

Remaining Fourth or Being a Mouthpiece? The Print Media Representation of the 2013 and 2017 Supreme Court Ruling in Kenya

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Abstract

The media in any democratic society is charged with the mandate of creating and shaping of public opinion, strengthening as well as acting as a watchdog of society. It also creates public awareness in a bid to protect public interest and ensure that malpractices in the society are exposed. As the fourth estate, next to the legislature, the executive and the judiciary, it holds the power to transparently and objectively report and cover any events within society. In an election for example, the media participates in the election process by covering and ensuring that free and fair elections are conducted. Reporting any election malpractices becomes a key role of a democratic media during an election. The election process also includes the aftermath of any election and in the case of our study, the petitions that arise during a disputed election. In 2013, the election was disputed and it ended up in a court process that saw the current President, Uhuru Kenyatta declared the winner. The media's responsibility was to inform citizens and ensure adequate coverage of the petition process as well as the ruling. The recently concluded 2017 general election was also disputed and the media was expected to cover it sufficiently amidst criticism of its inability to report freely and objectively. This study focused on how the two mainstream print media papers (Nation and Standard) covered the 2013 and 2017 elections. A content analysis of a total of 28 days was carried out in a bid to find out how the media covered both elections. A comparative analysis of the coverage of the two rulings informed of the strides that the media has taken in terms of media freedom and coverage. It also informed of the media affectivity and adequacy in covering elections through print media.

Key Words: *Democratic society, Fourth Estate, Media coverage, Media role*

Introduction

The role of the Kenyan media in effectively articulating important issues remains a pertinent question by all stakeholders and especially political players. This is because of the symbiotic relationship between democracy and journalism, which is often described as a social contract. In emphasizing this relationship, Strömbäck (2005) purports that through democracy, journalism gets its freedoms and independence and it in turn provides citizens with information, a platform for discussion and keeps those in power in check.

The journalistic codes of accuracy, integrity and fairness are core to the Kenyan media's desire to retain its professionalism in a society where interdependence has long replaced independence amongst the various estates within the country. The commercial nature of majority of the media outlets is not helping either; the government for instance has many faces that it presents to the media. In one instance, the government plays the role of an enforcer of the existing rules and regulations, while in the next instance it is a client seeking to advertise through the same media outlets. It is such a web that places independently owned media within the reach of government influence, including licensing requirements, taxation, dependence on government advertisements, and laws restricting reporting. This creates media self-censorship thereby curtailing their watchdog role (Djankov et al., 2003).

Beyond the desire to meet its commercial and other needs, the media can never afford the luxury of stopping to act as the fourth estate, since this is the single most important role, for which the media houses exist in the first place. The term fourth estate defined by Thomas Carlyle (1960), and attributed to Edmund Burke can be described in the following words:

There were Three Estates in Parliament; but, in the Reporters' Gallery yonder, there sat a Fourth Estate more important than they all. It is not a figure of speech, or a witty saying; it is a literal fact....

The media as a fourth estate therefore remains a major player on all matters of the society and more so on political issues. It equals the major organs of governance like the parliament, legislature and judiciary through its ability to influence the masses with information.

Despite the immense power to control information, the Kenyan media still struggles to remain credible and relevant amidst allegations of failing to execute its mandate. This has given room to the other arms of government to bring disrepute into its image through a myriad of allegations. President Uhuru while in Bomet rubbished the work done by journalists in Kenya as incompetent and lacking, he said, “*Nitarudia kusema kila siku kwamba gazeti niyakufunga nyama* (I will repeat what I said before that newspapers are meant for wrapping meat) (Daily Nation, May 11, 2015). The opposition outfit never spared the media either. After the elections, the Siaya Senator James Orengo advised their National Super Alliance Coalition (NASA) followers to stay away from any Nation Media products. “From today, you should not buy the *Nation* newspaper. Do not watch *NTV* because it is not reporting the truth,” (Daily Nation, August 14, 2017). He was addressing a political rally at the Kamukunji grounds in Kibra just after the protests that followed the declaration and announcement of Uhuru Kenyatta as President.

The media has been accused severally of not rising to the occasion as the fourth estate whenever there is need. Cases of misreporting, corruption, bias, and unprecedented “blackout” on issues of importance have been cited. According to an article written by Clay Muganda, published by the Standard Digital on August 20, 2017, the media has failed to execute its watchdog mandate. These accusations are not new.

In the article, Macharia Gaitho, an independent journalist who was heading 2017 Daily Nation's Election Desk, argues that the failure can be attributed to the accusation that "the media are in bed with the Government, and this did not start with 2017 elections, but has been a narrative from 2013 when journalists were invited to State House for breakfast".

To support the statement, Gathara, a social commentator, believes that neutrality is no longer at play, "By 2007/8 General Election, the media were just as divided as the rest of the society. Every shortcoming of the Kenyan media is attributed to one thing: Corruption. The story is that the media are corrupt or can easily be corrupted — or made to conform".

In their defense however, the media feels that they have not been represented fairly. The Editors Guild through the then chairman, Macharia Gaitho, insists that the media needs to safeguard its freedoms and as the 4th Estate, execute its mandate as an agent of social cohesion and development, a mirror of society and a voice of the people. He noted that a few incidents where the media erred were blown out of proportion as if they reflect its general performance, saying "In some 365 days of reporting from numerous daily newspapers, TV and radio stations, very few examples could be found and it is actually a reflection of how responsible and professional the Kenyan media is."

His sentiments were echoing an Ipsos report of June 2014 titled "*Public Perceptions on Newspaper Content Political Bias*" that presented the media as objective in its reporting, in tonality, and in content presentations. This sustained a divided opinion regarding the effectiveness of the media that sets it on the path of a continued desire to prove its place and value as the rightful occupant of the 4th estate.

The just ended Supreme Court case petitioned by NASA, one of the main competing political coalitions in the August 2017 general elections was one such opportunity for the media to showcase their independence and expertise in reporting the actual information unlike the other three estates (Legislature, Executive and the Judiciary) who in one way or another appeared as parties to the case. The three arms of government were articulate in their desire to fulfill their mandate. The executive for instance, ensured that they were formally represented by the Attorney General in the petition as an *amicus curie* just to ensure that their facts were presented accurately.

The media, as a fourth estate was recognized and embraced by the Supreme Court as the only avenue for taking the court proceedings to the outside world. The Supreme Court granted infrastructure and space to facilitate the realization of the basic Human Right of access to information as enshrined in the constitution. The Chief Justice of Kenya, David Maraga, categorically acknowledged the role of the media in bridging the gap of information to the millions who were far and wide, a gesture of goodwill and appreciation to the media in this society. The question therefore is whether the media utilized this opportunity to fully function as an independent and alternative voice during the proceedings or whether they merely acted as a mouthpiece that picked and amplified the voices of the other stakeholders.

The mass media was used as a tool for informing the publics. The main avenues of dispensation of information to their audiences include television, radio and newspapers. The print media (Newspapers) however has more advantages since it allows for research and detailed presentation of information and the fact that it is available to be used for future reference. This makes it the best avenue for advancing the fourth estate agenda.

