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HATE SPEECH: A DERIVATIVE OF KENYAN POLITICS?

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## HATE SPEECH: A DERIVATIVE OF KENYAN POLITICS?

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### Abstract

**Purpose:** This study examined hate speech as the language of political discourse in Kenya, the study isolated the proliferation of hate speech within Kenyan politics as an imminent threat to national cohesion, arising from the emerging ethnic polarization. The study provides critical insights to aid in informing the reform agenda if hate speech is to be muted. It was anchored on critical postmodernism and questions the dominant assumptions that belie the current models addressing hate speech.

**Methodology:** A mixed method approach was adopted in the study. A sample of 200 youths was drawn from Nairobi County, who completed questionnaires and a focus group discussion with election violence victims numbering 45.

**Findings:** The findings reveal that Kenyan communities co-exist in relative harmony except over each election cycle, when speech fomenting ethnic hatred dominates the campaign rhetoric, aggravating ethnic animosity. Findings suggests that hate speech sufficiently harmful to justify constitutional protection and points to the urgent need to develop an open discourse on the limitations of free speech as guaranteed by the Kenya Constitution as well as the dangers of hate speech to society. The study constitutes a unique contribution to study on hate speech, promoting the argument that the power of hate speech derives from the mental concepts created through conspiracy theories spreading fear and hatred. Equally, critical insights on the extent of the influence of hate speech in the Kenyan scenario, and demonstrates how political elites invoke ethnic identities to further their own agendas. The study finds incompleteness of research surrounding the hate speech discourse.

**Recommendations:** It highlights the tenets of new policy imperatives to effectively augment efforts towards curbing hate speech, particularly in light of unprecedented developments in online media as an ongoing discourse in post-conflict societies struggling with institutionalization of ethnic cleavages.

**Keywords:** *Hate speech, negative ethnicity, election violence*

## 1.0 INTRODUCTION

This study focuses on the primacy of discourse, and seeks to critically analyze the extent to which hate speech is linked to negative ethnicity and to establish what should constitute the reform agenda if hate speech is to be muted. The study's analysis is located in the historical context of competitive politics and the language of political discourse in Kenya. The study highlights the potential dangers of hate speech to multi-ethnic communities in which ethnic cleavages have become institutionalized, identifying the need for urgent policy interventions to forestall imminent pitfalls.

Kenya is a multicultural society; comprising 43 ethnic groups whose mosaic forms the population of the capital city Nairobi. Agriculture is the mainstay of Kenya's economy, because of which land is an important resource to Kenyans, based on which many ethnic conflicts have arisen since independence. Indeed, as Roberts (2009) noted, the subject of land has been an acute issue in the majority of inter-ethnic conflicts since Kenya's independence in 1964. Explaining that, "Often the members of the tribe in power were unethically given or allowed to use land, frequently at the expense of other tribes" (p. 155). The author noted that these historic land issues continued to represent a major cause of conflict between the Kikuyu and Kalenjin communities during the 2007/2008 post-election violence (PEV). Despite attempts by successive presidents to address the question of ethnic inequities in the distribution of resources, primary among them being land, achieving optimum distribution and hence peace has remained an illusion that is bound to haunt the country for many years to come.

As provided by the Constitution, elections are held in Kenya every five years. A bastion of peace in the region, the country has enjoyed relative stability since independence, over which period both single and multiparty elections took place, but has increasingly witnessed periods of uncertainty during elections, since the onset of the multiparty era in 1992, peaking to a climax when a disputed general election held in December 2007 sparked violence. Hate speech has consistently emerged as a serious problem in Kenya over the past decades, promulgating negative ethnicity conspiracy theories, which are normally manifested through electoral violence. Kenya stands to suffer regression in its social, economic and political spheres if hate speech is not checked.

Hate speech (or hate expression) is a discourse in political processes. It is examined in this study as a form of political communication. Hate speech has often been used to spread suspicion, fear and hatred among the target audience with a view to influencing voting patterns in Kenya. In my view, as a communication tool, hate speech in and of itself may not be a discourse and therefore my intention to establish what it is about the Kenyan society and politics that makes hate speech culminate in violence. I argue that the discourse may be different from reality, and therefore we ought to be examining the ideologies of construction, which compel audiences to place the content of hate speech within a certain context to fit in with their own ideology around the subject. Hence, context emerges as a critical factor in understanding ethnic identities (Chandra, 2007).

In examining Kenya's case, the study isolates communication in the form of hate speech through various media as the conveyor belt for reinforcing ethnic identity and underscores its role in social differentiation and conflict in the Kenyan society. The study demonstrates how politicians manipulate ethnicity through hate speech in public speeches to incite violence in order to further

their own agendas. Thus, Kenya's propensity for violence, or its 'predatory impulse' as defined by Goldstein & Rotich (2008) is most evident during election campaigns when the use of hate speech is widespread.

