

**ETHICS IN NEWS PRESENTATION OF SOCIO-POLITICAL ISSUES IN KENYA:  
THE CASE OF KIDERO-SHEBESH PUBLIC WRANGLE**

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**A thesis submitted to the graduate school in partial fulfillment of the requirements of  
the master of arts degree in journalism and mass communication of Egerton University**

**EGERTON UNIVERSITY**

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## DECLARATION AND RECOMENDATION

### Declaration

This thesis is my original work and has not been presented for any degree in any other University.

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## **DEDICATION**

I dedicate this work to my beloved wife Juddy Biyaki, our children Larry, Lytton and AbbyNorah Gesare and my beloved parents Ellena Gesare and my late father James Maaga Onwong'a.

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## **ABSTRACT**

This thesis examines ethics in the coverage and news presentation of socio-political issues in Kenya. There are a few studies on how the Kenyan newspaper media relates to the established code of professional conduct and regulation as stipulated in the Code of Conduct for the Practice of Journalism in Kenya. The research studied the levels of deviation from journalistic ethics in the reporting and coverage of the political drama that unfolded at City Hall; Nairobi after first County Governor Evans Kidero allegedly slapped first Nairobi County Women Representative Rachel Shebesh outside his office on September 6, 2013. The study analyzes selected newspaper articles covering the wrangle as published by the Daily Nation, the Standard and the Star. This research identifies newspaper articles that contain contentious journalistic ethical issues and sought to interrogate them in order to determine the levels of deviation from journalistic ethical standards. The study was guided by the Social Responsibility Theory as propounded by Siebert et al., (1956). The theory was important in analyzing the chosen texts to reveal the extent these publications deviated from the established code of professional conduct for journalists. Purposive sampling was used since only information rich newspaper articles were relevant. Data collected from the newspaper documentary sources and interviews carried out between September 2013 and February 2014 were qualitatively analyzed. The media content analysis method was used to analyze the data. The study observed that the most tangible, self-policing mechanisms designed to ensure more responsible journalism are ethical codes. These regulatory norms serve to guide press behaviour and symbolize the industry's good faith in its reporting conduct. It was also noted that significant differences exist in individual journalists in upholding journalistic ethics. These variations were critical in making practical recommendations for the establishment of theory to media studies. In addition, the study sought to take a multidisciplinary approach since it incorporated linguistics and media studies and hopes to make a contribution to these fields. Moreover, it is hoped that the study may benefit media practitioners and policy makers in and outside government to nurture a good political relationship in regard to how journalism connects to the political life of a nation. Further this study could form the basis of introspection for media professionals towards establishing acceptable professional practices.

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## **CHAPTER ONE**

### **INTRODUCTION**

#### **1.1 Background to the Study**

Ethics involves what is right, equitable, fair, just, dutiful and responsible. Ethical practice is as important in media as it is in any occupation with high levels of public impact in society (Ward, 2011). All professionals have specific ethical codes based on long tradition. Probably the best known is the Hippocratic Oath in which a physician vows ‘to abstain from doing harm’ more commonly phrased as first, do no harm. Similarly, the Society of Professional Journalists Code of Ethics says that the media should “minimize harm” and have “compassion for those who may be affected adversely by news coverage.” Reporters, editors, broadcasters, advertising executives and others in the mass media need to understand and rely on ethical codes to guide them. Journalists are ethically bound to seek the truth, to act independently and to serve the public interest. As a discipline, Media ethics draw on a range of philosophical principles, including basic Judeo-Christian values, Aristotle’s ideas about virtue and balanced behaviors (the golden mean), Kant’s categorical imperative, Mill’s principle of utility, Rawls’s veil of ignorance, and the Hutchins Commission’s Social-Responsibility Ethics. The best overview of media ethics comes from the 1947 Hutchins Commission on Freedom of the Press (Keeble, 2009; Siebert et al., 1956). The commission found five basic requirements for all media that the media should provide a truthful, comprehensive and intelligent account of the day’s events in a context which gives them meaning; should serve as a forum for the exchange of comment and criticism; to project a representative picture of the constituent groups in the society; to present and clarify the goals and values of the society and that the media should provide full access to the day’s intelligence.

Journalism has a very strong ethical code, including prescriptive advice to seek the truth and report it; to act independently; and to be accountable. Media ethics are a complex topic because they deal with an institution that must do things that ordinary people in ordinary circumstances would not do. Ward, (2011) says that reporters face a range of ethical issues on a regular basis. Those issues include the following: Truthfulness: Journalists need to make a commitment to telling the truth. This includes not giving false or made-up reports, and telling truthful stories that are not intended to deceive the audience. This may require reporters to provide not only the facts but also the context surrounding them. Truthfulness requires a commitment not only from the journalist but also from the organization he or she works for.

The motivation for carrying out this study was to determine the levels of truthfulness in print media. The public wrangle between Kidero and Shebesh provided a fertile ground to flesh out the truth as carried out by the three selected mainstream publications.

**Conflicts of interest:** The interests of a corporation that owns a news organization may sometimes be at odds with the nature of the news being reported. Journalists need to be careful not only to portray their parent company in an accurate light but also to give no special favors to companies connected to the organization's parent company.

**Sensationalism:** News organizations sometimes emphasize news that is interesting but unimportant. This happens when reporters put more effort into attracting and pleasing an audience than into reporting on the critical issues of the day. This can happen because of the increased pace of the news business brought about by cable television, the Internet, and the parent company's desire for profits.

**Authenticity and appropriateness of photographs:** Photos can be among the most controversial media materials, both because of their disturbing content and because they can be altered with digital editing tools. Journalists and their employers can apply a variety of methods for enforcing and implementing ethical behavior. These include employing an ombudsman, requiring commitment to ethical behavior on the part of all employees and adhering to a code of ethics.

In media ethics, Patterson & Lee, (2004) observe that the media is viewed to be self-regulating by adhering to the following precepts: media has obligations to fulfill to a democratic society in order to preserve freedom: media should be self-regulated; media should have high standards for professionalism and objectivity, as well as truth and accuracy; media should reflect the diversity of the cultures they represent and the public has a right to expect professional performance. The Social Responsibility Theory proponents led by Fred S. Siebert, Theodore Peterson and Wilbur Schramm (1956) had strong faith in the journalists' ability to determine right and wrong and take action to preserve the public good when necessary. The social responsibility does not only fall upon the reporters and producers of media. The responsibility also falls to the consumers to become media literate and maintain high, yet reasonable expectations of the media. In theory, if these things happen, there will be no need for government intervention. The Social Responsibility Theory was set forth as the ideal way for the media to conduct business. Over the years since its introduction, this theory

has met with much criticism as well as support. It has become the standard for United States media practices. It has also set the standards for much of the currently accepted media ethics just like it is in Kenya today.

Patterson & Lee, (2004) note that media ethics is the broad term describing the proper modes of behaviour to which all branches of the modern media should attempt to adhere. The branches of the media that try to live up to ethical standards include television, print communications, and the Internet. Different issues arise depending upon the branch of the media in question, issues made more complicated by burgeoning technology. Many of the complications in media ethics arise from the conflict of ethical standards and the media companies' desire to make money. In view of the foregoing, it is difficult to simplify media ethics, because the issues that stem from different media can be contradictory in nature. What makes sense and seems fine for one branch of the media might cross ethical lines if applied by another. In addition, technological advances have actually created far more ethical dilemmas for media outlets than they have eliminated. All media companies and creators must walk an increasingly fine line to serve the public and stay morally sound. News organizations have their own set of media ethics to consider as they bring information to the public. All news outlets should be truthful and properly represent the issues or stories being reported, but they also must be wary of the truth doing some sort of damage to a portion of the public. The ethics of pursuing news is also a constant issue, because the public's need to know may clash with an individual's right to privacy. Journalists need to make a commitment to telling the truth. This includes not giving false or made-up reports, and telling truthful stories that are not intended to deceive the audience. This may require reporters to provide not only the facts but also the context surrounding them. Truthfulness requires a commitment not only from the journalist but also from the organization he or she works for.

The Code of Conduct for the Practice of Journalism in Kenya (MCK, 2007) outlines that the fundamental objective of a journalist is to write a fair, accurate and an unbiased story on matters of public interest. Whereas all sides of the story should be reported, it is important for the journalist or reporter to obtain comments from anyone who is mentioned in an unfavourable context. In addition, when stories fall short on accuracy and fairness, they should not be published. The study sought to establish through empirical study the levels of deviation from journalistic ethics concerning the Kidero-Shebesh incident's coverage by print newspapers published between September 2013 and February 2014. The coverage had a variety of ethical dilemmas and conflicts. In view of the foregoing, the study aimed at

analyzing selected newspaper articles published by the Daily Nation, the Standard and the Star. The selected publications were analyzed based on five articles of the journalistic code that include: Accuracy, fairness and independence; Integrity and accountability; Opportunity to reply; Obscenity, taste and tone in reporting and Privacy. This was important in determining the levels of deviation from the journalistic ethical standards as prescribed in the Code of Conduct for the Practice of Journalism in Kenya.

## **1.2 Statement of the Problem**

Media studies in Kenya are heavily skewed towards press freedom, newsroom ethics, emerging new media, governance and ethical dilemmas of television programming. A few studies have devoted their analyses concerning the role journalists play in the coverage of general elections in the mass media. Scrutiny of the conduct of politicians in public that contributes to the media's characterization as the fourth estate remains critical. To optimize its function as the politicians' overseer, the media must have, as a guaranteed norm, expressive autonomy that is tempered by journalistic prudence and professional integrity in their newspaper articles and reports. However, this oversight role has been in disputation on several instances on how the media covers prominent political personalities (Keeble, 2009). There exists a research gap which establishes how the Kenyan newspaper media relates to the established code of professional conduct and regulation as stipulated in the Code of Conduct for the Practice of Journalism in Kenya. In view of this, little information has been established through empirical study to establish the levels of deviation from journalistic ethics on how the Kenyan print newspapers covered and reported the public wrangle involving first Nairobi County Governor Evans Kidero and first Nairobi County Women legislator Rachael Shebesh.

## **1.3 Objectives of the study**

- i. To establish what constitutes contentious journalistic ethical principles reportage on socio-political issues in the Kenyan print media landscape.
- ii. To interrogate print media articles on the reportage of socio-political issues in order to determine the levels of deviation from journalistic ethical standards as prescribed in the Code of Conduct for the Practice of Journalism in Kenya.
- iii. To examine levels of adherence to media ethics by the Kenyan print media as prescribed in the Code of Conduct for the Practice of Journalism in Kenya.

