Language Crimes: The Grammar and Vocabulary of Hate Speech in Kenya

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Abstract

This study examined utterances, public documents, political statements, and data from Kenyan local languages with the view of explaining the phenomenon of hate speech. Using Van Dijk's Socio-cognitive approach to discourse, the study found that hate speech is perpetrated through grammatical and lexical manipulations. With regard to grammatical choices, the study found that speakers of different communities appropriated morphological particles and demonstratives which are used for normal communication to communicate a condescending attitude towards 'other' communities. The study also found that each of the communities had a 'hate speech' inventory from which its speakers drew the disdainful words when they wanted to communicate hate messages. Some of the words included names of places, animals and plants. In addition, some of the hate speech messages were communicated through similes and metaphors. Noticeably, when some of the denigrating words became known to the targeted groups, their meanings were expanded as a means to camouflage the hate message. The paper concludes that given the extent to which hate speech is embedded in both the vocabulary and grammar, there is need for linguists to be involved in the resolution of such cases.

Key Words: *Hate speech, Morphological particles, Lexical inventory, Metaphoric labels, Socio-cognitive approach*

Introduction

When we think about crime, we tend to think about it in terms of physical violence or some white collar crime such as cyber-crime. Rarely do we perceive crime in terms of language yet language crimes do exist. As Shuy (1993) and Tiersma & Solan (2005) argue, these crimes are committed through language and include threats, solicitation for crimes, perjury and even bribery. Another crime that may be categorised similarly is racism which has been extensively discussed by van Dijk, (1984, 1987, 1988, 1991, 1993), among others. Although some of the crimes have been studied extensively, there appears to be 'limited research' on hate speech as a crime (Noriega & Iribarren (2011). A similar paucity of research on the crime of

hate speech obtains in the Kenyan context. The Chair, National Cohesion and Integration Commission (NCIC), in a TV interview (February 2012), for example, argued that hate speech is a new crime having come into force in 2010. During the interview, he attributed the apparent failure by his commission to prosecute offenders in hate speech cases to the shortage of police officers trained to deal with the crime. Previously, he had made claims to the effect that 'hate speech' constituted only '15%' of the Commission's mandate in spite of public perception that the NCIC is a 'hate speech commission'. This state of affairs, no doubt, offers a rationale for investigations into this crime.

As linguists, we wish to show how linguistics can offer insights into this language crime. We do so by analysing samples of public discourse and public documents on this subject and offer examples of utterances that may be regarded as forms of 'hate speech' and, drawing from linguistic theories, show why we consider them to be so. It is our argument that some aspects of this crime are so deeply embedded in the grammatical and lexical aspects of language that persons committing them do not consider them to be crimes. This situation makes it difficult for law enforcement agencies to effectively deal with the crime. We, however, hope that by showing how public discourse in Kenya 'produces, reproduces and naturalizes' forms of hate speech, relevant government agencies will be better prepared in their efforts to detecting and prosecuting perpetrators of hate speech.

Hate Speech in Kenya

The NCIC (2012), in a draft paper: 'Kenya Ethnic and Race Relations Policy Draft for Discussion', defines hate speech as 'any form of expression that is hostile to an entire community and is aimed at encouraging either contempt or denigration or defamation or exclusion or victimization of individuals belonging to that particular community'. Conforming to the Commission's aim 2[1], this definition emphasizes the 'community' as the target of the crime and tends to exclude cases where hostile expressions may be directed at an individual. It is worth noting that Section 13[2] (a) and (e) emphasize threats which we have identified as an example of language

[1]'Elimination of all forms of ethnic, religious and racial discrimination in Kenya.NCIC (2010).*Strategic Plan* (2010 -2013).

[2]Section 13 of the NCIC Act No 12 of 2008, "A Person (a) who uses threatening, abusive or insulting words or behaviour, or displays any written material; (b) publishes or distributes written material; presents or directs the public performance of a play; (d) distributes, shows or plays, a recording of visual images ; or (e) provides, produces or directs a programme which is threatening, abusive or insulting or involves the use of threatening, abusive or insulting words or behaviour commits an offence if such a person intends thereby to stir upethnic hatred, or having regard to all the circumstances, ethnic hatred is likely to be stirred up."

crimes. This definition substantively meets international benchmarks. The Council of Europe's Committee of Ministers' Recommendation 97(20), for example, defines hate speech as a term 'covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin' (Weber, 2009:3). One difference, though, relates to the targets of the crime. The European Court's definition appears to limit this crime to minorities, unlike Kenya where the targets are 'communities' who may or may not be minorities.

