

## Social Representations of the 2011 Kenyan- Related ICC Court Proceedings by Mainstream Kenyan Print Media

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### Abstract

### Original Research Article

The media play a central role in disseminating information with the aim of creating awareness of topical issues, including legal issues. Various studies have established that news from the media is a popular source of information on current events. Similarly, the public's knowledge, beliefs and attitudes towards legal systems are largely shaped by the media information they receive, thus, the need for examining the content and nature of information being disseminated by the media. Correspondingly, the Social Representation Theory (SRT) offers a framework for studying how the media communicates about issues through the mechanisms of objectification and anchoring, with the aim of creating awareness and promoting understanding. It is against this backdrop that this study examined how two leading Kenyan newspapers used elements of objectification and anchoring to represent the ICC process involving six Kenyans accused of being key perpetrators of the 2007/08 Post-Election Violence. Guided by the tenets of the SRT, this study used an analytical research design to identify and describe elements of objectification and anchoring used in the coverage of the Kenyan ICC confirmation of charges hearing proceedings by the two leading daily newspapers in the country: *Daily Nation* and *The Standard*. It was established that the newspapers used various elements of representation that were fused with ideological undertones and sensationally designed to arouse emotional reactions in readers, especially when the ICC process was represented as an aggressive struggle or war between the prosecution team and the Kenyans who were facing charges at the court.

**Keywords:** Anchoring, International Criminal Court, Objectification, Social Representation Theory.

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## INTRODUCTION

The socialising role of the media in their various forms cannot be gainsaid. Barak (1994) posits that communication from the media provides an avenue through which a person learns and understands the world outside his or her immediate experience, with this information often used to supplement their perceptions of the world. The images created and disseminated by the media also play a role in shaping their public's views and opinions of the world's values which include what they consider good or bad, positive, or negative, moral, or evil (Kellner, 1995). Therefore, how the media represents social issues greatly determines how their audiences may understand and support them (Picard, 1998).

Empirical evidence from various scholars (Okoro, 1993; Okigbo, 1992) similarly confirm that the media in Africa function as agents for transmitting

information and news needed to balance the knowledge gap and to stimulate the public's level of interest and participation in development programs. They also play an important role in decision making process by providing information, a platform for articulation, aggregation and formation of public opinion (Carrabine, 2008; Surette, 2007).

However, the same media have also often been accused of promoting various negative effects on their audiences, such as violence, discrimination and conflict (Galtung, 1998; Lynch & McGoldrick, 2005). These allegations are based on the postulation that media discourse is important in shaping the images and representation of events by their audiences. Thus, how the media report about various social issues affects not only their audiences' understanding of them but also what they perceive to be the right way to relate to these issues. This line of thinking is further enhanced by the growing realization that media news is often not a

mirror of reality, but rather a representation of the world, and that all these representations being selective, makes it impossible to have an absolute truth about media representations (Schudson, 2003). Therein lies the need for continuous examination of the various representation mechanisms employed by the media (Schudson, 2003; Lynch & McGoldrick, 2005).

### **The Kenyan Scenario**

Similar concerns have also been raised regarding media operations in Kenya, where there exists a plural, sophisticated and robust mass media and communication sector that serves the various competing political, social, economic, cultural and technological needs of diverse interest groups (British Broadcasting Corporation (BBC), 2008). There are over 8 daily newspapers and over 10 weekly newspapers in the country and it is estimated that about 2.2 million urban population read newspapers daily compared to 2.6 million rural population who do not (Mbeke & Mshindi, 2008). Also, with the advancement in technology and a need to capture a more tech-savvy audience, most popular newspapers have made their papers available online, further ensuring they reach diverse audiences.

Politicians in the country have also taken interest in media ownership, resulting in the media being accused of providing political news favouring politicians aligned to them and some of the indigenous media outlets being accused of inciting one community against the other (BBC, 2008). For instance, the role of the Kenyan media in the 2007 Post-Election Violence (PEV) has repeatedly been questioned. They have been accused of taking sides in the run up to the 2007 election (Mbeke & Mshindi, 2008), and of failing in their watchdog role by not acknowledging and highlighting the main reasons behind the PEV but instead reducing it to a two-man war affair, between the leaders of the two political parties; Orange Democratic Movement (ODM) and Party of National Unity (PNU) (Msungu, 2008). However, a report by the British Broadcasting Corporation (BBC, 2008), asserts that the same media also played a significant role in mobilizing national and international opinion to promote peace and reconciliation in the country. This in turn may have had a constructive move that helped to reunify Kenya (Ogenga 2012, Mbeke & Mshindi, 2008, Mutua, 2008). This then highlights the significant socialising role that the Kenyan media can play within the society, especially in regard to unifying their audiences towards a course.