Research Questions

1. How did the media cover the 2013 and 2017 Supreme Court rulings?
2. Was the media a mouthpiece or did they simply convey information to the audience during the 2013 and 2017 Supreme Court rulings?
3. Were there any deliberate attempts by the media to frame information related to the rulings?
4. Which mainstream media covered the Supreme Court rulings more effectively?

Theoretical Framework

The media is a consensus of a kind due to the unlimited options available to the journalists in choosing what to do and how to do it. The influence the media has on segments of the society such as inspiring behaviour change amongst the people and governance cannot be underestimated. According to Turner & West (2010), media engagement in the creation and dissemination of information to its audiences assumes systematic patterns that can be referred to as theories. A theory therefore is an abstract system of concepts and their relationships help us to understand a phenomenon. This study relies on three theories of framing, agenda setting and priming to explain the strategies, planning and the processes adapted by the two newspapers in publishing their daily articles.

Framing Theory

The constancy with which situations keep unfolding within the society each passing day creates a corresponding demand for interpretation before eventual consumption by individuals. The situations undergo re-organization with real desire to reveal the ideal meaning.

In this process there is a frame. In media and communication, Tuchman (1978) argues that the frame organizes everyday reality by providing “meaning to an unfolding strip of events” and promoting “particular definitions and interpretations of issues” (Shah et al., 2002, p. 343).

The framing theory of mass communication by Goffman (1974) focuses on how the media portrays news stories. Journalists use framing as a way to reduce the complexity of the story. Scheufele (2007) defined media frames as a main organizing objective or story line that delivers meaning to events that are unfolding. In addition, viewing media or news frames is necessary to turn meaningless and non-recognizable happenings into discernible events. The argument here is that the media has the capacity to dictate how their audiences can perceive their communication by switching attributes of a story such as language, placement and emphasis. The way in which news events are covered by the media can affect how receivers understand the events. Recipients of a news story build their opinion based on how the news story was framed and their own individual frames. Positive, neutral or combative headlines can actually dictate opinion of the story beyond the actual contents and in this case headlines act as a frame of influence.

Framing has several dimensions as explained by Entman (1993) but it essentially involves selection and salience. To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described. Gamson (1992) concludes by saying that frames define problems, diagnose causes, make moral judgments and suggest remedies.

Agenda Setting Theory

This theory is associated with McCombs & Shaw (1972) and it supposes that the media do not tell the audiences what to think, but rather what to think about. This phrase is attributed to Bernard Cohen's quote of 1963 that, "The press may not be successful much of the time in telling people what to think, but it is stunningly successful in telling its readers what to think about."

The assertion is themed on what the media will not say and what the media will say. In other words, the media may not change one's perspective about an issue, but the media has the indirect power of making one think of an issue. During the Supreme Court petition, the media may not have changed the audience perspective on the electoral petition processes. The perspective of an individual could have been full of reservation or outright lack of trust based on the past experiences such as the 2013 Supreme Court ruling. The media may not have changed such reservations but rather may have created an issue around the current Supreme Court petition that would have attracted and warranted thinking and probing by the target audience. The media can package the petition process as the ultimate step towards justice to all and a guarantee of justice to the vulnerable. This will get the audience thinking about the process irrespective of their personal misgivings on the subject matter.

The relationship between media reports and people's ranking of public issues is never incidental, but rather a well-crafted procedure that has its goals well defined long before the messages are dispatched. When the media begins to place priority on a particular issue in the society, it creates a notion that the issue is important and as such, causes public debates and several talks on the issue.

In choosing and displaying news, editors, newsroom staff and broadcasters play an important role in shaping political reality. McCombs (1972) emphasizes that readers learn not only about a given issue, but also how much importance to attach to that issue from the amount of information in a news story and its position within the newspaper.

Priming Theory

Editors make decisions daily on who can be assigned what story, which story gets more personnel as well as the placement of the stories, whether in the front, middle or back page. These efforts are strategic towards ensuring that prioritized stories get the most professional writing input and the best newspaper placement so as to make them strategically attractive and conveniently available to the audience. This is what is referred to as priming.

Priming theory states that mass media, by making some issues more salient than others, influence the standards by which governments, presidents, policies, and candidates for public office are judged (Iyengar & Kinder, 1987). It suggests that when people see, hear, or read about something, other ideas in memory that have similar meaning are activated for a short time afterward. Those thoughts then activate other thoughts and action tendencies related to the words causing a spreading activation. (Jo & Berkowitz, 1994).

Priming is grounded on memory-based models of information processing which assume that people form attitudes based on the considerations that are most salient (i.e., most accessible) when they make decisions (Hastie & Park, 1986). Secondly, some argue based on the common theoretical foundation, that priming is a chronological extension of agenda setting (Iyengar & Kinder, 1987). Essentially prominent, frequent, and recent exposure to news stories can develop schemas that are easily primed in subsequent contexts.

By making some issues more salient in people's minds (agenda setting), mass media can also shape the ideas that people take into account when making judgments about politics or other issues (priming). However, priming does not just involve political agendas. It also can involve social issues, such as terrorism, racial inequality, unemployment, and poverty. With the understanding of how framing, priming, and exemplification theories work to explain the effects of the media on recipients of media messages, one can begin to analyze how they provide a framework for other media studies concerning stereotypes.

Literature Review

The media in a democratic country like Kenya remains a subject of the state in several legal and acceptable ways. This is however highly regulated through several constitutional provisions like the bill of rights in article 34(2) that clearly outlines the procedures for existence between key stakeholders. The state for instance, cannot exercise control over or interfere with any person engaged in broadcasting, the production or circulation of any publication or the dissemination of information by any medium. They cannot penalize any person for any opinion or view or the content of any broadcast, publication or dissemination (Constitution of Kenya, 2010). If the state feels aggrieved, they have to go through the laid down judicial procedures in seeking redress.

The constitutional provisions are key in protecting the professional operational sphere for all stakeholders and through this, continuity and relevance are guaranteed to all stakeholders. The desire to access and control what the media says and how it is said remains an issue. As early as the pre-colonial time, the colonial government adopted draconian laws such as the Newspapers' Ordinance (1906) to deal with harsh political realities of the time (Oriare et. al., 2010).

The colonial government feared a free and thriving nationalist press that acted as the mouthpiece for political independence. It enacted the Penal Code in 1930, the Emergency Order in Council in 1939, repealed The Newspaper Ordinance in 1950 to control alleged rebellious nationalist publications such as *Sauti ya Mwafrika*, *Uhuru wa Mwafrika*, *African Leader*, *Inoororia Agikuyu* among others. (Government of Kenya, Broadcasting Policy, 2004).

Beyond the colonial times, there were several regulatory frameworks that were not well formulated and media friendly. The defamation act of 1970 still provided for criminal libel, which yielded imprisonment for defaming by a journalist. The journalists, criticizing injustice and impunity by the state, were increasingly silenced using the section 194 of the Penal Code, regarding criminal Defamation. Former Chief Justice, Willy Mutunga, lodged a suit in 2015 against the *Nairobi* newspaper in a defamatory story about him a year before. The defamatory act was then declared unconstitutional in 2017 by the High Court (Daily Nation, June 22, 2015). The government also used the Official Secrets Act to limit publications. For instance, the Official Secrets Act of 1970 prohibits any person from obtaining and transmitting any information that in the opinion of the state is calculated to be or might be or is intended to be directly or indirectly useful for a foreign power or disaffected person". (Kenya Law Reporting, 2015). The end to the use of law to encroach into the media space is not in sight. On October 15, 2015, newspaper headlines in Kenya suggested that the media is still being curtailed. "It's a crime to say anything MPs don't like," said the *Daily Nation's* headline, and *The Star* wrote: "Parliament passes law to punish media." And *The Standard* wrote, "Dark day in graft war as MPs kill media probe".