I submit that the use of hate speech and its potential consequences paint gloom prospects for Kenya unless checked. Hate speech is isolated in the study as the key factor encouraging Kenyan youth to develop deep ethnic/linguistic cleavages and the catalyst for youth violence during elections. The use of hate speech by politicians to provoke fear and hatred thus takes prominence in this study, with intense scrutiny given to the potential of politically driven hate speech to mobilize ethnic groups against one another. An analysis of the discourse and its relevance to the Kenyan society is thus necessary to identify ways in which hate speech impacts imaging to spark intolerance and ultimately incite violence. The study aims at contributing to a more thorough understanding the use of hate speech as a persuasive power of speech in the public discourse, which has resulted in the increased incidence of conflict in Kenya around general elections. Thus establishing a nexus between hate speech, negative ethnicity and Kenya's elections is a central goal of this study. The research aimed at: (1) Examining the extent hate speech is responsible for entrenching negative ethnicity; and

## **2.0 ASSESSING CHALLENGES ASSOCIATED WITH ERADICATING HATE SPEECH DURING ELECTORAL PERIODS IN KENYA**

### **2.1 The Historical Perspective**

Five decades after independence, Kenya should ideally be enjoying tranquility, with structures that guarantee the respect of every citizen's rights solidly in place. After relative stability had been secured in the post-independence Kenya, the country entered into a new phase where attention turned to issues of equitable distribution of the national cake arguably arising from historical ethnic divisive patterns that had characterized the colonial era. Rather than build a cohesive nation, isolated sentiments of injustice steadily mounted into ethnic mistrust, tension and agitation over the unfair distribution of the country's resources, particularly land, and subsequently mounted into what is generally described as the struggle for Kenya's second liberation. Commonly known as land grabbing, well connected individuals were either allocated public land or were permitted to purchase public property at grossly lower rates than the market price.

One might justifiably argue that cohesion is intensified by a common purpose and therefore in the immediate post-independence phase, cohesion was driven by the broader need for national identity and emancipation in Kenya. Attention however soon shifted inward, igniting the problem of ethnic conflict as characterized today. Negative ethnicity has perpetuated animosity between Kenyan ethnic groups to the extent that national cohesion efforts initiated since independence have come to naught. The researcher isolates hate speech as the key factor encouraging Kenyan youth to develop deep ethnic cleavages. The deliberate use of hate speech to bolster political machinations features as another core concern of this study as language plays a critical role in socializing a community into violence. A case in point is the speech blamed for xenophobic attacks in South Africa in March 2015 by the Zulu traditional leader King Goodwill Zwelthini in which he attributed the high crime rate in the country to foreigners. Although he retracted the statement insisting that he was misinterpreted, the damage was phenomenal and caused a mass exodus of foreigners from South Africa for fear of retribution.

## 2.2 Justification

The Research highlights the emergence of hate speech as a potential area of risk for the Kenya government that could lead to dire consequences with respect to peace, human rights, security and ultimately the country's stability, if not urgently addressed. The Kenya We Want Conference report (2009) states that even though Kenyans managed to live together practically regardless of ethnic or racial origins, they still harbour many biases and stereotypes against each other, about which jokes are sometimes made. As the report underscores, this takes on a negative and dangerous direction when stereotypes and demeaning language is applied by one group against another and when that is inculcated in children by parents, friends, religious leaders, journalists, opinion leaders and worst of all by political leaders seeking power for themselves. Hate speech and its potential consequences therefore paint a gloomy picture for Kenya if not checked.

Two key elements serve to justify this research. Firstly, from an academic standpoint, I submit that a new way of grasping reality is imminent given the overwhelming proof that defies the logic of traditional theories. I demonstrate that existing literature fails to address significant questions sufficiently relating to the nexus between hate speech and violence. I argue that a need exists to advance related theory to conform to contemporary realities and arrive at a new theory.

Secondly, from a policy viewpoint, I posit that Kenya remains vulnerable to election violence because lessons learned have failed to adequately inform strategies for dealing with hate speech as a primary cause of election violence during competitive politics. The need for a policy review thus remains urgent. As underscored by Executive Director of the Kenya Human Rights Commission Atsango Chesoni, "Hate speech is the precursor to violence and has been every electioneering year in this country. We must begin to seriously hold people accountable for inciting people to violence and hatred" (IRIN, 2012).