It is against this backdrop that the Kenyan media actively reported on the ICC process involving the Kenyan PEV suspects. However, questions bordering on the quality of the media content have been raised, based on how they have covered the ICC process (Human Rights Watch (HRW), 2011). In line with this, Simiyu (2013) asserts that the issue of the Court process received massive amounts of space in both print and

electronic media. Correspondingly, independent surveys conducted immediately before and after the commencement of the ICC process found that an overwhelming majority of the general public perceived the ICC as the most trustworthy, independent, and reliable forum that could punish the perpetrators of the 2007/8 PEV. For example, a survey conducted by Infotrack Research & Consulting (November, 2009) showed that the public's support was 62% for the ICC trials while 2% were in support of a local tribunal to be held in Kenya. Similarly, a poll by Ipsos Synovate (October, 2010) indicated that the public's support for the ICC trials was at 54% against 22% for local tribunal. In line with this, Materu (2014) posits that the process received endorsements from numerous quarters like the Kenyan Catholic Church, African Centre for International Legal & Policy Research and other civil society organisation. These statistics highlight the level of the Kenyan public's support for the court, despite the fact that majority of Kenyans were being introduced to the court and its process for the first time during the confirmation of charges hearings (Musila, 2009).

Seeing as the Kenyan media have been shown to be influential in providing the public with information regarding the ICC process, it is therefore of significance to find out how they represented the process to their audiences through their reporting. This is due to the fact that majority of people receive much of their impressions and knowledge of the criminal justice system through the media (Dowler, 2003). Scholars have also accredited the significant role of the media in providing their audiences with knowledge and information regarding crimes, criminal and justice systems (Marsh, 2014; Chan, 2013). For instance, Marsh (2014) posits that even if people might have first-hand understanding of the justice system, it is almost inevitable that their ideas and understanding of the system will have come from the media reporting they consumed. He argues that it is then sensible and realistic to accept that media representations become real for many of their audiences. Consequently, he advocates for continued examination of the manner and style in which the media represents criminal and justice systems and process in order to understand the ways in which such representations might impact on the target audiences.

### **Media Representation Mechanisms**

The media often employ the art of representation in their attempt to inform and educate their audiences. Media representations are the various ways through which the media depicts particular groups, communities, experiences, ideas, or topics from a certain ideological perspective. Hall (1997) describes representation as made up of two different systems; mental representation and language representations. This study focused on representation through language, where language in this context refers to the written, spoken and visual elements used in the communication

process. Hall (ibid), posits that representation through language helps us make sense of the world we live in, and that we are able to express complex thoughts to other people through language in ways through which they are able to understand them. According to Mackay (1997), any sound, word, image or object which functions as a sign and is organised with other signs into a system which is capable of carrying and expressing meaning is language. Representation is therefore the production of the meaning of the concepts in our minds through language (Hall, 1997; Mackay, 1997).

In his essay on the role of the media in transmitting ideologies, Hall (1980) posited that the media, as a principal form of ideological dissemination, produces representations of the social world through the images and portrayals they use in their messages. According to him, the media uses the art of representation to communicate or transform complex ideas into what is perceived as actual and tangible. In agreement with Hall, a significant body of research (Ross, 1992; Croteau & Hoynes, 1997; Dimpleby & Graeme, 2001) suggests that the media, as a key transmitter of representations and as a major source of information within society, has the power to control and shape attitudes and beliefs held by their audiences.

The media uses various mechanisms such as propaganda, stereotyping, framing, objectification and anchoring, to enhance their art of representation. This study focused on objectification and anchoring as advanced by the Social Representation Theory (SRT) (Moscovici, 1973; 2001). By analysing their various elements, these two concepts can be used in understanding how new social representations are developed when various elements of representations are included in a message (Moscovici, ibid).

Anchoring promotes the categorisation of unfamiliar phenomena through their comparison with already existing, familiar and culturally accessible objects (Moscovici, 1984). As a mechanism, anchoring encompasses elements such as naming; emotional anchoring that is achieved through language, illustrations or photographs; metaphors and antinomies. Objectification on the other hand is the process whereby unfamiliar and abstract phenomena are transformed into concrete common-sense realities by attributing to them physical characteristics thereby making them easier to relate to and understand. In order to objectify a phenomenon, the media might personify or emotionally objectify it through images that will give it physical attributes.

