

***Incivility* in Social Media as Agonistic Democracy? A Discourse Theory
Analysis of Dislocation and Repair in Select Government Texts in Kenya.**

By

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**Submitted in accordance with the requirements for the degree of
DOCTOR OF LITERATURE AND PHILOSOPHY**

in the subject

Communication Science

at the

UNIVERSITY OF SOUTH AFRICA

SUPERVISOR: Prof. Stefan Sonderling

July 2019

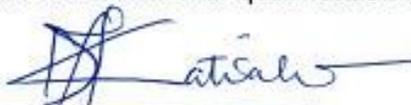
Declaration

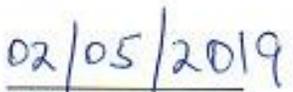
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I declare that ***Incivility in Social Media as Part of Agonistic Democracy: A Discourse Theory analysis of dislocation and repair in select government texts in Kenya*** is my original work and all sources quoted herein have been acknowledged in the comprehensive list of references.

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Abstract

In an era when adversarial politics is condemned for either being archaic or right-wing extremism, proposing that *incivility* can be used to counter existing hegemonies, despite its potential to incite violence, is proposing an unorthodox project. By rejecting foundationalist approaches to the current *incivility* crisis, this study sees an opportunity for it to act as a populist rapture that defies simple binary categorisation and deconstructs *incivility*, at an ontological level, to reveal the deep meanings and concealed causes that contrast the grand narrative of hate speech. After an overview in chapter one, the study continues with a theoretical review of literature on *incivility*, guided by the works of radical democracy theorists who universalise what seems particular to Kenya. This review is followed by the description of Bakhtin's concept of carnivalesque as *utani*, a joking relationship common in East Africa. For its theoretical perspective, the study is guided by Mouffe's theory of agonistic democracy and a research method developed by transforming Laclau and Mouffe's (1985) work in *Hegemony and Socialist Strategy: Towards a Radical Democratic*, into a method for Discourse Analysis. Various concepts from Laclau and Mouffe's work are used to innovate an explanation of how political practices in social media, both linguistic and material texts, enhance *incivility* and the struggle to fix a regime's preferred meaning. Guided by Laclau and Mouffe's Discourse Analysis, the study describes how the government is using linguistic tools and physical technologies to repair the dislocation caused by *incivility* in social media in its attempts to re-create hegemonic practices. Without engaging in naïve reversal of the polarities between acceptable and unacceptable speech, and considering that at the ontological level politics is a friend—enemy relation, the study argues that *incivility* in social media is part of the return of politics in a post-political era, rather than simple unacceptable speech. While remaining aware of the dangers of *extreme speech*, but without reinforcing the anti-political rational consensus narrative, *incivility* is seen as having disruptive counterhegemonic potential, that is, if we consider the powerplay inherent in democracy. It means that binary opposition is blind to the way power produces, and is countered through unacceptable speech.

Key terms

Agonistic democracy, incivility, extreme speech, Discourse Theory, carnivalesque, dislocation, hegemony, post-politics, social media, Kenya, universalism, particularism, empty signifier, nodal points, artefacts agency.

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Acknowledgement

During the writing of this thesis, many friends and colleagues were willing to read and comment on drafts of chapters. I am delighted finally to repay their kindness with a written acknowledgment.

I am indebted to my supervisor Professor Sonderling for reading this dissertation several times over and for giving insightful responses, but at the same time allowing me space to proceed the way I wanted. It was these insightful comments that pushed me towards the deconstruction of *extreme speech* from a Laclau and Mouffe's perspective. Indeed, looking at *extreme speech* as productive was initially unfamiliar.

I presented early versions of Chapters Two and Five at the International Association of Communication's 69th Annual Conventions in 2018 held in Prague and the Africa Regional Conference held at the University of Ghana. I also presented the early version of the methodology part at the 2017 European Communication Association Doctoral Summer School hosted by the Università Cattolica del Sacro Cuore, Milan, and a winter school on Using Discourse-Theoretical Analysis and Discursive-Material Analysis organised by Nico Carpentier and hosted by Uppsala University. I am grateful to all the discussants and participants in those meetings, especially Nico Carpentier who voluntarily ran the Uppsala Winter School. Adopting an agonistic perspective made this dissertation a gruelling project due to the hegemony of deliberative democracy and popularity of the hate speech narrative in Kenya, but it was the comments from the presentations mentioned above that reassured me that I was on the right track.

I acknowledge the funding received from the University of South Africa. Thanks to Prof. Sonderling for approving my request for each year of study. The funds from UNISA settled many of the costs related to this study.

Two friends, Daniel Okoth of Technical University and Prof. Tom Onditi of USIU, volunteered to proofread my first draft and final work respectively. I say thank you for seeing the the mistakes I could not have seen. Your input perfected this dissertation.

PART I: Introduction, situating the study and theoretical framework

This section introduces the content of this dissertation and Laclau and Mouffe's (1985) Discourse Analysis approach. The dissertation is about the deconstruction of *extreme speech* in social media. It seeks to answer the question whether this category of speech, presented mainly as anti-democratic hate speech, can indeed also enhance democracy. This question is answered in relation to the role of *incivility* in the dislocation and repair of hegemony in Kenya. To achieve the objective of this study, Part I describes the context of *incivility* as a form of *extreme speech* in Kenya and proposes how post-foundationalism research approaches can be used to analyse the construction of the dominant meaning of unacceptable speech. Part I has the following: Chapter One presents the structure of the thesis, Chapter Two lays out the theoretical review of literature on *incivility* from a post-structuralist perspective guided by the works of Antonio Gramsci, Althusser, Laclau, Mouffe, and Žižek among other radical democracy theorists. Chapter Three compares Bakhtin's concept of carnivalesque to *utani*, the joking relationship common in East Africa. Chapter Four is a description of theories of dissensus democracy, starting with Carl Schmitt's 'the political' and ending with Chantal Mouffe's agonistic democracy.

Chapter One

This charm, this spellbinding virtue, this power of fascination, can be—alternately or simultaneously—beneficent or maleficent.

Derrida (1981:70).

1.1 Background of the study

Offensive comments in social media sites are a common problem in Kenya. Although sites, such as Facebook, Twitter and blogs, have increased participation in political discourse by enabling users to easily create and distribute content, users often distribute content full of *incivility* or what regimes have over time claimed is hate speech or inflammatory content (see Mäkinen & Kuira, 2008:330; Ligaga, 2012:9; Somerville, 2011:83; Benesch, 2014:6; Gagliardone, Gal, Alves, & Martinez, 2015:6; Pohjonen & Udupa, 2017:1174). The following two cases highlight the challenge caused by *incivility* in social media: *The Star*, one of the top three leading Kenyan newspapers by circulation, pre-emptively introduces its online discussion forum with the following warnings: “Unwarranted personal abuse and defamatory statements will be deleted; strong personal criticism is acceptable if justified by facts and arguments; deviation from points of discussion may lead to deletion of comments.” The second case is the unknown whereabouts of Dickson Bogonko Bosire, the editor of the once controversial blog, *Jackal News*. It is more than eight years since the blogger was reported missing. Although his disappearance cannot be definitively linked to government extrajudicial killings (see Freedom House, 2014) or forced disappearance, the blogger’s whereabouts is clearly attributable to his controversial online news site.

Claims by the regime that social media has become a channel for hate speech and inflammatory content can be traced to the blame directed at the news media after the violence that followed a contested presidential election in 2007. The government’s hate speech master narrative has even encouraged comparison of Kenya’s 2007/08 post-election violence to the 1994 genocide in Rwanda, with local language radio stations being accused of inciting violence and ethnic hatred in a fashion similar to what Radio Télévision Libre des Mille Collines (RTLM) did before and during the genocide (Jamal & Deane, 2008; VOA, 2008, Somerville, 2011:83).

However, even with the prevailing hate speech grand narrative, it seems there is institutional ambiguity, Hajer (2003:175) would have said, as social media users, policymakers and the political elite have divided viewpoints on how discourteous content in social media is a national security threat to justify its censorship. On the one hand, the ambiguity is reflected in securitisation of social media by the Executive and Parliament, the regime's actions that have made social media look like a security threat, and, on the other hand, the frequent acquittals of social media users accused of spreading hate speech. Since the media was accused of fanning the 2007/08 post-election violence, several people have been arrested and charged with offences related to hate speech. Joshua Sang, a radio journalist, was among six prominent Kenyans indicted by The Hague-based International Criminal Court for crimes against humanity. In January 2015, blogger Abraham Mutai was charged with what the government claimed was "using a media platform to cause public anxiety" after he shared a tweet about what he termed mismanagement of public funds by the Isiolo County Government, a devolved unit in the eastern parts of Kenya (*#FreeSpeechStories: Arrested for a tweet*). In the same month, Alan Wadi Okengo, alias lieutenant Wadi, a Moi University student, was sentenced to serve a one-year prison term after he pleaded guilty to the use of 'hate speech'. The student had tweeted that *Kikuyus*, President Kenyatta's ethnic group, should be confined to certain parts of the country and referred to the head of state as an "adolescent President" (*Kenyan jailed for insulting President Uhuru Kenyatta*). Nevertheless, the High Court later acquitted him. In December 2014, Robert Alai, a renowned opposition-turned-government blogger, had been charged with undermining the presidency using the same "adolescent President" statement (Kakah, 2016).

Even with the institutional ambiguity as explained above, the increased role of the juridical sphere in solving social conflicts shows how the dominant rationalistic deliberative democracy has failed to settle confrontations in social media. It is rational democracy's failure to solve the challenges that came with freedoms in social media that has made the legal system take over the responsibility for

...organising human co-existence and for regulating social relations.
This displacement of the political by the legal terrain as the place

where conflicts are resolved has very negative consequences for the workings of democracy (Mouffe, 2005b:54).

This dissertation challenges the master narrative that equates *incivility* to hate speech, a process that displaces politics from democracy. Instead, it is argued, following Honig (1992:3), that theories promising “safety from the disruptions and conflicts of politics harbour dangers and violence of their own”. As a master narrative (see Lyotard, 1984: xxiv), civility has universalised speech into binary opposition, privileging the side that support the maintenance of dominant groups. These privileging marks boundaries for acceptable speech, with what is outside the boundaries categorised as part of the crime of hate speech and thus displaced from politics. The displacement of unacceptable speech from politics to the juridical is assumed to create a rational environment for the impartial solution of social conflicts, but as Mouffe (2005:55) contends, it is such displacement that makes it difficult for political passions to be channelled through traditional democratic parties. Indeed, the juridical avenue cannot provide impartial solutions as there are no such solutions in politics. What is needed is a political theory that can account for the persistence of conflict and its constitutive nature of power in society (see Mouffe, 2000a: 125).

Apart from the regime’s displacement of politics, as is happening in Kenya through the regulation of social media, scholars stand equally accused of displacing politics from political theory (see Honig, 1993:2). Many political theorists, argues Honig (1993), are hostile to theorising politics from its disruptive nature, preferring to develop strategies for elimination of dissonance, resistance, conflict, or struggle. Through such theoretical displacement of politics, intellectuals have confined “politics to the juridical, administrative, or regulative tasks of stabilising moral and political subjects, building consensus, maintaining agreements, or consolidating communities and identities” (ibid). With politics displaced, political theorists assume that their work is to create a system of resolving political conflict and instability or promoting ‘consensus’ as championed by Habermas. Thus, instead of theorising politics, many thinkers displace it to non-political institutions like the juridical that stabilise relations through coercion.

If politics, in its conflictual nature, is to be retained in democracy, *incivility*, as part of political practices, should be made as obligatory as kindness or generosity but not the law (see Žižek, 2006: xi). Civility is supposed to mediate between uncontrolled private fantasies and the strictly regulated forms of behaviour that should never be imposed on people. Civility cannot be purposefully enacted, as it is being commanded by the government through attempts to convert civility's unwritten rules into laws. Instead, it should come as a by-product, since commands that attempt to enforce it force people to engage in fake civility.

Furthermore, regular arrests on suspicion of hate speech crimes, even if the arrests do not lead to convictions, mean politics has been displaced since such freedom is only symbolic. A regime can be totalitarian while looking democratic by enacting severe criminal laws to scare but not to convict people. In such a regime, Žižek (2008:666) contends, "everyone is guilty of something" but the regime can look merciful by withdrawing full enforcement of the severe laws while retaining "a permanent threat to discipline its subjects". Contributors in social media political discourses in Kenya are faced with this overlap of potential total incrimination and mercy from the regime. The common acquittals allow false freedom. As Žižek (2008:667) would say, the fact that social media contributors are free does not mean there is freedom, but they are free because of the government's mercy and the benevolence of those in power. In such cases, the totalitarian leaderships resemble regimes of mercy since they tolerate violations of laws, yet it is the regimes' securitisation of social media that has made the legal environment so restrictive that innocence is unexpected. Therefore, even though only one blogger has been convicted for crimes related to *incivility* (after he pleaded guilty), it does not mean people can freely contribute in social media discourses. Contrarily, this freedom should be seen as a "polite offer-meant-to-be-refused" (Žižek, 2008:675), given that people have freedom of choice, but they can only take the government's preferred choice.

This study shares the concerns raised by the hate speech grand narrative, for example regarding the 2007/08 post-election violence, but at the same time disrupts the narrative through expansion of the boundaries of acceptable speech by looking at *incivility* as part of politics and therefore beneficial to democracy. Hence without proposing a new grand

narrative, this dissertation argues that through their affordances, social media are “obeying different rules” (Lyotard, 1984: 40), enabling this new media to disrupt the existing grand narrative by removing the polarities between *incivility* and democracy. Indeed, outside the grand narrative, hate speech is an elusive term that cannot completely fall within the spectrum of acceptable—unacceptable speech. As Gagliardone et al. (2015:10) argue, definitions of hate speech are broad, and can sometimes encompass normal political practices, like “words that are insulting those in power, or derogatory of individuals who are particularly visible”. Such wide definitions, the authors say, are common during critical times such as election periods when the concept of hate speech risks being manipulated by those in power to curb competition, dissent and criticism. Furthermore, the authors argue that regulation of hate speech risks entangling the law with power, as the “law is a tool for enforcing mores of the dominant group that controls [its] ...content.” An example of entanglement of hate speech laws with power is how the Apartheid South Africa regime criminalised criticism of white domination, which illustrates the potential political abuse of hate speech limitations (Gagliardone, et al. 2015:15).

Consequently, this study moves away from the binary division of speech into what is acceptable and what is not (see Pohjonen & Udupa, 2017:1174) by revealing the benefits of conflictual politics, the benefits concealed by the dominant hate speech narrative. The binary division is like Saussure’s structuralist tradition that views a linguistic system as having a static relationship between a sign and a signifier, ignoring the possible changes that happen with time (see Saussure 1981:110). In contrast, poststructuralists, such as Derrida (1978) refute Saussure’s binary model accusing it of originating from the tradition of conceptualising meanings in oppositional terms. In the structural binary systems, the meaning of one term is derived from its opposition to another, implying elevation of one term over another. Derrida’s refutation of Saussure’s binary model has been expanded by Laclau’s (2012:542) criticism of the linguistic theory’s isomorphism — the assumption that a sign only corresponds to one signified. Signifiers, argues Laclau, are open to reinterpretation. To solve the weakness in Saussurian structural theory and make it relevant when applying it to social analysis, Derrida’s proposal of a “double reading” of binary oppositions is used to reveal disunity within what has been made to look like a

coherent thought. This Derridian proposal is what the study advances: double reading of extreme speech.

Thus, following Derrida and Laclau, the study is against the binary division of speech into what is acceptable and hate speech, instead it uses the term “*incivility*” (italicised) to avoid the opposition between speech that is anti-democratic and speech that is democracy enhancing. The terms offensive speech and *extreme speech* are used interchangeably with *incivility* where their use does not distort the meaning of *incivility* but differentiates it from the anti-democratic hate speech.

In close similarity to the works of Pohjonen and Udupa (2017:1174), the study “avoid[s] predetermining the effects of online volatile speech as vilifying, polarising, or lethal”, but uses ‘double reading’ to reveal the disunity within the narrative of hate speech. It describes how *incivility* can be beneficial to the process of returning politics to democracy in the current post-political era. Some forms of extreme speech, such as *incivility*, are on a continuum located in between speech that is injurious and speech that can reinvigorate democracy. Therefore, the meaning of *incivility* should not be confined to its opposite — speech that is acceptable. The so called “unacceptable speech” is not always inimical to democracy.

As an alternative to mere opposition against the hate speech grand narrative, which would mean repeating the error of privileging one side in a binary opposition, this study follows Derrida (1981) to ‘deconstruct’ the logocentric claims that naturalise views that *extreme speech* is anti-democratic. Deconstruction is neither denial nor reversal of the dominant meaning. Rather, it is the replacement of logocentrism with nonbinary logic to reveal how hegemonic orders have made the *extreme speech* grand narratives to seem natural. And so, *incivility* has double meanings. To borrow Derrida’s words, just like the *pharmakon*, *incivility*, “acts as both remedy and poison” because it is ambivalent (1981: 70). The contradictory meanings of *incivility* can only be understood through deconstructive reading rather than favouring one side as the grand narrative of hate speech.

If equated to a *pharmakon*, then *incivility* in social media becomes a dislocatory event that calls previous deliberative democracy into question by creating what Laclau (1996:78)

calls the ‘undecidable’ politics that cannot be explained in terms of rational decision making models. Thus, this study avoids presenting *incivility* in an either/or context. Rather, it blurs the boundaries between the opposites to replace either/or with the logic of ‘both/and’ (cf. Kakoliris, 2013:225). Hence, *incivility* is seen as a mutual coexistence of its opposites. In other words, instead of being entangled in the binary opposition between acceptable and unacceptable speech, the hate speech narrative is shifted by this study by deconstructing the validity of the commonsensical reading of *incivility* in social media, but without overturning the privileged into a new binary opposition.

Using *incivility* and related concepts, the study moves away from the hate speech grand narrative popular in regulatory debates. In place of policy guidelines, the study uses Laclau and Mouffe’s work, *Hegemony and Socialist Strategy*, to deconstruct *incivility* in social media. The work of the second wave of deconstructive critics, Laclau and Mouffe, is used to enrich double reading of *incivility* considering that Derrida initially remained apolitical even when conditions demanded political interventions (see Norval, 2004:139; Fraser, 1984:127). In fact, Derrida’s initial works have been faulted for “amoun[ting] to a form of nihilism and irrationalism that served no useful political purpose” (Patton, 2007:767). In a more unsympathetic condemnation, Wolin (2004:3) claims that poststructuralism invokes the counter-enlightenment heritage for criticising democracy as a source of many political ills. This tradition of blaming democracy, Wolin (2004:4) alleges, began with the anti-philosophes whose arguments were similar to the postmodern political critique—the “latter-day anti-philosophes.”

