Nakuru_j + \beta_3 Arson_j \cdot Nakuru_j + X_j \quad (3)
\end{align*}

$X_j$ is a vector of control variables. We control for President Kibaki’s 2007 vote share ($Kibaki$\textsuperscript{19}). We also re-run the analysis after coding $Fired_{ij}$ up to 2010 and 2011 (the results do not change, SI). We also show that officer’s were not exceedingly old before 2007/2008 to warrant mass retirements (see SI).\textsuperscript{20} Separately, we re-run Equation 2 to determine if the results were driven by one district. The results remain consistent with the theory.
Vote Share), local economy conditions by including the number of individuals (normalized) living below the poverty line, ( Poverty Headcount), ethno-linguistic fractionalization as measured by the Herfindahl Index (ELF), and local land grievances by including a dichotomous variable for whether Kenyatta created a settlement scheme in the observation or larger division (Settlement Scheme). We also control for traditional administrative factors by including each location or sub-location’s logged area in sq. km. (larea), logged 1999 population (lpopulation), and ruralness (Distance To Major Town).

Each of our three competing hypotheses has different observable implications for chief management. Hypothesis FogofWar predicts that the government is not able to gather enough information about where violence did and did not occur to discipline officers in any coherent way. The observable implication is thus a null result across all three equations. Hypothesis FogofWar predicts that the government will purge officers in Kalenjin districts based on perceived loyalties, without reference to the actions that actually occurred in their jurisdictions. We would expect a null coefficient on \( \beta_1 \) and a positive coefficient on \( \beta_2 \) in Equation 2.

Hypothesis EvenAccountability suggests that the coefficient on \( \beta_1 \) in Equation 1 and \( \beta_3 \) in Equations 2 and 3 should be positive and significant, as any chief or assistant chief whose jurisdictions saw violence would be held accountable. Finally, Hypothesis UnevenAccountability suggests that chiefs and assistant chiefs should be fired at different rates depending on the direction of the violence in their jurisdiction: officers whose jurisdictions experienced opposition-instigated violence should be more likely to be fired (positive and significant coefficient on \( \beta_3 \) in Equation 2) and officers whose jurisdictions experienced incumbent-instigated violence (negative and significant coefficient on \( \beta_3 \) in Equation 3).
Results

The results are presented in Table 2 and provide strong and consistent evidence in support of the uneven accountability hypothesis. Chiefs in opposition districts, where the violence was instigated by opposition supporters and targeted predominately the government’s co-ethnic Kikuyus, were more likely to be fired if there was violence in their individual (sub-district) jurisdiction. In contrast, chiefs in government-aligned Nakuru, where the violence was propagated by Kikuyus and aimed at opposition supporters, were less likely to be fired if there was violence in their jurisdiction. These results indicate that the Kibaki government selectively fired those officers who oversaw electoral violence in their respective jurisdiction that went against their interests.

[Table 2 about here]

Figure 3 graphs the results from Columns 4 - 6 of Table 2 to show the change in predicted probability that a chief is fired if there was a fire in their jurisdiction, as opposed to whether there was not a fire in their jurisdiction. A chief in an opposition district was 7.0 percentage points more likely to be fired if there was a fire in their jurisdiction (95%CI: 4.4, 9.8) whereas a chief in Nakuru was 21.8 percentage points less likely to be fired (95%CI: 19.3, 24.4) if there was a fire in their jurisdiction.

[Figure 3 about here]

Additional Data to Refute “Purge” Hypothesis

We present additional data that our results were not driven by an indiscriminate purge of officers (Hypothesis FogofWar). To begin, we note that Kibaki engaged in an initial purge of officers with perceived misaligned loyalties when he took office in 2002. Many of Moi’s most ardent supporters in the state apparatus were pushed out of office when Kibaki took office. Indeed, individual

21 We run 1000 simulations with other variables held at their mean.
provinces saw a 20 - 50% increase in new chief and assistant chief appointments during Kibaki’s first year, corresponding to a large turnover in these positions. Those chiefs that survived this initial purge were likely those who were believed to be willing to transfer their loyalty to Kibaki.

We also examine the possibility that perhaps Kibaki was less willing to fire any Kikuyu chiefs, as these are his co-ethnics, regardless of their role during the post-election violence. This alternative explanation would suggest that chiefs in Nakuru were not retained as a form of patronage to their actions, but instead, that all Kikuyu officers had lower turn-over rates as a form of patronage to his base. We empirically evaluate this statement by determining the turnover rates of chiefs and assistant chiefs in the five districts of Central Province, a province that is almost 95% Kikuyu. From 2008 - 2012, the turnover rate in Central Province is 6% higher than the turnover rate in Nakuru. The lower turnover rate in Nakuru suggests that not only did the Kibaki administration grant chiefs’ whose jurisdictions saw violence immunity, but that the administration differentially retained Nakuru chiefs because of their behavior during the post-election violence.