The crime of hate speech acquired significance in Kenya following a contested presidential election of 2007. The violent aftermath of the election necessitated the formation of the National Cohesion and Integration Commission (NCIC) through Agenda 4 as a means of dealing with the root causes of the Post-Election Violence (PEV) (KNCHR 2006:33). Hate speech was, however, not the only cause of the PEV. The Kenya National Commission on Human Rights (KNHCR), for example, attributed the violence to the referendum campaigns of 2005[3] while the NCIC has attributed hate speech crimes to 'ethnic polarization' which appears to have been worsened by 'political entrepreneurs, who mobilize the electorate by preying on ethnic related grievances and insecurities' (NCIC 2010:3). But a renowned Kenyan Human Rights activist, Kiai (c.2011:2), traces hate speech in Kenya to ethnic clashes of the 1990s and the impunity for its attendant violence. Furthermore, Kiai attributes the crime to impunity that continued after the 2008 violence, the use of rhetoric demonizing people who supported the opposition with efforts to make them seem less than human as well as the legitimization and the normalization of hate speech by the media.

But while it appears easy to identify causes of hate speech, prosecuting such cases has faced numerous challenges. For example, as already stated, the chair NCIC has decried the absence of police officers trained to deal with the vice. Secondly, there appears to be a conflict in the core functions of the commission. While the commission is expected to foster national integration, on the one hand, it is also charged with the responsibility of prosecuting offenders of hate speech. This somewhat contradictory role has made it difficult for the commission to discharge

[3]The Kenyan political elite have perfected the art of polarizing the country into ethnic camps while maneuvering for power. The politically instigated clashes in various parts of Kenya before the 1992 and 1997 General Election respectively were symptomatic of this phenomenon. Neighbouring communities were pitted against each other in the run up to the two elections and the AkiwumiReporton land clashes for instance pinpoints political rallies as the spark that fuelled the ethnic conflict in Kenya.

its mandate effectively. The third challenge appears to be the paradox of the commission having to conform to the constitutional guarantees of the freedom of expression, on the one hand, and prosecuting persons on account of the utterances that they have made. A very similar challenge was witnessed in July 2012 in Kenya when some musicians were arraigned in court on charges of perpetuating hate speech. The case attracted a lot of newspaper commentaries with a number of the contributors arguing that the NCIC was out to stifle the freedom of expression. However, this challenge is not unique to Kenya. In dealing with a similar conflict, the European Court of Human Rights has been 'careful to make a distinction in its findings between, on the one hand, genuine and serious incitement to extremism and, on the other hand, the right of individuals (including journalists and politicians) to express their views freely and to "offend, shock or disturb" others' (European Court of Human Rights 2012:1 (see: http://echr.coe.int/echr/rss.aspx).

Data and Theoretical Framework

The data under analysis were derived from news reports on politics, language expressions found in several Kenya communities sourced through interviews, newspapers and You Tube videos on a hate speech case involving some prominent persons in Kenya. In addition, the data included a court ruling in one case. The data were then analysed within the socio-cognitive discourse analytic approach as expounded by Van Dijk (2008, 2001, and 1995). The main tenets of the theory include surface structures, semantic macrostructures, lexical structures, context models and formal structures among others. In the section that follows, we discuss some of these tenets.

The Socio-Cognitive Approach

Socio-cognitive discourse analytic approach as propounded by Van Dijk (2008, 2001 & 1995) proposes a three dimensional 'discourse-cognition-society' framework (Van Dijk 2001). This approach 'focuses on the study of mental representations and the processes of language users when they produce and comprehend discourse and participate in verbal interaction, as well as in the knowledge, ideologies and other beliefs shared by social groups'(64). Van Dijk argues that in order for one 'to produce and understand language or discourse, one not only needs a grammar (a lexicon, a syntax, etc.), but also vast amounts of 'knowledge of the world' van Dijk (2008:3). He posits that these knowledge structures are stored in the 'Long Term Memory' from which language users need to access their knowledge structures in order to activate relevant portions of such knowledge. With regard to understanding of discourse, the author postulates models which he defines as 'mental representations of events, actions, or situations people are engaged in, or which they read about' Van Dijk 1995:19). He further argues that these models represent 'the beliefs (knowledge and opinions) people have about their everyday lives and define what we usually call people's 'experiences'. Three such models are critical in his postulation: mental models, context models and event

models. Mental models refer to 'the representation of an event' and 'function as the interface between general, abstract and socially shared knowledge' and 'discourses about specific events' (Van Dijk, 1995:5). Mental models resolve the problem of implied meanings or what Halliday (1994: 296) refers to as 'given'- that is information that is understood and is not necessarily provided within a context. These models are said to be much more detailed than the discourses that express them.