In apparent agreement with Rusesabagina's (2006) argument that academicians played a decisive role in the Rwanda conflict, Eldon (2009) averred, "We live in a society where as soon as we hear that someone is a doctor or professor so-and-so we feel compelled to listen that much more carefully and respectfully" (para. 2). In Kenya's case, Mũngai and Gona (2010) raised concern that academicians abdicated their role and failed to offer direction about the course of events leading to the 2008 PEV. Academicians allied to various political parties took highly partisan and narrow positions, which negated the spirit of nationhood and further justified sentiments of hatred against certain communities.

Notwithstanding the ongoing peace and reconciliation initiatives, it is my conception that time is ripe for academicians to engage themselves with the explosive issues surrounding Kenyan politics among them hate speech as a persistent cause of conflict; in light of which this study should contribute significantly to the ongoing search for solutions to the Kenyan dilemma and serve as a useful reference tool for a broad audience including communication practitioners, policy makers and donor agencies funding various peace and reconciliation initiatives in Kenya and other settings with similar context.

## 2.3 The Media and Hate Speech

The Agenda Setting Theory McCombs and Shaw, (1972) advances the argument that the news media has a great influence over what people think about (i.e., that the recipient of the media message is compelled to think about what the message says); hence, the media's power to "set

the agenda” (p. 20). Hence, people with the same media exposure are bound to prioritize and focus attention on the same issues.

This theory ties in with the Media Dependency Theory (Ball-Rokeach & DeFleur, 1976). This theory states that the more an individual becomes dependent on the media as a sole provider of information, the more the media is able to influence that individual and exercise power over them, thus making it incredibly simple to set the agenda for that individual because of the inherent predictive power.

In light of these two theories therefore, the errant media house has the capacity to perpetuate hate speech campaign, by merely reporting hate messages on its media channel to set the agenda in the public domain, where it holds considerable influence. In Kenya, freedom of the media has considerably expanded over the years, particularly over the era of competitive politics. However, events related to the 2007/2008 PEV demonstrate that if left unchecked, “infinite” media freedom is rather a liability as it can serve to perpetuate negative ethnicity and violence in the country as exemplified by the Rwandan case, as reported by Rusesabagina (2006).

Myers (2008) identifies free-ranging music shows hosted by disc-jockeys, live call-in programs where the public is allowed to express its opinions unfettered as the main platforms for hate speech, 'insinuated by way of jokes, proverbs and vernacular sayings. Through careless reporting of rumour as fact, through allowing extremist politicians free-rein, and from inflammatory language used, often unwittingly, by presenters'. Media Council of Kenya official Mitch Odera (quoted in Ismail and Deane, 2008) said of talk shows, “a politician suddenly comes out of nowhere calling on people to stand up and fight for this cause and sometimes literally calls on the youth to rise up and fight”.

Attempts to regulate media in Kenya have been undermined by the fact that they are typically government driven and lack the backing of the media fraternity. The Media Council of Kenya, which should be at the forefront of these efforts, has been dogged by resource and capacity deficiencies rendering regulatory efforts at best ad hoc and more of a wish list. As such, hate speech continues to be readily transmitted unchecked by the growing number of FM radio stations, alternative press, mobile phones, etc. Advances in Kenya’s telecommunication environment have also made it easier to spread hate speech in Kenya, particularly given the lack of legislation or credible structures to curb abuse of media freedom currently enjoyed in the country.

Print media has a long history in Kenya, some of which came into existence in the early days of independence. In later years, a number of newspapers have crowded the Kenyan print media scene, although most have tended to be associated with prominent political figures of the day. Iraki (2010) observed that powerful political families are aligned to certain media networks. With this growing trend has been the capacity to misuse editorial advantage to fight political battles in the print media. The structure of media ownership in Kenya thus presents unique challenges to a proposed regulatory framework.

The reality is no different for broadcast media in Kenya. Vernacular radio stations have been accused of falling victim to this trend. This view was reinforced by the naming in May 2011 of KASS FM’s radio presenter Joshua arap Sang amongst six Kenyans who appeared before the International Criminal Court in The Hague to answer to charges of crimes against humanity, for ostensibly using his vernacular radio station to launch a hate campaign against certain ethnic

communities. The ICC action against Kenya's vernacular radio station would appear justifiable in the context of the role Kigali's Radio-Television Libre des Mille Collines played in inciting Hutus against Tutsis during the 1994 Rwanda genocide. In a genesis of events leading to the 1994 Rwanda genocide, Rusesabagina (2006) posited that FM stations in Rwanda were instrumental in spreading hate speech against the Tutsi minority way before the genocide. According to Rusesabagina (2006), hate speech's primary motive is political power. He concedes that hate speech normally has political backing – the ownership of the Radio-Télévision Libre des Milles Collines (RTLM) station was linked to President Habyarimana and a clique of his homeboys. The station had preferential treatment, using government radio frequencies and drawing directly on the national grid to ensure that it never went off air. In their study of Hate Speech on Commercial Talk Radio, Noriega and Iribarren (2009) supported Rusesabagina's view by observing that false statements were extensively used to validate the hosts' points and to promote public opinion; the use of simple falsehoods, exaggerated statements, or decontextualized facts rendered the statements misleading. Noriega and Iribarren (2009) stated, "Social agents were frequently placed into an 'us versus them' framework...we identified 185 dehumanizing metaphors, which often evoked warfare, enemies, biblical characters, criminality, persecution, corruption, evil, animality, disease and conspiracy" (p. 20).