Correspondingly, Moscovici (1998) in his theory posits that the media when using the process of anchoring, aim at reducing strange ideas into ordinary categories and images by setting them within familiar context that their audience can use to help them

understand. As a mechanism, anchoring encompasses elements such as naming; emotional anchoring that is achieved through language, illustrations, or photographs; metaphors and antinomies. Objectification on the other hand, aims at turning an abstract idea into something almost concrete by relating it to something existing in the physical world, by attributing to them physical characteristics thereby making them easier to relate to and understand. In order to objectify a phenomenon, the media might personify or emotionally objectify it through images that will give it physical attributes (Moscovici, 1984). Thus, according to Moscovici (ibid), without these mental representations, media consumers may not be able to interpret information in order to make it understandable. Billig (1993) and van Dijk, (2000) posit that an analytical approach to the study of anchoring and objectification can expose how these processes function discursively in the domain of media text through the analysis of print media.

Depending on how the public understands these representations, they may also act as guides for action (Abric, 1994). The same can be said of media communications where different elements of representations such as naming, metaphors, photographs or personification, are used to aid in the interpretation of a social phenomenon. In line with this, Van Dijk (2000) advocates for studying news articles with the aim of highlighting how social issues are covered by the print media and making inferences to their possible denotations. Greenberg (2002) also advocate for thematic mapping of news texts as a means of revealing embedded media messages.

### **Social Representation Theory**

This study was guided by Serge Moscovici's Social Representation Theory (SRT) as advanced in his 2001 edition (Moscovici, 2001) for use in communication and media studies. The theory attempts to link the media and the public through the communicative representation mechanisms of anchoring and objectification. The theory posits that the media, by using the representation mechanisms, provide their audiences with a framework by which they can make sense of their social world and their understanding of social issues affecting them (Moscovici, 1984; 2001; Wagner & Hayes, 2005). According to the theory, the media while enabling communication to take place amongst members of a community also provides them with a code for social exchange that helps them classify new phenomena in their world.

The theory is relevant for media and communication research such as this one, because by advancing the two representation mechanisms, media scholars are able to understand and explain how phenomena are communicated and transformed into what is perceived of as common-sense knowledge by

the public, which eventually aid in their interpretation of them (Bauer, & Gaskell, 1999). It has thus been widely accepted and used by various media scholars (Biling, 1993; Lippman, 1998; Berglez, *et al.*, 2009; Höijer 2011; Olausson, 2010) to enhance on the media effects debate, by studying how the media and citizens socially represent societal and political issues affecting them. Similarly, Joffe (2002) advocates for the use of the theory in media or communication research where the aim is to assess the emotions brought about by using symbols infused with emotional undertones. Bauer and Gaskell (1999), also assert that the theory offers a wide range of empirical research methods, both quantitative and qualitative, that can be used in communication research, by providing a possibility of developing a relationship between the theoretical and empirical levels of a research methodology.

The first tenet of the theory posits that each of the mechanisms (objectification & anchoring) has elements that help in promoting it. Identifying these elements is useful when studying the mechanisms and their usage in a text. The second tenet of the theory posits that the various elements of representation facilitate knowledge through their various meanings and effects on users. In this study, these elements (of objectification & anchoring) were quantitatively identified to ascertain their usage and occurrence in the two newspapers. Once identified, the various interpretations of the identified elements were qualitatively analysed to understand their implications on the overall representation of the ICC process.

The study therefore used the theory to provide not only the theoretical basis for the qualitative analysis of the texts and images, but also for the quantitative analysis of the elements of objectification and anchoring used by the two Kenyan newspapers to represented the ICC process.

## METHODOLOGY

This study used an analytical research design in analysing and evaluating the media texts (Mugenda & Mugenda, 1999). A population of eighty-six (86) issues of the *Daily Nation* and *The Standard* newspapers produced on weekdays between the months of September 2011 and October 2011 were considered for analysis. Based on the fact that in Kenya,

newspapers produced during the week often provide new accounts of everyday happenings while weekend issues summarise the reports of the whole week (Matu, 2003), studying the weekday issues enabled the examination of daily accounts of the ICC process as reported by the newspapers. Within this period, each newspaper produced an issue daily for one month, providing a total of forty-four (44) issues for both newspapers in the month of September and forty-two (42) issues for both newspapers in the month of October.

A three-step purposive sampling method (Newbold *et al.*, 2002) was used in selecting first, the two newspapers because they are market leaders, then the months of September 2011 and October 2011, the period the confirmation of charges hearings took place at the ICC, as the parameters for the research. Finally, the hard news articles reporting on the ICC process were selected as relevant content to the study. The unit of analysis was one news article per newspaper issue including any photograph in it. 'Hard news articles' refers to those reports published on the front page or in 'National News' pages of the Kenyan papers that tend to be objective, as opposed to editorial articles that are often subjective in nature (Schudson, 2003).