#### **1.4 Research Questions**

- i. What constitutes contentious journalistic ethical issues in the Kenyan Media landscape socio-political news reportage?
- ii. What are the levels of deviation from journalistic ethical standards that are emerging from the selected print publications as prescribed by the Code of Conduct for the Practice of Journalism in Kenya?
- iii. How does the Kenyan Media adhere to the prescribed by the Code of Conduct for the Practice of Journalism in Kenya?

#### **1.5 Significance of the Study**

It is hoped the findings of the study may form an introspection of the media profession and help journalists establish acceptable practice by nurturing a good relationship with the country's political leadership. The findings might also help in the establishment of information in media studies because there is a dearth of information in regard to how journalistic practice connects to the political life of a nation. This could be in relation to political officialdom and media relations. Further, the study may possibly provide a platform for the establishment of theory to media through the generation and promotion of knowledge in the areas of media ethics.

#### **1.6 Scope and Limitations of the Study**

The scope of the study falls within twelve selected newspaper articles published by the Daily Nation, the Standard and the Star that reported and covered the Kidero-Shebesh public wrangle between September 2013 and February 2014. This selection was specially made because the Daily Nation, the Standard and the Star newspapers have a national readership, greatly relied upon and its worldview is therefore likely to influence the deviation from journalistic ethics as prescribed by the Code of Conduct for Journalism Practice in Kenya. The ten articles were deemed to fit the study's objectives of establishing whether the newspaper coverage deviated from journalistic ethics as prescribed in the Code of Conduct for the Practice of Journalism in Kenya. The scope of the study is limited to the three newspaper publications in order to facilitate an in-depth analysis of their texts in relation to journalistic ethics.

## **1.7 Definition of Operational Terms**

**Code of conduct:** are pragmatic regulations adopted by a professional body like that of journalists to assist members in understanding the difference between 'right' and 'wrong' and in applying that understanding to their decisions by providing a clear account of what behaviour is considered "ethical" or "correct" or "right" in the circumstances.

**Ethics:** denotes being in accordance with the accepted principles of right and wrong that govern the conduct of a profession like journalism, or being in accordance with the rules or standards for right conduct or practice conforming to accepted standards of social or professional behavior.

**Journalism ethics:** are moral guidelines or principles of good practice that reporters adhere to and comprise principles of ethics and of good practice as applicable to the specific challenges faced by journalists.

**Adherence:** is the act of doing what is required by a rule, belief; faithful support for a cause or political party or religion: aiding the cause or policy or interests of; the action of continuing to obey a rule, law, agreement; or support for or belief in an idea, plan, and opinion.

**Morality:** The term "morality" can be used either descriptively to refer to some codes of conduct put forward by a society or, some other group, such as a code of conduct to govern the practice of journalism, that, given specified conditions, would be put forward by all rational persons.

**Deviation:** is an attempt to transform the established social order and its structures of power, authority, and hierarchy. It also refers to a process by which the values and principles of a system already in place especially the Code of Conduct for the Practice of Journalism in Kenya is contradicted or reversed.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

This chapter explored literature related to the study and also discussed the study's theoretical framework. It begins with a look at the evolution of principles of the journalistic codes of ethics. The chapter then goes on to provide insights into the concept of journalism ethics and the Code of Conduct for the Practice of Journalism in Kenya. Additionally, the chapter reviews literature on media ethics studies globally and locally. Lastly, a section on the study's theoretical framework follows the literature review.

#### **2.1.2 Evolution of the Principles of the Journalistic Codes of Ethics**

The principles of journalistic codes of ethics are designed to assist journalists in dealing with ethical dilemmas by seeking to protect the fundamental rights of its news sources, subjects and audiences. Alia, (2004) says that the codes and canons provide journalists a framework for self-monitoring and self-correction. Ward, (2011) acknowledges journalists as guardians of press freedom. He says it is their responsibility to feel ethically duty-bound to give their audiences' news and information that is of public interest. Peterson and Lee, (2004), observe that while journalists in the United States and European countries have led in formulation and adoption of these standards, such codes can be found in news reporting organizations in most countries with freedom of the press. These scholars disclose that the written codes and practical standards vary somewhat from country to country and organization to organization, but there is a substantial overlap among mainstream publications and societies. Ward notes that the International Federation of Journalists launched a global Ethical Journalism Initiative in 2008 aimed at strengthening awareness of these issues within professional bodies. In Kenya, one of the leading voices on the subject of Journalistic Standards and Ethics is the Media Council of Kenya that spelt the regulations guiding journalism practice. The Preamble to its Code of Ethics states:

.....realizing that it is the duty of the mass media to publish information on what goes on in society and to uncover and disclose matters which ought to be subjected to debate or criticism; noting that all journalists and the mass media have a duty to maintain the highest professional and ethical standards; emphasizing the importance of maintaining accuracy in reporting and protection of privacy of individuals; accepting the duty of the mass media to protect individuals against injustices or neglect committed by public authorities and institutions or private bodies or

institutions and individuals; realizing the need to regulate the conduct of every person working for the mass media; therefore this code shall guide the conduct of journalists and the mass media, (MCK, 2007).

In addition to codes of ethics, (Kadhi, 1999) says that many news organizations maintain an in-house Ombudsman whose role is, in part, to keep news organizations honest and accountable to the public. Kadhi notes that the ombudsman is intended to mediate in conflicts stemming from internal and or external pressures, to maintain accountability to the public for news reported, and to foster self-criticism and to encourage adherence to both codified and un-codified ethics and standards. Kadhi observes that in the lack of an in-house ombudsman, an alternative is a news council, an industry-wide self-regulation body, such as the Media Council of Kenya, set up by an Act of Parliament. In view of this, Ward laments that as with other ethical codes, there is a perennial concern that the standards of journalism globally are being ignored. Kadhi discloses that one of the most controversial issues in modern reporting is media bias, particularly on political issues, but also with regard to cultural and other issues like sensationalism making part of common complaints.

Similarly, minor factual errors are also extremely common, as almost anyone who is familiar with the subject of a particular report will quickly realize. There are also some wider concerns, as the media continue to change, for example that the brevity of news reports and use of soundbites has reduced fidelity to the truth, and may contribute to a lack of needed context for public understanding. From outside the profession, the rise of news management contributes to the real possibility that news media may be deliberately manipulated. Selective reporting such as spiking, double standards are very commonly alleged against newspapers, and by their nature are forms of bias not easy to establish, or guard against.

Since the advent of the print media in the eighteenth century, the vision of ethical journalism has been informed by an ideology of objectivity as well as norms such as independence and truth. In the liberal democratic framework, the role of the media has been traditionally conceived in terms of serving the public interest. The emergence of media pluralism and the entry into journalism by so many people lacking professional training, in several cases even of people with very low education, is one principal source of the generalized weak professional quality. The range of violations is wide, varying in form and content with many implications for media credibility, growth and expansion of media freedom, and for



enhancement of the respectability of the profession (Ward, 2011). Among the leading news organizations that voluntarily adopt and attempt to uphold the common standards of journalism ethics described herein, adherence and general quality varies considerably. The professionalism, reliability and public accountability of a news organization are three of its most valuable assets. An organization earns and maintains a strong reputation, in part, through a consistent implementation of ethical standards, which influence its position with the public and within the industry.

In democratic countries, a special relationship exists between media and government. Although the freedom of the media may be constitutionally enshrined and have precise legal definition and enforcement, the exercise of that freedom by individual journalists is a matter of personal choice and ethics. Modern democratic government subsists in representation of millions by hundreds. For the representatives to be accountable and for the process of government to be transparent, effective communication paths must exist to their constituents. Although political stories followed the traditional "inverted pyramid" news writing style, they typically lacked analysis and detail as is the case in the coverage of the Kidero-Shebesh altercation.

### **2.1.3 The Code of Conduct for the Practice of Journalism in Kenya**

The Media Council of Kenya works to promote ethical standards among journalists and in the media. And similarly, the Code of Conduct for the Practice of Journalism as entrenched in the Second Schedule of the Media Act 2007 governs the conduct and practice of all media practitioners in the country. Among the items it discusses are accuracy and fairness, independence, integrity, accountability, opportunity to reply, unnamed sources, confidentiality, misrepresentation, obscenity, taste and tone in reporting, paying for news and articles, covering ethnic, religious and sectarian conflict, and recording interviews and telephone conversations. Pivotal is that the fundamental objective of a journalist is to write a fair, accurate and an unbiased story on matters of public interest. All sides of the story should be reported, wherever possible. Comments should be obtained from anyone who is mentioned in an unfavourable context. Journalists should present news fairly and impartially, placing primary value on significance and relevance. They should treat all subjects of news coverage with respect and dignity, showing particular compassion to victims of crime or tragedy. In addition, journalists should seek to understand the diversity of their community and inform

the public without bias or stereotype and present a diversity of expressions, opinions, and ideas in context as discussed in detail below.

#### **2.1.4 Accuracy and Fairness**

According to the Code of Conduct and Practice of Journalism in Kenya, the fundamental objective of a journalist is to write a fair, accurate and unbiased story on matters of public interest, (MCK, 2007). The code also suggests that a journalist is obligated to ensure that all sides of the same story are reported by obtaining comments from anyone who is mentioned in an unfavourable context. In order for a journalist to tell a news story in a complete form, elaborates that the tenets of journalistic accuracy are closely entwined with the ethic of fairness. Majority of Kenyan newspaper readers, however, are not aware that good journalism involves the gathering of accurate information. Paasch, (2009) notes that writing an accurate story not only implies giving a chance to those who are depicted unfairly in the news presentation to state their cases but also aimed at making the final story as fairly accurate as possible.

In view of the foregoing, the second part of the code recommends that when an erroneous , misleading or distorted story is recognized after it has been published or broadcast, it should be corrected promptly and that corrections should present the correct information and should not restate the error except when clarity demands, (MCK, 2007). It is worth noting that journalists, and particularly editors, will always initiate corrections to prove that they are truly professionals of high moral character and resolution. These journalists will therefore make a conscious attempt not to accept addition in their stories falsities which affront the test of accuracy and truthfulness in principle, or which misrepresent part or the whole news story (Paasch, 2009). In this regard, leading professional editors willingly accept full responsibility for every word printed on broadcast by their media houses.