These headlines were an expression of shock as the Kenyan National Assembly passed a bill touching on Publications and Broadcast, and particularly Clause 34 of the Bill which was an insult to press freedom. It sought to constrain journalists from doing their work. The clause provides for a fine of KES 500,000 or a two-year jail term or both for a journalist deemed to have defamed parliament or members of the House or its committees. These provisions clearly violated Article 34 of the Constitution, which guarantees press freedom and by extension, violates Article 35 of the Constitution, which empowers citizens to access information (Constitution of Kenya, 2010).

On October 15, 2015, *Reuters* reported that the proponents, largely the National assembly legislators were convinced that their act was logical and justifiable. MP Nicholas Gumbo was quoted in *The Standard* saying it would protect him and his colleagues from mob justice. The Media Council of Kenya condemned the bill saying it could be used “to silence critical reporting” and called on the senate to repeal the restrictive clauses.

The driving force behind the desire to control media freedom is a genuine need to guarantee objectivity for all in the hands of the powerful media. Objectivity is deemed missing to a communication by parties who feel aggrieved by either inclusion or omission of a part of communication that they consider a misrepresentation. Patterson (2014) advances that with missing objectivity, the media is no longer guaranteed its position in society since steady supply of trustworthy and relevant news guarantees democracy, which in return guarantees each one their rightful societal position. In acknowledging the media as a fourth estate, Rawls (1997) elaborates that in order to give journalism legitimate authority to “govern” the political forum as an estate, the public must genuinely believe that they will be better off by allowing journalists to take this up as their purpose. Rawls proposes that the institution of journalism be rebranded as the “guardian of the public political forum”.

A fearless and effective watchdog is important in democracies so as to keep the institutions in check as they try to manage the rising political pressure. When legislatures, judiciaries and other oversight bodies are powerless against the mighty or are themselves corruptible, the media are often left as the only check against the abuse of power. This requires that they play an epic role, exposing the excesses of presidents, prime ministers, legislators and magistrates despite the risks.

The space to undertake the task has never been guaranteed. The media in Kenya has been attacked and ridiculed countless times. In 2005, the then first lady, Lucy Kibaki, stormed Nation Media newsroom to protest a story published about her by the *Daily Nation*. She ended up destroying equipment and slapping one of the journalists.

In 2006, armed and hooded people raided Standard Group (Kenya) offices in Nairobi as well as the printing press on Likoni Road. They burnt all the copies of the printed newspapers, destroyed and confiscated broadcasting equipment, which, consequently, put KTN off air, and detained and harassed the journalists who were on duty. An unapologetic John Michuki, the then government security minister justified the raid, saying: “If you rattle a snake (the government) you must be ready to be bitten by it” (BBC News, March 2, 2006). Such calculated attacks and approaches by the members of the other estates to the fourth estate are designed to skew its coverage to specific players instead of allowing objectivity through the communication process. The ability to outmaneuver such challengers as it performs its mandate informs the place of media in the society, whether a mouthpiece or acting as the fourth estate.

Methodology

The purpose of this study was to determine how *The Standard* and *Daily Nation* newspapers framed the petition issues during the Supreme Court rulings of 2013 and 2017 in Kenya. The two papers are the mainstream newspapers in Kenya. According to a 2015 survey by Geopoll Kenya,

Standard and *Daily Nation* Newspapers control 60% market share of daily circulation. This percentage is based on the audience size and share. An indicator that they enjoy the most readership and therefore can represent the opinion of the other remaining dailies.

A comparative content analysis was conducted for this study. The main focus for this study was to determine the headline, the editorial, the editorial cartoon and the special features in the newspaper that mentioned issues of Supreme Court presidential election petition, pitting Raila Odinga (Petitioner) against the Independent Electoral and Boundaries Commission (IEBC) (respondent) and Uhuru Kenyatta (respondent).

According to Neuendorf (2002), content analysis has been a fast-growing technique in the world of quantitative research as it is systematic, objective and offers a quantitative analysis of message characteristics. The researcher purposively targeted newspapers for a period of two weeks. Seven days before the petition ruling day and seven days after the petition ruling for the two petitions of 2013 and 2017 for each newspaper. Data for the 2013 petition was collected between March 23rd and April 5th 2013, whereas the 2017 petition utilized data collected between July 26th and August 9th 2017. These time periods were chosen because the Supreme Court petitions were lodged and conducted around the same time and therefore they offered a true reflection of media coverage before and after the ruling. Although the petition cases took a period of 14 days, our study focused on the seven days before and after the ruling.

The pre-ruling duration adapted was based on the hypothesis that the media would effectively inform citizens on what to expect during the process, while the post ruling duration would analyze the consequences of the ruling to citizens.

The dependent variables for this study included Headline mention (positive, negative, none),

Editorial theme (dedicated, none), Editorial Cartoon (dedicated, none) and feature stories (available, none).

Results and Findings

The study analyzed content from a total of 28 days in both *The Standard* and *Daily Nation* Newspapers, the mainstream media in Kenya today. Out of the 28 days, 14 were between 27th August to 9th September 2017 and 23rd March to 5th April, 2013.

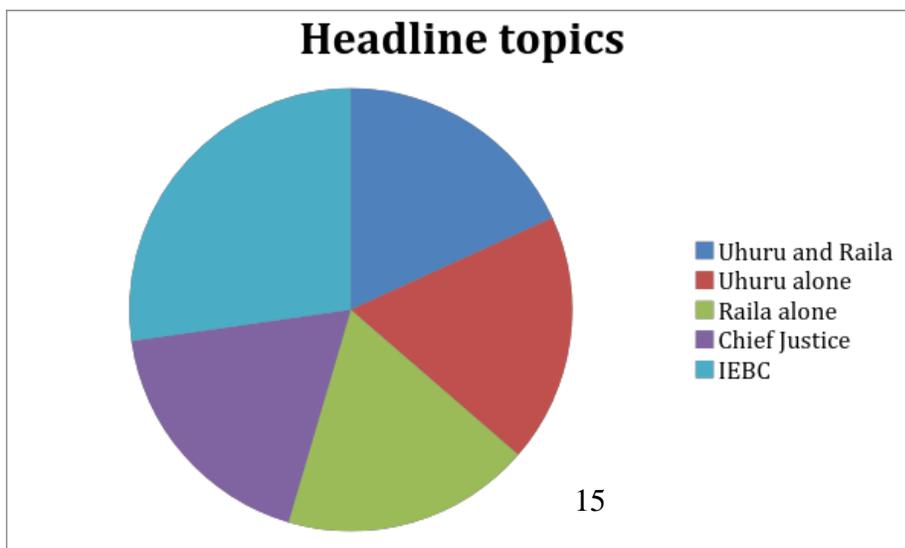
The analysis has been subdivided into two: -

THE 2017 RULING

Standard Newspapers 2017

Headlines

In the Standard Newspaper, 10 headlines out of the 14 presented during the period were about the ruling. 2 headlines mentioned the ruling in relation to Uhuru and Raila, 2 mentioned Raila, 2 mentioned the Chief Justice, 3 mentioned the IEBC and 1 focused on the ruling.