The context model relates to the 'communicative situation' and controls 'how we speak or write, so that our talk is appropriate to the current communicative event' (Van Dijk, 1995:6). It helps language users to 'adapt their discourse to the social environment, so that it is socially appropriate' (van Dijk 2002:73). Van Dijk contends that this is made possible because of our 'socially shared nature of knowledge'. According to him, context models control the 'pragmatic part' of the discourse while event models control the 'semantic' part of discourse, (Van Dijk 2001:112).

The third model within the approach is the Event Model. This model contains personal experiences of speakers which are represented in episodic memory. They are regarded as the result of discourse production and comprehension. Event models are said to account for the 'different interpretations by various language users and members of different communities' van Dijk (Wodak& Meyer 2001: 77-78). Both context and event models are mental representations in episodic memory, that is, the part of the long term memory in which people store their knowledge and opinions about episodes they experience or read/hear about' (Wodak & Meyer 2001:112).

Discussion

In the analysis that follows, we discuss morphological particles in encoding hateful messages. We also explain how persons involved in hate speech either select vocabulary or label those that they disparage with hateful metaphoric labels. In the final part of this section we discuss linguistic aspects of a hate speech case.

Morphological Particles Indexical of Hate Speech

Languages tend to have linguistic resources for communicating social meanings, besides providing other levels of information. In our view, some of the information and social meanings that such members are socialized to understand and interpret are hate speech messages. In the data under analysis, this phenomenon manifested at the morphological level in a number of languages that provided data for analysis. In the discussion that follows, we discuss these morphological devices and show how they are appropriated by members of the respective communities to perpetrate hate speech.

In Swahili, morphological particles that index size **kiji-** and **ji-** . **Kiji** denotes diminutive form while **ji-** indexes gigantic form. This is illustrated in the examples given below:

Standard Form	Diminutive form	Gigantic Form	Gloss
Kitabu	**Kiji**tabu	**Ji**tabu	‘book’
Kikombe	**Kiji**kombe	**Ji**kombe	‘cup’
Mtoto	**Kiji**toto	**Ji**toto	‘child’

A similar phenomenon is realized in a number of Bantu languages typified by the following two examples:

Group	Standard Form	Diminutive Form	Gigantic Form	Gloss
Wanga	**Omu**khana	A**kha**khana	O**ku**khana	‘girl’
	Omwalimu	A**kha**limu	**Okw**alimu	‘teacher’
Maragoli	**Mwijizi**	**Ke**jizi	**Gw**ijizi	‘teacher’

But whereas these morphological particles communicate information about size, they are also used to encode negative attitudes or ‘ideologies’. For example, the use of ‘*Okukhana*’ by the Wanga and *‘kejizi’* by Luloogoli speakers are both derisive. The former deriding the target for being big and probably unattractive while the later derides the target for being inferior on account of his/her diminutive size. These negative meanings are acquired by native speakers as they learn the language and are, accordingly, appropriated by members of the respective communities to communicate the underlying negative messages. The following examples further illustrate this point.

Tiriki	Abalogooli	(Non derogative reference)	O**tu**logooli	(derogative reference)
Maragoli	Abadiriji	(Nonderogative reference)	**Mi**diriji	(derogative reference)
Bukusu	Bawanga	(Non derogative reference)	**Bi**wanga	(derogative)
Akamba	Nzaluooya	(Non derogative reference)	Nzaluo**i**syo	(Derogative reference)

In the examples provided above, the morphs highlighted through bold type tend to demean their referents. For example, in 1, the morph **-tu-** indexes a diminutive size but when Tiriki speakers use it in reference to all Olulogooli speakers, the particle **-tu-** functions to demean all Oluloogoli speakers. Oluloogoli speakers, on the other hand, use the particle **-mi-**, in expressions such as ***mi**diriji*. The particle **mi**- indexes what Olulogooli speaker term as the ‘loud and uncivil nature’ of the Tiriki. Similarly, the Bukusu and Akamba speakers appropriate a similar strategy to pour scorn on those that they ‘hate’. When Bukusu speakers refer to Wanga speakers in a non-derisive manner, they use the word *Omuwanga* (Wanga neutral, singular) or *Bawanga* (Wanga neutral, plural). However, when making a derisive reference to the Wanga, they use *Biwanga*. The particle **bi-** indexes the derogative sense as it communicates the sense that the Wanga are both smaller and inferior to the Bukusu. Kamba speakers, similarly, exploit such morphological particles to refer to those they ‘hate’. For example, when Kamba speakers wish to make a neutral deictic reference to the Luo, they say ‘*Nzaluo**yo**...*’-‘That Luo’(neutral, deictic reference). In this example, the particle **y-** denotes the neutral reference.