Plaisance, (2000) observes that first-rate journalism stresses that one corrects all the errors passed to the public long before lawyers make threats for legal action in case of defamation. Chest-thumping editors, who insist that every story he or she publishes is the truth and needs not be corrected, are not short in Kenya, which is evidenced, by the number of libel cases pending in courts. MCK, (2007) states that the code recommends that an apology should be published or broadcast whenever appropriate in case of defamation. (MCK, 2007) suggests further that when stories fall short on accuracy and fairness, they should not be published. Journalists, the code says, while free to be supporters of political parties or movements should distinguish clearly in their reports between comment, conjecture and facts. Every

journalist has a responsibility for evaluating the accuracy and fairness of stories before they are published or broadcast. Ali, (2010) states that reporters should be concerned with facts and fairness of all stories they write because there is no other product which exposes itself so thoroughly and continually to public criticism as news that is not accurate and fair.

It is therefore imperative to note that given the enthusiasm that exists in the media in Kenya it is only fair to conclude that journalists and editors operate in a society that brutally examines the accuracy and sincerity of their end news products. Ali, further, says that although Kenya journalists always emphatically reject the insinuation that they often deliberately indulge in misrepresentation of facts, the code does not deny them the right to be partisan. What readers, viewers and listeners have a problem with in Kenyan journalism is the pretence of being fair and accurate when their stories are frequently tendentious and full of personal opinion and partisan support. In conclusion, the last part of the code suggests that in general, provocative and alarming headlines should be avoided. MCK, (2007) the part says headlines must reflect and justify the matter printed under them. Headings containing allegations made in statements, it suggests, should either identify the body or the source making them or at least carry quotations marks.

For instance, the best example of the Kidero-Shebesh public wrangle that violates the requirements of the code was published by the Standard Newspaper on Saturday, September 7th, 2013 by the kind of allegation made in its statements such as ‘Shebesh, known for her aggressive style, had confronted Kidero over the ongoing county employees’ strike, which has paralysed operations, over unpaid salaries,’ and ‘Shebesh is not new to controversy. She shot to the limelight early this year when she led women leaders storming offices of the Independent Electoral and Boundaries Commission to protest alleged removal of Othaya MP Mary Wambui from the list of candidates for the area’s parliamentary election. These statements are typical cases of assumption and sensational and cannot be substantiated by the contents of the story thus making Shebesh’s actions criminal.

### **2.1.5 Independence**

Rhoufari, (2000) admits that most media proprietors in Kenya opposed the inclusion of this ethical principle in the journalism profession because they perceived it as an obstacle to what they deemed to be their right to meddle with editorial decision making processes in the newsroom. Similarly, when the Code was first published in Kenya in 2001, the ethical principle of Independence did not appear anywhere in the list of 23 principles, neither did it

appear in the second edition of the Code published in 2002, nor did it appear when the Code was reprinted in 2004. MCK, (2007) borrows heavily from philosophy the meaning of the word ethics as the philosophical study of the moral value of human conduct and of the rules and principles that ought to govern it. Therefore, laying prominence importance on the facet of philosophical association, some journalism scholars become reluctant in accepting its reference to a journalistic principle (Belsey, 1999). Journalists should defend the independence of all journalists from those seeking influence or control over news content. It says journalists should gather and report news without fear or favour, and vigorously resist undue influence from any outside forces, including advertisers, sources, story subjects, powerful individuals and special interest groups. Many are times when news editors send reporters and photographers to cover stories with very little news values simply because the source of the news concerned is invariably a powerful individual (MCK, 2007).

The Standard on September 7, 2013 notes that after the slap, the crowd is seen scampering away. Minutes later, Kidero convened a press conference where he claimed he could not remember slapping anybody. Mbeke, (2010) says that prominence that is personalities involved in the news item, as a news value may be professionally very important, but it is still arguable whether prominence alone should dominate every front page day in and day out without considering mixing it with other news values such as timeliness, proximity, consequences or impact and human interest. The code says that professionally it is the qualified journalists who should determine what are news and not the news makers. In Kenya, news sources always try to influence journalists and particularly editors. Big industries in Kenya have special budgets for that and until the matter is corrected journalism in Kenya will always have a problem with the journalistic ethic of independence. The Kidero-Shebesh public spat was a major scoop for Kenyan journalists and when it was exposed, the subject dominated all the newspapers front pages and all the news bulletins. In a situation like that journalists in Kenya compete to get all sorts of angles of the story and before the subject is exhausted it controls the journalists rather than journalists controlling it. That is what the Code means when it says that journalists should not let the news subject have undue influence on the professionals.

### **2.1.6 Integrity and Accountability**

According to MCK (2007), the ethical principle of accountability challenges journalism professionals on three levels: on personal, institutional and societal levels. Mbeke, (2010) says that accountability means the power of the professional ability to re-examine oneself and determine whether or not some mistakes were made in collecting, writing and editing stories. Honest self examination always leads to correcting the future in handling sensitive stories. With regular and constant self examination any professional journalists perfects his level of accountability. Self examination will reveal whether print journalism fell to the bottom low level or rose up to the occasion in the coverage of the Kidero-Shebesh public wrangle. The Code says Journalists and all media practitioners should recognize that they are accountable for their actions to the public, the profession and themselves. To be professionally accountable as far as professional ethics is concerned, journalists should adhere to every single principle without any exception. That means gathering, writing and editing stories fairly and accurately. It also means always being professionally independent; respecting and championing the cause of freedom of expression , the media and information; always being professionally impartial; trying to be absolutely fair to everyone ; remaining relevantly decent in all the different interpretations of the word; and above all always being professionally responsible.

The Code also says professional journalists should actively encourage adherence to these standards by all journalists and media practitioners; and respond to public concerns, investigate complaints and correct errors promptly; while recognizing that they are duty-bound to conduct themselves ethically. Considered one of the most cumbersome ethical principles by majority of journalists, integrity involves other ethical tenets to be found in the Code of Conduct and Practice of Journalism in Kenya such as attribution, confidentiality, impartiality, subterfuge and paying for news and articles. The most challenging directive from the ethical principle of integrity stresses that journalists should not accept gifts, favours and compensation from news sources for coverage. Realizing the demands made in Chapter Six of the Constitution on leadership and integrity, journalists are urged not to engage in activities that may compromise their integrity or independence. The Code (MCK, 2007) says journalists should present news with integrity and decency, avoiding real or perceived conflicts of interest, and respect the dignity and intelligence of the audience as well as the subjects of news.

### **2.1.7 Opportunity to Reply**

The Code, (MCK, 2007) notes that a fair opportunity to reply to inaccuracies be given to individuals or organizations when reasonably called for adding that if the request to correct inaccuracies in a story is in a form of a letter, the editor has discretion to publish it in full or in its abridged and edited version, particularly when it is too long. But the remainder should be an effective reply to the allegations. The code also suggests that the editor should not omit or refuse to publish important portions of the reply/rejoinder which effectively deals with the accuracy of the rejoinder. The code says if the editor doubts the truth of factual accuracy of the reply/rejoinder; it should be his duty to publish it with liberty to append an editorial comment doubting its veracity. The code suggests this should be done only when this doubt is reasonably founded on unimpeachable evidence in the editor's possession. In this study, not all occasions were the subjects given the opportunity to reply before rolling the print for public consumption.

There is a very thin line between this part of the ethical principles and the new section of The Defamation Act (Cap 36) which says any person or body of persons shall be entitled to a right of reply to any factual inaccuracy affecting them which has been published in a newspaper and which is damaging to the character, reputation or good standing of that person or body of persons. The Act says further that where a person or body of persons is entitled to a right of reply, a correction shall be printed in the next possible edition of the newspaper (Kadhi, 1999).

On the same score, the Act explains that the correction shall be printed free of charge and be given similar prominence as the item complained of and appear at a similar place in the newspaper adding that the correction must be of such length as is necessary to identify the original item. The Act emphasizes that any person or body of persons seeking to exercise the right of reply under the provisions of this section shall do so in writing to the editor or publisher of the newspaper within a period of fourteen days from the date of publication of the damaging material provided that the right of reply shall be exercisable after a period of six months from the publication of the relevant damaging material. In case of any civil proceedings for libel, the Act says that the court, unless it is of the opinion that any reply under this section is either irrelevant or unreasonable in all the circumstances of the case, shall be at liberty to award an additional amount of damages for defamation where the publisher has failed or refused to publish a correction or failed to give it the prominence required by this section.

Lastly, the Act says in any civil proceedings for libel instituted by a person or body of persons entitled to a right of reply who or which failed to exercise such a right in accordance with this section the court shall, in the event of it having found in favour of the plaintiff, be at liberty to reduce the amount of damages which it would have otherwise awarded by such sum as the court considers appropriate having regard to all circumstances of the case. If this Code was followed properly, many libel cases would be kept at bay from courts but Rhoufari, (2000) says Kenyan editors are extremely reluctant to offer opportunity to reply to errors either broadcast or published by their media houses promptly to the same audience that was exposed to the defamatory comment.

### **2.1.8 Obscenity, Taste and Tone in Reporting and Privacy**

MCK, (2007) code says the media should avoid publishing obscene, vulgar or offensive material unless such material contains news value which is necessary in the public interest. The Code says, publication of photographs showing mutilated bodies, bloody incidents, and abhorrent scenes should be avoided unless the publication of such photographs will serve the public interest. The most controversial part of this ethical principle is probably the issue of various tones adopted by journalists while reporting the public wrangle between Evans Kidero and Rachael Shebesh. That headline had a strap-line on to saying “Kidero slaps Shebesh...” The ‘tone’ of the entire story gave the impression that the decision by Nairobi Women Representative Rachael Shebesh to lead a mob of protesters attempt to gain entry into Nairobi Governor’s office turned out to be a shocker for Shebesh after Governor Evans Kidero handed her a thunderous slap that sent her staggering. The last part of the code talks about “tone” in reporting without really elaborating. Since the word “tone” is lumped together with “obscenity” and “taste” then in this context it must be a “tone” that suggests either “violence” or some form of “obscenity” yet when journalism scholars discuss various “tones” in reporting they are really talking about bias in journalism and what they have in mind is political bias. According to Calvert (2005), privacy is a relatively new concept, and implies that every person has a right to avoid intrusion into certain aspects of his personal life without his consent. To avoid the media going beyond the obvious bounds of propriety and of decency, to allow every person to protect his dignity by safeguarding the natural reserve of his personality from unnecessary disclosure, statutory and constitutional rights of privacy are being developed in various countries. However, privacy is a troublesome concept, implying as it does the need of the journalist to balance in his day-to-day professional activity between his search for truth, for facts, and a respect for some reasonable bounds of privacy. This open

wrangle between the two political leaders attracted massive public outrage from the ordinary citizens whereas other established bodies that are bastions of ethics and mandated to safeguard individual freedoms and rights remained mum over the incidence. The study qualitatively analyzed all the selected three publications based on five articles of the code. These include: Accuracy, fairness and independence; Integrity and accountability; Opportunity to reply; Obscenity, taste and tone in reporting and Privacy to determine whether the newspaper coverage deviated from journalistic ethics as prescribed in the Code of Conduct for the Practice of Journalism in Kenya.