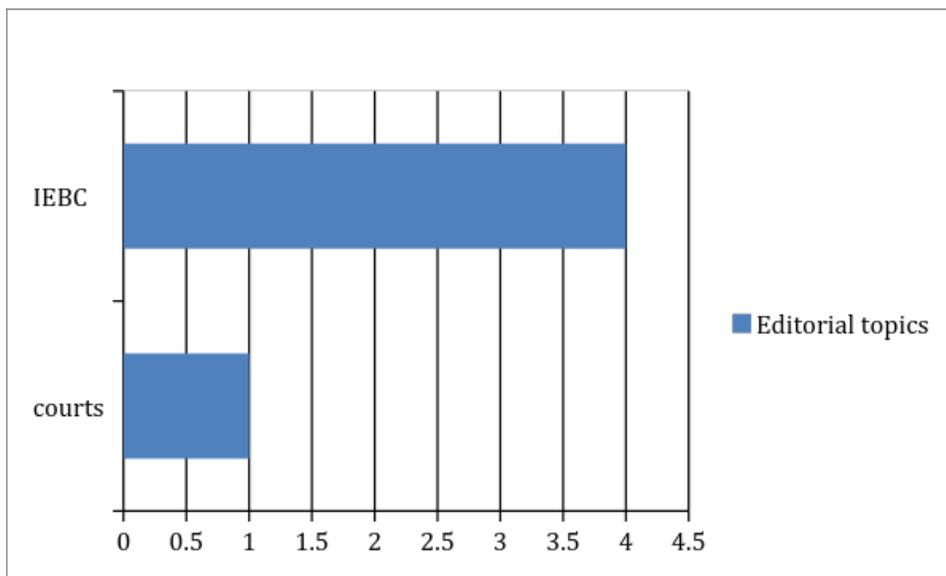


The words used in the headlines to describe the conflict included the following: Duel, win, thunder, fireworks, fights, face-off, clash and battle.

Out of the headlines, there was only one mouthpiece, and the rest of the headlines were editor selected.

Editorials

In the 14 days, there were a total of 6 editorials. The editorials spoke about the courts and IEBC. Out of the 6, 2 were positive and in support of the courts while the remaining 4 were about IEBC.



Cartoons

A total of 8 Cartoons during the period were related to the Supreme Court ruling.

Feature stories

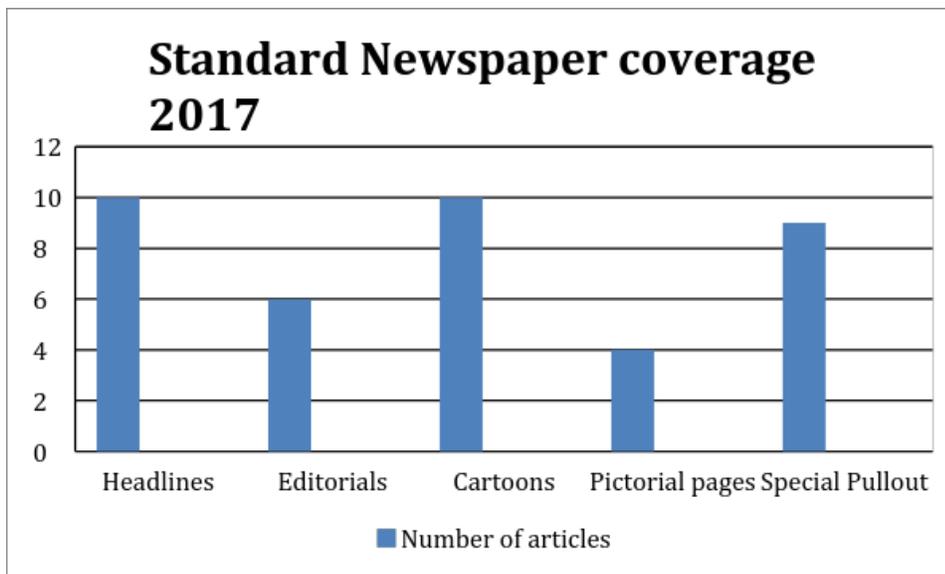
There were no independent feature stories in the newspapers. However, there were special stories in the various special pull-outs that were talking about the ruling. A total of 9 days had pull-outs that were related to the ruling.

The pull-outs had exclusive features, opinions and news stories about the ruling. *The Standard* newspaper called the pull-outs Supreme contest, Supreme verdict and Judgment day.

Pictorial Pages

There were days when the newspaper opted to use pictorials where there were pictures with captions. There were a total of 4 pictorial pages on 4 days out of the 14, 1 page was before the verdict while the other 4 pages were after the verdict.

Summary of Standard Newspaper coverage of the Supreme Court

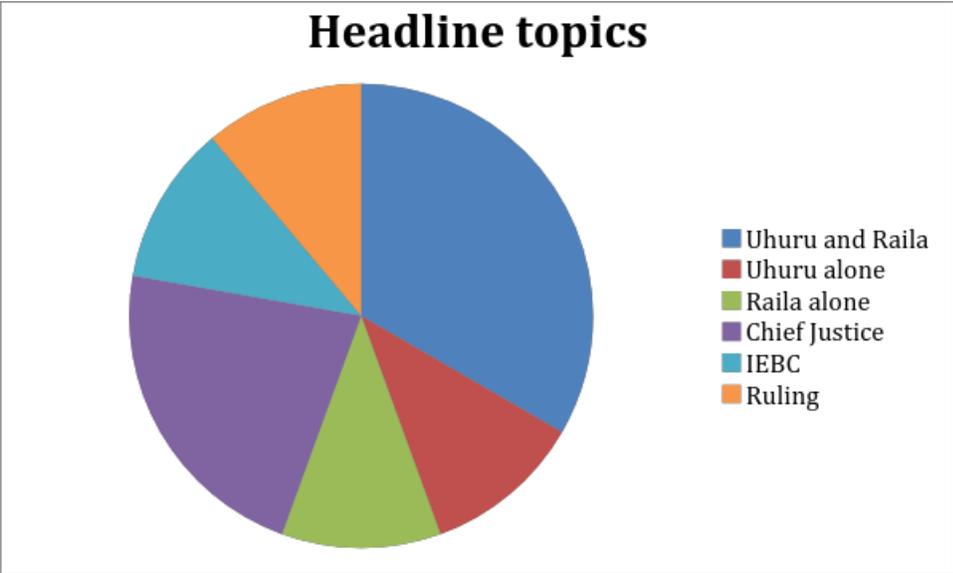


There were a total of 38 news items that covered the Supreme Court ruling in 2017.