However, when the same speaker wishes to refer to the Luo in a derisive manner, they use, '*Nzaluo**i**syo...*'–'That Luo' (derogative). The derisive attitude of the Kamba speaker in this example is communicated through the speaker's shift from the particle **y-** in *Nzaluo**ya**-* to the particle **i-** in *Nzaluo**i**syo*. Therefore, following Ochs' (1992:339)[4] findings on gender indexing among the Japanese, the morphological particles, **-tu-, mi-**, **bi**-, and **i-** may be regarded as indexing the speakers' scornful attitude towards members of the target communities respectively. The hate speech component of these utterances manifests in the ideologies of superiority that they communicate. Van Dijk (2004:352), for example, argues that such forms tend to 'express and enact superiority and lack of respect' for the 'other' community. Accordingly, as Ochs (1992:338) argues, 'Competent members of every community have been socialized to interpret these meanings and can without conscious control orchestrate messages to convey [similar] social meanings'. So, using this knowledge (shared knowledge), listeners can tell what meanings the speakers intend to convey in their speech.

What is significant here is the fact that the decision about which particle to use depends largely on what meaning the speaker want to convey, thus, making the choice of a neutral language or language that is loaded with the hate speech message a deliberate decision. Similar patterns of choice were also noted in lexical choices.

A Hate Speech Lexical Inventory

The data suggests that speakers of a language have, in their lexical inventory, a set of lexical labels reserved for communities that they 'hate'. For example, the data show that whenever members of a community want to urge members of their kin to rise up to some challenge or to meet the community's expectation, they address them using derogative terms. For example, among the Bukusu, an uncircumcised boy or man is referred to as *omusinde*. This term is frowned upon to the extent that any boy or man addressed as such interprets that to mean that he is being challenged to undergo circumcision. Similarly, an adult, who, for some reason skipped the circumcision ritual is derogatively called by the same name. When used this way, *omusinde* does not appear to convey any hateful sense. However, when the same word is used to refer to a member of the Luo community, another synonym, *Omunyolo*, is sometimes used instead of *omusinde*. The result is that the synonym

[4] Ochs (1992:339) finds that in Japanese, 'sentences that include such sentence-final morphological particles as ***ze*** pragmatically presuppose that the speaker is a male whereas sentences that include the sentence-final particle ***wa*** pragmatically presuppose that the speaker is a female'.

acquires a denigrating meaning. In the following examples, we present a number of such lexical labels from some Kenyan communities.

Community	Lexical Label	Target Community
Wanga	Omurende	All non- Luhya Speaking peoples
Maragoli	Omukivala	Non-Maragoli speakers
Maragoli	Ababo	Luo
Maragoli	Bidugudi	Kalenjin
Kisa	Abasebe	Kikuyu
Pokot	Kaure	Luhya Speakers
Keiyo	Lamindet/ Cheplamindet	Non- Kalenjin Speakers
	Lemek	Non Kalenjin (derogative)

All these lexical labels communicate negative sentiments against the 'other' communities. However, for the purposes of this paper, we discuss these negative senses are communicated by three communities, that is, the Maragoli, Pokot and Bukusu. In each of these examples, members of the source communities use lexical labels to communicate the 'hate message' component.

One of the terms that the Maragoli use in referring to the Kalenjin is '*bidugudi*' which means 'those whose speak incoherently'. This label, though innocuous, does convey the community's derisive attitude towards the Kalenjin in general. The community's superiority is suggested in the way they perceive the speech of the Kalenjin. As far as they are concerned, Kalenjin speakers speak as children do or persons who are learning how to speak. Such perception positions Maragoli speakers in a superior position in relation to the Kalenjin and propagates what van Dijk (1995:30) calls the inferiorization of their speech partners. This is obviously a more subtle way of communicating the community's disdain for the Kalenjin.