## **2.2 Theoretical Framework**

This study analyzed three selected newspaper publications in Kenya using the Social Responsibility Theory developed in 1947 by the Hutchins Commission on Freedom of the Press (Keeble, 2009). This theory was important in determining the newspaper articles' levels of deviation from journalistic ethics.

### **2.2.1 Social Responsibility Theory**

McQuail (2005), states that the social responsibility theory proponents led by Fred S. Siebert, Theodore Peterson and Wilbur Schramm believe that the media has a duty towards the common good of a nation or community. According to them, the social responsibility concept, a product of mid-twentieth century America places more emphasis on the press's responsibility to society than on the press' freedom. The proponents came up with Four Theories of the Press namely: Authoritarian Soviet-Communist, Libertarian and Social Responsibility. This fourth theory, social responsibility of the press has been drawn largely from a report published in 1947 by the Hutchins Commission. Emerging from the Commission's publications and solidified in the literature of journalism by Four Theories of the Press, (Siebert et al., 1956). This social responsibility theory maintains that the importance of the press in modern society makes it absolutely necessary that an obligation of social responsibility be imposed on the media of mass communication. As the Hutchins Commission stated in 1940, 'The emerging theory does not deny the rationality of man, although it puts far less confidence in it than the libertarian theory, but it does seem to deny that man is innately motivated to search for truth and to accept it as his guide. To contest the demands that threatened freedom of the press, this theory stated that the media should serve the public, and in order to do so, should remain free of government interference,' (Siebert et al., 1956).



The proponents of this theory had strong faith in the public's ability to determine right and wrong, and take action to preserve the public good when necessary. The Social Responsibility Theory was set forth as the ideal way for the media to conduct business. In the book "Four theories of Press" (Siebert et al., 1956) it has been stated that "pure libertarianism is antiquated, out dated and obsolete." One pivotal characteristic of their view is an emphasis on the media's responsibility to use its powerful position to ensure appropriate delivery of information to audiences; furthermore, if the media fails in carrying out this responsibility, it may be relevant to have a regulatory instance enforce it, herein referred to the Code of Conduct for Journalism Practice in Kenya. The important goal in maintaining an ethical media industry in Kenya is maintaining objectivity by providing different sides of an issue, which empowers audiences to formulate their own judgments and increases levels of truthfulness in reporting. The media are accountable to their audiences, to whom they owe correct news reportage, analysis and editorializing, to government, to which they owe constructive criticism, a relay of popular opinion and adequate feedback from the populace.

According to the Hutchins Commission, "historically, the state has often been perceived as the main enemy of freedom of individual expression, while at the same time it has also become, through constitutions and legal systems, the effective guarantor of freedom in important respects." As this statement underscores, there is much controversy regarding the level of involvement that regulatory instances should have in guaranteeing that the media carries out its social responsibilities. However, regardless of the wide range of differing positions on what constitutes an acceptable level or intensity of regulation, the media is obligated to carry out ethical practices, especially its social responsibility regardless of government-imposed public interest obligations. The Commission observed that the basis of self-regulation in journalism lies in the existence of ethics codes. Professional codes of ethics have become popular among news organizations as a demonstration of accountability. The Hutchins Commission notes that the implementation and effectiveness of ethics codes in practice depends on the individual journalists' attention to the significance of ethical reporting for their society. According to Siebert et al., (1956), the Social responsibility theory allows free press without any censorship but at the same time the content of the press should be discussed in public panel and media should accept any obligation from public interference or professional self regulations or both. The philosophy of Social Responsibility believes that the media has a duty towards the common good of a nation or community. The theory maintains that the importance of the press in modern society makes it absolutely necessary

that an obligation of social responsibility be imposed on the media of mass communication. One pivotal characteristic of their view is an emphasis on the media's responsibility to use its powerful position to ensure appropriate delivery of information to audiences; if the media fails in carrying out this responsibility, it may be relevant to have a regulatory body to enforce ethical considerations.

McQuail (2005) summarizes the tenets of this theory as follows: media acceptance to fulfill certain obligations to society; setting high or professional standards of access to information, truth, accuracy, objectivity and balance; media should be self-regulating within the framework of law and established institutions; avoid offensive content triggering crime, formulate the code of conduct for the press; improve the standards of journalism; safeguarding the interests of journalism and journalist; criticize and make some penalty for violating the code of conduct. The tenets of the social responsibility theory were useful in this study in interpreting newspaper articles that covered the socio-political issues on the altercation between Kidero and Shebesh. The tenets further helped the study in spurring change regarding the conduct of public officers and the office they hold. Therefore, underneath the umbrella of ethical journalism lies the interpretive reporting that examines the consequence of certain actions or events on the Kenyan socio-political scene.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

This chapter provides a description of the research design for the study. It also discusses the population and representative sample of the study. The sampling procedures, data collection procedures and data analysis are also discussed.

#### **3.2 Research Design**

The study adopted ex post facto research design. Ex post facto study or after-the-fact research is a category of research design in which the investigation starts after the fact has occurred without interference from the researcher. The majority of social research, in contexts in which it is not possible or acceptable to manipulate the characteristics of human participants, is based on ex post facto research designs. Despite studying facts that have already occurred, ex post facto research shares with experimental research design some of its basic logic of inquiry. Keeble (2009) explained that in the context of social science research an ex post facto investigation seeks to reveal possible relationships by observing an existing condition or state of affairs and searching back in time for plausible contributing factors. Ex post facto research uses data already collected, but not necessarily amassed for research purposes. Ex post facto literally means from what is done afterwards. In view of this, ex post facto research can be viewed as an experimental research in reverse. Keeble (2009) noted that instead of taking groups that are equivalent and subjecting them to different treatments to determine differences in the dependent variables, an ex post facto experiment begins with groups that are already different in some respect and searches in retrospect for factors that brought about those differences. In this way, ex post facto research can transform a non-experimental research design into a pseudo-Experimental study. Ex post facto research, then, is a method of teasing out possible antecedents of events that have happened but cannot, be manipulated by the investigator. The study adopted ex post facto research design as a method of collecting information to determine the levels of deviation from journalistic ethics during the coverage of Kidero-Shebesh public wrangle in the selected Kenyan daily newspapers.

##### **3.2.1 Descriptive Research Approach**

Most of the procedures appertaining to descriptive research were adhered to in this study. To begin with, an oral interview schedule was pre-tested by using it as a guide in interviewing some journalists who were familiar with the Kenyan newspaper coverage of the Nairobi Governor Evans Kidero and County Women MP Rachael Shebesh public wrangle in regard

to the articles' deviation from journalistic ethics as prescribed in the Code of Conduct for the Practice of Journalism in Kenya. The study was conducted in Egerton University, Nakuru Town Campus prior to the actual research. Consequently, gaps detected in the interview schedule were appropriately filled in order to reflect the entire scope of the study in finer details.

### **3.2.2 Case study Research: The Qualitative Dimension**

According to Gillham (2004), 'qualitative methods are essentially descriptive and inferential in character and, for this reason, are often seen as 'soft.' You may have significant statistical results, but these have to be described and interpreted: 'facts' do not speak for themselves- someone has to speak for them.' This is a strong argument that justifies the use of qualitative methods to answer some questions in the current research. In this case, the philosophical base is that human behaviour, thoughts and feelings are partly determined by their context. The researcher understands the professional code of ethics governing the practice of journalism in Kenya in terms of rules, contexts, functions, meanings, value and significance. By studying articles from various newspaper cuttings, the researcher managed to situate the Kidero-Shebesh public wrangle in the realm of journalistic ethics to ascertain whether the newspaper writers deviated from the Code of Conduct for the Practice of Journalism in Kenya. This contextual approach led to the achievement of research objectives with ease. In further support for the qualitative approach, Gillham (2004) observes that objectivity cannot ignore data important for adequate understanding. Therefore, on the basis of the foregoing, this study adopted the qualitative approach in the collection and analysis of data. A researcher-administered oral interview schedule was used as a guide in controlling the direction of interviews for effectiveness. However, it is worth noting that due to the discursive and descriptive nature of the qualitative approach, the research was time consuming.

### **3.3 Target Population**

The population in the study constituted three of newspaper publications comprising of three local dailies including The Daily Nation, The Standard and The Star. These publications, that are widely read, were considered fruitful sites for the gathering of data to determine the articles' level of deviation from journalism ethics as prescribed in the Code of Conduct for the Practice of Journalism in Kenya.

### **3.4 Sample and Sampling Procedures**

This study employed purposive sampling. Purposive sampling also known as judgment, selective or subjective sampling is a sampling technique in which researcher relies on his or her own judgment when choosing members of population to participate in the study. Purposive sampling is a non-probability sampling method and it occurs when elements selected for the sample are chosen by the judgment of the researcher. Keeble (2009) says that researchers often believe that they can obtain a representative sample by using a sound judgment, which will result in saving time and money. Trochim (2002) observes that purposive sampling is a sampling technique that allows a researcher to use cases that have required information with respect to the objectives of his or her study. Therefore, subjects are hand-picked because they are informative or they possess the required characteristics. In this study, the sample size consisted of all newspaper articles highlighting the Kidero-Shebesh public wrangle drawn from The Daily Nation, The Standard and The Star. These publications, which have a countrywide readership and circulation, were purposively sampled to represent the other daily newspapers in the market because they all publish news stories. The selected newspapers were sourced daily from the vendors and from the Egerton University Library, Nakuru Campus. The study aimed at analyzing ten information rich articles on the Kidero-Shebesh public wrangle published between September 2013 and February 2014. These newspaper articles are important in determining the levels of deviation from journalistic ethics as prescribed in the Code of Conduct for the Practice of Journalism in Kenya.