Even though Derrida’s later works introduced some normative dimensions, Laclau and Mouffe are more explicitly concerned with politics, especially the failures of both classical Marxism and deliberative democracy, not only in the West, but also regarding non-western politics. But then, because *Hegemony and Socialist Strategy* is confined within the field of political theory, where ‘the political’ is an undecidable encounter deprived of ‘practical prescriptions’, this ambiguity was avoided by reworking Mouffe’s later writings that solve the impasse through an agonistic democracy, an innovative normative concept that replaces the ‘either/or’ in the ‘acceptable/unacceptable speech’ opposition with ‘both/and’. This means that Mouffe does not merely reverse the binary opposition, rather she

proposes a normative system outside the binaries. A pluralistic democracy is a paradox, Mouffe (1993:8) says, since it is “conceived as a good that only exists as good so long as it cannot be reached. Such a democracy will therefore always be a democracy 'to come', as conflict and antagonism are at the same time its condition of possibility and the condition of impossibility of its full realization.” Agonism is Mouffe’s proposal to tame antagonism by converting “the enemy” into an “adversary”. Consequently, the concept of agonistic democracy can be used to explain how *incivility* can enhance a democratic system that is consistent with the conflictual nature of politics. *Incivility* is seen as a part of the conflicts that unfortunately cannot be eliminated without risking the democratic project. For instance, an excess of consensus pushes those excluded by the consensus to join fundamentalist movements.

This study aims at explaining how the conflict symbolised by *incivility* in social media can reinvigorate a form of democracy that is different from the deliberative democracy, a system that stands accused of forging what Mouffe (2005a:1) calls a ‘post-political’, also known as the ‘end of ideology’ and ‘end of history’ era, in which the ‘free world’ that triumphed over communism has evolved into a world ‘without enemies’, a world in which partisan conflicts are seen as things of the past, yet politics is based on articulation of differences as observed in the recurrence of partisan politics, albeit in different forms. That is to say, the study returns politics to political theory, contrary to theorists who have for centuries identified politics with juridical-like settlement (see Honig, 1993:3). Instead of displacing politics from politics itself as liberal democracy has attempted, this dissertation advances theorisation of politics as a form of agonistic conflict. The displacement of politics risks creating an environment where conflicts remain unresolved. It is such environments with displaced politics that should be blamed for violent eruptions, for example the violence that came after the “end of history” in eastern Europe or even Kenya’s 2007/08 post-election violence that happened a few years after the end of President Moi’s near-authoritarian 24-year rule.

Rather than reduce *incivility* in social media to hate speech as the regime’s securitisation efforts have attempted, the study views *incivility* as the re-emergence of adversarial politics after the purported “dawn of a consensual politics ‘beyond left and right’” (Mouffe,

2005b:51). As Laclau (1988:254) would have said, *incivility* shows that society does not exist as, “if it did, meaning would be fixed in a variety of ways,” implying that attempts to fix the meaning of *incivility* through securitisation are merely social rather than “rational and intelligible”. Thus, the hate speech narrative is part of hegemony because when taken in isolation, hate speech has no meaning, and it must be enjoined to a set of discursive relations, with violence for example, for it to have some meaning (cf. Laclau, 1988:254).

Equating *incivility* in social media to hate speech is failure on the part of political theorists to “double read” signs so as to explain the antagonistic nature of “the political” and the role of passions in the constitution of collective identities of an ‘us’ versus ‘them’. Mouffe and her followers distinguish between ‘the political’, the antagonistic dimension inherent to human societies – and ‘politics’, the practices and institutions that attempt to establish order following conflicts generated by ‘the political’ (Mouffe, & Errejon, 2016:38). As such, ‘the political’ is a constitutive dimension of social order and *incivility* is symbolic of it.

The failure to theorise the role of antagonism and emotions in politics, as Mouffe (2005b:52) argues, is due to the “triumph of a purely liberal interpretation of the nature of modern democracy.” This hegemonic liberal democracy sees conflictual politics as archaic, instead commending a consensual type of democracy, which is “completely depoliticised”. This study attempts to explain the current happenings as part of an agonistic democracy that promotes adversarial politics in contrast to routinized post-political consensus practices that attempted to eliminate conflict from politics.

From this perspective, some forms of *extreme speech* can be part of the new radical democracy antagonisms, the expressions of resistance against existing forms of subordination. Taking the concept of “the political” as not limited to doing politics within predefined institutional forms, but as antagonism and conflict best symbolised by the distinction between friends and enemies (Schmitt 1996:26; Laclau 1990: 172), *incivility* in social media can be seen as reactivation of ‘the political’ that had previously been concealed by the hegemony of liberal democracy that took over at the ‘end of history’. Seen as different from consensual practices which had become everyday forms of human and societal reproduction, *incivility* can be said to be part of the political practices that

challenge “existing norms, institutions and practices – perhaps even the regime itself” through the construction and disruption of antagonistic frontiers (Glynos & Howarth, 2007:105).

It appears that *extreme speech* in social media is reactivating ‘the political’ that had been eclipsed by social practices and the consensus of deliberative democracy. Reactivation, to Husserl (1970:353), is the recovery of the ‘constitutive’ activity, a recovery that re-opens social practices that had been sedimented through the “routinisation and forgetting of origins”. As explained by Laclau (1990:34), such ‘reactivation’ does not therefore consist of returning to the original situation, but merely of rediscovering, through the emergence of new antagonisms, the contingent nature of the so-called ‘objectivity’ when antagonism makes the undecidable nature of ‘the political’ to become fully visible.

For the above reasons, in addition to the failure of the economism of classical Marxism, the *extreme speech* common in the social media can be interpreted as counter-hegemonic ‘agonisms’, a new strategy used by the excluded masses to resist domination. Here, *extreme speech* is an alternative to class struggles as it has reactivated (non-class) revolutionary ethos by causing institutional voids within the regime. In addition, *extreme speech* is a challenge to the society’s social practices, thus giving opportunity for new political interventions.

Social media has somehow returned ‘the political’ to politics (see Mouffe, 1993) since it is enabling people to participate more rigorously and passionately than they can through institutionalised legacy media. As explained by Mouffe (1988:96), such democratic antagonisms are polysemic as they are aimed at resisting subordination and inequality but can also become right-wing discourses if they widen inequalities. This implies that *extreme speech* creates new democratic struggles only when it articulates the struggles “of all the oppressed” (Mouffe, 1988:96). Therefore, *incivility* in social media is part of the proliferating struggles that are no longer limited to economic issues in the classical Marxist sense, but can only be understood as a reformulated democracy that includes conflictual politics. Thus *extreme speech* in social media can have an alternative meaning — the possibility of it being beneficial to radical democracy, considering that democracy involves

antagonistic struggles for power, regulating power relationships, allocating scarce resources and legitimating these processes in the face of struggles against enforcement (see Louw, 2010:08-10).

Therefore, this study assumes that *incivility* in the social media can have a variety of meanings and functions that can become temporarily fixed but can also be renegotiated. From this perspective, *incivility* in social media is seen as a dislocatory event that cannot be represented, symbolised, or domesticated as it has disrupted the dominant discursive structures (see Laclau, 1990). This study attempts to describe how the institutional void created by *incivility* in the social media has dislocated conventional political practices and how the regime is (re)creating the dominant understanding of *incivility* through what Laclau (Laclau, 2014:56) argues from an ontological perspective to be a process similar to linguistic metonymic relations of combination and metaphoric relations of substitution used to name the unnameable. That is to say, the regime is securitising *incivility* by making it a metonym of hate speech, a process that eventually metaphorises the relationship between the two and conceals its 'metonymical origins'. If the regime succeeds in this metaphorisation, the hegemonic substitution of *incivility* with hate speech makes the latter a *catachresis* as it becomes a figural term without a literal one (see Laclau, 2005b:71).

This means that the institutional ambiguity is removed when *incivility* is lifted into the hate speech—democracy dichotomy, blocking the listener from ever knowing alternatives to this binary opposition. Thus, what looks like the regime's objective description of *extreme speech* as "a threat to national security" hides the underlying metaphorisation process that equates *incivility* to hate speech, intolerance and other forms of anti-democratic speech. It also means that the regime's securitisation of *incivility* is not based on 'brute' facts but regime-created facts, what Searle (1995:2) calls "institutional facts" since they are dependent on human agreement, in contrast to 'brute' facts that exist independent of human institutions.

Outside the regime facts, *incivility* in social media has arguably dislocated the dominant beliefs and commonly held truths about political discourse in Kenya. *Incivility* in this sense is not perceived to be similar to mere rudeness nor hate speech; instead, it is discursively

defined and redefined by the interested actors, adopting wide-ranging meanings, challenging the existing discourse and opening up space for its redefinition. In other words, outside the regime's institutions, *incivility* has a variety of contradictory meanings. For instance, from a post-foundationalism perspective, *incivility* can be understood as counter-hegemonic antagonism that can play a role in changing the power structure in society. The counter-hegemonic understanding challenges the 'regimes of truth' that create a binary opposition between hate speech and democracy. For this reason, *incivility* is parenthesised in this thesis to show its fluid nature and how its meaning is being shifted by social media that has introduced new ways of doing politics in Kenya.

Incivility in social media can also be understood as what it is not — a negative relation with mainstream media civility. Here social media is read as a form of alternative media in contrast to mainstream media, which Fleras and Kunz (2001: 40) argue "are framed as a contested site of competing agendas whose inner logic, institutional values, and commercial imperatives induce a reading of reality at odds with the aspirations of those outside a mainstream orbit". The mainstream media support the dominant construction of preferred view of 'reality' over the views of disfranchised alternatives. Through such construction, the mainstream media naturalises dominant forms of 'common sense' (Bailey, Cammaerts & Carpentier, 2008:17), but social media as an alternative to mainstream media can be used by subordinated groups to contest the hegemonic meanings through the production of non-conformist content such as *incivility*, which can denaturalise the status quo.

Incivility in social media can further be understood as a way of changing how the media promotes participation in politics. Unlike conventional media, the social media content is generated by citizens with values different from 'professional' journalists. In fact, the spread of social media has made journalism a 'floating signifier' since social media has created journalisms that have a variety of meanings. News reporting routines have changed, and these changes have created forms of journalism different from conventional news reporting. In social media journalism, the audience is at the same time the reporter and creator of news content, different from the traditional professional journalism practice in which a journalist solely gathered and processed news.

Social media networks have reduced gatekeeping, a process of news selection, which is prevalent in mainstream media. Through gatekeeping, information is filtered based on criteria established by the media system creating a situation where citizens are denied some information and excluded from participating in some political discourses, which in turn affects the power structure. Structural control of the mainstream media was explained well by Althusser (1971:79) who developed the idea of Ideological State Apparatus (ISA), the distinct and specialised institutions of the religious system of churches, educational institutions, the family, the legal, the political, the trade unions, the media, and the cultural institutions that support the 'repressive state apparatus' — which are made up of the government, the administration, the army, the police, the courts, the prisons, among others that function by violence. As part of the ISA, the mainstream media is not a channel for political struggle even though it disguises itself as it promotes the naturalised power structure.

Unrestricted citizens' access to, and popular participation in democratic politics through social media came to the fore during the volatile 2007 elections when Kenyans used Facebook and blogs as alternative mass media channels. Since then, social media has evolved into an 'alternative' public sphere, which has widened the spaces of public discussions. These new spaces provided by social media threaten the established political order. Within the new spaces, politics is being practised differently. For example, there is limited respect for political actors, contrary to the situation in conventional news media. Consequently, increased and unrestricted citizen participation in the alternative public sphere has amplified *incivility* in political discourse, a phenomenon dreaded by proponents of the hegemonic Western-style liberal democracy.

The important position of social media in political discourse can be attributed to this new media's user-friendliness. As explained by Conklin and Hayhoe (2011:236), social media has enabled users to reinvent the Web, enabling internet users to be more interactive and participatory by using a combination of tools like instant Web publishing, social networking, user-generated content, communal tagging, rating, and commenting in a user-friendly content management system. Besides, these user-friendly tools are easily affordable. In Kenya, many users access social media on standard mobile phones (Communication

Commission of Kenya, 2012a 27, b 22). The Communication Authority estimates that the population with access to internet services reached 85% in the last quarter of 2018, with a quarterly growth of 2.5% (Communication Commission of Kenya, 2018:19). Indeed, Kenya has made significant advances in internet access enabling the country to have the largest international Internet bandwidth per Internet user in the African region (ITU 2013:47). These developments in infrastructure guarantee increased internet access and widen the possibility that social media will continually expand as an alternative to traditional media.

Consequently, social media has set a precedent in citizen participation in political discourse. Unlike before when participation was minimal and controlled by gatekeepers as explained earlier, social media has enabled Kenyans to participate in political discourse under minimal control, even though proponents of liberal democracy wrongfully blame uncontrolled participation for providing a fertile ground for political *incivility*.

Furthermore, social media is displacing traditional media channels as tools for political communication and hence limiting traditional media's financial revenues as well as their social and political influence. This means the state is slowly losing control of the news media, which has for many years been used as a powerful component of ISAs. In the African context, it also means that the traditional patronage system is under threat as social media increasingly becomes part of and provides avenues for new political actors.

Users of social media are participating in news content generation — a task previously reserved for professional journalists. News content generation by users further weakens the grip of the state on media as part of the ISA. As noted by Kaigwa, Madung and Costello (2013), Kenyans have entered the age of the “Second Screen” where viewers “no longer watch television without a second screen — a phone, tablet, laptop, or desktop – nearby” [through which they contribute to the news]. This is a clear resistance to the traditional structure of mainstream media. It can be argued that through the “Second Screen” the audience has metamorphosed into a ‘viewertariat’, overthrowing the previously powerful mainstream media. As mockingly stated by Rosen (2006), the audience is now made up of “People Formerly Known as the Audience” who

...wish to inform media people of [their] existence, and of a shift in power that goes with the platform shift you've all heard about...Think of passengers on your ship who got a boat of their own. The writing readers. The viewers who picked up a camera. The formerly atomised listeners who with modest effort can connect with each other and gain the means to speak— to the world, as it were.

When the international media flocked into Kenya expecting the worst out of the 2013 presidential and parliamentary elections, Kaigwa et al (2013) argue, Kenyans used social media to create a 'counter-narrative' satirical to international media reporters who they accused of inaccuracies and bias. By providing an avenue for "satirical counter-narratives" against international news reporters, social media defeated the previously powerful and biased international news institutions, which has for long painted Africa as a failed continent.

Due to the current widespread use of social media, this new medium has become an important source of information and communication between citizens and political actors in Kenya. Many political leaders have active social media accounts, which they use to get and transmit information to the people. In such a situation, argues Strömbäck (2008:230), people rely on the news media for information about politics, just as politicians rely on the media to receive and disseminate information to citizens. Thus, social media is mediating between the citizenry, political actors and institutions involved in government. Politics is being mediated through social media because this news media has become the main channel through which political actors and the people communicate. Indeed, today's politics is seldom experienced directly through interpersonal communication, except in election campaigns.

Beyond mediated politics, *incivility* in social media is influencing how politics is practised by increasing the importance of media to politics, a politics–media relationship referred to as mediatisation (Mazzoleni & Schulz, 1999:248; Hjarvard, 2004: 48). The functions of traditional news media are being complemented by social media, for instance, by enabling the audience to comment on the news that conventional media channels cover. Social media is introducing new ways of collecting and circulating news by maximising audience

participation, leading to saturation of news. This has enabled social media to create synergy with conventional media where news media is increasingly becoming an important influence on politics.

Consequently, mediatisation denotes a takeover of politics by the news media such that politics is played in, not just using, the news media. Accordingly, “[m]ediatised politics is politics that has lost its autonomy, has become dependent in its central functions on mass media, and is continuously shaped by interactions with mass media” (Mazzoleni & Schulz, 1999:248).

Additionally, social media *incivility* can be viewed as part of the “Third Age of communication abundance” that is changing how people receive politics (Blumler & Kavanagh 1999:213). In this age, the media has not completely taken over politics but has subverted the power structure in political communication. We are seeing anti-elitist populism in the changed public sphere with transposed relationships between political communicators and their publics (Blumler & Kavanagh, 1999:219). Communication is no longer a top-down affair, the issues of the day are no longer discussed by elites — politicians, journalists, experts — for onward transmission to voters. Instead ordinary members of the public can punish the authoritative communicators. The anti-elitist populism earlier theorised by Habermas (1989a) is promising to “refeudalise” the virtual public sphere by downgrading elites and empowering subalterns.

To borrow from economics, social media are ‘substituting’ some political activities that previously required face-to-face interaction. Because of social media, people no longer need to go for public meetings to engage politicians, instead they can participate through virtual interaction on social media platforms. Consequently, social media is not only substituting traditional media and interpersonal communication but also adapting non-media activities to media formats. Just as television emphasised politicians’ looks and onscreen behaviour at the detriment of the content, creating what has been labelled “intimate politics” (see Esser & Strömbäck, 2014:09), social media is bringing politics of *incivility* that was previously restricted to interpersonal communication. Hence *incivility* in social media is altering how people engage in political activities.

1.2 Statement of Problem

This study attempts to make sense of the politics of *incivility* in social media in Kenya, outside the regime's preferred binary division of speech into what is acceptable and what is not. Indeed, there are many binaries in social media use in Kenya: for example, while it has disrupted various institutional orders and practices, Ogola (2015:67) laments that this disruption has created 'indiscipline' that can be seen in the radical manner of defining and writing news (also see Kivikuru, 2018:2 on disruption). It was noted by Bing (2015:168), that in the 2007 Presidential and Parliamentary elections, mobile phones were used simultaneously to strive for votes before elections and to intensify violence after the elections. Even though the Government of Kenya has increased online surveillance and censorship, as an outcome of the 2007/8 post-election violence, social media users are protecting themselves from the scrutiny by utilising the affordances in online interaction to craft pseudo accounts (see Mukhongo 2014: 338), with many formerly voiceless citizens actively criticising political representatives and challenging political hegemonies (Bing, 2015:168). During the 2007/8 violence, argue Mäkinen and Kuira (2008:331), social media users were not innocent — while some promoted peace, others used the new channels to spread tribal prejudices and hate speech. Furthermore, although the social media community has brought together like-minded people, this unity is in turn fragmenting the already ethnically divided society.

Previous studies elsewhere have shown that audience participation under unlimited editorial control and high levels of anonymity are among the reasons for rampant *incivility* in social media. The problem was identified by Borah (2012:457) who explains how the political blogosphere is replete with *uncivil* discussions, so much so that O'Reilly (2007) longs for rudimentary censorship guidelines. Borah (2012, 2013) argues that the political blogosphere has become an apt context to examine the influence of *incivility* on news consumption. While Ng and Detenber (2005) argue that in the cyberspace, *uncivil* behaviour and *ad hominem* attacks are widespread. Furthermore, social reprimands such as nonverbal communication can curb *incivility* in face-to-face discussion, but not in social

media because of the lack of offline, interpersonal consequences (see Anderson, Brossad, Scheufelke, Xenos, & Ladwig, 2013:3).

Yet the hate speech narratives privilege one side of the story. Little has been written on *incivility* outside the regime's binary division of speech into what is acceptable and what is not. Contrary to the current grand narrative of hate speech, this study uses Laclau and Mouffe's (1985) Discourse Theory to analyse how *incivility* in social media is a dislocatory event that is introducing new political practices, and how the 'government' (from a Foucauldian perspective) is struggling to extend its hegemonic meaning over *incivility* through 'articulation', a process of partially fixing meanings by repairing the dislocation. Although the naturalised and taken-for-granted aspects of *incivility* have repressed its alternative understanding outside the regime's knowledge, with *incivility* constructed as antidemocratic and a threat to national security, a 'double reading' can uncover what has been concealed. Therefore, the thesis of this study is to reveal how *incivility* in social media is part of the power struggles pitting the regime's attempt to 'repair' changes caused by social media on the one hand, and the subalterns utilising social media as a new medium for 'unrestrained' participation in politics on the other.