A sample size of 38 news articles was used, with each newspaper contributing equal number of articles for analysis was used, where, for the month of September, 30 news articles were sample and for the month of October 8 news articles were sampled after it emerged that the newspapers stopped reporting on the confirmation hearings by 10<sup>th</sup> October. A coding sheet was employed in collecting the data which was then analysed quantitatively to record the frequency of occurrence of the identified elements of representations and qualitatively to study their inherent meanings. The qualitative analysis was based on the tenets of the SRT (Moscovici, 2001) where different elements of anchoring (naming, thematic anchoring, antinomies, and metaphors) and objectification (personification).

## RESULTS AND DISCUSSION

The representation elements that were identified and their frequency of occurrence are shown in Table 1.0.

**Table 1.0: Occurrence of Elements of Representation**

	<b>Elements Of Representation</b>	<b>Frequency Of Occurrence (N=38)</b>
1	Photographs	36/38
2	Antinomies	22/38
3	Thematic anchoring	27/38
4	Metaphor	21/38
5	Personification	12/38
6	Naming	15/38

## Photographs

According to the social representation theory, the media may use photographs to help in anchoring new phenomena in emotions that are easily understood by their audience. This in turn makes it easier for the audience to make sense of the phenomenon by attaching emotions to the photographs they see. Correspondingly, newspapers do not merely use photograph to accompany a text, but they use those that can draw the attention of the reader to the text or those that have significant messages in them (Engel 2008). Thus, as shown in table 1.0 above, it emerged in the study that out of the 38 news articles that were analysed, 36 of them had photographs accompanying the written texts while only 2 did not have photographs.

The photographs used in the studied news articles were those that emphasised either the public's reaction to the court process or the court's proceedings, with focus being on the accused and prosecution teams. In most of the stories, the accompanying photographs did not match the headline. For example, in the *Daily Nation*, September 1, 2011, the story 'Trio gets chance to fight charges' was accompanied by a photograph of a group of people holding placards, with a caption reading: "Families displaced by the post-election violence celebrate the decision by the ICC to throw out Kenya's appeal challenging trial of the Ocampo Six at The Hague in Nakuru yesterday". Going by the heading of the story, one would expect a photograph of the 'trio' to have been used. Similarly, *The Standard*, September 30, 2011's article: "Face-off: Uhuru, Ocampo lock horns in court", had a photograph of one of the accused persons jovially greeting some of his supporters who had arrived at The Hague to support him.

When a photograph is used in a news story, besides drawing the reader's attention to the story, it should also provide more details about the information presented (Engel, 2008). Thus, in the case of the photographs studied, this was not achieved because of the miss-match between the photographs and the information presented.

Additionally, Barthes (1982; in Engel 2008) in his study on the functions of media photographs found that newspaper photographs are never isolated structures but often have captions that provide a short description of the picture and why it has been used in the article. They help the readers understand what they see. Captions anchor the image by naming it and this anchoring function is a common practice used in mass communication (Barthes, 1982 *ibid*). Thus, considering the importance of captions especially in textual analysis, this study also sought to determine whether the photographs used had accompanying captions to explain them. This in turn would help in understanding how the photographs and their captions were used to objectifying and anchoring the ICC process.

Accordingly, 32 of the photographs had captions explaining them while 4 did not.

When captions anchor photos in relation to a story, they feed the reader with information on people, time and place included in the picture (Engel 2008). They also provide snippets of details that make the reader want to read more from the text. Captions also place a particular interpretation on the image that helps in shaping how the reader understands that image. For example, a story appearing in one of the news articles, had a photograph of a group of people holding placards, with a caption reading; "Families displaced by the post-election violence celebrate the decision by the ICC to throw out Kenya's appeal challenging trial of the Ocampo Six at The Hague in Nakuru yesterday." (*Daily Nation*, September 1, 2011). This caption explains who the group of people was and why they were demonstrating.

On the other hand, Barthes (1982) opines that when captions are not used, then a photo is opened up for varied interpretation. Similarly, when the newspapers used the four photographs without captioning them, they risked allowing their readers to interpret them depending, for example, on their subjective inclinations.