### **3.5 Research Instruments**

The study analyzed all newspaper articles reports on the Kidero-Shebesh public wrangle. The newspaper publications under this study were: The Daily Nation, The Standard, The Star and two online publications: Daily Post and Mwakilishi. The researcher analyzed the contents of newspaper texts using qualitative procedures to assess whether the texts deviated from journalistic ethics as prescribed by the Code of Conduct for Journalism Practice in Kenya. The texts analyzed helped to identify the significance of particular ideas or meanings in the document that deviated from the tenets of journalism practice. In the analysis, the inference of meaning was possible only by relating the text to the Code of Conduct for Journalism Practice in Kenya as frame of reference. The researcher entered into a dialogue with the newspaper texts to determine the levels of deviation from journalistic ethics. The study endeavoured to comprehend a text by understanding the frame of reference from which it was

produced, and the researcher's frame of reference which was the Code of Conduct for Journalism Practice in Kenya. This dialogue with the text represented a methodology for the content analysis of texts regardless of assigning them codes. The study relied on the Social Responsibility Theory to determine whether journalists working for the selected Kenyan newspapers deviated from their professional code of ethics.

### **3.6 Data collection procedure**

One of the more popular areas of interest in qualitative research design is that of the interview procedure (Creswell, 2007). Interviews provide in-depth information pertaining to participants' experiences and viewpoints of a particular topic. The interview design can be developed to obtain thick, rich data utilizing a qualitative investigational perspective (Kvale, 2007). This study relies on the standardized open-ended interview. The standardized open-ended interview is extremely structured in terms of the wording of the questions. Participants are always asked identical questions, but the questions are worded so that responses are open-ended (Gall, Gall, & Borg, 2003).

This open-endedness allows the participants to contribute as much detailed information as they desire and it also allows the researcher to ask probing questions as a means of follow-up. Standardized open-ended interviews are the most popular form of interviewing utilized in research studies because of the nature of the open-ended questions, allowing the participants to fully express their viewpoints and experiences. If one were to identify weaknesses with open-ended interviewing, they would likely identify the difficulty with coding the data (Creswell, 2007). Since open-ended interviews in composition call for participants to fully express their responses in as much detail as desired, it can be quite difficult for researchers to extract similar themes or codes from the interview transcripts as they would with less open-ended responses. Although the data provided by participants are rich and thick with qualitative data, it can be a more cumbersome process for the researcher to sift through the narrative responses in order to fully and accurately reflect an overall perspective of all interview responses through the coding process.

However, according to Gall, Gall, and Borg (2003), this reduces researcher biases within the study, particularly when the interviewing process involves many participants. Creswell (2007) discusses the importance of selecting the appropriate candidates for interviews. He asserts that the researcher should utilize one of the various types of sampling strategies such as criterion based sampling or critical case sampling among many others in order to obtain

qualified candidates that will provide the most credible information to the study. Creswell also suggests the importance of acquiring participants who will be willing to openly and honestly share information or their story. A pilot test was conducted to assist the research in determining if there were flaws, limitations, or other weaknesses within the interview design and allowed him to make necessary revisions prior to the implementation of the study. Although qualitative investigation provides a myriad of opportunities for conducting investigational research, interview design has remained one of the more popular forms of analyses. The researcher asked questions intended to lead the respondent towards giving data to meet the study's objectives.

The questions in the interview schedule required the respondents to divulge information to determine whether the coverage of Kidero-Shebesh public wrangle in the Kenyan print newspapers deviated from journalistic ethics as stipulated in the Code of Conduct for Journalism Practice in Kenya.

### **3.7 Data Analysis**

The data analysis was done based on media content analysis of the ten sampled newspaper articles. Similarly, the research was anchored on the Media Act 2007 which mirrors the Code of Conduct for the Practice of Journalism in Kenya. The Act demands that journalists should adhere to ethical tenets such as accuracy, fairness and independence; integrity and accountability; opportunity of reply; obscenity, taste and tone in reporting and privacy in their reporting of news. This was significant in determining the levels of deviation from the journalistic ethical standards.

The results of the data analysis on how the Kenyan newspaper media relates to the established code of professional conduct and regulation as stipulated in the Code of Conduct for the Practice of Journalism in Kenya are presented in the next chapter. The research findings are presented using descriptive information. Furthermore, brief narrations of the qualitative data gathered from the selected ten journalists through interviews are included to supplement the qualitative findings. The next chapter also presents the answers to the research questions.

## **CHAPTER FOUR**

### **RESULTS AND DISCUSSIONS**

#### **4.1 Introduction**

The results of the data analysis on how the Kenyan newspaper media relates to the established code of professional conduct and regulation as stipulated in the Code of Conduct for the Practice of Journalism in Kenya are presented in this chapter. The research findings are presented using descriptive information. Furthermore, brief narrations of the qualitative data gathered from the selected journalists through interviews are included to supplement the qualitative findings. This chapter also presents the answers to research questions of the study. The study was guided by the following objectives:

- i. To establish what constitutes contentious journalistic ethical principles reportage on socio-political issues in the Kenyan print media landscape.
- ii. To interrogate print media articles on the reportage of socio-political issues in order to determine the levels of deviation from journalistic ethical standards as prescribed in the Code of Conduct for the Practice of Journalism in Kenya.
- iii. To examine levels of adherence to media ethics by the Kenyan print media as prescribed in the Code of Conduct for the Practice of Journalism in Kenya.

This section seeks to establish through empirical study the levels of deviation from journalistic ethics concerning the Kidero-Shebesh incident's coverage by Kenyan print newspapers published between September 2013 and February 2014.

#### **4.2 Establishing contentious journalistic ethical standards, adherence and deviation**

Ethical journalism and standards comprise of principles of good practice applicable to the specific challenges journalists face in resolving news gathering and packaging dilemmas. This subset of media ethics is known as codes or cannons of journalism. The codes provide dependable tools to help journalists meet their societal obligations as the fourth estate in their oversight or watch dog roles. In regard to this study, the following are the contentious codes that journalists grapple with daily. The codes were instrumental in answering the study's three objectives.



#### **4.2.1 Accuracy and fairness**

According to the Code of Conduct and Practice of Journalism in Kenya, the fundamental objective of a journalist is to write a fair, accurate and unbiased story on matters of public interest, (MCK, 2007). The code also suggests that a journalist is obligated to ensure that all sides of the same story are reported by obtaining comments from anyone who is mentioned in an unfavourable context. In all the selected publications, the journalists accurately reported the alleged assault meted on Nairobi County Women Representative Rachael Shebesh by her counterpart, Nairobi Governor Evans Kidero.

##### **Excerpt 1**

Nairobi Governor Evans Kidero is fighting damaging allegations that he assaulted Women Representative Rachael Shebesh during a confrontation at City Hall.....The governor had returned from a meeting with visiting Nigerian President Goodluck Jonathan when he came face to face with Ms Shebesh, some members of the County Assembly and the workers. The situation turned chaotic and it was then that Dr Kidero allegedly slapped Ms Shebesh before telling her off.....After the incident, both the governor and the Women Representative separately recorded statements with the police accusing each of assault (Daily Nation Friday, September 6, 2013).

The journalists further reported instant reactions from the National Gender and Equality Commission and Federation of Women Lawyers (FIDA-Kenya), who took great exception to the ugly incident that happened at City Hall.

##### **Excerpt 2**

The Commission's chairperson Winfred Lichuma said, "This is the height of intolerance that reeks of sheer arrogance punctuated by total disrespect for women. Governor Kidero must be told that he cannot use his office to assault honourable or ordinary members of public," (Daily Nation Friday, September 6, 2013).

Similar sentiments were echoed by FIDA-Kenya, which also condemned the governor's actions and called upon the Inspector-General of Police to immediately commence investigations.

The Standard newspaper reportage adding a pinch of salt in its coverage by stating that:

##### **Excerpt 3**

Drama unfolded at City Hall Friday after Nairobi Governor Evans Kidero allegedly slapped Women Representative Rachel Shebesh during a heated verbal exchange outside his office. Shebesh, known for her aggressive style, had confronted Kidero over the ongoing county employees' strike, which has paralysed operations; over unpaid salaries. (Saturday Standard, September 7th 2013).

The reporter does not view Shebesh as a leader, who fights for the rights of the downtrodden but is seen through the prism of a hardliner, hostile, violent, forceful, antagonistic or destructive leader because of the assertion that the Women Representative is known for her aggressive style. Her aggressive style is subject to debate in a country where governments either national or county heed the cries of their workers' plight in terms of poor pay through confrontational engagements. The workers' union had exhausted all channels of engagement with the county government and the only constitutional option left for them to get better perks was downing their tools. Further, the reporter went onto assert that as indicated in the following excerpt that:

#### Excerpt 4

Shebesh is not new to controversy. She shot to the limelight early this year when she led women leaders storming offices of the Independent Electoral and Boundaries Commission to protest alleged removal of Othaya MP Mary Wambui from the list of candidates for the area's parliamentary election (Saturday Standard, September 7th 2013).

The media's implicature that Shebesh is not new to controversy is unethical because the image created in the eyes of the public shows that she is a rabble-rouser. The information provided is clear and accurate though it smacks of holding vendetta against the women leader by saying that Shebesh is not new to controversy. According to the Code of Conduct and Practice of Journalism in Kenya, the fundamental objective of a journalist is to write a fair, accurate and unbiased story on matters of public interest, (MCK, 2007). The code also suggests that a journalist is obligated to ensure that all sides of the same story are reported by obtaining comments from anyone who is mentioned in an unfavourable context. In order for a journalist to tell a news story in a complete form, (MCK, 2007) elaborates that the tenets of journalistic accuracy are closely entwined with the ethic of fairness. Majority of Kenyan newspaper readers, however, are not aware that good journalism involves the gathering of accurate information. Paasch, (2009) notes that writing an accurate story not only implies

giving a chance to those who are depicted unfairly in the news presentation to state their cases but also aimed at making the final story as fairly accurate as possible.

Either pricked by his conscience for slapping the Women Representative, Governor Kidero convened a press conference a few minutes later where he denied slapping anyone as far as he could recollect. This evidenced from the following newspaper excerpts:

Excerpt 5

Nairobi Governor Dr Evans Kidero has denied slapping Nairobi Women Representative Rachael Shebesh after an altercation in his office. It is alleged that Shebesh was among council workers who stormed Kidero's office on Friday afternoon demonstrating over pay rise demands when the incident occurred. However, addressing a press conference outside City Hall, Kidero denied slapping anyone. "I was in my office but I don't remember or have any recollection of slapping anyone. All I know is that a group of people about 30-40 tried to force themselves into my office led by an Honourable Member of Parliament", said Kidero (Standard Friday, September 6th 2013).