The Pokot's use of *kaure* in reference to Luhya speakers has two contrasting meanings. A fundamental question that we may ask is this: how did the community coin the term? The term *kaure* is a corruption of a Bukusu word, '*waulile*'-'Have you heard' that they found common in conversations among Bukusu speakers. In view of the frequency of the word, the Pokot appropriated the word and used it as a reference to Bukusu speakers in particular and to Luhya speakers in general. But the perception of the Luhya by the Pokot appears to have been ambivalent. On the one hand, the Pokot regarded the Luhya as very caring, especially to their wives (probably because they lived with their wives and took good care of them unlike the Pokot whose pastoralist nature kept them apart from their wives and families). On the other hand, however, the Pokot viewed the Bukusu as people who loved eating and so used the term derisively to refer to the Bukusu and, by extension, their perception of what they regarded as Luhya people's 'greed'. So the word, '*kaure*' conveys both positive and negative attributes. However, what is important for the purposes of this paper is the derogative sense that the word communicates.

The Bukusu's use of '*Banyolo*' in reference to the Luo is even more subtle. The word appears inoffensive as it refers to a place commonly referred to in Bukusu mythology as a distant place. It was probably the furthest place that one could go to on foot as evidenced in a Bukusu proverb: *'Mkenda mbola koola ebunyolo'* – The one who walked slowly reached 'Ebunyolo'. Used in this context, '*ebunyolo*' appears non-ideological. However, its use in circumcision rituals evokes the negative ideology of the Bukusu towards the Luo. In a Bukusu circumcision song that was sung as the initiate is being escorted for the actual circumcision ritual, reference is made to *Ebunyolo* as follows: '*Omusinde otere makaachia Ebunyolo'*- the initiate who trembles should go to '*Ebunyolo*'. This line implies that the '*Banyolo'* do not practice circumcision and by advising the initiates who are afraid to 'face the knife' (cowards) to relocate to *Ebunyolo,* the singer makes proposition that all Luo speaking peoples are cowardly; this is why the initiates who are afraid of circumcision are advised to seek refuge there. But this denigration of Luo speaking people on the basis of not practising circumcision is also extended to all communities that do not practice the circumcision ritual. The use of '*Banyolo*' in reference to Luo speaking peoples is thus a form of hate speech.

In the foregoing discussion, we have examined lexical choices from what we have referred to as the 'hate speech lexical inventory'. We have tended to suggest that some of the lexical choices inherently communicate condescending attitudes towards the 'other' communities. We have also shown that by examining the context, origin and use of these words, the hate component of these words will be discernible.

What we wish to turn to is the case of the use of lexical choices drawn from non-hate speech inventories but which convey hateful sentiments. There was evidence that, in some of these communities, some known lexical items that were non-indexical of hate speech were appropriated and substituted for words indexing hate speech. This occurred in cases where the target communities had lived with the agents of the hate speech labels and therefore had acquired the necessary linguistic competence to interpret the social meanings of such labels. For example, among Kalenjin speakers, the term '*kekoyok*', has previously been used derogatively to refer to Kikuyu speakers. However, as a result of the integration of the two communities in some regions to the point where members of the two communities can speak and understand the two languages, some Kalenjin speakers are said to have resorted to using a more friendly word, '*kaamama*'- literally 'born of the uncle' to refer to Kikuyu speakers. This choice is used as a camouflage to '*kekoyok'* which is drawn from the hate speech inventory. For those uneducated in the subtle uses of the language, '*kamaama'* would appear harmless. However, there are several linguistic reasons that may explain this phenomenon. This may be explained as a case of a case of semantic broadening. The substitution of *'kekoyok"* with *'kamaama'* also entails an expansion of the meaning of 'kamaama' (of the uncle) to include the derogatory sense that was intended in the use of 'K*ekoyok*'. Secondly,

this phenomenon is explained linguistically in terms of the arbitrariness of language or the fact that there is no necessary connection between a word and what it means (Hodge and Kress1988:21). As a result there is usually no direct connection between words and what they stand for. Therefore, although '*kamaama*' is in neutral, it could still encode the negative meanings. This kind of meaning was observed by Shakespeare in Romeo *and Juliet*. Discussing a similar phenomenon, Shakespeare remarked: "What's in a name? That which we call a rose by any other name would smell as sweet". Similarly, *Kekoyok* by any other name (*kaamama* in this case) would still remain *Kekoyok*. The negative meaning is further implied in the sense of the literal meaning of the word. Although *kaamama* is a kinship term, it still denotes a distant relationship as uncles do not fall directly within the nucleus family. Accordingly, exclusion of the 'others' is still maintained in its use. Thirdly, words do not inherently carry meaning on their own. Instead, the meanings attached to them are ascribed by their users. So the meaning of a rather harmless word such as '*kamaama*' becomes hateful if that is the meaning that its users will attach to it. Some of the lexical labels that were used in reference to 'other' communities were found to be metaphoric.