## Antinomies

The Oxford Online Dictionary defines an antinomy as a contradiction between two beliefs or conclusions that are in themselves reasonable. Olausson (2010) asserts that one of the anchoring mechanisms employed by the media is anchoring in antinomies or in distinctions. The process helps in transforming the unfamiliar into something familiar by constructing meaning when a distinction is made between two things. It often has the effect of creating sides where the audience is made to decide on which side they stand. Thus, when using antinomies, the media understands that the public's sense making is sometimes based on their ability to make distinctions or to think in oppositions, or antinomies (Markova, 2003). Proponents of the SRT (Moscovici, 2001; Billig, 1993; Markova, 2003) also posit that the public often tend to relate to a new idea if it is delivered to them in opposites, where there are two opposing sides and they are made to choose a side, they can relate to and support.

Correspondingly, various antinomies were found to have been used by the two newspapers under study, with 22 of the news articles using antinomies, while 16 of them did not. The most common antinomy was the one that placed the defence or suspects' team against the prosecutor and his team, be it in the form of Uhuru versus Ocampo or Ruto versus Ocampo. This could eventually be perceived as a 'we' versus 'them' antinomy, where the 'we' may have represented anyone who was against the court process

while ‘them’ represented those in support of the court process. For example, one of the newspapers had headline that read: “Ocampo, Ruto group clash at chaos hearing”, (*Daily Nation*, September 2, 2011) or another that read: “Trial: Prosecution, Defence come face to face”, (*The Standard*, September 2, 2011). In these two statements, the ‘we’ could be anyone supporting the accused and their defence team and ‘them’ those supporting the court prosecutor and his team.

For the antinomy of Kikuyus versus other tribes in Kenya, an example is of an article with the heading: “Muthaura witness says violence erupted after Kikuyus were evicted”, and a part of the article which stated that: “There were attacks in Molo where mostly kikuyu were attacked.....in Nakuru where I lived there were attacks on kikuyu in Kaptembwa, ...the attacks were on kikuyus” (*Daily Nation*, September 27, 2011). This article cites the dispute between the Kikuyu tribe and other tribes in Kenya as the main cause of the violence. It is important to note that the then president of the country came from this tribe and also two of the accused persons, Mr. Uhuru Kenyatta and Mr. Muthaura. Therefore, by using the antinomy of ‘us’ to represent members of the kikuyu tribe, and ‘them’ to represent members of the other tribes, the message was that the reader could identify with any of the sides and support them.

Mungiki versus the Kenyan police as an antinomy was also identified in articles where the defence teams attempted to prove the innocence of the suspects by showing how the Kenyan police, headed by one of the suspects, Mr. Ali, constantly disapproved and fought the ‘outlawed gang’. For instance, one of the articles had the following statement that shows the disharmony between the police and Mungiki: “Ali’s defence team .....argued that his client could not have had any dealings or soft spot for Mungiki because the police under his command had unrelentingly fought the outfit” (*The Standard*, September 22, 2011).

Another antinomy that emerged was the antinomy of Kenyan court process versus The Hague/ICC court process. For example, when an article in the Daily Nation (*Daily Nation*, September 8, 2011) compared the two-court process and highlighted the outstanding qualities of the ICC court process with words such as “they do not possess the drama that we otherwise are used to with regard to local television programmes that depict court processes as stages of drama” and “even among lawyers, there is the view that the Hague-based court’s processes are very different from Kenya’s”. These statements bring out the distinctions of one court process, the Hague one, as being superior and effective than another, the Kenyan one, which is full of intrigues.

### Thematic Anchoring

Themes refer to the central idea or the main message that an author of a text tries to convey in a written work. Identifying themes in a text involves looking for topics that repeatedly show up in the text. The SRT (Moscovici, 1984) posits that antinomies and photographs can lead to the formation of themes within a written text. Similarly, proponents of the SRT (Markova, 2003; Moscovici, 2001) opine that for a social representation to be formed, there should be a central theme emerging in a text and this in turn helps in promoting a common understanding of a phenomenon amongst a social group. In this regard, in the study, out of the 38 articles that were analysed, 27 had thematic anchoring while 11 did not.

The 11 articles were recorded as having no thematic anchoring because they did not have one central theme being promoted in them but instead, they had more than one. For example, an article advanced the theme of war in the headline with the words; “Uhuru clashes with Ocampo over Mungiki” while the accompanying texts expanded the theme of self-glorification with words such as: “ Mr. Kenyatta’s statements came at the end of a day in which he sought to cast himself as a nationalist and statesman.....dressed in a dark suit, light blue shirt and stripped purple tie to match, Mr. Kenyatta spent six hours offering evidence.....Mr. Kenyatta cited key moments in his political career when he said he went against the grain of expectations in his native Central Kenya” and other numerous statements of Mr. Uhuru refuting claims and at the same time praising his impeccable track record as a finance minister. (*Daily Nation*, September 30, 2011).