Nairobi Governor Evans Kidero has pleaded memory loss when questioned about an allegation that he slapped Women Representative Rachel Shebesh. "I don't remember and I have no recollection, I don't remember slapping anybody," he said. "All I know is that my office was invaded by between 30-40 people led by an honourable Member of Parliament, a scuffled ensued in the process," he said. (Daily Nation, Friday, September 6, 2013).

The Standard reports above that 'it is alleged that Shebesh was among council workers who stormed Kidero's office on Friday afternoon demonstrating over pay rise demands when the incident occurred.' The statement above uses the word 'among' which, portrays Shebesh as a council worker whereas she is not. Lack of grammatical textuality or such omissions should have been corrected by the editors to attribute Shebesh as being amongst the council workers as they stormed Kidero's office. Similarly, the use of the word 'allege' in the same statement also demonstrates that it is suspected, assumed or supposed but not specified that Shebesh was at the Governor's office at the time when the scuffle ensued. A video footage that went viral on social media clearly shows the ensuing altercation and the subsequent cries from Shebesh to the effect that 'Kidero you have slapped me.' This useful lead was ignored by the reporters and thus it is unethical for the print newspapers not to report what they saw exactly happen at City Hall. This is unethical.

#### **4.1.3 Independence: A preview of the court proceedings**

After recording statements with the police, Kidero publicly apologizes to Shebesh when he termed his actions as unfortunate. However, the police investigators forward the two leaders' files to the Director of Public Prosecutions, who orders that Nairobi governor Evans Kidero and Nairobi women representative Rachel Shebesh, be charged with assault and creating disturbance, respectively.

##### Excerpt 6

Police investigators said the two leaders had both presented medical examination reports, commonly referred to as P3 forms, indicating they had each been injured. Each also presented several witnesses. About 10 people recorded statements to support Kidero's allegation, while Ms Shebesh had seven witnesses. Ms Shebesh filed a complaint at the Parliament police station. Dr Kidero then filed a report at the Central police station claiming that Ms Shebesh first hit him in the groin (Daily Nation, January 1, 2014).

Following the recommendation of the Director of Public Prosecutions, Nairobi Governor Evans Kidero and Nairobi Women Representative Rachel Shebesh, were to be charged with assault and creating disturbance, respectively. Before the dust could settle down, Kenyan journalists were confronted with a petition in court that sought to challenge the authorities on their "intentions" accusing the Director of Public Prosecutions' intended prosecution as a veiled attempt meant to humiliate and politically assassinate Kidero.

##### Excerpt 7

The petitioner, Alex Nchore Ochako said parties have been negotiating with a view of settling the issue out of court. "There are more serious offences that have not been addressed such as money laundering, terrorism and drug trafficking among others and one wonders why this is a priority," lawyer Evans Ondieki who is acting for Mr Ochako, said. "It is being pursued for political reasons and not to achieve criminal prosecution objectives," the lawyer charged while applying for a speedy hearing of the case. "It is unfair, unjust and unreasonable to harass the governor for a misdemeanor yet there are serious crimes that have taken place especially under the respondents' watch and have been indifferent or have ignored them altogether," the lawyer said (Daily Nation January 2, 2014).

Journalists should defend the independence of all journalists from those seeking influence or control over news content. It says journalists should gather and report news without fear or favour, and vigorously resist undue influence from any outside forces, including advertisers, sources, story subjects, powerful individuals and special interest groups. Many are times when news editors send reporters and photographers to cover stories with very little news values simply because the source of the news concerned is invariably a powerful individual (MCK, 2007). After lodging the petition, the High Court blocked Director of Public Prosecution Keriako Tobiko from pursuing charges against the two. Justice Isaac Lenaola also ordered that they pursue reconciliation and report back to him within 13 days (Daily Nation January 2-3, 2014). The Kidero-Shebesh public wrangle was a major scoop for Kenyan journalists and when it was exposed, the subject dominated all the newspapers front pages and all the news bulletins. In a situation like that journalists in Kenya compete to get all sorts of angles of the story and before the subject is exhausted it controls the journalists rather than journalists controlling it. That is what the Code means when it says that journalists should not let the news subject have undue influence on the professionals. In view of the foregoing, the case being fronted is that of assault, punishable under the country's penal code. The ethical dilemma posed on the independence of the journalists was to use the power of their pen to write commentaries on the probable scenarios that led to the case being treated as civil when it was indeed an assault case. It is sad to note that many journalists do not get expert legal minds to dissect the judge's ruling and what it means and whether it was admissible constitutionally. Thus such a balancing act erodes the journalists' independence to churn out news stories of public interest in a satisfying manner. Despite such a shortcoming, the Kenyan Constitution encourages settling disputes outside of the courts especially in criminal cases through reconciliation. Based on this premise, this is what Justice Isaac Lenaola wanted Nairobi Governor Evans Kidero and Women's Representative Rachael Shebesh to do when he ordered them on January 3, 2014 to resolve their differences within seven days or face charges.

#### Excerpt 8

"My ruling is not based on Kidero's position or social status. If it were any other citizen, I would rule the same way," said Justice Lenaola (daily Nation January 3, 2014).

The fact that both the accused persons have a higher social standing in society might have triggered the out of court settlement option. If the accused persons were ordinary citizens

accused of assault, the case would not have been scheduled to be heard by the High Court. A lower court magistrate would have disposed without any talk of outside court settlement. In a bid to restore journalists' independence and restore their accountability to the public, there should have been further probe on the issue of outside court settlement. As it is common practice in Western countries, the purpose of alternative dispute resolution also known as restorative justice is to heal the effects of a crime, balance the concerns of the victim and the community and re-integrate the offender into society. In restorative justice, offenders apologize, compensate the victim, perform community service, undergo substance abuse treatment or undergo anger management (if they're accused of assault. One of the tenets of restorative justice underscores the value that once in court, many people realise belatedly that their contests become irrevocably adversarial, and the zero-sum outcome where one person emerges the winner and the other a loser often damages relationships within families, neighbourhoods and communities. In the absence of guidelines or specific legislation, judges decide which cases qualify for outside court settlement like in the case of Kidero and Shebesh where the offender is genuinely seeking to repair the harm caused or where the parties have a relationship, which they want to keep.

#### **4.1.4 Opportunity of reply**

The Code, (MCK, 2007) notes that a fair opportunity to reply to inaccuracies be given to individuals or organizations when reasonably called for adding that if the request to correct inaccuracies in a story is in a form of a letter, the editor has discretion to publish it in full or in its abridged and edited version, particularly when it is too long.

##### **Excerpt 9**

Drama unfolded at City Hall Friday after Nairobi Governor Evans Kidero allegedly slapped Women Representative Rachel Shebesh during a heated verbal exchange outside his office. Shebesh, known for her aggressive style, had confronted Kidero over the ongoing county employees' strike, which has paralysed operations; over unpaid salaries. (Saturday Standard, September 7th 2013).

The Standard reports above that Shebesh was among council workers who stormed Kidero's office on the fateful Friday afternoon demonstrating over pay rise demands when the incident occurred. Alia (2004), states that ethical practices in the media refer to the principles that regulate the activities of the media; operationalized within the realms of a code of conduct. The principles of journalistic codes of ethics are designed to assist journalists in dealing with ethical dilemmas by seeking to protect the fundamental rights of its news sources, subjects

and audiences. Alia further says that the codes and canons provide journalists a framework for self-monitoring and self-correction. Therefore, using the word ‘allege’ the reporter is demonstrating that it is suspected, assumed or supposed but not specified that Shebesh was at the Governor’s office at the time when the scuffle ensued. This portrays the writer as a person who is not abreast with the importance of accuracy and fairness in reporting. It is therefore, prudent for the reporter not to assume that Shebesh was present during the scuffle and accord her opportunity of reply to confirm that indeed she was present at the time and was slapped by the Governor.

#### Excerpt 10

Dr Kidero ruled out paying millions of shillings to the Women Rep, diminishing prospects of an out-of-court settlement, which the High Court had ordered the two parties to explore in a week. “Reconciliation cannot be bought with money. We are still talking and I hope we will be working together to serve the people of Nairobi,” the governor said during an evening news programme. Unconfirmed reports had indicated that Dr Kidero, who has been accused of slapping Mrs Shebesh, also made an assault claim allegedly against the women representative, that he was willing to pay millions of shillings to put the matter to rest (Daily Nation, Tuesday, January 14, 2014)

This report about the pay out before settlement of the case was awash in all the selected publications, but all the reports were not confirmed by Shebesh save for Kidero who has ruled out the prospects. The leader, Nairobi Senator Mike Sonko is spearheading the ‘money to fix it right’ as part of reconciliatory approach to appease Shebesh to forgiving Kidero. Similarly, not all the witnesses, who withdrew from both Kidero and Shebesh, were given opportunity of reply to disclose the real motives behind their actions. The journalists, who play a watch dog role, did not delve deeper into the matters surrounding the witnesses.

#### Excerpt 11

About 10 people recorded statements to support Kidero’s allegation, while Ms Shebesh had seven witnesses (The Daily Nation, January 2, 2014).

#### Excerpt 12

Five people listed as witnesses in the case of Nairobi Governor Evans Kidero and Woman Representative Rachael Shebesh have withdrawn. The witnesses led by

Member of County Assembly Hashim Kamau said they decided to do so to fast track reconciliation process as ordered by Justice Isaac Lenaola. (Standard January 4, 2014)

Since the time the altercation between Shebesh and Kidero happened in September 6, 2013 no single journalist sought her out to hear her side of the story. Kidero was always on the papers and spoke openly about the matter and asked for forgiveness from Shebesh. Four months down the line, Shebesh speaks in public over the ongoing negotiations to end the spat between her and Kidero.

#### Excerpt 13

Nairobi County Women Representative Rachel Shebesh has demanded a public apology from Governor Evans Kidero and declared that she is not willing to negotiate on the matter. Speaking at the Saint Monica Anglican Church in Dandora, Mrs Shebesh suggested she was willing to end the spat with the governor but was more interested in a public apology. “What happened to me did not happen to Shebesh alone. It happened to the women of Kenya. I was taught forgiveness by my mother,” she said. Mrs Shebesh was allegedly slapped by the governor outside his office at City Hall on September 6, 2013. This is the first time Mrs Shebesh is talking about the negotiations in public (Daily Nation, Sunday, January 26, 2014).