Metaphoric Labels

According to Lakoff and Johnson (1980:5) (quoted in Hart 2010:126) metaphors are defined as 'understanding and experiencing one thing in terms of another'. In this respect, metaphors can be viewed as 'conceptualisation'. But quoting Charteris-Black (2004:20-2), Hart (2010:129) argues that metaphors may be defined at the linguistic level, at the pragmatic level and at the cognitive level. At the linguistic level, the metaphor is defined as 'a word or phrase that causes semantic tension through reification, personification or depersonification'. At the pragmatic level, the metaphor is defined as 'an incongruous linguistic representation that has the underlying purpose of influencing opinions and judgements' while at the cognitive level, a metaphor is 'a conceptual structure which results in and is a result of metaphor in discourse and associates the attribute of the referent of a linguistic expression in its original context with the referent of a linguistic expression in another context". Charteris-Black (2004:53) argues that metaphors use language 'to activate unconscious emotional associations' and that they 'can cause text-consumers to construct cognitive associations between the target domain and social or physical threat-connoting cues which could initialise anger or fear programs'. Apparently, this is the function that some of the metaphors that we identified appeared to perform.

Our data suggests that there are two main domains at which metaphoric labels of hate speech operate. The first one, which follows the line of argument developed in the previous paragraph, relates to metaphoric labels found in inter-ethnic discourse. Of this type, we shall discuss two examples, *bimbe* from Dholuo and *ekenyambi*, from Ekegusii. The second category of metaphoric labels relates to metaphors found in political discourse. In this second category, we discuss two

well-known metaphors within Kenya's political landscape, 'lie low like an envelope' and the reference to some communities as '*madoadoa*' – 'spots'. The four examples provide an overview of the type of metaphors used to propagate hate speech as they are drawn from different domains of metaphors namely, animal metaphors, plant metaphors and metaphors about inanimate things.

Some Luo speakers refer to members of one Kenyan community as *bimbe* - 'baboon'. This label is out-rightly insulting. However, we discuss it here so as to show how such metaphors constitute a subtle means of activating mental models that affect how competent speakers of the language understand and interpret the metaphor. From a socio-cognitive discourse analysis, this metaphor activates the community's Long Term Memory and their shared knowledge about baboons. This shared knowledge, for example, includes the destructive nature of baboons, the baboon's ugly mien, its sluggish nature but above all the fact that it is an animal. Viewed collectively, these images appear to accentuate the 'otherness' traits of the target community. Members of the 'other' community are viewed as destructive and unattractive. Worse still, referring to the 'others' as baboons dehumanizes them. We contend that this negative presentation of the 'other' is what fosters a condescending attitude towards the 'other' community.

Similarly, the Gusii (they speak EkeGusii), use a similar metaphoric label, *'ekenyambi'* – 'a weed' to refer to another community. What is significant here is that '*ekenyambi*' is a 'stubborn' type of weed. Interpreting this metaphor along the lines suggested in the foregoing discussion, the use of *'ekenyambi'*, activates the sense of frustration that Gusii farmers have to contend with when tackling the weed and therefore convey the sense that the target community is frustrating and very difficult to deal with. The more frightening aspect of this metaphor is the fact that the metaphor dehumanizes the 'other' group. They are meant to be viewed not as human beings but rather, as destructive 'weeds'. So members of the Gusii community are socialized into viewing the 'other' group as weeds that they must eradicate if they have to secure a good yield from their farms. Just as it would be normal to remove weeds from their farms, so would it be to 'remove' members of the target community from their midst.

In Kenyan political circles, the reference to some communities as '*madoadoa*'- *spots* is well known. The metaphoric reference to groups of people as 'spots' is, as in the examples cited above, a process of objectification which reduces human beings to 'things' or inanimate entities. This objectification has implications in terms of how the hearers of such statements treat those referred as '*madoadoa*'. Secondly, the notion of a 'spot' or a 'stain' also evokes the notion of some unwanted mark (something that is in the wrong place) that needs to be removed. By categorizing members of a community as *'madoadoa'*, those who identify with the source speaker would interpret the removal of the spot as the right thing to do. This notion, similarly, tends to sanitize violent acts against the 'other' community. After all, they are 'stains' or 'spots' that *blot an otherwise good picture or arrangement*.