Nation Newspapers 2017

Headlines

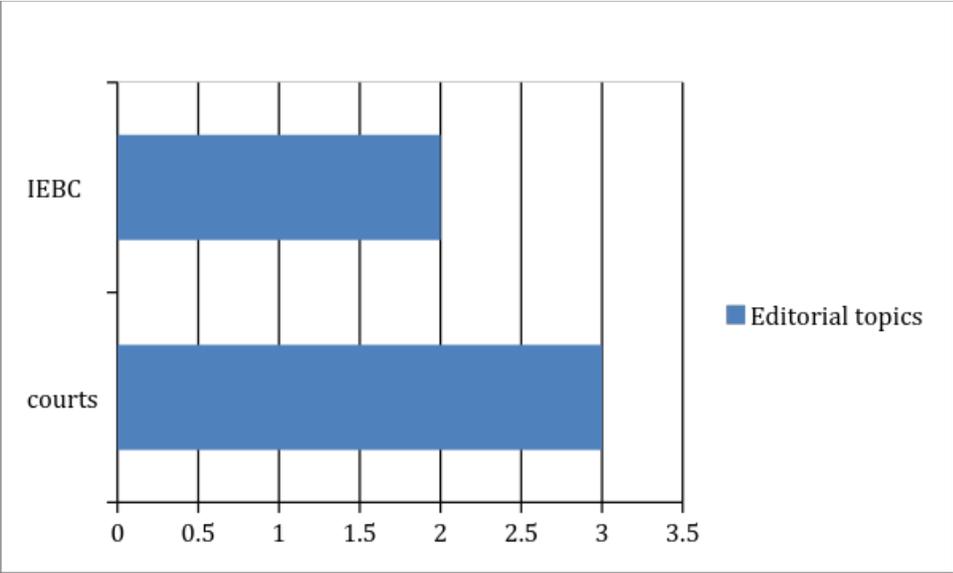
In the *Daily Nation* newspaper, there were a total 10 headlines out of the 14 presented during the period. Out of the 10 headlines, the ruling was mentioned in relation to the following: 3 were talking about Uhuru and Raila, 1 mentioned Raila, 1 was talking about Uhuru, 2 were talking about Judges, 1 focused on IEBC and 2 were based on the ruling verdict.



The words used in the headlines to describe the conflict included the following: storm, fight, divisions, battle and wins.

Editorials

In the 14 days, there were a total of 5 editorials. The editorials referred to the courts and IEBC. Out of the 5, 3 were positive and in support of the courts while the remaining 2 were about IEBC.



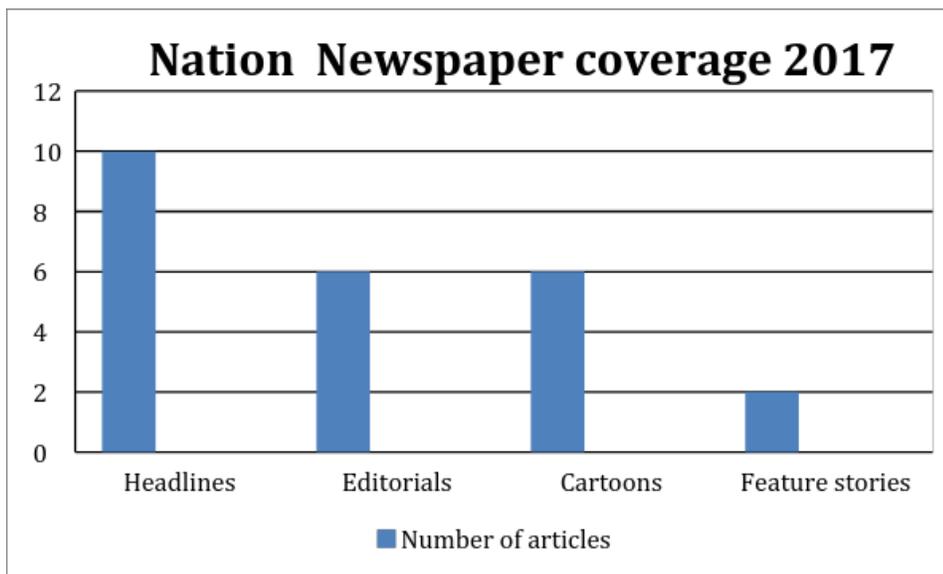
Cartoons

A total of 6 Cartoons during the period were related to the Supreme Court ruling.

Feature stories

There were only 2 independent feature stories in the newspapers throughout the 14 days and no special report or pull-out during the period. Also noted was the lack of pictorial pages.

Summary of the Nation Newspaper coverage of the Supreme Court



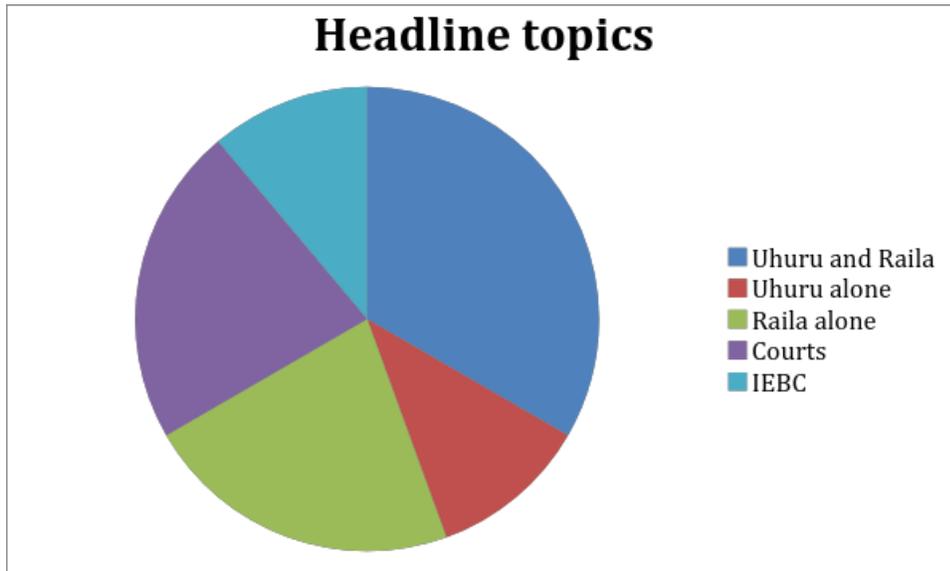
The 2013 Ruling

Daily Nation Newspapers 2013

Headlines

In the *Daily Nation* newspaper, a total of 9 headlines out of the 14 presented during the period covered the ruling. Out of the 9, the ruling was mentioned in relation to the following: 3 were in

reference to Uhuru and Raila, 2 mentioned Raila, 1 was about Uhuru, 2 were about the courts and 1 focused on IEBC.