1.3 Questions guiding the study

The first step was to establish how *incivility* has become an integral aspect of political discourses in social media in Kenya. Although some commentators and social scientists assume there is a binary opposition between *incivility* in social media and democracy, assuming *incivility* is disruptive to politics (see Brooks & Geer, 2007:1; Weinstein, 2009:53; Goldwin, 1992:50), this study used Laclau and Mouffe's Discourse Theory to unmask the taken-for-granted, commonsensical meanings of *incivility* by looking at it as a dislocatory event that can be beneficial to conflictual democracy. Such dislocation, Glynos and Howarth (2007:105) would argue, provides an opportunity for new possibilities for the subject to reinvent itself by challenging and transforming the existing norms, institutions and practices or even the regime itself, but at the same time struggling against efforts by elites out to disrupt this dislocation. From a post-structuralism perspective, *incivility* in social media is a dislocatory event contesting existing political practices, an event like what Ardit (2007:78) calls disruption of "'table manners' of democratic politics". The overall

objective of this study was to dismantle the seemingly objective regime preferred meaning of *incivility* in social media. To this concern, the study was guided by the following central research question: How has the privileging of one side in a binary opposition been used to give meaning to *incivility* in social media in order to repair the dislocation of existing social practices? The study answered the following sub-questions that together gave the answer to the main question:

1.3.1 . What discourses have shaped the meaning of *incivility* in social media?

1.3.2 . How has *incivility* in social media dislocated hegemonic discourses?

1.3.3 . How is the regime repairing the dislocation of hegemonic discourses?

1.3.4 . How has *incivility* in social media produced new political practices?

The first sub-question was answered through critical reading of Habermas's (1989a) public sphere against Fraser's (1990) subaltern counter-publics, Cammaerts's (2007) political jamming, Žižek's (1993) concept of 'tolerance as ideology', Mouffe's (1993) agonistic democracy and Bakhtin's (1984) carnivalesque to identify when *incivility* in social media can be democracy-enhancing or antidemocratic. The second, third and fourth sub-questions were answered through a Discourse Analysis of performative acts and material texts. The use of these two broad categories of 'texts' captures Laclau and Mouffe's argument that everything is discursive (Laclau & Mouffe, 1987:108). Government discourses, for example, laws, speeches, reports and warnings, are performative acts because they 'do something' (see Austin, 1965) — they attempt to institutionalise the government's understanding of *incivility* in social media and displace the contrary. While material texts (Latour, 2007:72), for example mobile phones and software, are the non-linguistic tools through which social media has caused dislocation of routine practices but can also be used by the 'government' to re-stabilise hegemony by repairing the dislocation.

1.4 Type of study, methodology and strategy

The purpose of this qualitative research was to reveal the taken-for-granted, commonsensical meanings of *incivility* in social media by analysing how this meaning is produced, contested or subverted in Kenya. The study aimed at explaining how the regime has produced the binary opposition of *incivility* in social media as an antidemocratic security threat yet *incivility* can also enhance democracy. Due to the expected

bombardment with essentialist bias that emphasizes rational consensus in politics, the study started the methodology by developing an epistemological safety-net to guard against the taken-for-granted ideological meanings of *incivility*. For this purpose, the study adopted a poststructuralist view of social media *incivility* as a critical research strategy. This approach was used to deconstruct *incivility* in social media as a taken-for-granted knowledge, often treated as objective truth. To poststructuralists, meanings in social world are constructed by discourse and these meanings can never be permanently fixed due to the instability of language. A commonsensical knowledge of *incivility* has been created through social processes which manufacture truths and falsity based on the society's power structure that in turn has naturalised a worldview of politics as being civil and *incivility* as an abnormality in politics. Through critical literature review, this study argues that current knowledge about *incivility* is not a reflection of reality 'out there', but rather an outcome of hegemonic struggle.

This study denies that the regime's definition of *incivility* is 'objective' as this definition only deals with surface appearances. Instead, the study locates *incivility* in a historical context and reveals the underlying causes at the ontological level. To achieve this aim, the study uses Laclau and Mouffe's (1985) Discourse Theory to develop an empirical discourse analysis method for examining how the regime has constructed *incivility* in social media. This means that the study is "a radical combination of theory and empirical research" (Carpentier, 2017:2) as Laclau and Mouffe's Discourse Theory is an abstract high theory, while Discourse Analysis is an empirical strategy that can be used to discover how existing power structures use 'texts' to shape immediate social reality. Whereas Laclau and Mouffe's Discourse Theory operates at the ontological level, Discourse Analysis was used to examine *incivility* at the ontic level. As explained subsequently, Laclau and Mouffe's Discourse Theory was used to explain the underlying assumptions about *incivility*, while Discourse Analysis was used as a method for examining 'texts'.

In Heideggerian language, Discourse Theory is analysis of the primacy of politics at the ontological level, the deep underlying structure of politics, whereas Discourse Analysis is the examination of politics at the ontic level, where politics is narrowly understood as practices that are linguistically representable (Heidegger, 1962:44). Through this ontological/ontical assemblage, the study looks at *incivility* from both abstract theoretical

analysis and empirical analysis of the material reality to bridge the gap between pure theory and praxis (see Harvey, 1990:8). The study thus used empirical linguistic and material texts, the ontic, to examine *incivility* from the ontological perspective. Therefore, from the adopted ontological perspective, *incivility* symbolises the true nature of politics as a friend-enemy relationship (see Schmitt, 1927), what Lacan calls the *Real* that cannot be symbolised as it is “distinct from reality” (Stavrakakis, 2007:6). However, at the ontic level, *incivility* is part of politics, the out-of-the-ordinary political practices that shape our day-to-day politics. Thus, through Discourse Theory, *incivility* was analysed at the ontical level as part of the attempt to discover its ontological meaning, what Schmitt (1927) calls ‘the political’.

Discourse Analysis, as understood here is analysis of all the objects and actions that are meaningful rather than looking at discourse as speech or linguistic texts. Consequently, *extreme speech* was studied from the traditions of poststructuralist Discourse Analysis through the lens of Laclau and Mouffe’s discursive conflict which emphasises the struggle between conflicting — or antagonistic — discourses, with each discourse striving to impose its own system of meaning. The study solved methodological weaknesses of Laclau and Mouffe’s high theory by adapting it to Austin’s textually oriented analysis of performative acts and Latour’s analysis of material things. This re-thinking expands Discourse Theory by making it relevant to empirical research while retaining its ontological logic as a high theory.

1.5 Structure of the study

This study consists of nine chapters divided into three sections. The first section has four chapters, starting with a background of *incivility* of social media in Kenya, a statement of the problem and purpose of this research, the questions guiding the study, a brief synopsis of the methodology and a theoretical framework. Chapter Two is a theoretical review of literature, drawing on inspiration from the works of Antonio Gramsci, Althusser, Laclau, Mouffe, and Žižek among other radical democracy theorists, to provide a detailed definition of the paradoxical nature of *incivility*, its types and to argue how it can be a tool for a counter-hegemonic struggle for people trying to escape the enclosures of the contemporary political order. The situation of incivility in Kenyan is also clarified. Chapter

Three argues against the unquestioned assumptions that *incivility* is destructive by describing social media as space for activist art, from Bakhtinian carnivalesque perspective, and the notion of *utani*, a joking relationship that Radcliffe-Brown (1940:196) calls 'permitted disrespect'. Chapter Four uses Chantal Mouffe's theory of agonism to explain how *incivility* in social media mirrors the conflict inherent in politics and how denying the productive nature of this type of *extreme speech* would be similar to proposing a democracy without politics. The theory is used to argue against deliberative democracy's attempt to depoliticise democracy by utilising consensus to deny 'the political'. *Incivility* in social media is viewed as an opportunity to advance agonistic democracy that widens spaces previously constrained by consensus.

The second section has two chapters on methodology, starting with Chapter Five that develops ontological and epistemological foundations. Here, Discourse Theory is used as a research method that contests the possibility of neutrally accounting for reality, arguing that it is through 'texts' that reality is created. This chapter clarifies the dissertation's ontological and epistemological assumptions. Thereafter, the chapter uses relevant 'sensitising concepts' from Laclau and Mouffe's (1985) Discourse Theory to propose a model for analysing *incivility* in social media. Chapter Six is the second part of the methodology section. The chapter reworks Laclau and Mouffe's Discourse Theory to develop a relevant sampling and Post-Foundational Discourse Analysis strategy. The chapter proposes a methodological framework for analysing *incivility* from two perspectives: *incivility* as democracy-enhancing, and, how the 'government' is struggling to extend its hegemony through 'repair'.

The third section has three chapters presenting findings. This section uses the Post-Foundational Discourse Analysis model developed in the previous section to analyse how *incivility* in social media is dislocating dominant political practices and how this dislocation is being repaired by the regime. Chapter Seven analyses the dislocation and repair of hegemonic discourses through technologies of representation, the linguistic texts. The chapter is a description of how the regime is repairing dislocation by appealing to the national security myth to create some objective facts that can sediment dislocation, making *incivility* a national security problem. Chapter Eight analyses the repair of dislocation

through technologies of dissemination: physical and software affordances. This chapter describes how physical and software affordances are being used by the regime as tools for repairing dislocation. The chapter shows how the non-humans have enabled the regime to stabilise domination in the face of the dislocation caused by *incivility*. Chapter Nine describes *incivility* as an encounter with the 'Real', an equivalence to what Mouffe calls the return of 'the political'. The chapter moves the study away from the Discourse Analysis of empirical material to engage in a process of abstract theoretical analysis. Chapter nine explains how the dislocation caused by *incivility* in social media is producing new political practices that are transforming politics into 'the political' and moving it outside pre-defined liberal democracy institutions. Here 'the political' is understood from an ontological perspective different from the social practices — the ontic. The chapter identifies implications of incivility on conflictual democracy.

Chapter Two

Incivility in Social Media in Kenya: Anti-democratic and Democratic, Intolerance and Counter/hegemonic

...conditions of possibility of the system are also its conditions of impossibility.

Laclau (1996:53).

2.1. Introduction

This chapter provides a detailed description of the various forms of *incivility*, and, away from the binary oppositions between acceptable speech and hate speech, locates the origin of the ‘regime of truth’ behind Kenya’s grand narrative of anti-democratic speech and intolerance. The chapter starts by tracing the universal in the recent genealogy of the current *incivility* discourse in social media in Kenya, while the following sections describe why this *extreme speech* problem should not be confined within the spectrum of the hate speech grand narrative, but rather be seen as ambivalent speech that is both a “remedy and poison” (Derrida, 1981: 70) and therefore suitable for advancing agonistic democracy even though it can also be anti-democratic. That is to say, outside the binary oppositions, *incivility* has contradictory meanings that cannot be explained in terms of the rational decision making deliberative democracy models. Therefore, the relationship between democracy and *incivility* is more of ‘both/and’, than ‘either/or’, especially if we accept the centrality of the friend–enemy relationship and how democracy attempts to domesticate this humanity’s inherent enmity. Hence *incivility* is seen as a coexistence of opposites.

2.2. Incivility as *extreme speech* beyond hate speech — the Universalism of Particularism in Kenya

The genealogy of the current *incivility* in social media in Kenya can be traced to the ‘dislocation’ (see Laclau 1990: 39) that occurred after the 2007/8 post-election violence that was partly attributed to hate speech. The indictment of the news media contrasts the 2007/8 violence from similar election—related hostilities that happened with the 1992 and 1997 presidential and parliamentary elections (see the Akiwumi Report on the ‘tribal clashes’ of the 1990s, Republic of Kenya, 1999). While the previous violence was instigated by the redistributive land allocation policies, both colonial and postcolonial, (see

Boone, 2012:76; Frye, 2007:950; Throup & Hornsby, 1998:555), with the Rift Valley and the coastal regions as the hotspots, the 2007/8 fighting began as riots on the streets of Nairobi, pitting adherents of the Party of National Unity (non-Luo ethnic groups) against those of the Orange Democratic Movement (non-Kikuyu groups), following a dispute over a flawed presidential vote count. The post-election violence quickly degenerated into a near-civil war, leading to the deaths of more than eleven hundred civilians, large-scale displacement of people, and other chaos that almost collapsed the Kenyan state.

Fearing the effect of the crisis within Kenya and the eastern Africa region as a whole, the international community responded swiftly: The African Union (AU), supported by other international bodies, established a mediation team, The Panel of Eminent African Personalities, headed by the former U.N. Secretary General Kofi Annan. Other than stopping the violence, the panel initiated a process of long-term reforms of political, economic, and social problems, the underlying factors, which if left unaddressed, could lead to a recurrence of the violence. Although land ownership remained an instigator, *The Commission of Inquiry into Post-Election Violence* (2008) uncovered several other causes.

Granted the 2007/08 violence and the resultant 'hate speech' grand narrative are unique to Kenya, limiting their underlying causes to the Kenyan scenario would be particularising what is otherwise universal. Therefore we need to move beyond the binary oppositions between what happens in Africa and what happens elsewhere. That is to say, without proposing a return to European historical particularisms, the underlying causes of the violence that happened in Kenya from early 1990s are equivalents to causes of violence that has happened in other parts of the world due to changes in the nature of what Laclau (1990:26) calls the 'constitutive outsider'. For example, the Kenya's problem is similar to the violence that happens after the end of dictatorships or any other clear-cut frontiers separating oppressive power from the rest of society. In the case of the East African state, the fighting was an outcome of the inability of current liberal democracy to tame hostilities between the set of incoming 'we' (the anti-regime party that succeeded President Moi), against a new set of the 'them', the constitutive outsider that developed within the anti-regime party. Indeed the hostilities peaked after the split of NARC, the 'anti-system' team

that replaced Moi (cf. Mouffe, 1993:7). It means the underlying reasons for the conflict that happened in Kenya has an element of universality even though the conflict looked particular to Kenya. Simply put, the 2007/08 post-election violence and the subsequent hate speech master narrative, followed logics internal to politics, which is nothing more than the universal rules within which politics is played.

The concept of universality of particularity, as advanced by Laclau, can help us to see the universal principles behind the grand narratives that followed the 2007/08 events. Outside their binary opposition, the universality of particularity can explain the perpetuity of *incivility* in social media in Kenya in two ways: first by deconstructing the binaries between universality and particularity of people's demands (how unity of 'the people' is in itself causes disunity or conflict), and two, by removing the supposedly dichotomy between Euro-American and African politics — so that *incivility* is taken as part of politics, be it in Kenya or elsewhere. From this perspective, the field of political participation is widened, with *incivility* perceived as part of the multiple struggles through which the subalterns use social media to question their subordination. In other words, the triggers of *incivility* in social media in Kenya are similar to triggers beyond any particular nation since these triggers are universal for the reason that universality is reached when particularity transcends itself.

I start by explaining how the 2007/08 events and subsequent hate speech grand narratives can be equated to an operation where unity of 'the people' climaxes into disunity. In the struggle against a regime, people create a joint front by emptying their particular demands of particularity so that the demands become signifiers of the universal, although *empty signifiers* in this case, since the universality is represented by what it is not — the coming together of particular demands to transcend what each stands for. People's demands become empty signifiers when they are 'emptied' of their initial meaning, a resignification process that fills previously particular demands with meanings that would otherwise be contradictory. It simply means unity of the people is attained after weakening differences between their various particular demands to make them express what is "present in all of them" (Laclau, 1996:54) — which in the case of Kenya was the universal opposition to a regime thought to be dictatorial. This means what is shared by all "cannot be something

positive...but proceeds from the unifying effects that the external threat poses to an otherwise perfectly heterogeneous set of differences (particularities)” (57). In addition to resignifying each of the particular demands to “acquire a more global perspective” than its own particularism, a particular demand can, through hegemonic operation, function as universal representation. In short the particular becomes universal either by weakening differences through ‘equivalential logics’ to subvert the particularity of the particular, and/or by hegemonic operation that makes one of the particularity the universal.

In the Kenya’s case, there was ‘universalisation’ of various anti-Moi demands that were particular to different groups, continuously accumulated over his 24-year reign. These demands were certainly particular, Laclau (1996:54) would say, as they came from very different groups, but the fact that a majority were rejected by the near dictatorial regime, made different people to establish a “relation of equivalence”. In other words, people came together only on the ground that their different unfulfilled democratic demands were rejected by the regime. In this group were university students, informal traders, small scale farmers, Green activists, the clergy, trade unionists, the civil society, ordinary politicians (the pseudo heads of ethnic communities), just to mention a few groups opposed to the regime (cf. Adar, 2000:80). After years of universalisation, Mwai Kibaki led several ethno-regional opposition parties that united ten weeks to elections to form an anti-regime party, the National Alliance Rainbow Coalition (NARC) that defeated Moi’s preferred successor, Uhuru Kenyatta, after reaping 62 percent of the votes, with 132 parliamentary seats against Uhuru’s 67.

As explained above, particular demands—from environmental conservation, higher education funding, labour rights, to human rights, were hegemonically universalised into an overall particular demand — NARC’s demand for a new regime — which became jointly expressed as the opposition front. The essentialist classic left-right politics cannot explain this scenario. It means the dimension of universality was at odds with the particularism of the demands, and had President Moi’s regime dealt with the individual particular demands, they would have remained “a pure particularism” since the regime would have pre-empted the equivalential logic (see Laclau, 1996: 54). But by not dealing with the particularities,

the regime motivated the “inscription of particular demands in a wider popular language of resistance”.

However, since this category of universality, unlike class, does not come from ‘an underlying essence’, it cannot survive outside the system of equivalences from which it was formed. It implies the universalization of different demands under NARC’s ‘regime change’ mantra was itself an ‘impossibility’ because triumph in regime change was a condition for its dissolution as it led to re-particularisation of the universality. After all NARC’s victory meant there was no common enemy against whom to unite. Although the anti-regime party, a symbol a particular group, had become a universal representation of the opposition, this universalization was premised on a ‘common outsider’, therefore triumph destroyed the universalizing opposition frontier. In any case, as noted earlier, the universal was an ‘empty signifier’ created by emptying particularisms of their particularity (the specific demands by different people) to create a chain of equivalences that represented numerous demands. When the NARC’s ‘regime change’ particularism became the universal, it gave hegemonic power to the coalition of political parties, but reawakened the particularity in what had become universal demands within the coalition and other groups, making the hegemony, to use Laclau’s words, “precarious and threatened” (1996:55). This became clear when a few months after Kibaki’s victory saw the growth of particular demands from different groups, with the particularisms culminating into the divisive 2005 constitutional review referendum and the 2007/08 post-election violence.

Therefore, Kibaki’s regime occupied what was previously an empty signifier, but since the president had to carry out real politics, he filled the emptiness with specific meanings that were not representative of all the particular demands that had been emptied. The chains of equivalences, as Laclau (1996:56) would say, were beyond any possibility of control since they were “constructed by the different factions of his movements” transcending the meaning temporarily imposed by the post-Moi regime. The result, just like it happens to post-revolution governments, was the bloody 2007/8 post-election violence. Such an events, as Laclau (1996:53) argues, illustrates how what seems universal “sooner or later become entangled in their own contextual particularism and are incapable of fulfilling their

universal function.” What this means is that the universal is contaminated and cannot be free of all particularity, similar to the particularity that cannot be without some element of universality. As Laclau puts it,

The dimension of universality reached through equivalence is very different from the universality which results from an underlying essence or an unconditioned a priori principle. It is not a regulative ideal either – empirically unreachable but with an unequivocal teleological content – because it cannot exist apart from the system of equivalences from which it proceeds (1996: 55).