Despite making the remarks in church, journalists present should have probed further what the apology presented. This was deemed as alternative dispute resolution mechanism to the matter already in court to enable readers understand the implications of her utterances before the public. Sadly, this matter was shelved and readers were left hungry for more information about the spin thrown into the works already on the negotiation table. However, a week later there were marked activities abuzz of a possible out of court settlement among the two leaders that was aptly captured in the excerpt below:

#### Excerpt 14

Nairobi Women’s Representative Rachel Shebesh on Sunday said she had forgiven Governor Evans Kidero and was ready to work with him. Ms Shebesh said there were no pre-conditions in her move. “I have forgiven Kidero unconditionally and I am ready to work with him ... As women, we have been taught to forgive,” she said. She admitted that her move was as a result of many reconciliatory meetings both the governor and herself attended. “Many people with good intentions for Nairobi intervened,” she said. (Daily Nation Sunday, February 2, 2014).



#### **4.1.5 Independence: Media Incitement**

MCK, (2007) code says the media should avoid publishing obscene, vulgar or offensive material unless such material contains news value which is necessary in the public interest. The Code says, publication of photographs showing mutilated bodies, bloody incidents, and abhorrent scenes should be avoided unless the publication of such photographs will serve the public interest. The most controversial part of this ethical principle is probably the issue of various tones adopted by journalists while reporting the public wrangle between Evans Kidero and Rachael Shebesh. That headline had a strap-line on to saying “Kidero slaps Shebesh...” The ‘tone’ of the entire story gave the impression that the decision by Nairobi Women Representative Rachael Shebesh to lead a mob of protesters attempt to gain entry into Nairobi Governor’s office turned out to be a shocker for Shebesh after Governor Evans Kidero handed her a thunderous slap that sent her staggering. The Daily Nation September 6, 2013 ran a banner headline ‘Kidero you slapped me? Cries Shebesh’ whereas, the Standard on the same day carried a headline ‘Nairobi Governor Evans Kidero denies slapping Women Rep Rachael Shebesh’. The alleged assault irked some lawmakers, who called for the governor’s resignation as recorded in the excerpt below.

##### **Excerpt 15**

“Dr Kidero is trying to intimidate the women of this city. He does not deserve to be holding that governor’s seat,” said Runyenjes MP Cecily Mbarire. The MP called for swift investigations. “Teach Kidero a lesson for trying to show his arrogance and uncontrolled temper on women,” she said. She also called on all female MPs and county representatives to rally behind Ms Shebesh by condemning the alleged assault and demanding for the governor’s ouster (Daily Nation Friday, September 6, 2013).

The tone of a news story is the perspective or attitude that the reporter adopts with regards to a specific character, place or development. Tone can portray a variety of emotions ranging from solemn, grave, and critical to witty, wry and humorous. Tone helps the reader ascertain the writer’s feelings towards a particular topic and this in turn influences the reader’s understanding of the story. Considering the spat between Kidero and Shebesh, an ironic tone is set because the reporter goes ahead to say that Shebesh, known for her aggressive style, was slapped by Kidero. In reality, the reporter says that the feminists were about to fall, through Rachael Shebesh, into the oldest trapping in the book by playing to their own

detriment, the gender card. It is evident that in so doing, the women leaders are relegating Shebesh from being the tough leader that she is, to a poor battered woman unable to speak or fight for herself. In view of the above, playing the gender card in the Shebesh case puts her career in danger. This is a woman who has shown that she is more than capable of holding her own among men. By virtue of Kidero's stature as leader and his inherent large sphere of influence, his actions will have far reaching consequences. Kidero cannot simply apologize to Shebesh; he has to participate in some kind of campaign that educates men and boys about the ills of violence against women. Leaders are a reflection of the society that puts them there. Kidero's slap has set the tone for how the county of Nairobi does business with women.

Irking the fury of feminists across the country, the slap did not receive backing from other quarters like the Presidency, Clergy, Law Society of Kenya and male Members of Parliament. The National Gender and Equality Commission was categorical in a statement terming the incidence as sheer arrogance and total disrespect for women. These leaders mocked the Governor for his actions against the Women Representative. The National Gender and Equality Commission in a statement signed by the Commission's chairperson Winfred Lichuma said,

#### Excerpt 16

"This is the height of intolerance that reeks of sheer arrogance punctuated by total disrespect for women. Governor Kidero must be told that he cannot use his office to assault honourable or ordinary members of public." She advised Ms Shebesh to seek legal redress since Dr Kidero had "crossed the red line". Federation of Women Lawyers (Fida-Kenya) followed suit. "It is demeaning and in bad taste for a leader holding such a position to resort to violence as a means of solving issues," Fida chairperson Ruth Aura said. (Daily Nation Friday, September 6, 2013).

The last part of the code talks about "tone" in reporting without really elaborating. Since the word "tone" is lumped together with "obscenity" and "taste" then in this context it must be a "tone" that suggests either "violence" or some form of "obscenity" yet when journalism scholars discuss various "tones" in reporting they are really talking about bias in journalism and what they have in mind is political bias. According to Calvert (2005), privacy is a relatively new concept, and implies that every person has a right to avoid intrusion into certain aspects of his personal life without his consent. To avoid the media going beyond the

obvious bounds of propriety and of decency, to allow every person to protect his dignity by safeguarding the natural reserve of his personality from unnecessary disclosure, statutory and constitutional rights of privacy are being developed in various countries. However, privacy is a troublesome concept, implying as it does the need of the journalist to balance in his day-to-day professional activity between his search for truth, for facts, and a respect for some reasonable bounds of privacy. In this excerpt the print media deviated from core ethical principles by delving into the privacy of both Kidero and Shebesh.

In conclusion, the Code of Conduct for the Practice of Journalism in Kenya says that all media practitioners and journalists should recognize that they have a social responsibility to be accountable for their actions to the public, profession and themselves. The Social Responsibility Theory informed this study immensely by calling on journalists to be accountable and adhere to media ethics and codes for the practice of journalism without exception. In essence, news gathering, packaging and editing should never deviate from ethics and the code of conduct for the journalists. Above all, journalists should be professionally responsible. The code further appeals to professional journalists to actively adhere to media ethics. In a nutshell, journalists are duty bound to conduct themselves ethically.

## CHAPTER FIVE

### SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

#### 5.1 Introduction

This study aimed at determining the levels of deviation from the journalistic ethical standards concerning the Kidero-Shebesh public wrangle. Similarly, the study was concerned about how the Kenyan newspaper media adheres to the established code of professional conduct and regulation as stipulated in the Code of Conduct for the Practice of Journalism in Kenya. In this study, media content analysis was used to collate qualitative data from purposely selected newspaper print articles from the Daily Nation, The Standard and The Star journalists touching the Kidero-Shebesh wrangle. These articles were helpful in answering the study's objectives on the print media reportage of socio-political issues in Kenya. This chapter therefore presents the conclusions reached, recommendations as well as highlighting areas warranting further research.

#### 5.2 Summary of Findings

Based on the results of this study, the following are the major findings: The newspaper information provided smacked of holding vendetta against the women leader by saying that Shebesh was not new to controversy. This in turn violated the Code of Conduct and Practice of Journalism in Kenya which affirms that the fundamental objective of a journalist is to write a fair, accurate and unbiased story on matters of public interest, (MCK, 2007). The results obtained from journalists working for the selected media houses indicate that the reporting of Kidero-Shebesh public wrangle did not meet certain regulations as specified in the Code of Conduct for the Practice of Journalism in Kenya. The five-month long chronicle is symbolic of a Kenyan judicial institution that appears completely malleable when confronted with cases involving powerful and well-connected personalities. This news angle was not fully explored by the journalists to provide whether High Court Justice Isaac Lenaola acted within the purview of his docket in blocking the public prosecutor from pursuing the charges against the two even as he ordered the warring parties to pursue reconciliation.

Data from the newspaper excerpts pointed to the fact that both Kidero and Shebesh conducted themselves in a manner inappropriate of persons in the public eye; holding public office to ridicule and contempt. It is one thing to protest against a ruling or policy one disagrees with as the latter was supposedly doing when she led aggrieved Nairobi City County workers to Dr. Kidero's office where they proceeded to demand better pay. It is another thing to violate

someone's personal space, let alone assault them as Ms. Shebesh allegedly did when she "hit" the governor in the groin; an alleged assault that earned Shebesh the slap. The flippancy and pliability of Kenya's legal system of trashing a three month investigation is the norm when it comes to handling cases involving powerful and well-connected personalities. It is also this bipolar characteristic of Kenya's judicial process that makes the ordinary citizens in the country to push for external oversight in high profile cases.

While fully appreciating alternative dispute resolution, if the two suspects were not prominent politicians, would the court have ordered reconciliation when it was an assault case? Analyzed data revealed that as all this judicial drama unfolded, journalists did not question why Kenyan legal community remained mum over the subject. The ethical dilemma posed on the independence of the journalists was to use the power of their pen to write commentaries on the probable scenarios that led to the case being treated as civil when it was indeed an assault case. It is sad to note that many journalists do not get expert legal minds to dissect the judge's ruling and what it meant and whether it was admissible constitutionally. Thus such a balancing act eroded the journalists' independence to churn out news stories of public interest in a satisfying manner.

### **5.3 Conclusions**

The main aim of the study was to determine the through empirical study the levels of deviation from journalistic ethics concerning the Kidero-Shebesh incident's coverage by print newspapers published between September 2013 and February 2014. Journalists are supposedly the initial gatekeepers in news gathering, packaging and dissemination as well as custodians of media freedom in Kenya. They have a responsibility to adhere to journalistic ethics as prescribed in the Code of Conduct for the Practice of Journalism in Kenya. In this study, I examined the extent to which journalists adhere to the code of conduct packaging news for public consumption. The Social Responsibility Theory was situated in this study providing the theoretical framework to determine journalists' levels of adherence to media ethics. In view of the findings, a section of print media practitioners deviated from ethical principles contained in the Media Act 2007. Efforts towards ensuring self-regulation have been enhanced by the elevation of the Media Council of Kenya. The Council is an independent regulatory body that guides, monitors and cracks the whip on errant journalists and media houses. However, there is need to strengthen in-house Ombudsman to monitor media ethics adherence by journalists. All trained journalists exhibited awareness of ethical

principles as stipulated in the Code of Conduct for the Practice of Journalism in Kenya. However, in some occasions, sub-editors, who are gatekeepers, can incorporate a few changes on the copy to meet the needs of their audiences and align them to in-house writing styles. This slant ultimately affects the end product which may deviate from journalistic ethics.