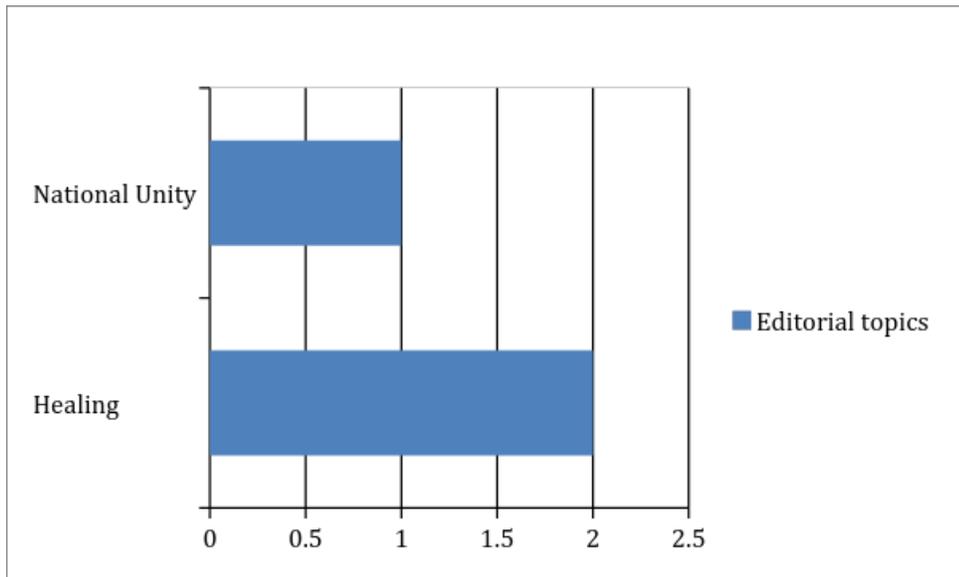


The words used in the headlines to describe the conflict included the following: Victory, battle, win, fight back and verdict.

Out of the headlines, one was the mouthpiece of the IEBC.

Editorials

In the 14 days, there were a total of 3 editorials. The editorials spoke about healing for Kenya. One was urging people to move forward, while the other 2 were talking about unity and national healing.



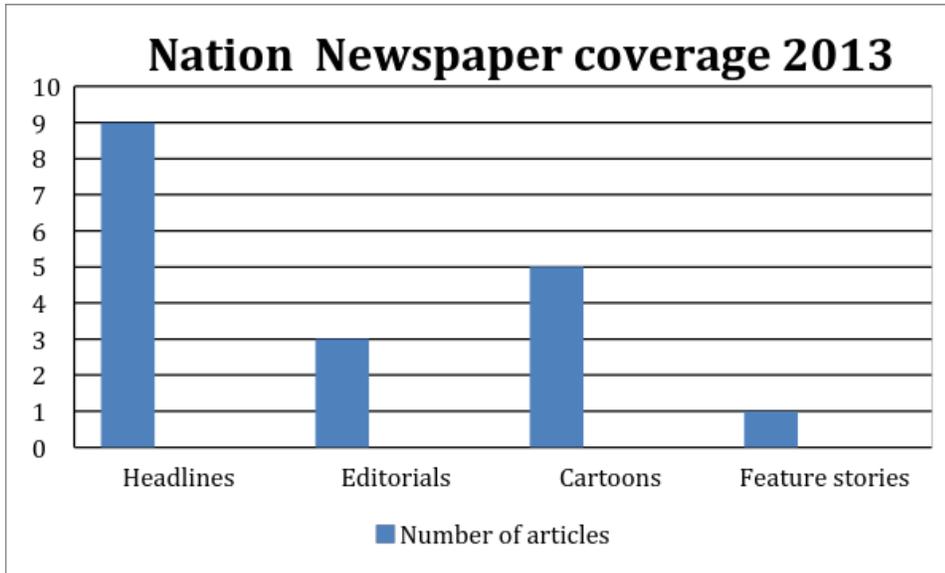
Cartoons

A total of 5 cartoons during the period were related to the Supreme Court ruling.

Feature stories

There was only 1 independent feature story in the newspapers throughout the 14 days and no special report or pull-out during the period. Also noted was the lack of pictorial pages.

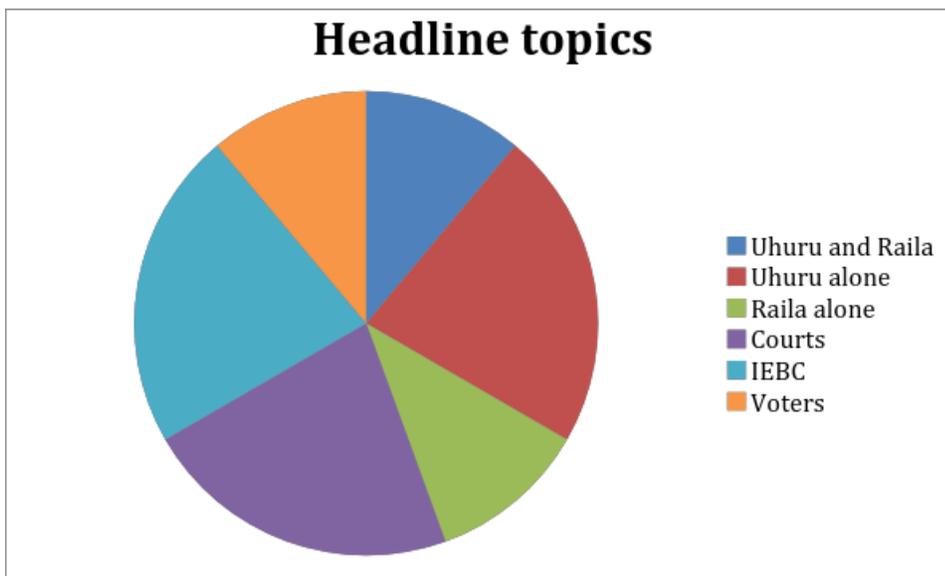
Summary of Standard Newspaper coverage of the Supreme Court



Standard Newspapers 2013

Headlines

In *The Standard* newspaper 2013, there were a total of 9 headlines out of the 14 that mentioned the ruling. Out of the 9, the ruling was mentioned in relation to the following: 1 was talking about Uhuru and Raila, 1 mentioned Raila, 2 were talking about Uhuru, 2 were talking about the IEBC, 2 focused on the courts and 1 mentioned the voters in general.

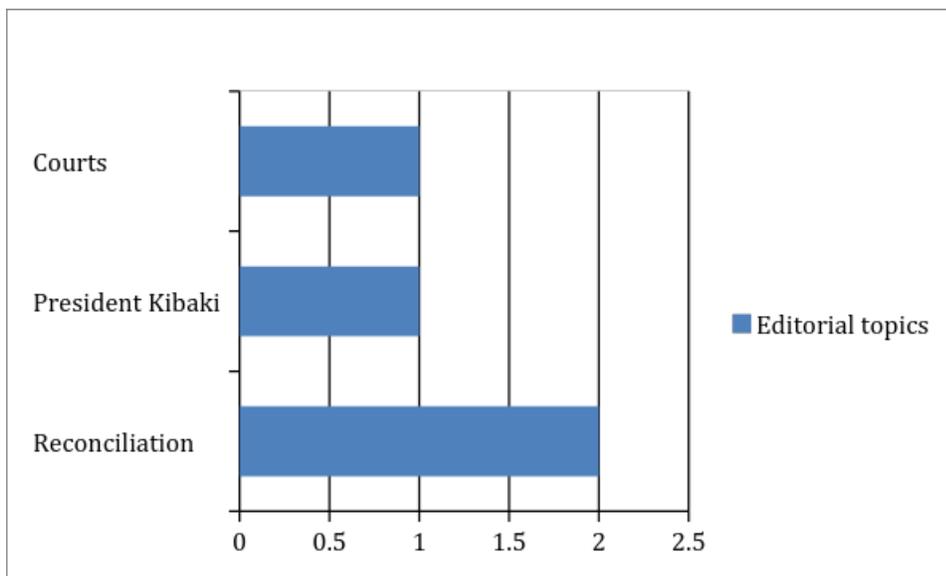


The words used in the headlines to describe the conflict included the following: games, petition, evidence and reconciliation.