The most recurrent theme was the theme of war/struggle that appeared in 27 of the 38 articles that were studied. This theme was amplified whenever the articles represented the ICC process as a war or struggle between the suspects and their defence team and the prosecution team led by Mr. Ocampo. These articles mainly discussed the ways in which the prosecutor and his team were fighting a legal battle with the suspects and their defence teams. For example, consider the following headlines that propelled the theme of war/struggle: “Uhuru clashes with Ocampo over Mungiki” (*Daily Nation*, September 30, 2011) and “Suspects to fight off retaliatory attacks charges” (*The Standard*, September 21, 2011). by using statements such as ‘clashes’ and ‘fight off’ the headlines advanced the theme of war or struggle between the defence team and prosecution team.

The theme of justice was also identified when the newspapers repeatedly quoted persons who expressed their faith in the ability of the ICC process to bring to justice those found guilty of perpetrating the PEV or instances when the accused persons felt that the process would provide justice by acquitting them of any wrong doing, thus clearing their names. For example, in

one of the articles, a PEV victim is quoted as saying that they don't have faith in the Kenyan justice system and as such the suspects should go to The Hague then justice will be found. (*The Standard*, September 26, 2011). This quote shows the faith the PEV victims might have had on the ICC process' ability to deliver justice because they felt that the Kenyan justice system had failed them by not bringing the perpetrators to book.

The theme of nationalism/self-glorification manifested whenever the articles praised the Kenyan government's commitment towards the ICC process and whenever the suspects who were top civil servants in the Kenyan government praised their exemplary works. For example, an article with the heading: "Muthaura says Ocampo does not understand Government" had a statement from one of the accused saying that: "I sat every morning without fail and the records and recommendations are there. I went to state house to facilitate meetings with foreign diplomats, Kenyan ministers, political leaders, religious and church leaders." and another: "Activities that take place at state house are very formal and they could not have had Mungiki, a criminal gang, hanging around there." (*The Standard*, September 22, 2011). In these examples the accused person is seen praising himself of an impeccable track record, thus, he could not have had time for and link with the PEV. The Kenyan government, represented by the state house is also cast as a serious institution that does not have time to mix with illegal gangs like Mungiki.

Injustice as a theme was fostered when the articles reported on the process or repeatedly quoted sources who accused the court of unfairly victimising the six Kenyans before it. For instance, an article had a headline that read: "Elders plan prayers for Ocampo three", with a pull-out quote: "we know that our God will help them succeed while there at The Hague as it happened before" (*Daily Nation*, September 6, 2011) this insinuates that the process is an injustice that even God could intervene to save those accused unjustly.

The process was also thematically anchored as promoting human rights whenever the news articles recalled the injustices committed during the post-election violence and whenever they quoted victims of the PEV as supporting the process. For instance, the *Daily Nation* (*Daily Nation*, September 9, 2011) had an article with the heading, "Nairobi lawyer a lone voice in the fight to secure justice for victims". This article highlighted the various plight of the victims of the PEV and how their human rights were violated during the PEV and their right to have their grievances heard at the court.

The theme of crime was advanced when the news articles highlighted the criminal offences committed during the PEV and the need for the ICC

process. Consider for example an article with the heading: "ICC: prosecution reveals horrific poll chaos details" and an in text that read; "in one account, a perceived ODM supporter was attacked with a club covered with sharp spikes that pulled out flesh with each blow, according to the testimony of one witness" (*The Standard*, September 26, 2011) or another article that read: "in one incident, 19 people- including women and children- were burnt alive after being cornered by suspected Mungiki youth (*Daily Nation*, September 28, 2011).

### Metaphors

The Oxford Dictionary and Thesaurus (1996) defines a metaphor as a descriptive term or phrase to an object or action to which it is imaginatively but not literally applicable. Metaphors aid in making things and phenomena comprehensible by imagining them as something else (Lakoff & Johnson, 1980) and according to the SRT, metaphors can also be used to anchor and objectify a new phenomenon by representing it within well-known subjects of life and culture (Moscovici, 2001). In the process of identify elements of objectification and anchoring, the study found that out of the analysed 38 articles, 21 had metaphors in them while 17 did not.