After the Kenya government adopted the liberalization policy in the 1990s, the hitherto monopoly national broadcaster, the Kenya Broadcasting Corporation, had to contend with competition from a handful of other local TV stations and a myriad of other channels available to Kenyans via satellite transmission. Although certainly a positive trend in the context of communication, the effect of increased competition continues to pose a significant challenge to stations striving to capture a share of the market, thus making sensational reporting the more attractive. During elections, those politicians who are more adept at gaining attention by use of unorthodox antics have a definite advantage with regards to securing more TV airtime than their more demure opponents.

#### **2.4 The Formidable Influence of Social Media**

Social media has heralded a revolutionary era in Kenya, easily toppling all other forms of media existing in the country. This fact is seen in the growing use of internet technology to enhance human interactions on a day-to-day basis. The positive side of this is that the new technology is making greater demands on Kenyan leaders to be more accountable. Today, the vast majority of Kenyan politicians maintain active Twitter and Facebook accounts that keep their electorate and followers abreast of the contributions the leaders make on a daily basis. Examples abound of the positive outcomes of these initiatives, among them individual Constituency Development Fund (CDF) offices dedicated Facebook pages which chronicle how CDF is used or abused, send out feeds to other news sources, and enables constituents track the use of their CDF.

In light of the increasing importance in Kenya of social media as a trusted source of information, particularly for the youth, there is evidence that online media drives perceptions more than traditional media sources. This will no doubt be the next frontier for policy makers determined to make sense of the youth variable in contemporary Kenya.

As well, the mobile phone device has grown in popularity thanks to the development of unique smart features, which grant easy access to social media platforms. In Kenya, mobile phone use has grown so rapidly and cuts across generations to the extent that the vast majority of youths

own a personal subscriber identity module (SIM) card, which they use to make calls, text or network on social media platforms whenever they can activate it, be it by borrowing a mobile phone device. Stein (2010) gives credence to this argument by pointing to the relatively low learning curve to using a mobile phone, making it “far more accessible than computers to a wider range of constituents...it is a highly personal means of communication, reaching target constituencies directly, immediately, and therefore conducive to instant participation and response” (p. 20). Goldstein & Rotich (2008) highlight, “incidents like the crisis in Kenya provide a flash of insight into the emerging power of these tools” (p. 40).

Hate speech has as such found a new avenue in the social media vehicle. Stremlau and Price (2009) emphasize that the use of new technologies, including mobile phones and SMS messaging, and the proliferation of radio station, among other factors, facilitates and accelerates the spread of messages in a less controllable way. They note that while technology does not necessarily alter the message (rumours and stereotypes that have been propagated for decades are still central in much PEV) it greatly speeds up the ways in which such messages penetrate communities and mobilize individuals and groups for action.

## **2.5 The Role of Politicians**

The term ‘politicians’ encompasses within the scope of this study, all the six elective posts provided for by Kenya’s current Constitution, namely; President, Governor, Senator, Women Representative, Member of National Assembly (MP) and Member of County Assembly (MCA).

In Kenya, people have echoed sentiments by various human rights organizations that the 2008 PEV was not random, as many had initially thought, but rather, well-choreographed with deliberate hate speech propaganda campaigns being launched several months before. Indeed, in an October 2007 report entitled *Still Behaving Badly*, by state-funded KNCHR, hate speech by politicians was identified as a major concern in the lead-up to the 2007 elections. As Rusesabagina (2006) observes, hate speech is normally decimated very slowly into the public consciousness – stripping the humanity of an entire group takes time. I argue that the inaction over hate speech has encouraged a culture of impunity in Kenya, because leaders know that they can get away with it.