**Robustness Tests**

Our results hold after performing several robustness tests. First, we leverage the temporal specificity of the Kikuyu-instigated violence in Nakuru. We re-run Equation 3 after replacing the explanatory variable *Arson* with a dichotomous variable that only indicates if there was a fire after January 23, 2008, after the opposition-instigated violence in Nakuru began in earnest. Second, we leverage the fact that the violence in Nakuru largely took place in areas where Kikuyus were the local majority but Kalenjins comprised a substantial minority population. We re-run Equation 3 after interacting the interaction term *Arson * Nakuru with an indicator variable for whether the Kalenjin population of the location or sub-location was between 10 - 49%. The results are in the SI are are all consistent with the uneven accountability hypothesis.

Third, we run a placebo test on whether officers who saw a fire in their jurisdiction in the year prior were subsequently fired. December - February are dry months in Kenya so fires during this
season in non-violence years are largely weather related and thus beyond the culpability of an officer. We re-run our main models after re-coding $Arson_j$ as whether a location or sub-location saw a fire between December 30, 2006 - February 28, 2007. The null results (SI) indicate that chiefs and assistant chiefs’ firings were not related to fire activity in the past.

**Violence in Opposition-Instigated Districts versus Nakuru**

We provide qualitative data to indicate that chiefs had culpability in opposition-instigated districts and Nakuru both. To begin, both sides of the post-election violence were organized by political elites (Mueller 2008, Boone 2014, Klaus 2016). To begin, the Waki Report (2008) is explicit about the elite organization of the violence in Nakuru. The report states that the Kikuyu-instigated violence was,

pre-planned ... with the support of [local] political and business leaders. The [Waki] Commission has also evidence that government and political leaders in Nairobi, including key office holders at the highest level of government may have directly participated in the preparation of the attack. Central to that planning were .... senior members of Government and other prominent Kikuyu personalities (121).

The Waki Report (2008) also indicates that the Kalenjin-instigated violence was the result of a “contingency plan” organized by opposition politicians in the event of a Kibaki victory. Kalenjin MPs and elites whipped up anti-Kikuyu sentiment in the run-up to the election which facilitated the mobilization for violence after the results were announced. Kalenjin elites coordinated youth gangs, local businesses and security officers including local chiefs and assistant chiefs (Waki Report 2008, 66 - 73). To the extent that there was variation in the degree of planning, the violence in Nakuru was more organized than the opposition-instigated violence. This suggests that chiefs in Nakuru were more likely to have been directly involved in the planning of the violence or have been given instructions by government elites to enable violence.

Though elites organized the violence, local chiefs and assistant chiefs played a significant role in its continuation after each episode of violence began. Chiefs and assistant chiefs largely used
their state authority to enable violence instigated by their co-ethnics. In Nakuru, the Waki Report (2008) details an incident where local police officers, “spotted some people burning houses and managed to arrest one arsonist whom they were escorting to [the local Chief’s] camp ... The Chief ordered the officers to release the [arson] suspects otherwise he would incite his people to attack them” (110). Similarly, the Waki Report (2008) states that the security services in Nakuru “did not want to stop the violence or were under orders not to do so” (90).

In Uasin Gishu, the Kalenjin district that saw the worst violence, a pastor recalled that he had tried contacting the chief, but

> Nothing happened. Kikuyu young men started trying to defend themselves. There was no response. The Chief arrived with his two police officers who were both Kalenjin. The AP officers started pushing the Kikuyu men back [into the fire] as the Kalenjin men burnt houses behind them (57)

One Kikuyu witness living in Kericho, a Kalenjin district, testified that when he called the Chief for help, “the Chief told me that there is no way he could assist me. The Chief advised me to look for other means of assisting myself” (151). In Baringo, another Kalenjin district, one witness claimed that local chiefs had organized local community meetings “during which sentiments were expressed to the effect that Kikuyus would have to leave and go back to Central Province” (92).

Further, there is suggestive evidence that the Kibaki government not only knew about the actions of some Nakuru chiefs involved in the Kikuyu-instigated violence but did not reprimand them. The Waki Report (2008) indicates that (at least some of) the violence was carried out with area chiefs with direct orders from central government elites (e.g., Waki Report 2008, 90). Evidence from the Rift Valley Provincial archives further supports this claim. In examining complaint letters written by area locals to senior PA officials about their local chief, one group of Kalenjin residents in Nakuru District complained about the local security presence in 2012: “on several occasions your men come to our homes and destroy our houses by burning ... on several occasions, they demand cash from the residents. When one resists giving cash one is arrested and false accu-
sations are leveled like timber harvesting is heaped on you.” This qualitative evidence presented here is by no means a “smoking gun.” But the thinness of this qualitative evidence in part stems from a bias of omission that is biased against us. The Kibaki and Kenyatta governments clearly have an incentive to hide or destroy archival documents that directly show their complacency in retaining chiefs involved in the violence. The fact that we found any documents hinting at the government’s uneven accountability towards Kikuyu chiefs suggests that there likely exists more damning evidence.