Metaphors were identified based on the Word Sense Disambiguation (WSD) approach that works on the notion that many words in natural language have more than one sense or meaning (Birke & Sarkar, 2006). Thus, the aim of identifying the metaphors used in relation to the ICC process was to decode or disambiguate the sense of a word or how the word was used in the context of the ICC process. For example, the *Daily Nation* (September 7, 2011) had an article whose headline read: "Suspects' lawyers poke holes into Ocampo evidence" and an introductory statement that read; "Mr. Kosgeys' lawyers resorted to a technical analysis of the evidence to tear it apart with what they say is rebutting evidence." The words 'poke holes' and 'tear apart' can mean to disfigure or to destroy an object. However, based on the context in which they have been used in the article, they denote the concept of discrediting the evidence put across by the prosecutor against the suspects.

Similarly, mapping of concepts was also employed as a means of determining the idea or theme brought out by the use of the metaphor (Lakoff & Johnson, 1980). For example, an article in one of the newspapers stated that: "In the closing submissions, prosecutor Cynthia Tai went for a blow-by-blow attack on the evidence tendered by the three suspects in their defence (*The Standard*, September 9, 2011). A mapping of the concept of war is enhanced by the words 'blow-by-blow attack', thus the closing submissions are viewed/understood in terms of a battle or fight. This type of identification and analysis of metaphors is in line with Shutova's (2010) assertion that processing of

metaphors can be divided into two subtasks of first recognising the metaphor by distinguishing between its literal and metaphoric meaning in a text and second, metaphor interpretation to identify the intended meaning in a text.

Correspondingly, some other metaphors identified in the studied articles included an article with the headline: “Kenyatta bites the bullet and chooses to be cross examined as witness for two days by defence lawyers, prosecutor and judges.” (*The Standard*, September 15, 2011). In the literal meaning, ‘biting a bullet’ is to endure an unpleasant situation that is unavoidable. In the context of the ICC, this could denote taking a risk that could lead to the defendant’s downfall. Such a metaphoric phrase puts the reader on tenterhooks to want to find out the outcome of the process. It also portrays the ICC process as very difficult one where one needs to take risks.

Another article had the following pulled out quote: “No magical bullet to turn the case in Ocampo’s favour, says lawyers” (*Daily Nation*, September 7, 2011). Literally, a ‘magical bullet’ refers to something that solves a difficult problem by providing an effective solution. In the context of the ICC process, it would denote a case of hopelessness, because there is no possibility for the prosecutor to pin down the defendants and also shows that he is losing the case.

### Personification

In objectification by means of personification, an idea or phenomenon is linked to specific persons. As an element of representation, personification is a communication technique used by the media when representing unfamiliar issues in news by, attaching the issues to well-known public figures in order to draw attention and popularize courses of events (Moscovici, 2001). The media do this by using people who serve as objects for creating meaning and identification. To effectively employ this mechanism, the media often use personalities with whom their audiences can identify or are familiar with (Allern, 2002). Thus, how the public understands the phenomenon is based on how they perceive and appreciate the personalities (Allern, 2002; Höjjer; 2011).

In this study, personification was identified whenever an individual was repeatedly used in reference to the ICC process. Out of the 38 articles that were studied, 12 employed personification mechanism while 26 did not. It emerged that Ocampo was repeatedly used to personify the process. For instance, when the newspapers kept on terming the case as Ocampo’s case; Ocampo’s evidence; Ocampo’s team; or Ocampo’s surprise (*Daily nation*, September 7, 2011; *The Standard*, September 2, 2011; *Daily Nation*, September 2, 2011; *The Standard*, September 20, 2011). Such a representation meant that the reader may have ended up associating the process with Mr.

Ocampo, who was the prosecutor at the time, and thus, they might have understood the process based on how they perceived him.

Some of the elements of personification identified in articles included the on the following headline: “Uhuru, Ruto out to trash Ocampo evidence on chaos hearing (*Daily Nation*, September 21, 2011). In this statement, Mr. Ocampo is attached to the evidence brought against the defendants. Also in the following headline: “Ocampo’s surprise” (*The Standard*, September 20, 2011), Mr. Ocampo is used to personify the ICC process and everything taking place in it.

Similarly in the following headline: “Ocampo’s case based on flawed probe, says Ruto.” (*Daily Nation*, Friday, September 2, 2011), the confirmation of charges is termed as Ocampo’s case, thus he personifies the court process. Considering that there were other prosecutors involved in the court process, Mr. Ocampo being the chief prosecutor may have been repeatedly used to personify the process because he was the only prosecutor the Kenyan reader was conversant with, him having visited the country previously.