#### **5.4 Recommendations**

It is evident from the findings that the deviation from journalistic ethics in Kenya is paramount in serving the public interest. It was found that significant differences existed in individual journalists in upholding journalistic ethics as prescribed by the Code of Conduct for the Practice of Journalism in Kenya. Further it was established that these noble goals could be achieved through a return to the communal ethical values or through greater professionalization of the media industry or both. In other words, there is need to initiate an ethical renaissance and nurture it in a context where there is no fundamental consensus on binding values. Based on the findings of this study the following recommendations are made.

No matter what the platform, the primary mission of journalism is to provide information that gives meaning and context to the events that shape our lives, our communities and our world. In doing so, journalists, who hold powerful interests, should be accountable and remain true to their mission of public service through fair and accurate reporting. In a world with multiple sources of information, much of it indistinguishable one from another, credibility is a journalist's most precious asset. Credibility is earned over time by continually delivering on promises of accuracy, transparency and fairness.

Newsrooms must invest in training so staff has the prerequisite journalistic ethical skills to meet the needs of the audience. Journalists should be guided by three main principles: telling the story as fully and truthfully as possible, acting as independently as possible, and causing as little harm as possible. Journalists should honour the principle of independence. They should avoid conflicts of interest or the appearance of conflicts that could imperil their ability to report or the credibility of their reporting or commentary.

#### **5.5 Suggestions for Further Research**

From the findings of the study, further investigations can be conducted. Therefore the following are suggested for further research.

- i. A study can be conducted to determine how an in-house Ombudsman relates to the Code of Conduct for the Practice of Journalism in Kenya.
- ii. A study can be conducted to ascertain the implications of the Second Schedule of the Media Council Act of 2013 and regulating the emergence of citizen journalism to establish levels of adherence to journalistic ethics.
- iii. A study can be conducted to establish ways to align in-house writing styles with the Code of Conduct for the Practice of Journalism in Kenya.

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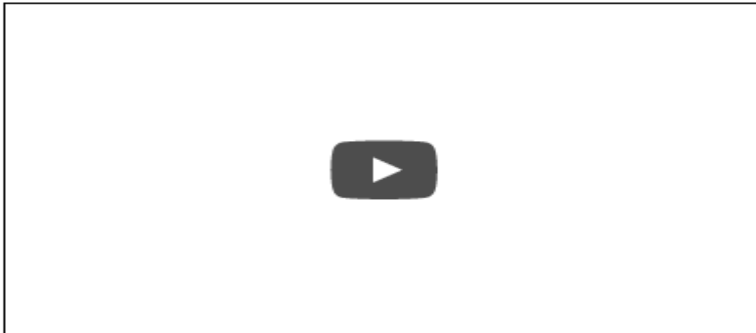
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## APPENDICES

### Appendix 1 : Excerpts 1

# Kidero you slapped me? cries Shebesh

FRIDAY SEPTEMBER 6 2013



#### In Summary

- "He came to record a statement that he had been assaulted by Shebesh," Central police chief Patrick Oduma said after the governor left the station. Dr Kidero went to the police station at 5.30pm. He stayed for almost an hour and was joined by his wife Susan Mboya-Kidero and other politicians.

An apparent  
few seconds of  
madness  
involving two  
top city leaders  
Friday drew ire,  
initiated police

investigation and inspired debate on social media.

Nairobi Governor Evans Kidero is fighting damaging allegations that he assaulted Women Representative Rachael Shebesh during a confrontation at City Hall.

The incident, captured on camera, supposedly happened when Ms Shebesh, accompanied by aggrieved Nairobi City County workers who are demanding better pay, went to Dr Kidero's

## Appendix2: Excerpt 13

# Women MPs demand Nairobi Governor Evans Kidero resignation

SATURDAY SEPTEMBER 7 2013



### In Summary

- Kenya Women Parliamentary Association (Kewopa) says it will institute criminal proceedings against Dr Kidero in court should the governor stay put.
- Women leaders urged to rally behind Ms Shebesh as a way of denouncing violence against women.

An association of women MPs now wants Nairobi Governor Evans Kidero to resign following

claims of assaulting women representative Rachel Shebesh.

Kenya Women Parliamentary Association (Kewopa) has said it will institute criminal proceedings against Dr Kidero in court should the governor stay put.

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We want to condemn in the strongest words possible the physical assault by Dr Kidero against Hon Shebesh yesterday (Friday).

We are calling on him to resign following his action or risk criminal proceedings that shall be instituted against him," said Kewopa chairperson Cecily Mbarire during a news conference in Nairobi Saturday.

Ms Mbarire, who is the Runyenjes MP, said Dr Kidero cannot remain in office after his misconduct.



The Kenya Women Parliamentary Association (Kewopa) chairperson Cecily Mbarire (centre) during a news conference in Nairobi September 7, 2013 where she called for the resignation of Nairobi Governor Evans Kidero over claims of assaulting women representative Rachel Shebesh. EMMA NZIOKA

The Nairobi Governor has found himself on the spot after he was seen slapping the MP in an NTV video at his City Hall office (</video/news/4146788-1982368-igl57c/index.html>).

Police have already launched investigations into the claims of assault.

10/23/2019

Governor Kidero denies slapping Shebesh : 7

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## Naiorbi Governor Evans Kidero denies slapping Women Rep Rachael Shebesh

[f](#) [t](#) [g+](#) [v](#) [in](#) [e](#)

06th Sep 2013 00:00:00 GMT +0300

By Standard Digital Reporter

**Nairobi, Kenya:** Nairobi Governor Dr Evans Kidero has denied slapping Nairobi Women Representative Rachael Shebesh after an altercation in his office.

It is alleged that Shebesh was among council workers who stormed Kidero's office on Friday afternoon demonstrating over pay rise demands when the incident occurred.

However, addressing a press conference outside City Hall, Kidero denied slapping anyone.

[SEE ALSO :30 wards to gain from Sh1.5 billion fund](#)

"I was in my office but I don't remember or have any recollection of slapping anyone. All i know is that a group of people about 30-40 tried to force themselves into my office led by a Honourable Member of Parliament", said Kidero.

He later proceeded to Central Police Station to record a statement.

[You can watch the video of Kidero 'slapping' Shebesh here.](#)

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# Kidero you slapped me? cries Shebesh

FRIDAY SEPTEMBER 6 2013



## In Summary

- “He came to record a statement that he had been assaulted by Shebesh,” Central police chief Patrick Oduma said after the governor left the station. Dr Kidero went to the police station at 5.30pm. He stayed for almost an hour and was joined by his wife Susan Mboya-Kidero and other politicians.

An apparent few seconds of madness involving two top city leaders Friday drew ire, initiated police

investigation and inspired debate on social media.

Nairobi Governor Evans Kidero is fighting damaging allegations that he assaulted Women Representative Rachael Shebesh during a confrontation at City Hall.

The incident, captured on camera, supposedly happened when Ms Shebesh, accompanied by aggrieved Nairobi City County workers who are demanding better pay, went to Dr Kidero’s

# Kidero, Shebesh face charges over slap

THURSDAY JANUARY 2 2014



Nairobi Women representative Rachel Shebesh and Nairobi Governor Evans Kidero. The Director of Public Prosecutions Keriako Tobiko ordered that Dr Kidero should be charged with assault and Ms Shebesh with creating disturbance over an incident in which the MP claimed that the governor slapped her. PHOTO/FILE

## In Summary

- Nairobi county CID chief Nicholas Kamwende had however earlier recommended that both Dr Kidero and Ms Shebesh be charged with affray.
- They had both presented medical examination reports, P3 forms, indicating they had each been injured. Each also presented several witnesses. About 10 people recorded statements to support Kidero's allegation, while Ms Shebesh had seven witnesses.
- Section 176 allows reconciliation by allowing parties to reach an out of court settlement on a personal or private matter not amounting to felony, and not aggravated in degree.

Nairobi  
governor Evans  
Kidero and the  
region's  
Women  
Representative  
Rachel Shebesh  
will be both





Home / Kenya

## Kidero, Shebesh deny claims of seeking deal to end matter



▲ STANDARD TEAM © 15th Sep 2013 00:00:00 GMT +0300



Nairobi Governor Evans Kidero Photo: Standard

By STANDARD TEAM

**KENYA;** The tussle between Governor Evans Kidero and Nairobi Women Representative Rachel Shebesh has taken a new twist with assertions from both sides that they were not working on a deal.

Mr Cecil Miller, the lawyer representing Ms Shebesh in the matter denied media reports that his client had placed a compensation demand on Dr Kidero's table for consideration.

"No meeting has been held between the two," said Mr Miller.

**SEE ALSO :** [Battle royale: Kenya's troubled billionaires](#)

Instead, the lawyer said his client was waiting for police to charge the governor after the MP reported the assault case.

"I spoke to her this morning and the position remains the same. There are no negotiations and she is also not ready to negotiate," said Miller.

He said his client had secured a P3 form and a file opened on the matter, adding that he expects police to charge the governor.

Home / Kenya / Nairobi

## Governor Evans Kidero slaps Rachel Shebesh, then quickly forgets

f t v w in ✉

By [Moses Michira](#) © 07th Sep 2013 00:00:00 GMT +0300



Nairobi Women Representative Rachel Shebesh is whisked away from City Hall, Friday, after a scuffle with Nairobi Governor Evans Kidero (inset centre). [PHOTOS: EVANS HABIL AND BEVERLY MUSILI/ STANDARD]

By Moses Michira

**Nairobi, Kenya:** Drama unfolded at City Hall Friday after Nairobi Governor Evans Kidero allegedly slapped Women Representative Rachel Shebesh during a heated verbal exchange outside his office.

Shebesh, known for her aggressive style, had confronted Kidero over the ongoing county employees' strike, which has paralysed operations, over unpaic salaries.

The Nairobi women representative had earlier addressed the protesting workers outside Kidero's office before proceeding to the Governor's chambers to seek audience with him. Witnesses told *The Standard* there was a heated exchange though it was unclear what she uttered that could have infuriated Kidero.

According to a video footage circulated on social media, Shebesh is seen outside the Governor's office jostling for position.

A short but heated argument ensues after Kidero emerged from his office, before he is seen gesticulating and slapping Shebesh, who momentarily staggers before men believed to be her aides steady her.

Kidero then retreats to his office as security personnel intervene.

<https://www.standardmedia.co.ke/article/2000092952/governor-evans-kidero-slaps-rachel-shebesh-then-quickly-forgets>



# Shebesh withdraws complaint against Kidero

TUESDAY MARCH 11 2014



Nairobi Women representative Rachel Shebesh and Nairobi Governor Evans Kidero. PHOTO/FILE

## Nairobi County

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