For the above reasons, election related conflicts should be seen not as a threat to democracy but more of a sign of how liberal democracy has failed to tame the untameable universalised particularisms since the very condition of universalising particularity is the condition of its impossibility (see Derrida, 1996:82). Consequently, ‘hate media’ cannot be held solely responsible for causing the 2007/8 violence or sustaining the ever present ethnic tensions since these conflicts correspond to an era of re-particularisation of universalisms in Kenya. For example, as explained above, the 2007/08 post-election violence was part of a process for re-establishment of a new political frontier, six years after the exit of President Moi ended the democracy/totalitarianism ‘constitutive outsider’. It also means the violence was a symbol that the existing democracy had failed after the breakdown of the universalised particularisms — the empty signifiers constructed as equivalences of all demands against the long-serving President Moi (the emptiness was filled by President Kibaki). That is to say, since particular demands among various Kenyans were brought together by Moi as a constitutive outsider, the exit of enemy Moi meant a return of particularism. In fact, the need to establish a new ‘constitutive outsider’ at the end of Moi’s regime was similar to how the need for a new enemy after the collapse of the Communist bloc ended the universalisation of particularism against Communism, making the friend/enemy frontier to take a multiplicity of new forms like the return of ethnic, national and religious hatred (see Mouffe, 1993:3). We can therefore say that the thesis of this is dissertation is to identify outcomes of the failed old universal, and their equivalent new universalism, the failures seen in the present-day eruption in virulent particularisms of deadly nationalism — from anti-immigration parties in Europe and North America, to xenophobia and tribalism in Africa. That is to say, old hatred, xenophobia and anti-immigration could also be taken more critically rather than accepted at face value.

It connotes the rapid spread of social media in Kenya happened at a time when the East African state was redefining its universalism after the re-establishment of new particularisms. For instance, Kenya's internet penetration has reached 85 percent (Communication Authority of Kenya, 2019), with over seven million Facebook users (Internet Users Statistics for Africa, 2019). Even though this figure means only 15 percent of Kenyans are on Facebook, the participation opportunities availed by the affordances of social media outmatches participation through conventional media. While newspapers circulation stands at approximately one hundred thousand copies per day (Kenya National Bureau of Statistics, 2017:252), by their nature, newspaper readers are passive media users.

To put it differently, the sophisticated new information technologies have subverted policing by older regimes of orders. In addition, the diffusion of digital media has saturated the news media industry and provided openings for a new variety of critical communication practitioners founded on principles of participatory journalism and user-generated content. The outcome is a broadened public sphere and an explosion in public participation that in turn is feeding the process Mouffe (1993) calls "the resurgence of old antagonisms—ethnic, national, religious and others" to fill the absent political frontier in a post-Moi Kenya. As Laclau (1996:61) stated: "the universal is certainly empty, and can only be filled in different contexts by concrete particulars." And the 2002 opposition unity only won a partial victory for the reason that the unity was created against the "background of an ultimate and unsurpassable impossibility." Therefore, the trouble with 2007/8 was not merely hate speech, even though the expansion in independent voices came at a time when Kenya was searching for a new constitutive outsider following the re-particularisation of the universal in the post-Moi era.

Hence the universalising and particularising actions before, during and after the 2007/8 post-election violence are the recent historical processes that "gave birth to" (Foucault 1984: 81) the grand narrative of hate speech in social media in Kenya today. Among the key testimonies about the genealogy of the present-day hate speech discourse are the *Reports by The Commission of Inquiry into Post Election Violence* (CIPEV 2008), and *The*

Independent Review Commission (IREC, 2008) by the Justices Philip Waki and Johann Krigler respectively, the *Constitution of Kenya 2010*, the National Cohesion and Integration Commission and the law establishing this commission, and the recent overhaul of the judiciary and police services, just to mention a few.

The events immediately before and after the 2007/8 presidential election can be seen as a construction of 'truth regimes' (Foucault, 2008:18) of hate speech in Kenya. It was after the 2007/8 dislocation that the government, as already noted in chapter one, constructed a particular regime of truth that supports a binary division of speech into what is acceptable and what is not (see Pohjonen, & Udupa, 2017:1174). This regime of truth is clear in the hate speech laws.

At the second level, universality of the particular is used to explain the universal in political events that may seem unique to Kenya. Indeed, the reproduction of binaries between Africa and others neither helps in explaining the continent, nor interpreting the applicability of principles universalised elsewhere. In fact, the Africa/Euro-America binaries are problematic as they remove Africa from the centre and obscure the universality of what is happening in the continent. However, by taking human nature as something that is the same throughout the world, we can argue that politics, at the ontological level, is universal. The ontological, a concept elaborated in Chapter Five, focuses on the 'the political'—the friend/enemy relationship—as the underlying cause of *incivility*, while the ontic is the day to day politics that exposes the ontological.

In this study, 'the political', the ontological perspective of politics, is taken as the way out of the paradox of the particular, founded on the universal and the universalised particularity. This solution to the inconsistency of African politics does not mean we reverse the dichotomies so that the particular becomes the universal, rather, it means we avoid the appeal to pure particularism independent of any universality (cf. Laclau, 1992:87). Thus the use of Laclau and Mouffe's Discourse Theory is not an application of European universalism that contradicts Africa's particularism. On the contrary, it should be seen as an application of a concept that is universal even though founded on European particularism.

By using Laclau and Mouffe's Discourse Theory to analyse the media in Kenya, the thesis questions the dichotomy between the particularity of Kenya's politics and the universality of liberal democracy. It is argued that the centrality of hostility, the friend–enemy relations, makes *incivility* in social media in Kenya compatible with other forms of anti-democratic *extreme speech* in different parts of the world, such as anti-immigration campaigns and xenophobia, which liberal democracy has failed to tame.

Although the universalisation of Kenyan, and Africa's particularism at large, allows what Laclau (1992:90) calls the movement away from Western Eurocentrism, which was itself a particularism made universal, a wholesale rejection of European universalism due to its particularity, can only lead to a political blind alley. Therefore, through interweaving particularism with universalistic ideologies, we can, as Georgiou (2005:485) said, surpass exclusive orientalisation and 'insular particularisms.' It is "an invitation to break off the romanticism and the pathologisation of particularism on the one hand, and the fear and demonisation of universalism as the ideology of domination on the other."

It is within the above universalisation of particularisms that this thesis disputes the binary division of speech and the privileging of the hate speech grand narrative. In contrast, the study widens the meaning of *incivility* beyond its oppositional terms. It is argued that as a sign, *incivility* does not only correspond to the one signified, rather it is open to reinterpretation, in this case, outside the government's regime of truth — the binary oppositions that privilege acceptable speech over the unacceptable. To achieve this objective of defining *incivility* in social media outside the spectrum of hatred, I adopt a discursive approach, drawing inspiration from the universalisms in the works of Antonio Gramsci, Althusser, Laclau, Mouffe, and Žižek, among other radical democracy theorists, in order to argue that *incivility* is symbolic of the 'constitutive role of antagonism'. I argue too that *incivility* should be taken as part of the approaches for returning 'the political' to democracy, for example when the otherwise *extreme speech* acts act as part of counterhegemonic struggles by actors trying to escape the enclosures of contemporary political order.

The thesis advanced in the remaining part of this chapter is that framing *incivility* in social media as anti-democratic speech happens through complex hegemonic interactions and assumptions that have naturalised civility. Contrary, *incivility* can be equated to contentious forms of politics which “involve actors critical of and resistant to the dominant economic and political discourses [and] operating outside existing structures” (Sullivan, Spicer, Bohm, 2011:706). Through this approach, the study is against the possibility of a singular understanding of *incivility* since grand narratives reflect hegemonic relationships.

The following section uses radical democracy concepts to provide a working definition of civility and *incivility* as hegemonic and counterhegemonic strategies respectively. This is followed by a section on the political economy of power. The last section of this chapter looks at how elites culturalise politics and use civility as a strategy for hegemony.

2.3. *Incivility* as Anti-democratic and Democratic, Hegemonic and Counterhegemonic.

Incivility can be productive to democracy if we avoid displacing ‘the political’ from democracy to other spheres like the judiciary. To this concern, this study avoids the legalese of “hate speech” that constructs conflict in social media as crimes that are better dealt with by the juridical. Such legal language denies *incivility* any further academic scrutiny (see Udupa, 2018). Moreover, the regime, through the juridical, can use hate speech to legitimise suppression of what is otherwise agonistic views that should be endemic in democracy. So instead of equating *extreme speech* to hate speech that is antidemocratic, I look at its counterhegemonic value. That is to say, although a legalese bias places *incivility* in the same category with other forms of destructive speech, such as hate speech and incitement to violence, if we emphasise the importance of passion in politics, *incivility* can be seen as a tool for returning politics to democracy (see Honig, 1993:2). Indeed, instead of threatening democracy, passion can enable those outside the hierarchy of power to challenge hegemonic orders and propose alternatives to existing ‘post-political’ liberal democracy.

For the above reasons, *extreme speech* in social media can hinder or advance democracy, akin to what Gitlin’s (1998:173) calls public sphericules, where some forms of *extreme speech* (sphericules) challenge the dominant spheres, while others go against

the values of democracy. In the latter category, *incivility* falls within the continuum of anti-democratic talk, such as hate speech and incitement to violence, categories of *incivility* that if not well managed can even be a security threat.

While rampant *incivility* in social media challenges the Habermasian principles of a unified rational and consensual public sphere, it concurs with Mouffe's agonism — a type of democracy that can explain how the multiplicity of voices that social media makes available can be managed rather than eliminated (Mouffe's Theory will be explained in details as part of the theoretical framework in Chapter Four from page 104-117). Yet the multiplicity of voices risk becoming anti-public sphere, what Cammaerts (2007:73) terms, voices that challenge democratic values because they are placed at "political extremes".

By looking at *extreme speech* in social media as destructive speech, regimes can securitise *incivility* and use security strategies to manage political issues, what Honig (1993:3) calls displacement of politics to another sphere. For instance, through securitisation, politics is moved out of the public sphere of normal politics into the realm of security where it can be dealt with outside the rules of democracy (Wæver, 2004: 13). The regime can justify securitisation of politics based on its purported benefits to subalterns as the primary victims of hate speech. Nevertheless, "speaking and writing about security is never innocent" (Huysmans, 1999:5) as transforming hate speech into a security problem is an ideology that attempts to maintain the status quo by defending existing political practices since security and insecurity do not always constitute a binary opposition.

Securitisation, a typical example of handing over politics to other spheres, is "the discursive process through which an intersubjective understanding is constructed within a political community to treat something as an existential threat to a valued referent object, and to enable a call for urgent and exceptional measures to deal with the threat" (Buzan & Wæver 2003:491). After identification of threats, securitisation can only succeed if the proposed exceptional measures are legitimated and supported by the audience (cf. Taureck 2006:55). Thus securitisation is an illocutionary speech act, that is to say, by merely uttering the phrase 'national security', *incivility* is removed from politics and placed together with other security threats. After all, "it is by labelling something a security issue

that it becomes one” (Wæver 2004: 13), which means “if successfully performed, the speech act makes a security problem” (Huysmans 1999: 8).

Whether *incivility* in social media is part of democratic counter-publics or a security problem (such a hate speech), it can be determined by its target. If *incivility* is directed at the dominant groups as a part of efforts to contest the hegemony of an existing democracy and power structure, then it is not a national security problem but an example of *extreme speech* that can deepen democracy. In this regard, *incivility* is part of the “cultural and artistic practices” that undermine the hegemonic order by revealing how civility contributes to what Mouffe (2014:68) terms construction and reproduction of oppressive social norms. To Mouffe, democracy can be revitalised in our post-political societies in which consensus is used to remove politics from democracy, by encouraging “multiplication of agonistic public spaces where everything that the dominant consensus tends to obscure and obliterate can be brought to light and challenged... [through]... a ‘war of position’ aimed at transforming the existing institutions and creating a new hegemony.”

Certainly, the dominant liberal democracy is a post-political paradigm because it attempts to minimise politics through hegemonic practices, which have created the current social order. Although this is not a ‘natural order’ of things, it enjoys temporary fixity which can, however, be challenged by counter-hegemonic practices (see Mouffe, 2014:65-66). If existing social order is a hegemonic project, then the alternative should be to “disarticulate the existing discourses and practices through which the current hegemony is established and reproduced” followed by re-articulation to avoid the chaos that comes with mere disarticulation without re-articulation. Disarticulation without re-articulation creates a vacuum that can be filled by re-articulation by non-progressive forces, like it has happened when previously dominant order is replaced by right-wing solutions (Mouffe, 2014:67).

It is such re-articulation by non-progressive forces that makes *extreme speech* anti-democratic and a national security problem. Specifically, *extreme speech* is anti-democratic when it is directed at the powerless — those outside the existing hegemonic order of things. In this category are all antagonistic extreme speeches aimed at subalterns, such as racist and religiously intolerant speech.

In contrast, *incivility* that disarticulates existing hegemonic discourses is beneficial to democracy and can be equated to similar counter hegemonic subversive but progressive artistic movements like Dadaism, surrealism, Fluxusism and situationism (see Cammearts, 2007:75) or even graffiti, the performative strategies that have been used to resist dominant thinking since early 20th Century.

I am against the binary opposition between *incivility* and democracy, where *incivility* in social media is viewed as information that can incite violence. Contrary, I go beyond the binary opposition to describe *incivility*'s potential to reinvigorate democracy. The only challenge for pro-democracy *incivility*, as Mouffe (1997:19) would argue, is that it can only deepen democratic revolution if subordinate groups establish equivalence in their diverse democratic struggles. Doing so can “transform the identity of different groups so that the demands of each group [can] be articulated with those of others according to the principle of democratic equivalence”. The chain of equivalence brings together different disadvantaged groups without making them homogeneous but enables them to work together to avoid their neutralisation by the ruling elites (Mouffe, 1997:19). Subordinate groups are marginalised in different ways, but the groups can be linked in such a way that, neither group's demands are met at the expense of the other (see Carpentier & Cammaerts, 2006:8). According to Mouffe (1997:8), the chain of equivalence can only be established when the disadvantaged groups define a common adversary. If the marginalised and disadvantaged groups avoid using *incivility* against one another, but instead establish ‘new subject positions’ that can allow them to jointly use their *incivilities* to challenge their common adversary, then *incivility* in social media can be part of truly democratic struggles against power.

Similar thinking is expressed by Fraser (1990:70) who defends “subaltern counterpublics formed under conditions of dominance and subordination.” *Incivility* in social media is comparable to other forms of *extreme speech* which, Fraser (1990:67) would have called strategies used by subordinated groups to create alternative publics, the subaltern counter-publics that are parallel discursive arenas through which subordinates invent and circulate counter-discourses to counteract their exclusion in official public spheres. Fraser cautions that even though some of the subaltern counterpublics “are explicitly anti-

democratic and anti-egalitarian”, when these counterpublics emerge as a response to exclusions, they can help expand discursive spaces.

In the context of social media discourses, *extreme speech* might look anti-democratic at face value, yet it is through tough speaking that exclusion in participation in politics can be reduced. To Fraser (1990:67), “proliferation of subaltern counterpublics means a widening of discursive contestation, and that is a good thing in stratified societies.”

Furthermore, it is possible for *incivility* that is seemingly antidemocratic today to later breed speech that advances democracy. Such evolution of ‘democracy to come’, as Derrida (2005: 82) says, symbolises the aporetic nature of democracy. That is to say, ‘the political’ makes democracy an “undecidable” concept since it does not have one way of solving the friend-enemy relationship, leaving it open to iteration and reinscription, with its meaning ‘always still to come’ (Naas, 2016:27). As an aporetic concept, democracy is different from coherent regimes such as monarchy, or plutocracy. It means categorisation of speech into what advances or undermines democracy or disregards hybridity of democracy itself. For instance, the *Mau Mau* rebellion in the 1950s against the British colonial government was interpreted by the ruling elites as undemocratic, yet the rebellion was one of the reasons Britain introduced representative democracy and handed over Kenya to the indigenous majority. The *Mau Mau* rebellion was similar to the other self-governance movements in Africa, like the African National Congress, whose former leader, the late Nelson Mandela, was once denounced on claims that he used terrorist tactics, only for the world to later celebrate his achievements in stopping apartheid.

It is possible for *extreme speech* in social media to breed similar results by hinting to subalterns the maximum they can demand from the dominant groups. Through such strategies, *incivility* in social media can reopen theorisation of the limits of deliberative democracy, which without alternatives, Fraser (1990:56) argues, has been touted as the *ne plus ultra* of societies transiting from lesser forms of democracy and military dictatorships.

Proponents of civility reminisce the Habermas (1989a) account of the public sphere, even though the public sphere lacked equitable access because it was created by the bourgeois who excluded women and plebeian men. Consequently, the idea of the public sphere

should be dismantled for observers to understand the limits of existing democracy and suggest alternative democracies that can include counterpublics that exist outside and in competition with the hegemonic public sphere.

In Fraser's terms, the multiplicity of competing publics is a step towards, rather than a step away from greater democracy as stated by Habermas. Given these points, *extreme speech* in social media can enhance democracy if it amplifies the voices of the excluded or oppressed plebeians, enabling them to counter dominant forces. Therefore, *incivility* in social media can be viewed as efforts by plebeians to claim space in the public sphere, even as elites seek to retain the spaces by limiting the definition of 'legitimate' speech to what maintains the status quo.

In conclusion, it can be argued that there is a variety of *incivility* that is both anti-democratic and democracy-enhancing. These categories of *extreme speech* are illustrated in the model below. The model adapts Habermas' (1989a) public sphere, Fraser's (1992) subaltern counter-publics and Cammaerts' (2007) political jamming to explain *incivility* in social media as part of Mouffe's (1993) agonistic democracy. As explained above, *incivility* that undermines democracy includes all forms of *extreme speech* targeting the non-dominant groups, the subalterns. Such forms of *incivility* are similar to speech categories that form the anti-public sphere used by fundamentalist movements to conceal their intentions and make it look like they are part of the public sphere (see Cammaerts, 2007:6). While the democracy-enhancing *incivility* can be categorised into three groups: *incivility* that is aimed at subverting hegemony of the currently dominant liberal democracy, a form of agonism; *incivility* as mere rudeness that can also be counterhegemonic; and hegemonic *incivility* used by dominant groups to strengthen their hegemonic order. The three democracy enhancing categories of *incivility* are labelled 1, 2 and 3 respectively in the diagram below.