### Naming

The social representation theory (Moscovici, 2001) posits that, for a group to come to a basic understanding of an unfamiliar phenomenon, they need to name and attribute to it characteristics which eventually allow the phenomenon to be communicated and talked about. Similarly, in order for the Kenyan public to have developed an understanding of the ICC process, it may have been necessary for the newspapers to name it and attribute to it familiar characteristics that their Kenyan readers could relate to. Conversely, in the current study it emerged that out of the 38 news articles that were analysed, 15 used naming elements as opposed to 23 articles that did not have the elements.

In this regard, it emerged that most of the names used were those targeting the suspects by calling them ‘Ocampo Six’. For instance, a photograph in one of the articles studied had a caption saying; “post-election violence victims at Nakuru....follow the confirmation of charges hearing against the first group of the Ocampo Six.....” (*Daily Nation*, September 20, 2011). The other names that emerged included: “The Trio” in reference to the accused; “The Situation” in reference to the PEV; “Chaos Hearing” in reference to the ICC process; “The President’s Men” in reference to the accused persons who were in the government; “Battle-Hardened Team” in reference to the experienced prosecution team; “Mungiki Scarecrow Gang” in reference to the people who committed atrocities during the PEV; “Mindless Robots” in reference to the policemen who shot harmless civilians

during the PEV and “Mungiki Theory” in reference to the charges brought against the accused.

For example, an article in the *Daily Nation* (*Daily Nation*, September 2, 2011) had the following headline: “Ocampo, Ruto group clash in chaos hearing”, that named the ICC process as chaos hearing, in reference to the fact that the six Kenyans facing charges at the court were accused of being perpetrators of the PEV that caused chaos in the country. The *Daily Nation* also had articles with the headlines: “Elders plan prayers for Ocampo three” (*Daily Nation*, September 6, 2011) and “Trio gets chance to fight charges” (*Daily Nation*, September 1, 2011) where Mr. Kenyatta, Mr. Muthaura and Mr. Ali are referred to as ‘Ocampo three’ and ‘the trio’. Also, the headline: “Uhuru’s turn to take the stand in his own defence” had a statement that referred to the PEV as “the situation in Kenya” (*Daily Nation*, September 28, 2011), shows the way the case relating to the PEV is characterised by the prosecution team.

Likewise, an article in *The Standard* (September 21, 2011) with the headline: “Suspects to fight off retaliatory attacks charges” had an introductory statement that read: “President’s men set to defend themselves against ICC charges of allowing and financing Mungiki attacks” and a statement that said: “a prominent name will be Mungiki ...said to have been used by the second set of the Ocampo six.” In this article, Mr. Kenyatta, Mr. Muthaura and Mr. Ali are referred to as the ‘president’s men’ because of their linkage with the president’s political party and government. At the same time all the six Kenyans facing charges at the court are referred to as ‘Ocampo six’ because Mr. Ocampo is the seen as the one accusing them.

The SRT posits that the media when using the mechanisms of objectification and anchoring will often employ representation elements such as photographs, metaphors, antinomies, naming, thematic anchoring and personification. Subsequently, their identification in the studied media articles proves that the Kenyan media employed the two mechanisms in their reporting in order to develop social representations around the ICC process.

## CONCLUSION AND RECOMMENDATIONS

The foregoing discussion has shown that the two newspapers used various elements of objectification and anchoring in their representation of the Kenyan ICC process. These elements in turn ended up portraying the process as highly combative and violent by using representation elements such as metaphors that enhanced the theme of war; antinomies that forced the reader to pick a side to support; photographs that evoked various emotions and thematic

anchoring that propelled the theme of war as a representation of the court.

However, considering the assertion by media scholars that crime and court process reporting is often susceptible to sensationalism as a means of getting an edge (Mc Neely, 1995; Dowler, 2003), these reports may have fundamentally been designed to arouse strong emotional reactions in readers. Hence, although the newspapers’ coverage of the ICC process may have contributed to creating awareness of the process, such a representation could derail the country’s continued national cohesion efforts considering that the accused persons come from ethnic tribes that are alleged to have been at war with one another during the PEV.

This study therefore recommends that, whilst anchoring and objectification in the media enhances a reader’s engagement in an issue (Hojjer, 2009), media reporters should be cautious not to use representation elements that are infused with language and imagery that could potentially be misleading. This is due to the fact that false or misleading analogies can create potentially permanent impressions on their audiences’ imaginations, thereby affecting their subsequent discourse and behaviour regarding a social phenomenon (Moscovici, 2001). Conclusively, given the significant role of representation in knowledge generation, there is need for continued study on how social representation mechanisms are employed in other media such as Television and film.

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