One other example among the more known examples hate speech utterances in Kenya is the warning to some community '*to lie low like an envelope'*. Before we discuss the meaning of this metaphor, we first wish to comment on it. Questions may be asked about the intended meaning of the expression: 'lie low like an antelope'. Whatever the case, the two expressions share a common feature, and may be interpreted in similar ways. For example, an envelope that is lying low is virtually invisible as would be an antelope that is lying low. Similarly, if the envelope were visible, it would most likely attract the attention of passers-by just as an antelope would attract the attention of hunters. In both cases, the envelope or antelope would be picked up or spotted by the passer-by or hunter respectively. Viewed this way, it can be argued that the phrase, 'lying low' guarantees one's own safety. So, calls to members of a community to 'lie low', may imply that members of the targeted community are endangered and do not have any rights. Similarly, the speaker implies that the 'outsider' (antelope/envelope) who attracts the attention of members of the host communities (passers-by/hunters) will only have himself/herself to blame if they suffered the consequences.

Labelling members of a community as baboons, weeds, or spots and requiring others to 'lie low' purely on the basis of being the 'other' community, suggests that members of the 'other' community are not entitled to any privileges/rights. To this end, this utterance would be regarded as constituting hate speech. Many other examples of hate speech utterances are found in the KNHCR Referendum Report[5] and may be interpreted along similar lines. In our final analysis, we discuss charges in a hate speech trial, the Masonko Trial[6], to show how knowledge of linguistics would have informed the case.

The Masonko Trial

The case referred to as the Masonko Trial arose from referendum campaigns on the proposed Constitution of Kenya in 2010. During the campaigns, politicians opposed to the enactment of the proposed Constitution rallied under the banner Red while those who were in support of the proposed Constitution rallied under the banner of Green. As the Reds (No Camp) were campaigning in one of their meetings, three prominent personalities in the camp allegedly made utterances that were categorized as hate speech utterances. The three were promptly charged with six counts of hate speech. The general charge, however, was that the three suspects had made utterances 'which were intended to stir up ethnic hatred, contrary to Section 13 (1) (a) as read with Sub-Section 2 of the National Cohesion and Integration Act No. 12

[5] See the KNHCR Referendum Report for other examples of hate speech.

[6]A pseudonym.

of 2008'[7]. However, the three suspects were acquitted in the end. The following reasons were among those given by the court for the acquittal. First, the court ruled that 'the contents of the electronic recording were not proved in accordance with the provisions of Sec. 106B of the Evidence Act'. Second, the court argued that a key witness in the case could not narrate to the court what the accused persons had said 'because he only concentrated on the quality of the recording'. Third, the court also ruled that 'the third witness did not testify that he had heard any of the accused utter the words particularized in each of the charges' facing the three suspects. This was in spite of the claims by the accused persons that they had been quoted out of context (essentially not denying making the utterances in question). But as the court ruled, 'it was incumbent upon the prosecution to adduce evidence that each of them committed the offence of hate speech' (Court Ruling, 2011:10).

The Charges

The suspects in the Masonko Trial are alleged to have made utterances that would have stirred ethnic hatred. We will analyse one incident as follows. In a *YouTube* recording of one incident, a suspect is heard uttering the following words:

> *'Bungoma hata jina ni yetu. Kule Trans Nzoia ni kwetu. Na vile wanasema Trans Nzoia is cosmopolitan, sisi tunaambia watu wa Trans Nzoia kura ikipita, funga viraka mwende kwenu. Wale wako Bungoma, katiba ikipita wafunge viraka waende kwao'. ('The name Bungoma is ours. Trans Nzoia is our ancestral home. They say Trans Nzoia is a cosmopolitan area. We are telling them that if the (proposed) constitution goes through, 'Pack up your rags and go back to your (ancestral) homes!' To those in Bungoma, if the (proposed) constitution goes through, pack up their rags and go back to your (ancestral) homes').*

These utterances contain a number of linguistic issues which are of interest and which form the basis of our subsequent discussion. The first of these is the glaring case of misinterpretation of the actual words uttered by the suspect. An obvious case is the typo '*vilago*' instead of '*virago*' in the court ruling. The suspect appears to have appropriated a common Swahili saying, '*Funga virago'* - 'Pack your belongings' when he states: '*Funga viraka mwende kwenu'* - Pack your belongings and leave for your ancestral homes'. The choice of '*viraka*'-'rags' an ideologically loaded word had the effect of transforming an otherwise neutral utterance into a 'hate speech utterance'. This is because the expression communicates a scornful attitude towards all members of the target group. The speaker seems to imply that all those people whose origin could not be traced to either Bungoma or Trans Nzoia

[7] See Criminal Case No. 1140 of 2010.

and yet they reside in the two districts are poor. So, through the speaker's lexical choice of *'viraka'*, he 'inferiorizes' all the 'others'.