## **2.6 The Impact of National Cohesion Initiatives**

Peace initiatives have taken the frontline in Kenya since the 2007/2008 PEV, however the efficacy of these efforts has been debatable. The National Commission for Integration Commission (NCIC) was set up and mandated to handle issues of national cohesion and integration, including tackling inequality; consolidating cohesion and unity; and promoting ethnic harmony and cohesion. According to the Second Annual Progress Report (2011), since its operationalization, the NCIC has been engaged with various communities and stakeholders and has received and processed complaints regarding discrimination, hate speeches, and has hosted a National Cohesion/elders conference. The Commission has thus managed to accomplish a number of steps since inception; among which investigating hate speech cases is cited. Notably however, the Commission has met little success in securing convictions for the hate speech perpetrators.



### 3.0 METHODOLOGY

The research is critical postmodernism oriented, providing the study unique ways in which to understand the impact of language on human behaviour. The choice for postmodernism is made cognizant of the fact that there are immense possibilities of cultural configurations influencing the mental constructs that determine whether an expression is hate speech. Therefore, multiple meanings can be socially constructed from a similar set of variables within different contexts.

In consonance with the pragmatist approach argument advanced by Creswell (2013), we subscribe to the view that real life problems are lost where sole consideration is given to adherence to methodological pureness of the mono-paradigm. Our choice for the mixed approach was therefore directly linked to the purpose of and the nature of the research I set out to undertake. Hence, my decision to associate this study with the pragmatist paradigm was informed by the need to ensure that it captures the myriad of perspectives likely represented within the emerging arguments. I concluded that it is possible to arrive at a convergence where a combination of the quantitative and qualitative methods of collecting and analyzing data can interface and prove to be complementary. Thus, each was used to address a particular analytical concern related to the phenomena under study. The use of both approaches, as Creswell (2013) argues, enhances the integrity of the study findings.

The study was confined to a sample of youth from Nairobi. The term youth is used in this study to denote that section of Kenya's population aged between 18-35 years; consistent with the definition provided by Kenya's Health and Demographic Survey. The study adopted the 18 years threshold because in the Kenyan context, this is the average age at which a person completes high school, joins institutions of higher learning, or enters the job market. It is also the age at which one is legally considered an adult and is eligible to vote.

To enable the researcher to generalize from the sample to the country, simple random sampling was used to identify a cross section of full-time undergraduate university students to participate in the study. The sample of university/college students is based on the recognition of these student groups as being representative of youth in Kenya within the political context of Kenya's era of competitive elections. I subscribe to the view expressed by the KNHDR (2010) that given that a number of prominent politicians started their careers in student politics, it is clear that institutions have provided alternative avenues for youth to participate in politics. At universities/colleges, the youth have played a critical role through participating in active party politics. They have the capacity to engage leaders at a higher level of intellectual debate. The simple random sample ensured that a diverse majority of views were captured, as each student's chance of being selected for the study was the same, which ensured therefore that the study was free from sampling bias. This provided a snapshot of diverse views of students with regards to hate speech, in Kenya's political discourse.

Using the mixed methods approach, the study entailed both face-to-face interviews and administration of questionnaires. Questionnaires were administered to students at the University of Nairobi (UoN) and the Technical University of Kenya (TU-K), respectively over a six-week period. The latter is unique as it is dedicated to the education and training of technologists.

To facilitate qualitative (in-depth) investigation of the phenomena under study, purposive sampling was used to provide flexibility on the sample size. Thus, the researcher identified respondents for the Student Associations by using purposive sampling to identify up to five

members of ethnic affiliated student associations. This study captured the views of five leaders of these associations from both the UoN and the TU-K because they are more familiar with and additionally have a direct influence over the operations of the associations. This way the researcher was able to gain insight on the driving principles of each association and thus was able to determine whether there is a nexus between ethnic affiliation and the decisions taken by the individual associations. Additionally, in so doing, it was possible to determine the role (if any) of Kenyan politicians traditionally taking on the overseer role as patrons of these associations. This facilitated an analysis of the politicians' capacity to manipulate the activities of these associations (the power behind the associations) particularly in expanding their political influence and hence their presumed ethnic supremacy across campus.

Besides the educational institutions, I additionally interviewed PEV victims comprising 20 youth from Mathare North and 18 youth from Kibra (formerly Kibera) - a vast informal settlement dominated by the Luo and Luhya ethnic communities, stretching over the southern part of Nairobi County that has been consistently cited as Africa's biggest informal settlement. Kibra is itself deconstructed into a number of socio-economic enclaves segregating the resident ethnic communities. The study was confined to Kibra and Mathare neighbourhoods of Nairobi County because besides ethnic predominance, Kibra and Mathare share similar characteristics in terms of large populations of unemployed and idle youth and high poverty levels. Although available national poverty statistics are limited to the constituency level (previously Langata and Kasarani constituencies respectively), I took the decision to focus on the specific neighbourhoods of Kibra and Mathare, recognizing that the relevant variables might have been distorted if the research covered the entire constituencies due to the existence of pockets of high income neighbourhoods within the constituency such as Langata/Karen in the case of Kibra and Muthaiga in Mathare's case. Conducting of interviews facilitated the capturing of unique views of the cross-section of participants, particularly emotive aspects that are key to this study. I also interviewed 7 youth from Kariobangi South, which has been largely peaceful over past elections. The comparison between those involved in violence and those from peaceful areas provided critical insights into political machinations that led to violence and the role (if any) that ethnic cleavages and hate speech by politicians played in mobilizing youth to election violence.