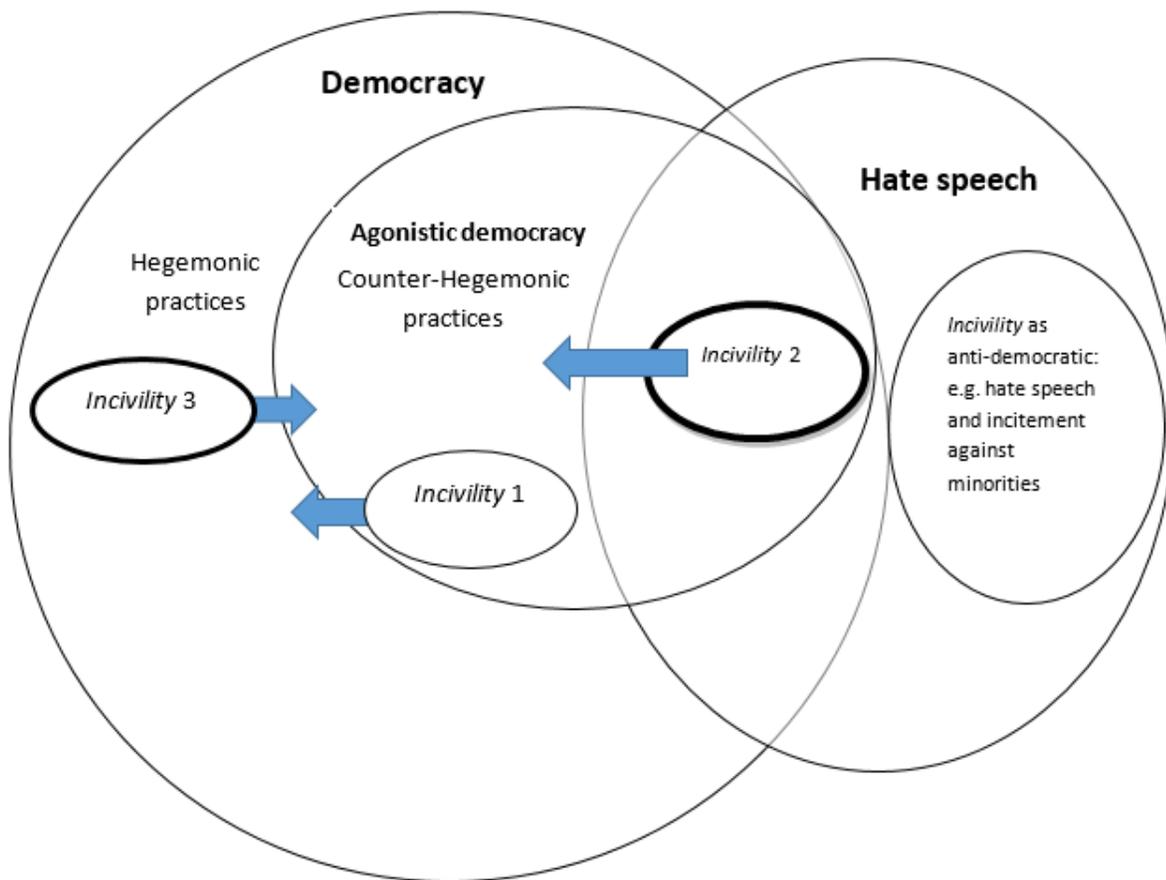


Figure 1. Categories of *incivility*: democratic and anti-democratic, counterhegemonic and hegemonic.

The following section explains how the struggle against various types of dominance determines whether *incivility* is democracy–enhancing or antidemocratic. As illustrated in the model above, the three categories of democracy–enhancing *incivility* are separated by the source and the target of the *incivilities*. Because the people as subject have multiple identities, they can paradoxically take the dominant/non–dominant positions. As explained by Sayyid and Zac (1998:264), people can have various subjectivities “even though a particular subject would occupy a place in a hierarchy of some kind”. The following subsections attempt to identify the dominant and non-dominant groups, first from the political economy perspective, and then from the discursive subject formation standpoint.

2.3.1. The Political Economy of Ethnic Identities: The Dominant, the *ersatz* and the Subaltern in Kenya

As illustrated above, *incivility* can enhance democracy if it is used as part of the tools for ‘shouting at power’, for example, when the otherwise *extreme speech* is directed at dominant groups. But *incivility* suppresses democracy when used by the dominant groups to ‘shout with power’ at subalterns. Therefore, without falling in the trap of binary opposition of allowable/restricted speech, we can differentiate democracy–promoting from democracy–restraining *incivility* by identifying dominant and subaltern groups. Concerning the dominant/subaltern positions, Kenya is among many other non-Western nations in which dominance and subalternity are not binary oppositions since the left–right and the materially dominant/subaltern oppositions are inappropriate in structuring power relations.

It means without clear boundaries between the left and the right or the classical material dominance, power relations in Kenya refuse to fit into the universalised Western model. In fact, imposing the European model on Africa, Laclau (2014:56) would argue, is similar to the metaphoric relations of substitution used to name the unnameable. If this metaphorisation succeeds, the hegemonic substitution of Africa’s democracy with failed liberal democracy makes the later a *catachresis* as it becomes a figural term without a literal one (see Laclau, 2005b:71). Unlike metaphors that substitute by describing one thing as another, catachresis transfers “terms from one place to another...when no proper word exists” (Parker, 1990:60). In this case no proper term exists, in liberal democracy vocabulary, for defining the type of dominance witnessed in Kenya. Rather, the definitions given are catachrestical, what Howarth and Griggs (2006:32) call misapplication of words.

Hence it is through strategies of rhetorical re-description that African democracy has been named a type of failed liberal democracy, thereby committing a semantic error whose erroneousness is difficult to see. In other words, the failure of liberal democracy is a catachresis used by scholars applying the European model to Kenya and other African states practicing a democracy that is different from the ideal–type Western democracy. Some have even claimed that it lies between authoritarian hybrids and “flawed democracies” (see Beresford, Berry, & Mann, 2018:1232). For example, using a ‘fair

election gauge' to measure success, Cheeseman (2017:197-198) describes how multiparty polls failed to transfer power, with incumbents winning 88 percent of the contests between 1990 and 2010, a failure he claims created states with "all of the trappings of democracy but...not actually democratic." An alternative to such pathologisation of African democracy, is providing an insightful explanation of power struggles in Africa, explanations that can give opportunity to neutral comparisons outside the hegemonic liberal democracy.

In place of imposition of the left-right binary or the gauge of fair election, we need to explain Africa's democracy not only as betwixt and between European models, but also as a different way of negotiating power and practising politics. Without regressing to the fallacies of African intellectual nationalism, we can account for Africa's politics through explanations that are relevant to this region of the world. It means instead of claiming, for example as Cheeseman (2017:198) does, that the incumbent president Moi stifled 'transitions to democracy' by exploiting ethnic diversity to literally divide the opposition party, Forum for Restoration of Democracy (FORD), into its two versions — FORD-Asili and FORD-Kenya — led by a Kikuyu and Luo respectively, we should see such divide-and-rule tactics as part of hegemonic tools in the post-cold war era. Despite the relationship between elections and increase in civil liberties, civic education and other democratic gains, even when the elections are not free and fair (Staffan & Lindberg, 2006:108), we should avoid seeing elections as the foundation of democracy, rather we should identify alternative explanations of political struggles in Africa.

Without a doubt, the left-right binaries and electoral democracy are theories conceptualising evolution of politics in Western societies. Unfortunately, it is based on these models that comparisons are made between the Western and non-Western ways of doing politics. Therefore, as an alternative to using the Western political thought to explain Africa, we need to develop more indigenous approaches. Such efforts at indigenising theory are what Chabal (2013:2) terms engaging "in the theoretical discussions that can provide added value to our understanding of how power is exercised on the continent." However, refusal of European models should not be taken as denial of their validity, rather

it should be taken as part of the efforts to find more valid explanations of what is happening in Kenya.

Existing outside the universalised left-right opposition, ethnic identity is the most noticeable political frontier in Kenya. Both dominant and marginalised ethnic groups have stable identities marked by positions that seem cemented on some primordial features of shared language, similar cultural norms, shared memory, history, and shared geographic concentration. Indeed, Chabal (2013:5-6) argues that ethnicity is at the “heart of the everyday realities of morality, accountability and representation and as such needs to form the bedrock of any realistic political theory of the continent.” In Kenya, what looks like primordial features — language and cultural norms — eclipse other categories such as social-economic class, religion, region and colour. However, with or without ethnic differences, there are a variety of hegemonic approaches that cause the dominated to “understand, participate in, and even celebrate their domination” (Pitcher, Moran & Johnston, 2009:126), meaning without privileging the universalised liberal democracy, ethnic identities can be included in the hegemonic power play.

Primarily, it is language that affirms unity of the social groups in Kenya. This can be seen in electoral choices. Nevertheless, even though ethnic groups look natural, this study avoids the primordial stance that assumes ethnic groups have unique natural features. The study is in contrast to arguments by primordialists like Van Evera (2001:20) who claim that although “ethnic identities are not stamped on our genes”, once formed, the groups tend to strongly endure. Contrarily, I take a constructivist approach arguing that ethnic identities are determined by among others, political, economic and historical factors. Besides, other than ethnic identities, there are several non-ethnic and non-class identities of dominant/subaltern opposition, like men/women, employer/workers, the landowner/squatter, adult/youth, able bodied/people living with disabilities, investor/consumers, just to mention a few that Laclau (1988:250) would say are a “process of overdetermination of popular struggles [that] create social identities not based on class identities.” What is common in all the dominated groups are the several ideologies that make them understand, participate and celebrate their domination, but not the essentialist

class belonging. This constructivist view of identity will be elaborated in Section 2.1.2 below on discursive construction of subject positions.

Despite the non-essentialism stand above, ethnic marginalisation in Kenya is not mere construction of a marginalised position, rather it compounds experiences of inequality and rewards since ethnic identities have been used to selectively allocate state resources. This clientelism, the personal contact between citizens and politicians, Mueller (2018:1) explains, is at play when politicians provide selective benefits for political support. Politicians in Kenya, just like in many African countries favour citizens whom they “know to be highly responsive to such side-payments and willing to surrender their vote for the right price” (Kitschelt & Wilkinson 2007:2). Biased allocation of resources for provision of clean piped water, electricity and medical services, Githongo (2006:19) narrates, is the most visible discrimination against ethnic groups outside government. For instance, a person born in the former Nyanza Province, a perennially opposition region, has life expectancy of 19 years less than a person born in the former Central Province — a region that is the birth place of three out of the four presidents who have ruled Kenya since independence. Life expectancy in Meru (a county that has been well represented in the Cabinet since independence) is double that in Mombasa, one of the most marginalised counties (ibid).

In a similar analysis of road maps by Burgess, Jedwab, Miguel, and Morjaria (2010:3), it was found out that throughout the post-independence era, roads have been constructed to favour “the district of birth and ethnicity of the presidents and the other cabinet members.” Regions where the presidents’ ethnicity were well represented had an additional 56.77 km of paved roads every three years and the district of birth of the public works minister received an additional 8.53 km of paved roads every three years, among other favours. Considering these politics of the belly (see Bayart, 1993:51), what Wrong (2009) calls “our turn to eat game”, because previous leaders started the game by favouring their tribes,

...current leaders find it "fair" to do the same for their own people...By doing so, they encourage the next leaders to act correspondingly, and so on. All successive leaders become the main actors of an "our turn to eat" game, which is a bad equilibrium unlikely to be broken. (Burgess, et al, 2010:3:4)

As a consequence of clientelism, elites recruit among the dominated by “profil[ing] themselves as the defenders of their ethnic group on the national platform, promising a piece of the national economic cake, including jobs, favours, and hard cash” (Smedt, 2009:584). Elites from both dominant and dominated ethnic groups stand equally accused of this crime. While the dominant groups marginalise the dominated, elites from the dominated groups seem not to aim at changing the mode of resource distribution, but seek power to do exactly what the regime is doing.

Importantly, those not in office but attempting to get there, generally view this political system as legitimate. That is, they do not protest about a system where politicians ‘eat’ while in power; instead they fight for ‘change’ because *they* are not eating (Cammack, 2007:601).

For instance, after ‘suffering’ 24 years of discrimination under President Moi, a Kalenjin, Kikuyu elites continued the tradition under the regime of President Kibaki, a Kikuyu. In fact, the discrimination was so rigorous that Kibaki’s regime was accused of fomenting ethnic hatred that triggered violence following the disputed 2007 election. In Michela Wrong’s (2009) memoir of John Githongo, what the *Harper’s* magazine called a nonfiction political thriller of modern Kenya that exemplifies an African dilemma, the author tells a story of how resources are corruptly shared among elites from the ruling tribe.

John Githongo, President Kibaki’s family friend and his trusted anti-corruption man-at-arms, narrates the massive corruption among the Kikuyu elites, what he called a Kikuyu ethnic mafia around the presidency. Kikuyus believed that, after years out of power, it was time for their ethnic group to ‘eat’. To Michela Wrong, the “It’s our turn to eat” philosophy was a strategy to camouflage elite corruption as efforts to assist the less privileged Kikuyus who had suffered under the leadership of President Moi (see International Peace Institute. 2009). But Githongo, a dissident member of the dominant group, Van Dijk (998:183), would have said, refused to do what his tribe expected, instead he went public with detailed evidence of corruption. When his position became untenable, after he was discredited and threatened, he fled to Britain in self-exile.

Furthermore, what is unique about the composition of ethnic identities in Kenya, just like in other non-Western countries with strong ethnic identities, are situations when subalterns adopt dominant ideologies of their economically superior ethnic elites. For example, the subalterns support their tribe's elites merely because of linguistic similarities. In such cases, dominant ideologies, as Van Dijk (1998:182) would argue, are adopted even as they remain inconsistent with daily experiences of the subalterns. The paradox of subalterns adopting ideologies of dominant groups makes it difficult to differentiate *incivility* that enhances democracy from what is anti-democracy based on the target audience, given that in any dominant group there is likely to be subalterns. It means *incivility* aimed at a dominant group also targets the subalterns who have become part of the dominant group. For example, the subaltern from Kikuyu and Kalenjin tribes, based on the 2013 and 2017 election results, seem to have adopted dominant ideologies of their ruling class, yet what the dominated groups share with the ruling class is not economic privileges but mere language, history and memories, fortified by a common enemy image of other tribes struggling for similar power. The situation corresponds with the imaginations of subalterns from other tribes: they have equally been recruited by their elites and made to perceive themselves as marginalised and perceive Kikuyus and Kalenjins (elites and the subalterns) as the dominant groups. It implies the concept of 'constitutive outsider' overrides construction of identities as limited to on class binary oppositions.

Although manipulation of ethnic identity has been blamed for triggering violence, for example, Lonsdale (1992:236) calls it "political tribalism", while Smedt (2009:594) blames ethnicity for blocking political ideologies and clear political programmes, ethnic identities remain the key ideological division between the dominant and subaltern groups in Kenya. Furthermore, ethnicity is not different from other identity markers, for instance, age, class and gender or profession, through which ideology is used to organise the society in terms of relations of dominance. Thus ethnicity is among strategies that Van Dijk (1998:183) would call "mechanisms of manipulation" used to spread elite ideologies that are inconsistent yet successful among dominated groups. The shortcoming of ethnic identities to act as the centre for power struggles, for example when ethnicity triggered post-election violence in 2007, should not be seen as failure of democracy built on African politics, but as a breakdown of liberal democracy due to its inability to tame 'the political'.

Furthermore, it is incorrect to claim, without a caveat, that a group of subalterns who have been manipulated to become part of the dominant group are a real part of this group. Although after recruitment by elites through ethnic identities, the otherwise subalterns drop their alternative identities (for example of worker, female, homeless, low-income earners, squatters, unemployed) to acquire a new dominant status, I call this new status 'ersatz dominance', a term originating from the German word "ersatz" which means an "inferior substitution". Thus an ersatz dominance is not real dominance but only a more inferior dominance by subalterns who have been manipulated into occupying positions of inferior dominance. Therefore, instead of the clearly marked boundaries creating a dominant-subaltern binary opposition, like it is in Western Europe, in Kenya, we have three groups, the dominant, the subaltern and the third group that I call the 'ersatz' dominant group: the otherwise subaltern groups that join the dominant groups, even though only symbolically, to enjoy second-hand superiority over other subalterns.

Nevertheless, as dominant groups divide the subalterns, they have within them some "ideological *dissidents*" (Van Dijk, 1998:183, *emphasis in original*), the members of elite groups who side with the dominated in rejecting the dominant ideologies. The best recent example of ideological dissident in Kenya is John Githongo, an elite Kikuyu by all standards, who refused to perpetuate corruption by dominant Kikuyus.

Therefore, given that ideologies are not limited to socio-economic classes as orthodox Marxists assume, there is a blurred boundary between dominant and subaltern groups since dominant groups always use their ideologies to control the minds of the subalterns. The overlap between ideologies of the dominant and subalterns weakens the power of the latter by pitting them against one another. In the current Kenyan context, subalterns are not able to see their shared feature — lack of power. This lack manifests itself in many other ways, in addition to economic factors. Thus the subalterns lack clearly demarcated identities, hence they are not able to constitute a collective identity that can unite them against elites, like it happens in revolutions emanating from socio-economic class domination. It is the ersatz dominance by some subalterns that makes democracy-enhancing *incivility* look like hate speech. If the dominant and subalterns were clear binary

oppositions, the use of incivility as a tool for power struggles would have been clear to discern.

Given the above reasons, *incivility* stands out as a political problem that emanates from power struggles. However, its role in democracy is curtailed when subalterns acquire a dominant status, even though such status is mere ersatz domination. About such concerns, Laclau and Mouffe (1987:80) argue that the challenge faced by orthodox Marxism is the decline of the classical working class resistance and the emergence of various “forms of mass mobilisations in Third World countries, which do not follow the classical pattern of class struggle”. In other words, instead of lamenting the inability of class politics to explain political practices in Kenya, we should look for approaches used by ordinary Kenyans to overcome the constraints imposed by a political environment that refuses to fit into the right-left divide.

Despite the shortcomings of the politics of ‘personal loyalty’, in which power is controlled by ‘big men’ instead of formal institutions, rather than revealing reasons for failure of liberal democracy to replace this inefficient system, scholars have blamed the logic of neopatrimonialism (see Cammack, 2007; Pitcher et al, 2009:130). They have also proposed a rational-legal authority that is based on impersonal bureaucratic logic governed by law and reason, yet unless a system relevant to Africa is developed, this rational-legal system cannot act as the *deus ex machina*, the unexpected intervention to solve Africa’s challenges with liberal democracy since even the law on which impersonal bureaucracies are founded operate at whims of the ruler (see Pitcher et al, 2009:130). As noted by Weber (1978[1922]:263), impersonal bureaucratic governance through the law is never fully achieved:

Legal authority is never purely legal. The belief in legality comes to be established and habitual, and this means it is partly traditional.

Nevertheless, ideals of rational-legal authority have been invoked — which unfortunately have not been achieved anywhere — to identify shortcomings in African political practices. For example, Pitcher et al (2009:131) blame neopatrimonialism yet rational-legal regimes are a colonial project that have failed to replace the prevailing personalistic logic. What

remains clear is that Kenya, just like many African countries, has moved away from authoritarianism without replacing personalistic logic with the ideals of liberal democracy. Instead of seeing the east African state as occupying an ambiguous position 'betwixt and between' authoritarianism and liberal democracy, we should take its position as unique and on a continuum of democratic directionality.