Out of the headlines, one headline was an IEBC mouthpiece.

Editorials

In the 14 days, there were a total of 4 editorials related to the ruling. The editorials were general. One talked of respect to the courts, the other was praising President Kibaki, and the other 2 were talking about reconciliation and moving on after the judgment.



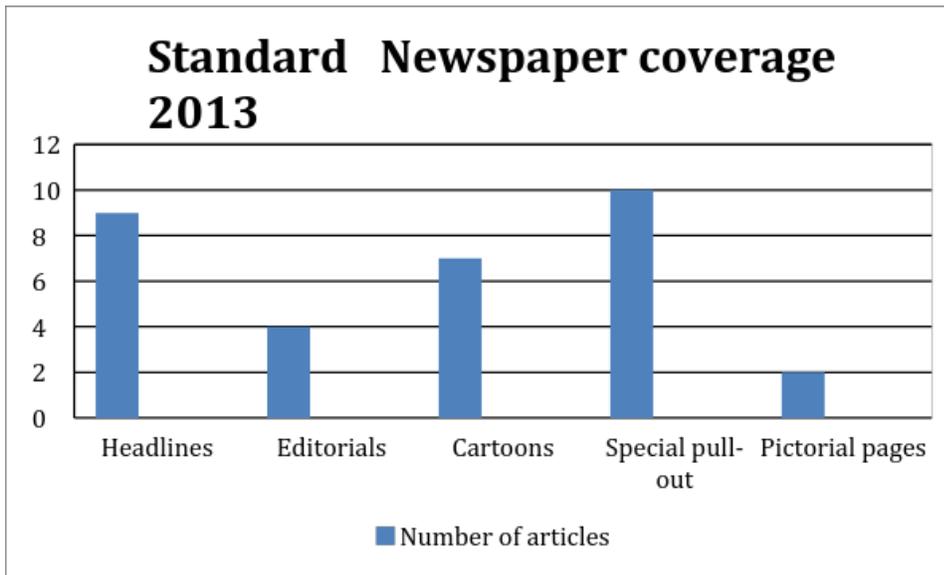
Cartoons

A total of 7 cartoons during the period were related to the Supreme Court ruling.

Feature stories

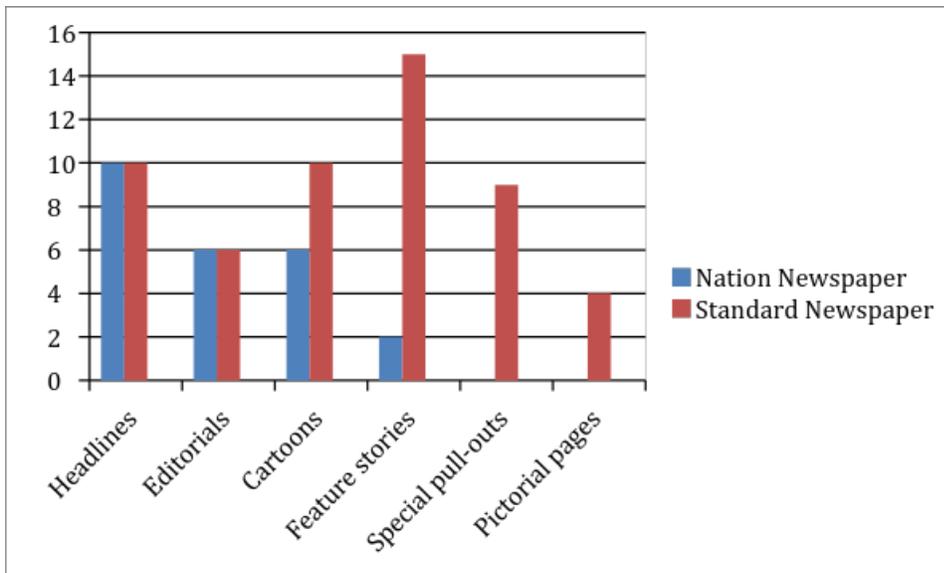
There are a number of features that were presented in the special pull-outs in *The Standard* newspaper during the period. There were a total of 10 pull-outs on 10 different days that covered features, opinions, news and pictorial pages concerning the ruling. The pull outs were titled, *The Presidential Petition*. There were also 2 separate pictorial pages.

