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**SEPARATING THE BABY FROM THE BATH WATER: WOMEN'S RIGHTS AND  
THE POLITICS OF CONSTITUTION-MAKING IN KENYA**

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**ABSTRACT**

This article looks at the process of constitution-making in Kenya from 1990s to 2005 when the proposed new constitution (the product of the process) was rejected in a national referendum held in October 2005. It avers that Kenyan women had succeeded in getting many of the issues that they considered important included in the constitution and should have lobbied to have that constitution adopted. The defeat of the constitution, the authors assert amounted to throwing away the baby with the bath water. It also negated gains that seemed so close to being realized setting the quest for gender equality back considerably.