We can understand Kenya's position well if we avoid looking at non-Western countries that have not adopted liberal democracy as occupying a position of liminality, a temporary position for countries moving from authoritarianism to liberal democracy. To anthropologists, a liminal position is occupied by individuals who are moving from one phase of their lives to another, yet their movement has not been fully realised (see, Beresford, Berry, & Mann, 2018:1232). That is to say, a liminal position is a borderline status between authoritarianism and democracy, a position equivalent to a rite of passage (cf. Van Gennep, 1960:3). Arguing that all non-Western countries are in transition from their forms of democracy to liberal democracy is universalising European particularisms. I argue that it is possible for the prolonged liminality to mean a type of democracy not in transition, but if in transition, the transition is to a non-liberal democracy model.

Secondly, putting democracy on a continuum of directionality towards European ideals ignores the agential power of ordinary people in non-European environments. Revisiting the structure/agency debate will be in order here. Agency, traditionally, is the capacity of individuals to perform independent actions, while structure is the social arrangements that limit individual freedom. As explained by Giddens (1984, 25-26), the "structure is not to be equated with constraint but is always both constraining and enabling." The agential power of people enables them to solve their predicaments through creativity and resilience. According to De Bruijn, Van Dijk, and Gewald, (2007:2)

...no matter how constraining circumstances can be in environmental, economic, political or social-cultural terms, African societies have demonstrated time and again numerous ways in which such conditions are negotiated in often unexpected ways.

It means even if Kenya's democracy is at the 'liminal' stage, ordinary Kenyans still retain the capacity to shape and transform the state. Unlike structuralist scholars who put too

much emphasis on the political structure, neglecting the powers of ordinary people over the structures, agential power counters weaknesses in liberal democracy. Thus instead of the subaltern/dominant opposition popular in classical Marxism, we can talk about the 'subject position'.

Contrary to limiting identities to class struggles, Laclau and Mouffe (1985:115) prefer subject positions within discourse, the open struggle for hegemony, instead of presupposing the working class as privileged political agents in this struggle. To them, subjects cannot originate social relations because "every subject position is a discursive position" and the infinite positions developed through discourse "cannot be totally fixed in a closed system of differences." For Laclau, struggles should not be limited to workers' struggles, but should also include other forms of 'Us' vs. 'Them' differences that can be formed through discursive practices that are without residues of historical materialism. In any case, the evil of the society is not "inherent in the economic system" but on the contrary, is found in the abuse of power (Laclau, 2005:90).

Having explained the failure of the universalised class struggle, the following section describes how discursive identities in Kenya lead to the creation of dominant groups not grounded on class. As explained by Laclau (1994:1), the post-Cold War era has witnessed proliferation of particularistic political identities, outside the European universalism of class or privileged race. Nevertheless, the crisis of universalism does not mean its absence, instead it means universalism is recreating itself in its void, what Laclau (1994:1) calls the "*presence of its absence*" (emphasis in original). In search of a replacement of the collapsed European universalism, Laclau (1994:1) believes we should see the void left by the collapse as an empty signifier—*present through its absence*—a new way of constructing identity by reproducing what is absent. Section 5.2.3 of Chapter Five elaborates the concept of empty signifier, but in brief, it is what emerges when there is an interruption of the structure of the sign, creating a "limit to something [that] is the same as thinking of what is beyond those limits" (Laclau, 1996:37). It means outside class essentialism; identities are empty signifiers since they are created by what is absent: a signifier without a signified (34). That is to say, class identity has lost its content but it "is present as that which is absent" (44). Therefore, identities are no longer attached to a

specific signified but still signify when their absent signifier is filled. As empty signifiers, identities are a signifier without a signified and political actors compete to construct the signified by filling the emptiness with specific meaning. Therefore, it implies in the post-political era, identity is an empty signifier since it is signified by its absence, its lack, or the void it has created by no longer being available in its Marxist structure. The next section uses Laclau and Mouffe's Discourse Theory to describe how identities are discursively created and how these identities construct dominant and the subaltern groups in Kenya.

2.3.2. Against economism: Formation of Subject Positions in Kenya

Given the weaknesses of historical materialism as described above, we need to reinvent Marxist thinking by looking for alternative approaches to resistance other than the universalised working-class/elite binary opposition. Although political economy proponents aspire for political communities formed to push for material equality, this purportedly universal principle has been defeated by particularistic political communities, for example with the tribe remaining a strong source of political identities. Despite the fact that working-class unity brought 'the people' together to fight colonialism from the late 1950s, after the political independence, unity of the working class was immediately replaced by multiple collective identities based on ethnic antagonisms that remain a challenge to liberal democracy today.

Rather than reaching Fukuyama's ultimate victory, the spread of Western liberal democracy is in competition with the reincarnation of conflicts that should have ended at the 'end of history' (see Mouffe, 1994:103). As Lindberg, Prozorov, Ojakangas (2014:1) argue, because universal principles are inapplicable or outright alien to some cultural values, their failure demonstrates "that the values presented as universal are in fact also particular, arising out of the identities and interests of, for example, white middle-class males, Western states". To revive the Left, we need "to go back to 'real' politics by tackling not only 'redistribution' but also 'recognition' (Laclau & Mouffe, 1984: xviii). In this dissertation, the western-centric liberal democracy is not universal, and neither is African politics particular, what is proposed is the universality of 'the political'. For example, it can be argued that the diverse forms of politics that have attempt to tame 'the political', including the idealised working-class–elite dichotomy in orthodox Marxism, are hegemonic

since they conceal their particularistic origins as they expose themselves as universal. To agree that orthodox Marxism was a 19th century European invention is to agree that orthodox Marxism was originally particular. In any case, Marxism is no exception from other forms of universalised European particularisms.

Moreover, Edward Said accuses Marx of racist orientalisation of the non-Western world through proposing a Eurocentric model of political emancipation not suitable for the other parts of the world, as seen in Marx's essay on India (Said, 1979:155). Yet a reckless demand for African particularism cannot be a solution to the hegemony of European universalism since the weakness of the latter has been its particularism (cf. Lindberg, et al. 2014:1). What is universal and consistent with 'the political', and what the subalterns share throughout, is the common problem of unfair distribution of power. Therefore, political problems have universal solutions, albeit for solving the local and particular problems. In other words, we need universal principles that can talk to Africa, the alternatives to existing hegemonic European universalism.

Among the viable post-Marxist alternatives is Laclau and Mouffe's Discourse Theory through which we can explain identity formation as a process of producing meanings that stabilise power relations through, not only language, but also non-linguistic actions. In particular, the concept of subject position, a line of discourse analysis initiated by Foucault provides an alternative to particularistic class identities. To Foucault (1972:55), a subject is not autonomous but is created through discourse. This is similar to Althusser's (1971:174) structural Marxist view of ideological subject. Laclau and Mouffe (1985:115) eliminate economic residues from Althusser's interpellation, arguing that subjects should be understood as "subject positions' within a discursive structure" as discourses create positions for people to occupy as subjects. There are expectations on how to act in correspondence with the positions allocated.

A further difference from orthodox Marxism is the fragmentation of the subject positions since the subject is not allocated only one position, but, rather is given many different subject positions by different discourses. As such, the subject is an ethnically biased voter at election time, a trade union member during labour unrest, a parent during school

meetings and mother, wife or daughter during family meetings. Therefore, the subject is *overdetermined*, meaning the subject can be positioned by several conflicting discourses.

Hegemonic processes succeed when subject positions are made stable and conflict removed by naturalising particular discourses (Laclau and Mouffe, 1985: 47–9). Whereas orthodox Marxism aimed at uniting all subject-positions into one overarching single class-position, post-structuralism proposes de-centring the singular class positions into a plurality of positions, which can be conflictual. For example, a worker might be a father at the same time, but also a racist and male chauvinist. (See Laclau 1977). In the case of Kenya, although the state is a colonial project created as an imagined nation-state (see Anderson, 1991:6), after the 1884 Berlin Conference, the state has evolved through nationalism discourses that have naturalised the Kenyanness subject position. This naturalised subject position considers Kenyans as belonging to the same group irrespective of their class differences. Hence, just like other African countries, Kenya differs from European nation-states, which Lindberg, et al. (2014:1), argue were “founded on a myth of a particular language or an ethnically homogenous people”. Like the majority of African countries, Kenya lacks a common founding authority but its foundations are many, even though ethnic group subject position, in addition to memories of European colonialism are key myths of the county’s political identity.

Thus the formation of Kenya is through discourse not economic determination. However, this does not mean that reality does not exist since everything is discourse. To the contrary, it means both social and physical objects exist, but we understand them through a system of meanings. The people who lead the society in making the social world meaningful control power for the reason that they create our real world, especially when ‘our world’ acquires what Laclau (1990:60) terms objectivity that hides its social constructedness.

The arbitrariness of identity as explained by Laclau and Mouffe (1985) can be understood based on Ferdinand de Saussure’s linguistic works on how a sign can be interpreted as being made up of an arbitrary relationship between a *signifier*, the acoustic image and a *signified*, the concept the acoustic image refers to. Saussure (1983:100) gives the example of the word tree as the sign which identifies the arbitrary relationship between the acoustic

image 'tree' and the concept of tree even though the concept tree can have different names in different languages.

Nonetheless, like other post-structuralists, Laclau and Mouffe, are against Saussure's synchronic study of language. Instead, they argue that signs cannot be permanently fixed. However, the two post-structuralists retain Saussurean principles on how signs strive to acquire meaning through their relation to other signs. But they argue that since a relationship between a signifier and a signified is not permanent, it is ultimately impossible for a sign to have a single meaning, even though discourses attempt to fix signs into certain positions (cf. Laclau & Mouffe, 1985:113).

When applied to identity formation, it means an individual's identity only acquires meaning in relation to other individuals' identities and these identities keep changing. It also means, that just like linguistic signs, there are no pre-given identities (such as primordial tribes or classes). Instead, identities are constructed in opposition to other identities, meaning they are 'relational' or intersubjectively constructed. In other words, if all signification is constructed, so are identities and the relations between them. Not only does identity come into existence through signification, but its construction involves its linking to other identities, not necessarily the economy as orthodox Marxists claim in the base/superstructure framework.

Laclau and Mouffe use the elaborated Saussurean concepts of the sign to give meaning to power struggles in post-class societies as hegemonic struggles, an alternative to the base/superstructure perspective. Hegemonic struggles are performed through construction and stabilisation of nodal points — a privileged sign around which the other signs are ordered — by moving 'floating signifiers' into an unambiguous set of meanings (Laclau & Mouffe, 1985:107). The floating signifier suggests lack of clear relationship between the signifier and the signified. For that reason, the floating signifier is able to signify different meanings because it is not bonded to a specific signified. In that way, a floating signifier can point to all discursive elements and signify them equally.

Consequently, the multidimensional nature of identity means it is a floating signifier created by a complex discourse without aiming at closure or reaching finality. It can be argued that discursive closure can only be achieved if alternative voices are denied access, but such situations are rare in society since individuals as subjects can have many subject positions, “neither absolute fixity nor absolute non-fixity is possible”, only partial fixations (Laclau & Mouffe, 1985:110; also see Laclau, 1990:44, on the impossibility of society). The polysemous nature of the signified, implies that the “society never manages to be identical to itself, as every nodal point is constituted within an intertextuality that overflows it” (Laclau & Mouffe, 1985:113).

As stated by Laclau and Mouffe (1987:82), every social configuration acquires meaning through discourse. Even the meaning of a physical fact is based on the establishment of a system of relations with other physical facts, and “these relations are not given by the mere referential materiality of the objects, but are, rather, socially constructed.” Consequently, both dominant and non-dominant groups in Kenya are discursive since they acquire their positions through discourse. Whereas identity exists, Laclau and Mouffe (1987:82) says, “independently of any system of social relations”, people can be part of the dominant or non-dominant groups “only within a specific discursive configuration”.

The process through which individuals are helped to recognise their identities in relation to others determine their positions as subjects in the society. Hence the positions are intersubjective. It is through such subjectivation that individuals create themselves not as true selves but self-related to others — what Foucault (1997:87) calls the “techniques of the self,”— the procedures used to determine individual “identity, maintain it, or transform it in terms of a certain number of ends, through relations of self-mastery or self-knowledge.”

According to Laclau and Mouffe (1985:115), people are subjects based on their ‘subject positions’ within a discursive structure. It is through discourse that positions are created for subjects to occupy. For instance, in Kenya, discourses have created ethnic positions to be occupied, and in line with these positions, expectations about how to engage in politics. Once established through discourse, identities are further naturalised through

production of discourses about the identity, for example, through ethnic naming that is made everlasting by formal identity-reminder documents like national identification cards and passports, birth certificates and voter's cards, among other 'techniques of the self'. These reminders covertly make the subject internalise the allocated subject position. It means identity and group formation are shaped by discursive practices, consequently dominant or non-dominant groups are articulated discursively by linking elements that do not have a necessary relation to each other (Laclau and Mouffe, 1985:105).

Contrary to economic dominance in classical Marxism, the ethnic identities of political subjects in Kenya are floating signifiers, just like the other multiple positions that Kenyans can take. To Laclau and Mouffe (1985:141), it is a dangerous illusion for us to think of identities that are floating signifiers as assured once and for all. Instead, we should be aware that forces that constituted their discursive conditions of emergence can be subverted by alternative forces. Ethnic identities are floating signifiers because discourses designate positions for subjects to occupy, meaning the power a group ends up having corresponds with the positions occupied, not the social-economic status.

For instance, in Kenya, people within the same ethnic groups occupy similar positions in relational to elective politics, but they also occupy different positions in relation to sex, age, social-economic status, among others. Indeed, instead of representing the class interests of the people, political practices construct interests they represent (see Laclau & Mouffe, 1985:120). In Kenya, the key interests constructed to be represented, is tribalism. Currently, it is around the concept of the tribe that political identities are constituted, but this does not mean that it is only ethnicity that can constitute identities.

Furthermore, given that the "subject is *fragmented*" (Laclau & Mouffe, 1985:10, emphasis in original), it means the subject can take more than one, among the many positions created by different discourses. For instance, the subject can be an informed 'citizen' outside election time, an ethnically biased 'voter' during elections, an 'employee' in the workplace and a 'mother' or 'wife' in a family setup. For Laclau and Mouffe (1985:47-9) there is no objective logic that points to a single subject position, instead, absence of

conflict between subject positions is an outcome of hegemonic processes that exclude alternative possibilities and naturalise particular discourse.

In regard to discursive formation of antagonistic groups, Laclau and Mouffe (1985:127), use the concepts 'logics of equivalence' and 'logics of difference' to explain how antagonistic groups are formed by individuals with multiple identities. This concept of logics is derived from Saussure's syntagmatic equivalence and paradigmatic differences between signifiers. The syntagmatic relation between signs is concerned with combination while the paradigmatic relations involve differentiation (Saussure 1983, 121). Signs have a syntagmatic relation if they can be combined to form a meaningful chain of texts, but they can be in a paradigmatic relation when the choice of one sign excludes another. Considering that syntagmas are created by the linking paradigms, Saussure argues "the whole depends on the parts, and the parts depend on the whole" (Saussure 1983, 126).

While the logic of equivalence involves the expansion of the paradigmatic pole, the logic of difference involves the expansion of the syntagmatic pole (Laclau and Mouffe 1985: 130). Thus the logic of equivalence creates an 'us-them' axis by weakening differences on each side of the frontier, whereas the logic of difference challenges this equivalence by "keeping elements distinct, separate, and autonomous" (Glynos, & Howarth, 2007:145).

Through the chain of equivalence, different dominated groups weaken their internal differences to create an equivalential chain that is in opposition to dominant groups. The chain of equivalence enables the subalterns to realise that although their struggles are not exactly the same, they can be linked in such a way that they do not clash. The chain of equivalence is thus a discursive tool that brings together heterogeneous oppressed subjects by establishing or emphasising their opposition to a common enemy. The equivalential logic creates two conflicting camps: 'Us'— 'the people', the underdog, the non-privileged, the downtrodden, against 'Them' — the establishment tribe, the privileged, those up there, the elites.

Hence the chain of equivalence enables the dominated to discover a common enemy. For example, to create 'Us/the people' in Kenya, subaltern groups drop other peculiar identities

like class, ethnicity (including language), and religion to create a common identity that can serve as a reference point in the struggle against the regime. Thus the dominated can organise themselves as an alliance of collectively oppressed 'subaltern tribes' denied access to government resources. The 'Us' group is formed on the basis of the subjects 'sharing a lack', which in turn unites them as a negative commonality. In any case, democracy depends on a constitutive lack, which can be seen in the inclusion-exclusion relations that create a frontier between "us" and "them" (Mouffe, 2000a:43). Indeed "no political order can exist without some form of exclusion" (Mouffe, 1993:145).

In Kenya, the negative commonality that creates groups is reflected in ethnic patterns of political parties and popularity of presidential candidates. In fact, results of presidential elections can easily be predicted based on population census. As expected, once the fight against that common enemy is over, though, let us say winning or losing elections, the chain of equivalence breaks up as differences are re-established (cf. Carpentier & Cammaerts, 2006:8). This happens when ethno-political parties fragment after elections or periods of heightened political activities. For example, political parties that have managed to bring together the majority of the excluded tribes breakup when they lack an equivalent outsider to challenge.

Take the case of the National Alliance Rainbow Coalition (NARC) that in 2002 defeated Uhuru Kenyatta, President Moi's preferred successor, after the party brought together all tribes against Moi's Kalenjin tribe. Afterwards, without a stable outsider to challenge, infighting led to split of NARC into three parties; Party of National Unity (PNU), led by President Mwai Kibaki, a Kikuyu; and Orange Democratic Movement (ODM) that accommodated non-Kikuyu who were formerly in NARC. Later, ODM split into ODM that accommodated non-Kikuyu and non-Kamba, and ODM-Kenya (later rebranded Wiper) that accommodated non-Kikuyu and non-Luo. Nevertheless, the membership of the parties is not exclusive to the communities mentioned, instead there are common cases of defectors — people who prefer to associate with 'enemy tribes' even when such association is inconsistent with the behaviour of the majority's. This breakup due to a lack of an enemy outsider, has been a common occurrence since independence. For example, the independence movement (made up of KANU and KADU) was non-white but after

KADU joined KANU in 1964, there was no 'outside other' to fight. This led to infighting within KANU, forcing Oginga Odinga to resign and form the Kenya People's Union, KPU (a mainly non-kikuyu party). Similarly, after pressurising the state to reintroduce multiparty politics, Forum for Restoration of Democracy, FORD, a non-Kalenjin party, split into FORD-Kenya, a non-Kikuyu party and FORD-Asili, a non-Luo party.

In contrast, the 'logic of difference' dissolves the equivalence chain, thus preventing the discursive formation of the two antagonistic groups. The logic of difference disarticulates identity created by the logic of equivalence. Through this strategy, the regime attempts to break down the chains of equivalence by creating internal divisions — class, ethnic, or religious — to prevent construction of a common identity that can challenge the dominant regime. Considering that there are many subject positions that can be occupied, it means the multiple identities spread out people's allegiances creating what Mouffe (1998:108) terms "a truly 'agonistic pluralism'... [b]ecause where identities are multiplied, passions are divided."

