

A Genre Analysis of Linguistic Vocabularies, Word Choices and Dictions in Job Interviews by the Judicial Service Commission Kenya in 2011

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Abstract

The purpose of this research article is to identify and describe the linguistic vocabularies, word choices or dictions that are used in the job interviews conducted by the Judicial Service Commission of Kenya during the vetting process to recruit or maintain public office holders in Kenya, in 2011. The Kenyan judiciary has been facing a lot of challenges since the country got its independence in 1963. These challenges range from corruption, incompetence, violation of human rights to dishonesty among others, Makwera, M. et al (2011). So when the new constitution was promulgated in 2010, one of the components of the new constitution was the vetting of public office holders. Vetting is a process that involves finding out publicly about a person's past life, experiences, academic qualifications, one's personality in general and any other attribute. The vetting process is done using language as a tool of communication and therefore enhances good values including integrity, transparency and accountability. However, sometimes the language used may act as an impediment to the achievements of the set goals. The methods of data collection included library research and internetsearch. This article therefore investigates how the use of linguistic vocabularies, word choices or dictions promote the positive values that are meant to improve the judiciary or how they contradict, contravene or violate some of the values enshrined in the Kenyan new constitution. The findings and results reveal that some of the vocabularies, word choices and dictions used in the interviews by the JSC promote the positive values while others contradict the same values as enshrined in the Kenyan new constitution. The article attempts to offer solutions to the language challenges that emerge when participants in an interview use linguistic terms that violate the rights of others.

Key words: genre, linguistic vocabularies, diction, promulgated, vetting process, enshrined.

1.0 Introduction and background

For the purpose of this article, three interviews have been selected from a total of ten interviews for Chief Justice by the Judicial Service Commission of Kenya, 2011. The video clips have been downloaded from the JSC's website and the transcripts have been transcribed for purposes of analysis. The extracts containing some of the linguistic vocabularies, word choices and dictions that are meant to be analyzed have been extracted from the interviews and they include those that are meant to promote the positive values and those that contradict the same values as enshrined in the new constitution. The use of Genre Analysis theory as described by Swales' 1990 has proved to be very useful in identifying and describing the linguistic vocabularies, word choices and dictions in the interviews conducted by the JSC of Kenya.

Some of these linguistic features play double roles of promoting the positive values (like integrity, transparency and accountability, competence and efficiency among others) and at the same time contradicting the said values. The outcome has seen a number of participants including interviewees complaining that their rights have been violated as some questions were intended to reveal their privacy and expose their past life, the injustices people experienced when they had cases before them and many others, Makwera, M. et al, (2011). Some of these claims were mere allegations but they were publicly exposed and this was a violation of human rights. It means that the ones who felt their rights were being infringed on could easily take legal action against their offenders. It also means that language was seen as a tool that could be used to improve an institution like the judiciary. The recommendations that are made in this article are to improve on the language use in order to control the way questions are asked and the way they are responded to as this can help to promote democracy, equality and human rights. Language should be used to build relationships and not to destroy them.

1.1 Theoretical framework

The theory of Genre Analysis as designed by Swales (1990) and as developed by Bhatia (1993) has been employed in the study and writing of this article. The theory explains how any genre can be analyzed in terms of moves or phases, rhetoric strategies and linguistic features(including the use of lexis or vocabularies, syntax and discourses). It explains the use of personal pronouns, modality, vocabulary, phrases, active and passive voice among other linguistic items. Swale's theory has been used to define and describe the linguistic items used in the interviews by the Judicial Service Commission. Bhatia's approach to genre analysis has been employed as it involves studying the institutional context and levels of linguistic analysis such as investigating the lexico-grammatical features and text patterning or textualization and structural interpretation of the text genre. Bhatia suggests that a linguistic analyst should perform the linguistic analysis of a genre text on one or more of the linguistic realizations or levels of analysis taking into consideration the specific linguistic features dominating a given text. This is usually done by making an analysis of representative sample of the text in question within a given genre. Bhatia suggests seven steps that can be used to analyze any form of genre. They include, firstly, placing the genre-text in a situational context; secondly, surveying the existing literature; thirdly refining the situational and contextual analysis to obtain the whole image; fourthly, selecting corpus; fifthly, studying the institutional context and levels of linguistic analysis such as investigating the lexico-grammatical features and text-patterning. The sixth one involves the structural interpretation and finally, the seventh one involves checking specialist information with experts in genre analysis to avoid some mistakes.

This theory is relevant because, in the analysis of interviews, different steps are taken into consideration. The linguistic features used at each step is determined by the intentions of the participants, their attitude and feelings, thus the terms used during the interviews are generated from the understandings, beliefs and attitudes of the participants.