#### **4.0 FINDINGS**

The findings of this study are presented to address the research questions. Firstly, the reasons for politicians use of hate speech during campaigns, secondly, the Link between Hate Speech, Negative Ethnicity and Youth Violence, thirdly, Perceptions of Students' Ethnic Associations on Hate Speech and Negative Ethnicity and finally, Views on Hate Speech Eradication.

##### **4.1 Reasons Politicians Use Hate Speech during Campaigns**

We sought opinions from the respondents on the reasons politicians use hate speech during campaign rallies. 31% of the respondents stated that hate speech was used by politicians to gain political mileage and popularity, while 27.6% stated that the disunity among politicians provokes them into using hate speech. 24.1% of respondents stated in addition that hate speech is used for vote seeking; 6.9% said that it is used because it is an established trend; whereas, the rest of the respondents stated that it serves as a tool to discreetly pass information. Two other reasons mentioned were that politicians use hate speech because the common man likes it, and lastly because of tribalism (3.4% respondents in each case).

The observed high rate of the politicians using hate speech to gain political mileage and popularity could be associated with disunity among politicians, and hence the necessity to fend off competition from political rivals. The disunity among the politicians demonstrates their mistrust for each other, and shows that their liaison lasts only for as long as mutual gain exists. This also suggests that they are unlikely to unite on account of a noble cause (see Table 1).

**Table 1 Reasons Politicians Use Hate Speech in Campaigns**

Reasons	Frequency	Percent
Political mileage and popularity	9	31.0
Vote seeking	7	24.1
Established trend	2	6.9
Tool for passing information	1	3.4
Disunity among politicians	8	27.6
Common man likes hate speech	1	3.4
Ethnicism	1	3.4
<b>Total</b>	<b>29</b>	<b>100.0</b>

*Source: Researcher, 2016*

#### 4.2 Link between Hate Speech, Negative Ethnicity and Youth Violence

In comparing the variables mentioned above, I observed from the in-depth interview in Kibra and Mathare that hate speech, negative ethnicity, and youth violence are deep-rooted in the Mathare area by 62.5%. The table and graph below shows that 60% of the respondents in Kibra agreed that hate speech and negative ethnicity played a critical role in instigating violence among the youth. About 37.5% of the respondents agreed that hate speech and ethnic animosity co-exist in the country. This is evident from the resentment displayed for each other using such phrases as 'wale watu, hao watu', which respondents frequently used (see Table 2).

**Table 2. Kibra and Mathare Areas**

Category	Kibera		Mathare	
	F	%	F	%
Hate Speech and Ethnic Animosity	6	40	6	37.5
Hate Speech, Negative Ethnicity and Youth Violence	9	60	10	62.5
<b>Total</b>	<b>15</b>	<b>100</b>	<b>16</b>	<b>100</b>

*Source: Researcher, 2016*

#### 4.3 Perceptions of Students' Ethnic Associations on Hate Speech and Negative Ethnicity

On Hate Speech and Negative Ethnicity, it was noted that all the sampled four ethnic communities' leaders routinely hold meetings with their association members every week to deliberate on issues affecting their social lives, with politics often driving the agenda. However, they all concede that hate speech and negative ethnicity distinctly emerge as predominant features over the electioneering period.

#### 4.4 Views on Hate Speech Eradication

One of the objectives included assessing the challenges associated with eradicating hate speech in the Kenya's elections. Information for data analysis was collated from the University of

Nairobi, Technical University of Kenya and the various informal settlements in Nairobi County, which included Mathare and Kibra. I collected the data from the respondents by use of in-depth interviews. The results showed that 84.2% of the respondents from the sampled areas knew of the peace initiatives, while 15.8% were unaware of any peace initiatives in the area.

Further, the majority of respondents from the areas sampled were of the opinion that the existing peace initiatives were ineffective (57.1%), while 42.9% of the respondents stated that they seemed effective. Based on the research findings on the sustainability of ongoing initiatives, it was established that a large proportion of the sample were of the view that the peace initiatives undertaken in the area were not sustainable. Most respondents abstained from this question, giving the reason that they did not feel the impact or effectiveness of any of the peace initiatives; hence overall, the respondents have little faith in the success or sustainability of the peace initiatives.