The paradoxical formation of antagonistic groups through 'equivalence' and 'difference' shows that identity is always challenged by difference. When the logics of difference challenge attempts to achieve complete equivalence, the resultant conflict makes democracy an empty signifier — an 'impossible good' that exists because it cannot be perfectly achieved (Mouffe, 1994:109). We should, therefore, see the difference/identity paradox as the condition needed for promotion of political pluralism in multi-ethnic communities.

It is the tension between identity and difference that makes agonistic democracy suitable for multi-ethnic countries like Kenya. The agonism between different groups prevents stabilisation of identities of the dominant groups or development of 'dictatorship of the proletariat' due to permanent unity of non-dominant groups. For example, in the agonism against white minority colonial government, the dominant group attempted to dissolve the chain of equivalence among the dominated by empowering 'Home Guards' to fight the Mau Mau. Although the insurgency was led by Kikuyu, the regime fought using collaborators — the auxiliary Home Guard force and other loyalists recruited from the

same ethnic group. The loyalism, as Branch (2007:291) found out, was “a product of the same intellectual debates that had spawned the Mau Mau insurgency.” The Mau Mau wanted access to land but the British created differences by denying the Mau Mau while allowing elite Africans, the Christians and government employees to access land.

In fact, by forcibly recruiting through oaths, it can be argued that the Mau Mau movement had failed to create equivalence among the colonised and, in its place, relied on violence to get endorsement. In addition, unlike in South Africa where the ‘fighters’ succeeded the apartheid government, history has been suppressed and the role of the Mau Mau in Kenya’s fight for independence is yet to be recognised (see Elkins, 2000:9-10). After independence, the *Mau Mau* did not get the land they fought for, but it was the loyalists who inherited land and other properties formerly owned by white settlers.

The second example is political alliances among tribes living around Mount Kenya. Although the tribes are ‘cousins’ due to the mutual intelligibility of their languages, even having once come together to form the Gikuyu, Embu, Meru Association (GEMA), the unity of the ethnic groups has not been permanent as it would have been if the tribalism was primordial. On the contrary, the GEMA tribes often defected to support non-Kikuyus. For example, the Embu supported Moi’s Kalenjin-dominated government during the second wave of multiparty politics (1992-2001).

Based on the above examples, it can be argued that the logics of equivalence and difference describe the process through which frontiers between the dominant and the dominated are “constructed, stabilised, strengthened, or weakened” (Glynos & Howarth, 2007:144). Nevertheless, the discursive nature of the identity does not mean that identity is mere discourse and it does not have external existence. Contrarily, it means ethnic identities exist ‘external to thought’ but we can only access them through discourse. Just like:

...a stone does exist independently of social classification systems, but whether it is understood as a projectile or a work of art depends on the discursive context in which it is situated (Laclau & Mouffe, 1990:101).

Based on Laclau and Mouffe's explanation, primordial views of ethnicity are totally superimposed by the social. It is the social that enables us make meaning of ethnicity. For this reason, whether or not *extreme speech* is democracy-enhancing depends on how dominant and non-dominant groups use it to challenge or perpetuate the unequal distribution of power. From this perspective, it is clear that the meaning of *extreme speech* in social media is fixed through discourse that excludes other meanings. As stated by Laclau and Mouffe (1985:112), "any discourse is constituted as an attempt to dominate the field of discursivity, to arrest the flow of differences, to construct a centre". *Extreme speech* entails a structured totality resulting from articulatory practices that initiate a hegemonic struggle. However, these hegemonic discourses appear so natural that people fail to see that they are the result of hegemonic practices; instead they see them as objective and commonsensical. Thus:

What is at a given moment accepted as the "natural order", jointly with the common sense that accompanies it, is the result of sedimented hegemonic practices (Mouffe, 2008:4).

Nevertheless, because no discourse can permanently fix meanings, the field of discursivity makes possible the articulation of multiple discourses. In spite of objectivity closing the discursive field, this closure is not permanent because power is so dispersed that no single group continuously closes the discursive field. Every hegemonic order is susceptible to being challenged by counter-hegemonic practices which attempt to disarticulate it in order to install another form of hegemony (Mouffe, 2008: 4).

The following section is a critical reading of Žižek's (1993:141) concept of 'tolerance as ideology' to describe how elites in Kenya culturalise incivility to tame 'the political' by making it a cultural issue of intolerance. Through culturalisation of politics, civility hides ideology by attempting the impossible: removing politics from politics itself. As explained in the previous sections, Kenya has both dominant and *ersatz* dominant groups while marginalisation is as material as it is symbolic. Therefore, *incivility* against the dominant group is political rather than a cultural problem. Yet culturalisation has been used to elevate culture into a dominant framework for analysing the political problems of injustice, inequality, marginalisation, violence, distribution of power among other forms of political practices (see Mamdani, 2004:23), a process that can be equated to removing politics

from politics itself by converting political problems into cultural problems. This hegemonic operation can be compared to liturgical transubstantiation, but in this case not of bread and wine into the body and blood, but of politics into culture. Successful culturalisation would make what is clearly politics be viewed as the cultural problem of intolerance.

2.3.3. Culturalisation: the Depoliticization of Politics.

Considering the inherent conflict in politics, demands for civility in social media political discourses are strategies towards depoliticising politics by privileging one side of the binary to make it look like *incivility* is a cultural problem of intolerance rather than symbolic of political struggles against inequality, exploitation and injustice—what Mouffe would call ‘the political’ problem. This demand for tolerance is what I term hegemonic strategies for displacing politics from politics itself. To put it differently, by privileging one side in a binary opposition of acceptable/unacceptable speech, demands for civility are hegemonic orders that make *incivility* to be perceived as a problem of intolerance rather than normal power struggles that are integral to politics.

Depoliticisation of politics is not a recent phenomenon, in fact Marx’s own utopian grand narratives were a proposal for a dystopian democracy since they implied achievement of a finality, the centralised control system, rather than a free society. Many contemporary forms of depoliticisation exclude the spaces of contestation by proposing a framework of decision-making that conceals, instead of questioning or disrupting the existing power structure. Through depoliticization, politics is replaced with technocratic mechanisms and consensual procedures, for example, ‘the people’— as a potentially disruptive political collective — is replaced by the population whose problems are seen as technical issues that can be solved by experts (Japhy & Swyngedouw, 2014:6; Mouffe, 2005:10).

Through culturalisation, *incivility* as a part of power struggles has been cut off from ‘the political’ and transubstantiated into a separate sphere of culture. This transubstantiated is similar to the metaphoric relations of substitution through which one thing is called another. If metaphorical substitution succeeds, the hegemonic transubstantiation of politics into cultural problem of intolerance makes the latter a *catachresis* as it becomes a figural term

without a literal one (see Laclau, 2005b:71). Different from metaphors that substitute by describing one thing as another, catachresis transfers “terms from one place to another...when no proper word exists” (Parker, 1990:60). Through transubstantiation, culturalisation of politics becomes a misapplication of politics as political differences are termed problems of intolerance and therefore repressed instead of being sublimated. The immediate outcome of the culturalisation of politics has been to naturalise and neutralise political differences into cultural differences, converting the differences into some given that cannot be overcome but should be tolerated (see Žižek, 1993:141). This to Laclau (1990:160) is like depoliticization through systematic absorption of political struggles by social struggles. As explained by Brown (2006:89):

The cultivation of tolerance as a political end implicitly constitutes a rejection of politics as a domain in which conflict can be productively articulated and addressed, a domain in which citizens can be transformed by their participation.

Due to culturalisation of politics, we tend to assume that civility in social media is an innocent tolerance practice that guarantees respect, yet hidden within civility are efforts to displace politics to the sphere of culture. Without a doubt, our knowledge of civility is socio-culturally constructed, yet undisputed and taken-for-granted, what Van Dijk (1998:111) terms “ideologically based ‘scientific facts’” that support interests of dominant groups. Non-dominant ideologies expressed through *incivility*, some form of ‘shouting at power’, are condemned by dominant groups that claim this category of *extreme speech* is part of the expression of intolerance¹.

¹ Since civility is linked to tolerance (see Brown, 2006:11), this study links *incivility* to intolerance. To tolerate is to acknowledge others’ autonomy by refraining from disapproving their wrongs and allowing them to pass without condemnation or reproach, while to be civil is not based on the value of autonomy but on claims about how others’ behaviour affect our well-being (Owens, 2015:1). The doctrine of civility guides us on how to appropriately express ourselves towards others while the doctrine of tolerance tells us when it is (in)appropriate to express disapproval, where *disapproval is blame which counts* (emphasis in original, *ibid* p.7) — it is only expression of blame that counts that constitutes injury to the person blamed. This study associates *incivility* with intolerance, arguing that the two are forms of inappropriate expression either towards others or in disapproval of others. However, even as it links them, the study attempts to turn *incivility* and intolerance on their heads by explaining how they can promote instead of threatening democracy. With this clarification, the terms civility/tolerance and *incivility/intolerance* will often be used interchangeably where such use does not create alternative meanings.

Therefore, civility is part of dominant ideologies, albeit presented as non-ideologies, in any case, the idea of post-ideology or end of ideology is an ideological idea par excellence (Žižek, 1989: xxiv). Moreover, even though it was speculated that the fall of the 'Iron Curtain' would initiate the end of ideology, what came out of it was the end of the classic concept of ideology as 'false consciousness', a form of ideology with clear hard boundaries. The triumph of liberal democracy after the fall of the Iron Curtain has seen ideological struggles shift from political parties to individual participation, protest and other forms of individualised opposition, albeit more episodic than the Left-Right ideologies of the past. This should not be mistaken to mean the emergence of a post-ideological or non-ideological politics as was wrongly predicted by Fukuyama's (1992:xi) claim that because liberal democracy was flawless, it had conquered rival ideologies and we should not expect any further "ideological evolution" after the "end of history." What we currently have is reincarnated ideologies which cannot be easily fitted within the framework of the traditional ideologies of Left and Right, even though the Left-Right antagonism remains an unfinished project.

Using the new culturalisation ideologies, dominant groups are attempting to tame conflict in politics with the culture of tolerance. Thus, politics has purportedly been moved away from the traditional political struggles to struggles over culture. This means that politics is no longer politics but culture. In *The Clash of Civilisations and the Remaking of World Order*, Huntington (1993:29-30) claims after the end of the Cold War, the fundamental source of conflict is not ideological or economic but cultural conflicts "between the West and non-Western civilisations". To him politics is no longer a clash of ideologies, but a clash of civilisations since the "iron curtain" has been replaced by "a velvet curtain of culture". This is what Mamdani (2004:23) calls culturalisation of politics, a strategy used by dominant groups to construct politics as a consequence of the tangible essence of culture.

It is for the above reasons that I claim culturalisation of politics creates a post-political condition. Transubstantiation politics into culture has made radical democracy in Kenya to like it emanates from essentialised ethnic differences, when on the contrary, ethnic

differences are socially constructed, even though with some residues of historical materialism.

Civility has been invoked as part of depoliticisation tools, a strategy for managing political struggles by making them look non-political. Through the depoliticisation strategy, the dominant groups make it look as if they are cultured and civil, while blaming the subalterns for impeding democracy through their barbarism and uncivil culture.

Elites have attempted to remove politics from democracy by using the culture of civility to spread tolerance as a way of avoiding political conflicts, yet political struggles are inherently conflictual. To the elites, the culture of civility is the solution to problems that cause intolerance, yet intolerance is a political not a cultural problem. Despite the prospect of civility being a superficial solution to intolerance, Žižek (2008:660) argues that intolerance is a political problem caused by inequality, exploitation and injustice, therefore it requires a direct political solution and not superficial tolerance.

Consequently, *incivility* is a strategy for emancipation, like other political struggles on a continuum, from non-violent protests to armed struggles. But just like armed struggles, *incivility* has been delegitimised through the culturalisation of politics, an ideology that has naturalised and neutralised politics into cultural differences that appear as if they cannot be overcome but should instead be tolerated. Instead of providing direct political solutions, tolerance has become what Žižek (2008:660) calls the “post-political ersatz” presented as a genuine answer to the question of intolerance. He asks:

Why are so many problems today perceived as problems of intolerance, rather than as problems of inequality, exploitation or injustice? Why is the proposed remedy tolerance, rather than emancipation, political struggle, even armed struggle? The immediate answer lies in the liberal multiculturalist’s basic ideological operation: the ‘culturalisation of politics.’ Political differences—differences conditioned by political inequality or economic exploitation—are naturalised and neutralised into ‘cultural’ differences, that is into different ‘ways of life’ which are given, something that cannot be overcome. They can only be ‘tolerated.’ (Žižek, 2009b: 19).

Depoliticisation of politics through tolerance, Brown (2006:89) argues, has been achieved through “promulgation of tolerance” and the rejection of the idea of politics as a field of struggles, which can productively transform conflict through citizen’s participation. But even with this promulgation of tolerance, it is only dominant forms of civility that are privileged, this produces what Brown (2006:196) terms intolerance that denies individuals of other cultures freedom to choose from their cultures which are thought to be barbaric, while allowing individuals from the dominant cultures to choose from what is equally ‘barbaric’. For instance, the proposed solutions to ethnic conflicts in Kenya seem to be nonmaterial solutions, with civility in form of tolerance being one of them. Take the case of “discrimination” as defined under Sections 3 and 4 of the *National Cohesion and Integration Act, 2008*. The law criminalises discrimination that is ordinarily prejudice, rather than discrimination emanating from unequal resource-distribution. This is despite findings by judicial commissions indicating that ethnic violence originates from competition over power to distribute political and economic resources, not mere prejudice between members of different groups. If unfair distribution of resources, what Mbembe (1992:4) terms the “grotesque and the obscene” through which state power dramatizes its own magnificence, is to be seen as a form of *incivility*, albeit hidden by the practices of domination, then to be civil towards such hegemonic *incivility* is to support (tolerate) the *incivility*.

In another case, it was through the “*our turn to eat*” philosophy that President Kibaki’s government left Kenya divided into what Jessop (1990) would call a ‘two-nation’ rather than ‘one nation’ hegemonic project. This division was reflected in the peaking of *incivility* in political discourses prior to and after the 2007 election campaigns and resultant post-election violence. Although elections provided the spark for escalation of *incivility* and ignition of violence, it is an oversimplification to remove politics from *incivility* and see the 2008 (post)election violence in Kenya as a cultural problem. Several authors warned that we should not overlook underlying precipitating political factors like historical grievances over resources (land), deliberate weakening of government institutions (like the judiciary), and the gradual loss of the state’s monopoly of legitimate force, allowing the large-scale proliferation of militias and gangs, which were in turn used and mobilised by politicians in

their pursuit of electoral victory (see Branch & Cheeseman 2008; Githinji & Holmquist, 2008; Muller, 2008; and Smedt, 2009).

For the above reasons, instead of tolerance through civility, I argue, we should transform political conflicts that cause *incivility*. Transformation of conflicts in multi-ethnic developing nations, Sriskandarajah (2005:64) argues, succeeded in Malaysia, Mauritius and Trinidad because real and perceived inequalities were resolved by adopting suitable “distributional struggles between constituent ethnic groups” to ensure these countries’ rapid economic development facilitated ethnic accommodation and creation of “one nation” hegemonic project.² Contrarily, Kenya has since independence adopted a narrow economic “two nations” hegemonic project following the failure of its first political economy statement: *African socialism and its application to planning in Kenya, number 10 of 1965*, a policy framework that aimed at developing a “one nation” hegemonic project. The policy framework was a plan for Kenya to manage its broader political economy by solving real and perceived ethnic inequalities to create a “one nation” project.

Years later, the *Commission of Inquiry into Post-Election Violence* (2008:220) identified marginalisation and underdevelopment of some regions by successive governments since independence as the cause of deep-rooted feelings that flamed the 2007/08 (post)election violence. The Commission argues the “issue of land at the Coast[al regions of Kenya] has specially been problematic” deemed a ticking time bomb. The situation at the Coast, the commission found out, was complicated by competition for resources among different ethnic groups, with some ‘migrant’ groups seen as benefiting at the expense of the

² The idea of “one-nation” or “two nations” hegemonic project was developed by Jessop (1990:211-212), on inspiration of Gramsci’s ideas on hegemonic political struggles. A “one nation” project is created by expansive, welfare-oriented policy aimed at winning support of the entire population (like Tanzania under Julius Nyerere). While a “two nations” project can either be deliberate (like Kenya under Jomo Kenyatta and successive presidents, see Republic of Kenya, 1965:46) or follow periods of economic crises when the government supports important sectors of the population with the aim of passing the costs of the project to other sectors, sometimes requiring repression of the ‘other nation’ in the process of selective access to resources by the more favoured ‘nation’².

indigenous people. Under these circumstances it is clear that civility cannot solve the problem of ethnic divisions that are rooted marginalisation. This is to say, instead of solving the political problem of marginalisation, civility as tolerance is used to displace politics from political struggles.

The following chapter resumes the discussion of the paradox of *incivility* using Bakhtin's model of mediaeval carnivalesque. From this perspective, I argue that *extreme speech* in social media can be a form of art activism similar to folk humour that was used to break hierarchies in Middle Age Europe.

Chapter Three

Utani as a return of the carnivalesque

...elements of the old ritual of fraternization were preserved in the carnival and were given a deeper meaning. Some of these elements have entered modern life but have entirely lost their primitive connotation.

Bakhtin (1984:16).

Whether by catastrophe or design, what is needed...is a “future primitive” that restores the nature of humans and the nature of the lifeworld simultaneously.... only a return to primitive culture can restore authentic human dignity.

Michael Becker (2012: x).

3.1. Introduction

This chapter continues arguments against the unquestioned assumptions about the destructiveness of *extreme speech* by describing social media as space for activist art. Like it was explained by Mouffe (2013:89), since ‘common sense’ is formed, diffused and reproduced through cultural and artistic practices, confrontation between hegemonic forces also happens in a multiplicity of places instead of being limited to traditional political institutions. Indeed, in addition to traditional political spaces, hegemony projects are concealed in public spaces that do not reflect their hegemonic characteristics. Therefore, what political theorists need to do, as Mouffe (2008:10) says, is to find out how art activism is fomenting dissensus and making “visible what the dominant consensus tends to obscure and obliterate.”

Contrary to the hate speech grand narrative, the main thesis in this chapter is that *incivility* in its art forms subverts dominant forces in a democratic society by evening out hierarchies created by rational consensus. While remaining aware of the dangers of hate speech, democratic politics should find ways of converting us/them relation into forms compatible with pluralistic order (Mouffe, 2005:111). Against the civil communication tradition that advocates for building a Habermasian public sphere that is not entangled with power, this chapter advances an alternative proposal on how the contemporary world

resembles Medieval Age when seasons of *extreme speech* allowed a breakdown of the power hierarchy. To this concern, I use Bakhtin's concept of the carnivalesque to describe how current rancorous communication is acknowledgement that antagonism is ineradicable from politics. Thus, *incivility* in social media is a challenge to the liberal democracy model that has failed to account for the productive role of conflict that is inherent in politics. Instead of deliberative democracy that attempts to eliminate power from politics, the productive nature of extreme speech, from the carnivalesque perspective, places power at the centre of politics.