1.2 Research Methods

The study has used qualitative method in the analysis and the sampling procedure involves purposive sampling which is considered to be selective or subjective. The non-probability method of sampling has been used and it is characterized by deliberate efforts to get representative samples by including groups or typical areas in a sample. Two interviews have been selected through convenience sampling procedures.

1.3 Data collection method

The method of data collection employed in this study include: library research and internet search. Library research has been used to select different newspapers that contain the different interview texts that have been used for this study. Due to the fact that the interviews were carried out through televisions in full glare of the public, it was possible to obtain full texts of all the interviews conducted by the judicial commission of Kenya in 2011. The internet search has been used to download the interview texts from the video clips from the JSC's website.

1.4 Significance of the article

This article is significant as it highlights how the use of language can promote certain positive values that are required in certain contexts or certain institutions like the judiciary. It also acts as an eye opener to the fact that as much as we believe that language is a tool for improving certain institutions, it can also contradict or contravene certain values as enshrined in a country's constitution. The recommendations made are meant to help transform some of these institutions without violating the rights of some individuals who may feel hurt and even seek legal actions against their offenders.

1.5 Analysis Results

1.5.1 Linguistic Vocabularies /Word Choices/Dictions

A vocabulary refers to 'all the words that a person knows or uses', or 'all the words in a particular language', or 'the words that people use when they are talking about a particular subject', or 'a list of words with their meanings'- Dictionary.com (Oxford Advance Learner's Dictionary p.1662) . Diction also refers to the choice or use of words in literature (*ibid*, p.404). A vocabulary, or wording of a text gives an indication of how the speaker or writer sees the world through his or her wording. Fairclough (2006) argues that different groups of people see the world differently in different times and places as they use their wordings differently to describe the world. One way to make an analysis of vocabulary is to look upon alternative wordings and their political and ideological significance. For instance, using the term "freedom fighters" instead of the word "terrorists" connotes different views on ideology which is also referred to as *rewording*. Rewording occurs when one existing, dominant, and naturalized wording is systematically replaced by an opposing wording,

Fairclough (2006). The lines below that are taken from the interviews by the JSC give the examples of how certain words are used in certain contexts:

1. *Could you say that you were not too harsh on the plaintiff particularly on issue of gender?(Extract 1, line 1)*
2. *Burials have to be dealt with under the customary law, that is the constitutional position. There was no other law to deal with issues of burials. (Extract 1, line 2)*
3. *And if this case came back to you today, and if you were to set a way forward for every other judge as head of the judiciary, how would you handle it?(Extract 1,line3)*
4. *Those customary practices which run contrary to human rights are not to supersede the position of human rights.(Extract 1, line 4).*
5. *Your CV paints the picture of a great judge. You say you have given land mark rulings. What are landmark decisions? (Extract 2, line 2)*
6. *There's a view that you are not fit to be a chief justice because you have a problem with grasping the law, you are temperamental and not the right person to reform the judiciary. (Extract 2, line 13)*
7. *There is also a view that as much as you have good judicial career, you are impatient and you shout.(Extract 2, line 15)*
8. *Questions about what I see as the judiciary in the transition, I talked about that collective intellect, you know, which in a supreme court, for example, you are going to have judges who have different philosophies.(Extract 3, line).*
9. *And are you a homosexual...?(Extract3, line 6)*
10. *I am not a homosexual and having said that, let me say I don't discriminate against people who are homosexuals. (Extract3, line 6)*

In example 1, the interviewer uses the expression 'too harsh' to mean the judge might have made an earlier ruling harshly or in a cruel manner. This is from his judgment and it portrays some elements of one's attitude towards something or somebody. If the speaker wanted to portray the action that was done positively, then he or she would have used terms like 'strict' or 'firm' instead of 'harsh' which portrays the negative aspect of the action. *Harsh* in this case would imply that the candidate violated the rights of the plaintiff, especially human rights thus contradicting the intention of having a clean judiciary where positive values are meant to be promoted or enhanced. Also in the same line, the interviewer uses the term the 'plaintiff', which is a legal term meaning a complainant in a court of law. This term would seem irrelevant if the job interview was done in another context not for a judicial position. The wording in this case is done in accordance with the context

in which the interview is conducted and that is why the term ‘plaintiff’ is used as a vocabulary to bring out a legal connotation, thus placing the utterance in the appropriate context.