Further, the shortfalls of peace initiatives were identified as inadequate resources at 40%, 20% named constant wars among the youth, and 10% stated that no formal programs exist among the youth with politics to blame (see Table 3).

**Table 3 Shortfalls of Peace Initiatives**

	Responses	
	Frequency	Percent
Short falls		
Inadequate resources	4	40.0
No formal programs for continuity	1	10.0
Constant wars among the youth	2	20.0
Politics	1	10.0
Ethnicism	2	20.0
<b>Total</b>	<b>10</b>	<b>100.0</b>

*Source: Researcher, 2016*

## 5.0 DISCUSSION AND CONCLUSION

The research findings validate the hypothesis that hate speech contributes immensely in entrenching negative ethnicity and point to the fact that discourse in competitive politics plays a key role in promoting the twin elements of hate speech and negative ethnicity. The study additionally identifies key challenges associated with eradicating hate speech in Kenya and highlights a number of imperatives to constitute the reform agenda if hate speech is to be eradicated.

The study traces a link between hate speech and election campaigns in Kenya. Within this context, hate speech is identified as a result of ethnic cleavages that is used to influence perceptions on ethnicity. Thus, the recurrent use of hate speech by the political class has emerged a formidable tool for promoting negative ethnicity so as to advance personal goals during Kenya's elections. The research findings also suggest that when the political class is so divided along ethnic lines, the use of hate speech to foment negative ethnicity during elections to mobilize voter support can quickly degenerate into violence.

Overall, the findings reveal that Kenyan politicians on both ends of the divide (government and opposition) have proved to be susceptible to hate speech. However, despite the findings isolating the political class as key agents of hate speech and negative ethnicity whenever elections draw

nearer, it is noted that through the snowballing effect, the discourse extends its effects far beyond politics, adopting a life of its own by drawing in regular citizens and impinging on their daily lives. Hence in this scenario, hate speech cuts across all ethnic communities in Kenya and impacts virtually every citizen who is a subject of ethnic cleavages as evidenced by the research findings. Furthermore, whereas elected Kenyan politicians appear to favour more freedom of speech, unelected leaders in other arms of government, such as the judiciary and human rights advocates want it curtailed to address the potential negative effects associated with the hate speech vice. I argued that this lack of consensus between the different arms of government brought to naught the ongoing efforts to deal decisively with hate speech. I observed that the high incidence of politicians using hate speech for purposes of gaining political mileage could be associated with the cut-throat competition and rivalry among politicians arising from the numerous parties that are ethnically oriented, which have emerged over the era of competitive politics. The reasons suggested for this are that the politicians are accustomed to this campaign style, will use any method to secure as many votes as possible, the justification that the use of hate speech is popular among politicians, and because of ethnic rivalry. Ethnicity is a fraught issue in Kenya, given the numerous cases of hate speech increasingly dominating the country's political scene; however, as long as the government authorities fail to hold the perpetrators accountable by demonstrating that hate speech bears serious consequences, such as imprisonment, I can justifiably conclude that it will continue unabated. Hate speech allegations have led to an administrative response, but no corrective action.

Secondly, the findings demonstrate that many youths hold the view that hate speech encourages ethnic cleavages. For youth, it would appear that ethnicity on its own is not a major concern but manifests itself more among the older generation who constitute the political elite. Notably, based on the research findings, ethnicity would appear not to significantly influence the personal relationships of the youth, few are members of any political party and as such their participation in political violence is seen as financially motivated. This provides evidence that external influences have been key to inciting negative ethnicity among the youth. Further, there is evidence that the political elite have exploited their authority to indoctrinate the youth and hand down the culture of negative ethnicity.

Third, given that unprecedented developments in information exchange have given rise to a new global culture and the reality of the explosion of its influence on the Kenyan youth, this study highlights this dimension as core to any emerging policy on hate speech. Although hate speech finds expression through numerous channels in the rapidly expanding media environment in Kenya, the results demonstrate that its prominence among the Kenyan youth is most pronounced through choice media such as social media platforms on the internet. As such, popular social media platforms such as Facebook and Twitter today enjoy mass appeal among the Kenyan youth and therefore play a critical role in the spread of hate speech among the youth. With the debut of the smartphone in Kenya and the subsequent popularizing of its WhatsApp facility particularly given its cost-effectiveness, this then definitely becomes a new channel for scrutiny. The increasing role of mobile and digital technologies as tools for spreading hate speech in Kenya's case identifies this aspect as key to any lasting solution.