Conclusion

In this paper, we develop a theory of how governments manage local-level state officers in the wake of electoral violence. When electoral violence breaks out – whether it is incumbent- or opposition-instigated violence – the incumbent expects officers to react in a manner that is to the government’s political advantage. Yet this begets a moral hazard problem as officers can shirk from the expectations that the state places on them. After the violence, the state has three options to deal with the officers whose jurisdictions experienced violence. First, the government might not have enough information due to the fog of war to punish or reward officers in any coherent way. Second, the government can hold officers accountable based on the fact that violence occurred in their jurisdictions, regardless of their political or ethnic affiliation (“even accountability”). Third, the government can reward officers who oversaw violence in the government’s interest and punish those who oversaw violence that favored the opposition (“uneven accountability”).

We find support for the “uneven accountability” hypothesis in Kenya’s Rift Valley in the aftermath of the 2007/2008 post-election violence. Local bureaucratic chiefs in jurisdictions that saw

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22 Complaint Letter from Mau Forest Residents to Rift Valley Provincial Commissioner and Rift Valley Administration Police Chief, Rift Valley Provincial Headquarters, 30 June 2012. Emphasis added.
opposition-instigated violence against government supporters were more likely to be fired. On the other hand, chiefs in jurisdictions where electoral violence was incumbent-instigated and against opposition supporters were less likely to be fired.

Our findings have implications for future research. First, officer action during political violence can be used by the state to anticipate how the officer will behave during non-violence periods. Officers who used their authority to help the opposition during bouts of violence clearly have the stomach for violence and are likely (more) comfortable engaging in acts of low-intensity coercion against the government in the future. This shirking behavior is especially problematic for the leader as acts of low-intensity coercion are more prevalent than punctuated, infrequent acts of electoral violence (Levitsky & Way 2010, Slater & Fenner 2011, Sullivan 2015).

Further, our findings suggest that the active management of the local security apparatus that we observed in the wake of Kenya’s post-election violence can perpetuate neopatrimonial states. The neopatrimonial relationship that these local officers share with elites is reinforced when the officer is retained. And officers who replace dismissed officers take their position under an implicit agreement with government elites: they can only expect to keep their job if they fulfill the expectations of government elites.
Table 1: Provincial Administration Chain-of-Command

<table>
<thead>
<tr>
<th>Level</th>
<th>Position</th>
<th>Unit</th>
<th>Approximate Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>President</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Ministry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Provincial Commissioners</td>
<td>provinces, 8</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>District Commissioners</td>
<td>districts, ~150</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>District Officers</td>
<td>divisions, ~800</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Chiefs</td>
<td>locations, ~2400</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Assistant Chiefs</td>
<td>sub-locations, ~6600</td>
<td></td>
</tr>
</tbody>
</table>

This table lists the chain of command structure of Kenya’s Provincial Administration. We list their respective unit and their approximate number in 2007.
Figure 1: This map plots the fires that occurred in the Rift Valley between December 30, 2007 - February 27, 2008. Rift Valley Province is heavily outlined; individual districts are lightly outlined. Nakuru is shaded in blue. Opposition districts which saw violence against Kikuyus are in orange.
Fires in Rift Valley: December 31 - February 28

2006–2007

2007–2008

Figure 2: These plots give the number of fires reported in the MODIS data in the Rift Valley during the post-election violence on the right (December 30, 2007 - February 28, 2008) and the year before the violence on the left (December 30, 2006 - February 28, 2007).
Figure 3: This plot graphs the change in predicted probability that a chief is fired if there was a fire in their jurisdiction, as opposed to whether there was not a fire in their jurisdiction with 95% confidence intervals. The top line graphs the predicted probability over all Rift Valley districts, the middle line graphs the predicted probability for opposition districts, and the bottom line graphs the predicted probability for Nakuru. These quantities are simulated using Columns 4 - 6 of Table 2.
Table 2: Main Results – Officer Firings on Local Arson Activity

<table>
<thead>
<tr>
<th></th>
<th>Basic</th>
<th>Opposition</th>
<th>Nakuru</th>
<th>Basic</th>
<th>Opposition</th>
<th>Nakuru</th>
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<td>Arson</td>
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<td>−0.77**</td>
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<td>−0.95***</td>
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<td>(0.23)</td>
<td>(0.27)</td>
<td>(0.21)</td>
<td>(0.23)</td>
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<td>−0.73**</td>
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<td>(0.23)</td>
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<tr>
<td>Arson * Opposition District</td>
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<td>1.24***</td>
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<tr>
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<td>(0.26)</td>
<td>(0.25)</td>
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<td>Nakuru</td>
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<td>(0.35)</td>
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<td>Intercept</td>
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***p < 0.001, **p < 0.01, *p < 0.05, †p < 0.1 Logit regressions of the likelihood of a given chief or assistant chief getting fired by 2009 given an arson in their given location or sub-location during the post-election violence. Columns 1-3 do not include controls; Columns 4-6 include controls. Columns 1 and 4 do not interact Arson with a geographic indicator variable. Columns 2 and 5 interact Arson with whether a given location or sub-location is in a Kalenjin district. Columns 3 and 6 interact Arson with whether a given location or sub-location is in Nakuru. The derivation of the variables is described in the text. Standard errors are clustered at the district level.
References


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