The issue of gender has also featured in example 1 and it actually shows that discrimination against people because of their gender should not feature when a judge is making his judgment and this is a constitutional requirement. In response to the question made in example 1, the interviewee refers to constitutional position concerning burials and customary laws. Example 3 and 4 are emphasizing the role of customary law in the presence of a more superior law, in the new constitution, and what it has concerning human rights. The choice of words by the

Interviewer in examples 6 & 7, portraying the interviewee as temperamental, impatient and proud without proper evidence can also hurt the person being interviewed. If such words must be used, they should be accompanied with concrete evidence before damaging one’s reputation in public. However such expressions are indicators that the participants are serious about solving the problems and challenges in the judiciary and that is why they are promoting positive values such as patience, humility and soberness through their speech. So, the linguistic features, such as vocabulary, can be used to promote, enhance and express positive values meant to improve the judiciary. On the other hand, such features can also violate certain articles in the new constitution, especially when the users of language are not experts.

Also the question in example 5 concerns *landmark* ruling. This is the use of vocabulary to create an image in the mind of the listener or reader. It is a form of metaphor that is meant to create a lasting image on the listener and the

reader. It implies uniqueness, competence and independence on the side of the interviewee and these are positive attributes hence are meant to promote positive values in the mind of the listeners or readers including members of the public. It is therefore clear that the participants in the interview are aware of the positive values of respect, competence, independence, obedience to the laws of the land, being gender sensitive in making judgment among other values enshrined in the new constitution. On the other hand they are aware that harshness on a plaintiff, discrimination against people on the basis of gender, incompetence, disrespect and many other negative values should not be encouraged in a democratic society.

In example 8, the candidate also responds indirectly to the questions asked by the interviewer. From his choice of words or diction, he uses expressions such as ‘...*judiciary in transition*’ which implies that the institution of justice is in the process of changing from one state or condition to another. He goes further and talks about ‘*collective intellect*’ which is a digital communication analytic platform addressing the needs of the marketers and researchers ([http://www. Collectiveintellect.com](http://www.Collectiveintellect.com)) to help surface consumer opinion, measure impact, identify customer sentiment and manage corporate firm. It is used by marketing professionals to assist with marketing efforts at the industry, company, brand campaign and messaging levels. The intellectuals involve those that are also expected to be having different philosophies and this implies that they should be people who think deeply and independently before they act or speak. It is for these reasons that he feels some people can as well come from outside and initiate changes in the judiciary. To this end, he is seen as a promoter of positive values of competence, independence and integrity through his choice of words.

So the use of selective pronouns and diction or choice of words or phrases is intentionally driven to gain the confidence of the public through language use and this is one of the reasons why open and public vetting was introduced in Kenya. For instance, in example 9, the applicant is asked to give clarification on an issue

that is in the air or is going round in some context and is touching on his personality. It is true that the personality who was being interviewed was at one point thought of by the public as belonging to the gay community majorly because of his ear stud and his lifestyle. In the context of the interview and in the wider context, which is the Kenyan society, lesbians and the gay homosexuals are seen to be people who are out to degrade the moral standards of the society and therefore introduce a culture that is seen to be alien or foreign to the citizens. It means that the interviewers are concerned with the morality of the Kenyan people and therefore whoever takes charge of the judiciary must be one who can uphold the moral practices as designed in the new constitution. In response to the question on homosexuality, in example 10, the interviewee does not want to be associated with the homosexuals but he does believe that their rights should not be violated by discriminating against them. So this means that the participants are aware of the positive values that should be promoted in the judiciary, such as values of respect, dignity, uprightness and many others. However, according to MLA (2012), candidates in an interview should not be asked questions about age, socio-economic status, marital status, children, medical or disability status, sexual orientation or nationality. To this end the candidate could claim that his rights were violated in the process, through the choice of words or vocabularies and this could mean that some articles of the new constitution were contravened or violated through the use of language.

1.6 Solutions to the problems

Matters to do with language should be addressed by among others, language experts. These are people who will maintain the principles of conversation but pass the right information to their audience. The committee involved in the vetting process should use the right polite expressions but pass the same information that would otherwise be expressed by some people who are arrogant and proud. This article suggests that those who use language as a tool for improving certain institutions should pick their wordings and vocabulary well without causing disharmony by using inappropriate terms, phrases, clause and even wider discourses.

1.7 Closing remarks

This article has analyzed the linguistic features that are used in job interview to get qualified personnel in certain institutions like judiciary. The language used should be that which promote positive values like integrity, justice, competence among other values. However the interviews conducted by the JSC of Kenya have tended to incorporate certain features that are hurting to the candidates hence cannot be used to transform such institutions like the Kenyan judiciary.

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