Fourthly, the findings as well underscore the role of communication and the media as principle agents of the peace derivative in Kenya. The study reinforces media, as a highly trusted source in Kenya and to effectively deal with hate speech without engaging with the media would be

foolhardy, in light of which peace journalism has emerged as a priority. Notwithstanding the risk to objective reporting associated with self-censorship (ICG, 2013, p.10), more resources need to be expended on media training in Kenya to shape reporting practices and empower them to raise awareness on matters of hate speech and negative ethnicity. According to Oriare and others (2010, p.55), almost 81 per cent of Kenyan audiences trust the media as fair and accurate. Whereas evidence pointed to the use of selected vernacular radio station to foster ethnic animosity during the PEV, more recently established radio stations also emerged as a potential source of hate speech, particularly channels perceived as popular by the youth such as those playing the Kapuka hip pop music. Music also plays an essential role in communication and a link was established between avid music fans and those agitating for a cause, a fact that could favour those inciting youth violence by encouraging the spread of hate speech through music. Given this influence of the various media channels on Kenyan audiences, the media's potential as a driver of change cannot be underestimated, thus underscoring the value of Peace Journalism as interventionist.

Fifth, although I established that hate speech contributes immensely in spreading negative ethnicity, it is noteworthy that despite the negative picture painted by leaders from different ethnic backgrounds, there was insignificant evidence to support the notion that the relationships between friends/partners from a different ethnic group positively influence the voting patterns, with many respondents asserting that they would vote for a politician from a different ethnic group. I attributed this in part to the education that has been provided since the PEV through the radio stations on matters of ethnicity.

Sixth, although the reasons cited for the failure to eliminate hate speech are poor knowledge of politics among the youth, ethnicism, lack of cooperation between the government and the youth, no clearly defined terms of hate speech, corruption of politicians, and the judiciary, no implementation of set peace initiatives and political interference; most respondents underscored that politicians should be in the forefront of fostering healing among ethnic communities in light of the fact that they are the main agents provoking the spread of negative ethnicity in Kenya. Respondents also felt that peace programs facilitated from the grassroots stand a better chance of being successfully implemented as opposed to the current practice where initiatives are domiciled in the Nairobi capital. Other factors seen as decisive to the success of peace initiatives include incorporating the views of the victims of hate speech, elimination of wars among the youth, ensuring that the administration officers do not foster enmity, educating the masses, equal treatment of those found culpable and the need to amend the laws and ensure that perpetrators are charged and convicted.

Seven, the study demonstrates that the existing reconciliation initiatives have failed to effectively curb negative stereotypes and reconstitute new mental concepts of other ethnic communities as expressed through hate speech toward target groups. According to the findings, the ongoing peace initiatives has proved largely ineffective, and respondents see their role in eliminating hate speech as inconsequential, with little impact at the grassroots. These efforts are considered unsustainable. The challenges impeding the progress of the peace initiatives are cited as a lack of adequate resources, constant wars among the youth, no formal programmes among the youth, and political interference. Whereas the impact of a vast number of existing independent peace initiatives goes beyond the scope of this study, it is generally acknowledged that the youth

should be the core target audience, of any peace initiatives in Kenya's case and that the digital platform promises the most success given its mass appeal at present time.

Finally, it emerges that although free speech is embedded in the Kenya constitution's Bill of Rights, the government would do well to address a number of critical factors that curtail other rights of citizens, such as those associated with hate speech. Notwithstanding the challenge that hate speech legislation poses for constitutionalists, in my view, this would effectively pave way for the protection of other fundamental rights and freedoms that are guaranteed to citizens by the Kenya constitution. This is consistent with the view of Heyman (2008), who demonstrated that "the rights-based theory provides a useful framework for debating difficult issues such as hate speech" (p. 20). Heyman (2008) asserts, "The controversy over hate speech cannot be resolved purely on the level of legal theory or doctrine but must play out in the political arena" (p. 21). In a democracy, such as Kenya, besides denouncing hate speech consistently, a public debate involving politicians from across the divide could serve as a critical first step to assessing the community's needs. Therefore, it should precede the enactment of any hate speech laws, so that leadership uses citizens' views to determine the adopted legislation. Besides inclusivity and ownership, this consensus is necessary for building traction for the implementation of any new hate speech laws. Further, the study supports the view that the definition of hate speech, as it stands in the Kenyan law, is too broad, making prosecution difficult. Based on the evidence provided by this research, prosecution appears discretionary at present, as proving that an expression is hate speech is a frustratingly difficult endeavour for the complainants – the targeted individuals - given the unique contextual intricacies and accompanying interpretations in each instance. As expressed by Orago (2013), although the 2010 Constitution specifically highlighted that the freedom of speech did not extend to hate speech, its shortfall included that it failed to define the term.

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