Summary of Standard Newspaper coverage of the Supreme Court

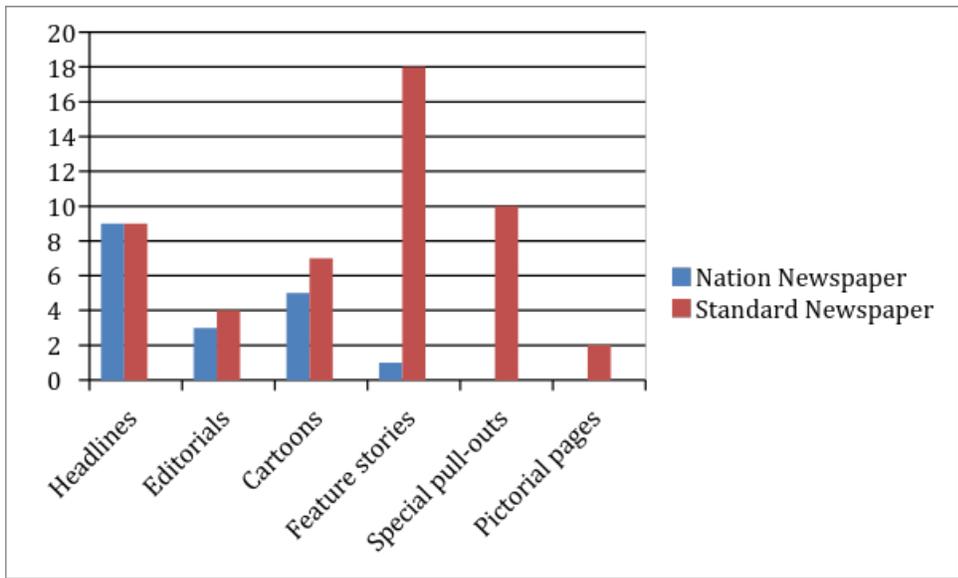


A comparative Analysis of the Coverage

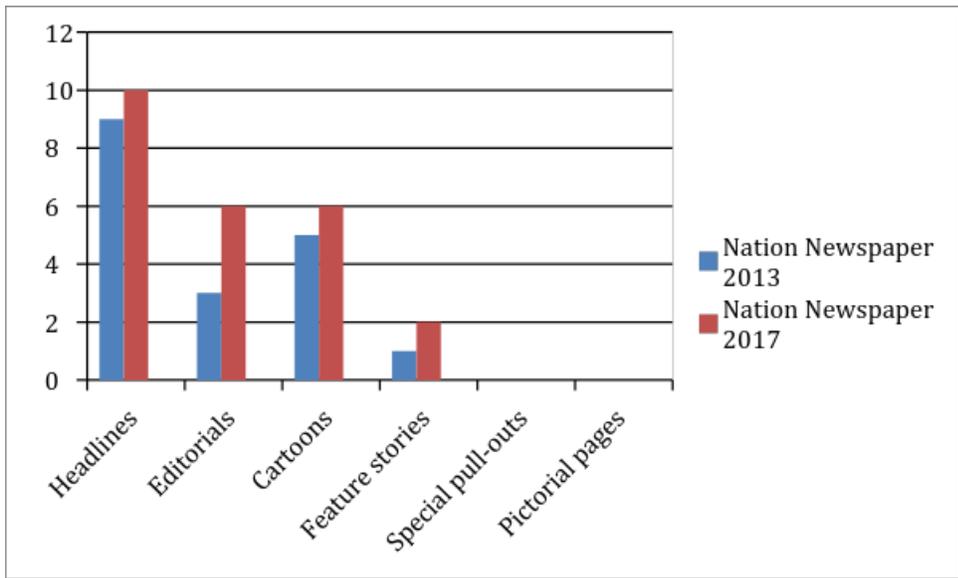
Nation and Standard 2017 Coverage



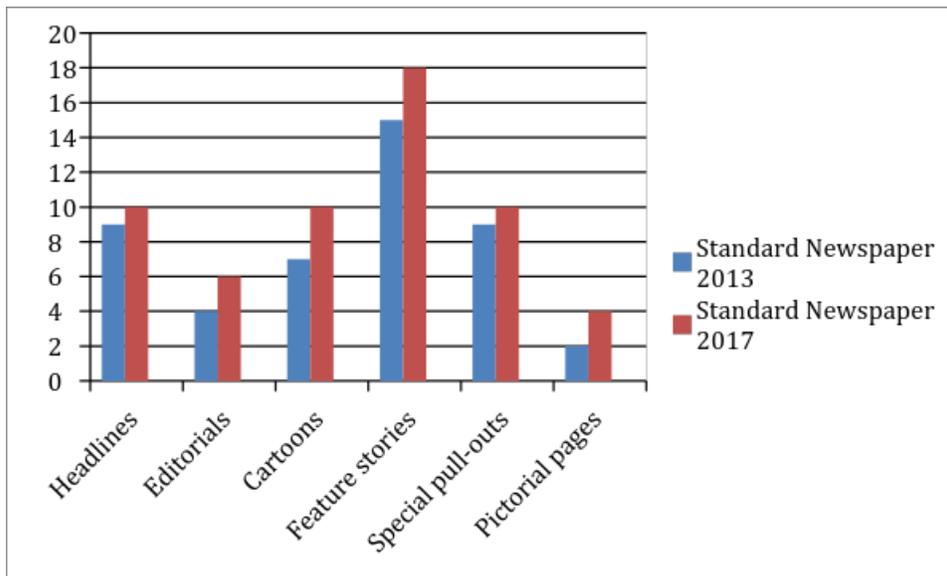
Nation and Standard 2017 Coverage



Nation 2013 and Nation 2017



Standard 2013 and standard 2017



Analysis of findings

In our analysis, both newspapers attempted to cover the ruling as the fourth estate. In their role of informing citizens there was adequate coverage in headlines with both newspapers having coverage of over 50% of their headlines.

The headlines of both newspapers that were in relation to the ruling were centered on Uhuru and Raila who were the two main opponents, and who appeared either together or separately. There was also mention of the courts and others focused on IEBC which is the electoral body that carried out the elections.

In an analysis of the words used in the headlines, *The Standard* newspaper in 2017 used strong words like duel, win, thunder, fireworks, fights, face-off, clash and battle to describe the conflict, while *Daily Nation* preferred to use milder words like victory, battle, win, fight back and verdict in their headlines.

In 2013, it can be noted that *The Standard* used milder words like victory, battle, win, fight and the *Daily Nation* used games, petition, evidence and reconciliation. It is our assumption that *The Standard* newspaper used stronger words to show the gravity of the matter. It was also noted that out of the headlines, only three were used as a mouthpiece. The rest were the editor's choice of headlines for the respective newspapers.

In the editorials, which are the voice of the paper, it is quite clear that both newspapers only spoke about the ruling when there was a need to engage. In 2017, *The Standard* had a total of 6 editorials and the *Daily Nation* had 5 bringing the total to 11 in a span of 28 days. In the 11, the topic of coverage was the courts and IEBC. It seems the media houses were lauding the Supreme Court for the good work done and urging the IEBC to ensure that future elections are conducted properly.

In 2013 however, there were fewer editorials in both papers. The Nation Newspaper had 3 while the standard had 4 bringing the total to 7. The topics covered in the editorial were courts, reconciliation, national healing and national unity. The call mostly was for the nation to accept the verdict and find healing and the assumption would be that the media was playing the role of ensuring that citizens do not resort to the violence as witnessed in the 2007 elections.

Both newspapers employed the use of the cartoon in the editorial page to emphasize their themes. They however, mostly used the cartoon when there were no editorials in the page as a means of showing that the ruling was still part of their concern or agenda during the period.

In both newspapers, it is evident that *The Standard* newspaper in both 2017 and 2013 had a wider coverage of the ruling as compared to the *Daily Nation* newspaper. They took the matter more seriously than the *Daily Nation*. They had additional special pull-outs. The pull-outs ranging from 4-10 pages of news, opinions and features concerning the ruling were branded with names like *Supreme contest*, *Supreme verdict and Judgment day*. The 2013 pull-outs were labeled *Supreme Court*. The *Daily Nation* newspapers did not create any special pages but opted to carry a few features on special days like the ‘judgment day’. On the same breadth, *The Standard* had special pictorial pages which include pictures and captions of the courts and the reactions of people towards the ruling which was lacking in the *Daily Nation* newspaper.

Conclusion

The role of the media in a democracy cannot be underestimated. This study has underscored the importance of the media as a fourth estate. From the findings, the media adequately covered the Supreme Court rulings despite the challenges that questioned the media’s ability to carry out its mandate.

The media was not a mouthpiece. It advanced its own agenda through its headlines and editorials, framed news through its choice of words to describe the ruling and primed Supreme Court information through deliberate efforts like special pullout editions, cartoons and pictorial presentations. This was in a calculated attempt to influence the audience perception of the verdict. The choice of words for the headlines by the two dailies was a deliberate move to influence the audience, just as Scheufele (2007) argues that the way in which news events are covered by the media can affect how receivers understand the events. Positive, neutral or combative headlines can actually dictate opinion of the story beyond the actual contents and in this case headlines act as a frame of influence.

In their choice of words like duel, win, thunder, fireworks, fights, face-off, clash and battle to describe the situation as conflict, Gamson (1992) argues that frames such as headlines can be used to define problems, diagnose causes, make moral judgments and suggest remedies.

In comparison, *The Standard* newspaper undertook its mandate more seriously than the *Daily Nation*. It adapted a more conciliatory tone, invested more on special issues and gave more prominence to the election petitions. The choice of words changed from combative in 2013 to more neutral in 2017, an indication of growth and professionalism. *The Daily Nation* newspaper on the other hand adopted a more laid back approach. There were no special editions, features or pullouts and therefore treating the petition process as ordinary news.

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