The second linguistic aspect in the utterances is the use of pronouns. Four of the pronouns call for attention. These are the solidarity pronouns 'we', 'them', 'they' and 'ours'. In the utterance: "***We*** are telling them..." the speaker suggests that he is speaking on behalf of other people. It also appears that he has designed his utterance for his immediate audience as well as for an overhearing audience elsewhere. It is our view that the overhearing audience comprised members of his ethnic group. The other utterances are: "***They*** say that Trans Nzoia is cosmopolitan..." and "**W**e are telling ***them***..." Although the pronouns 'them' and 'they' perform a deictic function, they also perform an 'othering' function. The speaker essentially constructs an '**Us**' versus '**Them**' argument with 'Us' as the good people and 'Them' as the bad ones.

The genitive pronoun 'ours' in, 'The name Bungoma is ***ours***', appears to be a more subtle means of entrenching the exclusion of the 'others'. Through the claim of ownership of the name, Bungoma, the speaker indirectly claims ownership of the place while at the same time excluding the 'others' from such ownership'. Available literature on naming and identity suggests that naming is a means of marking ownership. For example, Joseph (2004:176) states that 'the meaning of one's name is tantamount to the meaning of one's life' while Blommaert's (2005:223) asserts that a 'place defines people, both in their own eyes and in the eyes of others'. Finally, the speaker's derisive attitude towards 'the other' communities is also encoded in the metapragmatic directives -'We are telling them'. This directive has the effect of positioning him, and all those that he represents, in a superior position in relation to those being addressed and this is what forms the basis of their scornful attitude towards the others. The second accused person seems to have exploited a similar strategy when he allegedly uttered the following words: '*XX*[8]*wahame XY mahali kulimilikiwa na XZ'*-Members of the XX community should leave place XY because it was originally inhabited by members of the community XZ'.

These utterances, aimed at members of the ethnic group XX, suggest that members of that ethnic group XX should not be in place XY because the original inhabitants were group XZ. This presupposes that for one to reside in any place, his or her origin must be traced to that place. So, the speaker argues that members of the community XX should not reside in place XY or own land there because their origins cannot be traced to place XY. Ordinarily, such a sentiment may be ignored. However, in view of Kenya's shared knowledge about the land clashes of the 1990's (The 1990's saw an escalation of ethnic related violence over land with the result that members of certain ethnic communities considered to be 'outsiders' were

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[8]These alphabetic letters, that is, XX and XZ represent ethnic groups while XY refers to a particular place.

targeted and evicted from land that they had bought) such cannot be overlooked. As the NCIC argues, this may be an example of the ways in which political entrepreneurs propagate the ideology of otherness in their communities.

Conclusion

This paper has shown that hate speech is so embedded in the grammar and lexical choices that speakers of different communities use. We have shown how hate speech is indexed in morphological particles in language and how these are appropriated to encode hate messages. Similarly, we have shown that in selecting vocabulary to refer to the 'others', speakers of a language draw their vocabulary from what are essentially two lexical sets; a neutral lexical inventory set and a 'hateful' lexical inventory set. Accordingly, hate speech utterances appear to be made as deliberate choices rather than as accidental slips. We have also shown how the use of metaphors and pronouns may be appropriated to further the hate agenda. Being embedded in the grammar and vocabulary of a language makes a community's ideology to appear "natural" or "common sense" although such 'beliefs and values ... may prove to be highly contestable or dubious in their own terms' (Simpson and Mayer 2010:54). This is inevitably part of the problem of dealing with hate speech cases. Finally, this paper has discussed aspects of a court ruling on hate speech and has shown how knowledge of linguistics would have informed the interpretation of the case. It is apparent that we still have a long way to go before hate speech cases can be decisively dealt with. In view of the very specialized nature of this crime, we recommend to the NCIC and the judiciary to seek the contribution of linguistics experts in analysing hate speech utterances and in civic education programmes on hate speech. Finally, we consider these findings to be part of the beginning of more academic engagement with the subject of hate speech and therefore urge fellow linguistics to explore other aspects of this crime.

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