The insults and curses common in social media embody, on one hand, what people fear — the violence related to political events — and on the other hand, some primitivistic political practices thought to have disappeared with the coming of modernity. Considering that conflict is inherent in politics, the strategies used by primitive societies to solve these conflicts can be viewed as the untainted ways of solving our political antagonisms since ancient days. Without a doubt, primitive societies live a more uncontaminated lifestyle than we do. To this concern, this work utilises Bakhtin's concept of the carnivalesque, a concept developed through interpretation of the works of Rabelais on the use of the primitive culture of folk humour to resist established power. Social media may have just given us an opportunity to go back to how we used to behave.

However, by utilising Bakhtin's carnivalesque, this study does not totally advocate anarcho-primitivism (see Zerzan, 2012), considering the impossibility of returning to primitive existence. Rather, it suggests a primitive solution to what Mouffe (2013) says, following Schmitt (1927), is the permanent existence of antagonism in modern politics. In fact, primitivists, from the perspective of Bakhtinian carnivalesque, would face the dilemma of adapting to a non-consensual democracy, or infusing liberal democracy with jocular *extreme speech* made possible by social media, while at the same time rejecting the technological advancements that have given rise to this new media.

With a Bakhtinian background, but outside anarcho-primitivism, I use this chapter to describe the potential of *incivility* to disrupt established power structures through conversations located between *extreme speech* and the jocular. In other words, this

chapter explains the productivities of negativity from the perspective of non-seriousness of *incivility*, following Bakhtin's concept of folk humour. I argue that Bakhtin's idea of the carnivalesque can be utilised to build a non-consensual notion of democracy as contended by Chantal Mouffe. With the productivities of the carnivalesque, democracy is practiced as a paradoxical dialogue that resists consensus, but at the same time promotes better interaction by evening out participants' hierarchies in the political struggle (see, Koczanowicz, 2011:554).

After outlining Bakhtin's concept and its relevance in explaining how social media is advancing non-consensus democracy, I link this concept to *utani*, the folk culture of joking relationships common in East Africa. *Utani* is a contemporary folk humour practice that is similar to the Bakhtinian concept of carnivalesque as it allows unrestricted insulting among people in the *utani* relationship. However, I remain aware of the possibility of the regime appropriating transgressive humour, and to avoid mere reversal of the single truth advocated by the hate speech grand narrative, the last section of this chapter discusses how the carnivalesque can be used to bolster existing hegemonies, a process Achille Mbembe baptised 'mutual zombification'.

3.2. Bakhtinian Approach to *Incivility* in Social Media

In *Rabelais and His World*, Mikhail Bakhtin gives a genealogical account of how folk humour was transformed since the Renaissance (Bakhtin, 1984). He argues that folk humour enjoyed a positive corporeal and collective significance but was over time marginalised with the reorganisation of cultural practices that placed emphasis on the privatised, eliminating carnival practices that were enacted within the public sphere. The pre-modern carnival (Bakhtin, 1981) utilised rants and madness in folk humour to subvert existing power structures by vilifying, degrading and ridiculing the most respected. The carnival played an important role of enabling ordinary people to inhabit a dual world – one with “serious official, ecclesiastical, feudal and political” institutions and on the other “a second life outside officialdom, which offered a ‘completely different, nonofficial, extra–ecclesiastical and extrapolitical’ view of life (Bakhtin, 1984:6). This Bakhtinian thesis on

the encounter between official, serious side, consisting of the ruling elites and the unofficial under-belly practices of the carnival, provides us with a framework from which to situate *incivility* in social media today.

It is as if, just like the carnival, *incivility* in social media is inverting official values, which as Lachmann, Eshelman, and Davis (1988:118) explain, envisions a “utopian world in which anti-hierarchy, relativity of values, questioning of authority, openness, joyous anarchy, and the ridiculing of all dogmas hold sway, a world in which syncretism and a myriad of differing perspectives are permitted.”

Bakhtin divided folk humour into three distinct forms: ritual spectacles (carnival pageants and comic shows of the marketplace); comic verbal compositions (parodies both oral and written); and various genres of billingsgate — curses, oaths, and popular blazons (see Bakhtin, 1984:5). Although the three forms are interwoven, the concept of ritual spectacles is not literally applicable to *extreme speech* in social media. Different from Bakhtin’s carnival that had verbatim ritual spectacle, social media is an opportunity for virtual ritual spectacles even though it has acted as a site for organising real (offline) ritual spectacles. The second and third categories of folk humour have verbatim equivalents of *extreme speech* in social media. It is in these two categories, the comic verbal compositions and genres of billingsgate, that the division between official and individualised nonofficial folk humour and abuses become more prominent. At the literal level, the first category, the ritual spectacle, is more prevalent in public events than *extreme speech* in social media. Therefore, this study will be concerned with the virtual ritual spectacle than public performances.

Through ritual spectacles, comic verbal compositions and billingsgate, the carnival, as well as similar events like the ‘feast of fools’, the ‘feast of the ass’ or the traditional ‘Easter laughter’ temporarily suspended social hierarchies of everyday life by overturning the officialdom solemnities, pieties and etiquette, creating a ‘world-upside down’ in which ‘the jester was proclaimed king, a clownish abbot, bishop or archbishop was elected at the ‘feast of fools’, and in the churches directly under the Pope’s jurisdiction a mock pontiff was even chosen (Bakhtin, 1984:5).

To temporarily allow subversion of the established order, tradition sanctified and the church tolerated parodical liturgies, the so-called *parodia sacra*, or “sacred parody”, such as “The Liturgy of the Drunkards,” “The Liturgy of the Gamblers”, parodies of the Lord’s Prayer, litanies, hymns, psalms, and even gospel sayings (Bakhtin, 1984:14). These were indeed forms of *extreme speech* as they degraded what was sacred.

Furthermore, during the carnivore, “a special form of free and familiar contact reigned among people who were usually divided by the barriers of caste, property, profession, and age. Since the hierarchical background and caste divisions of the medieval social order were exceptionally strong, such free, familiar contacts were deeply felt and formed an essential element of the carnival spirit. People were, so to speak, reborn for new, purely human relations. These truly human relations were not only a fruit of imagination or abstract thought; they were experienced.

The Bakhtinian carnival represents a utopian political atmosphere that allows the oppressed to contest and momentarily displace the established order. The carnival, Bakhtin (1984:10) writes, is “celebrated temporary liberation from the prevailing truth and from the established order [through]...suspension of all hierarchical rank, privileges, norms and prohibitions.” The liberation is achieved through demystification of values that establish the prevailing order by countering them with transgressive obscenities. The anarchic carnival is, therefore, an oppositional culture which operates, Jones (2002:26) argues, at the interface of the frictions and periodic collisions between official and popular discourses acting as “the privileged arm of the weak and dispossessed” (Stam, 1989:227).

Extreme speech in social media is equivalent to Bakhtin’s understanding of the carnivalesque as it involves a temporary suspension of order with reversals of hierarchy, equality and mass participation that deprivileges and contests the authorities. As Bakhtin (1981:7) argues, in the carnival,

...there is no other life outside it. During carnival time life is subject only to its laws, that is, the laws of its own freedom

Thus, the transgressive qualities and grotesqueness of offensive speech in social media is reminiscent of Bakhtin's countercultures that are equivalent to agonism (see Mouffe, 1993). Through the current social media carnivalesque, audiences can unmask and subvert existing hegemonies through indecent expressions. Therefore, rather than looking at online vitriol as hate speech, we can see it as tools used to turn the dominant upside down by speaking the unspeakable. Such speech is an asset to non-consensual democracy advocated by Chantal Mouffe.

In today's dissensus politics, the concept of the carnivalesque can be useful in interpreting transgressive practices in social media. The carnivalesque here constitutes the struggles against established order and spaces for venting criticism. In this sense, transgressive content in social media creates its own world in a struggle against the official world.

Therefore, *extreme speech* in social media is equivalent to Bakhtinian carnivalesque as it creates an alternative world using outrageous speech. *Extreme speech* has a striking resemblance with Bakhtinian carnivalesque because the speech is similar to "marketplace speech and gesture, frank and free, permitting no distance between those who came in contact with each other and liberating them from norms of etiquette and decency imposed at other times" (Bakhtin, 1984:10). Like Bakhtin's carnival, social media "combines the sacred with the profane, the lofty with the low, the great with the insignificant, and the wise with the stupid" (Bakhtin, 1984:123).

Through obscenities, the carnivalesque inverts the elite's 'backstage' by allowing the weak and dispossessed to talk freely in the otherwise restricted world order. Just like Goffman's (1956:68) stage performance concept, what actors perform in the backstage contradict their frontstage performance. It is in the backstage that actors do what they would not want the public to see. However, as explained by Hjarvard (2013:32), illegitimate forms of communication such as ridicule, gossip, and scolding can assume new forms when performed in the frontstage. Thus, it can be argued that social media has removed the privacy of backstage, opening all performances to the front stage just like it was in the carnivalesque.

Hjarvard (2013:32) gives the example of users of interactive media making “insidious forms of ridicule, and even outright bullying, via websites, text messages, and camera telephones” due to the de-linking of interaction that has complicated relations between the “stage” and “backstage”. This has resulted in the emergence of norms that would otherwise be “perceived as illegitimate and, possibly, even gross violations of others’ integrity, if they were applied in a face-to-face situation.” Many of the current social media *incivilities* would not be made openly in face-to-face encounters but they are being spread because social media is like Goffman’s “backstage”. Unlike the mainstream news that is edited by professional journalists, social media user-generated content goes through limited gatekeeping if any, raising the possibility of the content being more *uncivil*. The gates in the original concept by White (1950) have been opened because journalists are no longer solely in control of what is worthy of passing on to the community. In social media, the audience is partly the content producer and plays a major role in opening the gates. This environment is what I call the return of the carnivalesque, even though it is a mediated form of carnivalesque.

Therefore, *incivility* in social media, just like the carnivalesque, is enabling people to unmask the sacred and subvert existing power structures through indecent words and expressions provided by the “atmosphere of freedom, frankness and familiarity” (Bakhtin, 1984, 15–16). Although the Bakhtinian idea of the carnivalesque no longer exists, social media is able to provide a similar atmosphere of societal transgression that can use hostile speech to reveal an alternative world order. Social media undoubtedly provides an environment that encourages offensive content in a manner similar to transgressive speech in Bakhtin’s carnivalesque.

The following section relates Bakhtin’s concept of carnivalesque to the joking relationship in Africa. While the carnival happened in mediaeval Europe, joking relationships are an equivalent practice that subverts established hierarchies through carnival-like speech.

3.3. *Utani* Culture

Through the emic concept *Utani*, this study moves away from the common assumptions on hatred in regulatory debates, preferring to follow Bakhtin and locate traditions of joking

relationships found in some East African ethnic groups within the continuum of extreme speech. Inspired by Mikhail Bakhtin's concept of transgressive speech, the study interprets joking relationships as speech that is important in subverting the dominant ideologies "through play, ridicule, and seeming obscenity" (Bakhtin, 1984:273).

Although Bakhtin's theory provides a historicised account of how the culture of folk humour temporarily breaks hierarchy, an *Utani* relationship is an equivalent practice that permanently liberates folks from the established order. As such, Africa has significant continuities with the pre-modern carnivalesque. Furthermore, the existence of joking relationships in Africa is a sign that the carnival spirit is inherent in humans and that on the continuum of *extreme speech* in social media, there is a point where offence does not offend but expands the ingrained carnival spirit.

As indicated earlier, the Swahili term *utani* is used in this study to describe joking relations between persons (called *watani* or singular *mtani*). Words similar to *utani* are used Africa in reference to joking partners in a reciprocal joking relationship, even though jocularity is only one aspect of these relationships (see Beidelman, 1966:357). While each ethnic group with such joking relationships has a unique term used in reference to this power subverting jocular speech, I chose the Swahili word *utani* because the language is the most widely spoken local language in eastern Africa and captures a regional rather than a particular ethnic community practice.

Moreover, *extreme speech* in social media resembles the notion of the joking relationship, practices that permit a variety of jokes, from verbal teasing to horseplay, or even obscenity — a relationship Radcliffe-Brown (1940:196), calls 'permitted disrespect'. Joking relationships, Radcliffe argues, are a combination of friendliness and antagonism as the behaviour can arouse hostility if taken seriously but becomes friendly when taken lightly. Thus, a joking relationship is friendship bonding that functions through pretence of hostility.

As explained by Radcliffe-Brown (1940:198), conflicts are solved by maintaining "complete avoidance" of any social contacts or taking no offence at insult, tolerating mutual disrespect through "playful antagonism of teasing". Tolerance of mutual disrespect is the conflict resolution approach that is in tandem with conflictual democracy. Complete

avoidance or giving extreme respect to others to avoid conflicts is a strategy that cannot reinvigorate democracy since people are given no other option apart from keeping away from potential conflict. In clear difference, taking no offence at insults and tolerating mutual disrespect creates a speech environment that is in tandem with agonistic democracy. In fact, Heald (1990:382) brings to mind how joking relationships originated from a prior state of hostility, while Smith (2004:157) argues that joking relationships are used to resolve the “tension between ethnocentrism and tolerance, hierarchy and conflict, which lies at the core of the encounter with the ‘other’” in Africa. Instead of keeping off conflict, joking relationships teach people to take no offence at insults, which in turn acts as jocular confirmation of otherness and establishment of closeness.

For example, among the Gisu of eastern Uganda, *utani* was a mechanism for finishing feuds within groups that had weak kinship relations but living in close proximity. As explained by Heald (1990:382):

Abuse may run from relatively innocuous remarks over personal appearance ('big head', 'shrivelled body', 'unkempt hair' and the like) to more direct accusations of witchcraft and the types of animal and sexual obscenities which would in other circumstances undoubtedly precipitate fighting...many such exchanges are taken in apparent good heart and often accompanied by considerable jocularly, they can also be 'played for real'. In such cases, for the unsuspecting observer, they may be indistinguishable from a real conflict.

In addition to verbal abuses, *utani* or *bukulo* among the Gisu includes symbolic thefts that begin with small items but can progress to goods of higher value, culminating in snatching a cow from each other. To the Gisu, tolerating such progressive snatching of property is a way of testing the strength of the bond between people in a joking friendship (cf. Heald, 1990:382). The argument by Heald is like Bakhtin's view of how the carnivalesque was used to solve conflict through fraternisation. Bakhtin (1984:16) says,

...when two persons establish friendly relations, the form of their verbal intercourse also changes abruptly; they address each other informally, abusive words are used affectionately, and mutual mockery is permitted. (In formal intercourse only a third person can be mocked.) The two friends may pat each other on the shoulder and even on the belly (a typical carnivalesque gesture). Verbal etiquette and discipline are relaxed and indecent words and expressions may be used.

Although anthropologists have recorded various forms of *utani* culture between family members, such as those that arise out of marriage, it is the joking relationships between clans or tribes that can easily reproduce Bakhtin's carnival. The relations between clans is not familial and as Radcliffe-Brown (1940:199) says, it is an alliance of friendliness "combined with an appearance of hostility". While family *utani* falls within the private sphere, inter-clan or tribe *utani* is definitely part of the public sphere. Indeed, the jocular relationships are between a clan and its outsiders, a relation that "involves possible or actual hostility" (ibid, 200). Just like Bakhtin's carnivalesque in mediaeval Europe, an *utani* relation is an alliance between potential enemies, an alliance that creates stability by converting antagonism into what Chantal Mouffe (1993) calls agonism. As will be explained in the theory part of this dissertation, agonism emphasises the positive aspects of political conflict since conflict permanently exists in politics.

Despite Bakhtin's warning that we should not use our "limited and reduced aesthetic stereotypes of modern times" to understand the art of the past ages in Rabelais works, this study attempts to relate the carnivalesque to joking relationships common in African tribal societies. Bakhtin (1984:224) cautions that it would be especially inadmissible to modernise Rabelais' images by attempting to fit them to the differentiated. However, on this caution, Bakhtin was addressing Europe where the primitive had been replaced by the modern. Africa has many practices that exist outside the primitive/modernity binary. For instance, unlike the creative events that are mere spectacle, such as the *Mardi Gras* parade, that separates participants and spectators (see Bakhtin, 1984), joking relations are part of the art of the past ages that survived modernism. Therefore, joking relationships in Africa can be taken as indigenous ways of solving the tensions caused by hierarchies in modern society.

Furthermore, rather than see the *utani* relationship in social media as part of the private sphere, we need to deconstruct this dichotomisation to see the private sphere as a place for political practices as well. Indeed, conventional media had assigned subalterns the private sphere and made them invisible, but social media has dissolved the boundaries

between private and public spheres to reassign the subaltern to the public sphere. As explained by Haraway (1985:48), traditional dichotomies of public/private sphere are dissolved by new communication and information technologies. It is argued that social media has made the binary oppositions between public and private spheres fluid and ambivalent.

The following section is a description of social media as *utani*-carnavalesque, a form of reawakened primitive practice of politics in modern society.

3.4. Incivility as *Utani*-Carnavalesque?

As has been discussed above, *extreme speech* in social media is similar to the performance of *utani*, a folk culture reminiscent of medieval carnivalesque. From a carnivalesque perspective, *extreme speech* in social media eludes binary classifications within the discourse of allowable speech but can be grouped together with other speeches that Radcliffe-Brown (1940) says, allows mutual disrespect through playful antagonism of teasing as seen in joking relationships. However, unlike *utani*, the carnival has limitations arising from its confinement to a specific time of the year and space limits. Social media carnival is not constrained by time as users can exchange ideas and opinions continuously. Therefore, the term *utani*-carnavalesque is used to address how contemporary social media has revived carnival-like practices that are similar to joking relationships since they are permanent unlike the classic Bakhtian carnivalesque. Although Bakhtinian carnivalesque encouraged transgressive mass participation in public events, *utani* is more equivalent to a never-ending ritual theatre than organised performances. People in an *utani* relationship are expected to be tolerant to rude jokes on all occasions.

Analogous to the mediaeval carnival and *utani* relationships, *extreme speech* in social media is taken as performative folk humour; the use of, in a broad sense, jokes, sarcasm, irony and mockery to ‘do things with words’, in the Austinian sense (see Austin, 1962). Although Bakhtin gives a historicised account of the culture of folk humour, social media has characteristics that make it the 21st-century reincarnation of carnivalesque— speech that “brings together, unifies, weds, and combines the sacred with the profane, the lofty

with the low, the great with the insignificant, and the wise with the stupid” (Bakhtin, 1984, 123).

Despite the dominance of the hate speech narrative, *extreme speech* in social media should not be confined to fit into the dichotomy of acceptable/unacceptable speech, as this dichotomy ignores the permanent entanglement of speech with power. For example, when subalterns retweet the President of Kenya with ridiculous comments, the power entanglement of such comments moves the tweet more to the domain of *utani* than hate speech. In democracies, ridiculous comments targeting people in power demand that such people take no offence, rather than expecting what Radcliffe-Brown (1940:198) calls “complete avoidance” which is suitable in an authoritarian environment. In this sense, *extreme speech* in social media reflects the *utani* carnivalesque idea of equality as elites are made ordinary through transgressive speech.

Interactions through social media are examples of how this new medium is providing opportunities for direct contact between subalterns and the ruling elites in an environment reflective of the carnivalesque. Often, tweets and Facebook comments by prominent people attract ridiculous comments from subalterns reflecting an *utani*-carnivalesque. As Bakhtin explains, carnivals were typically public events held in open areas such as town squares and marketplaces to permit free contact among people who were otherwise separated by hierarchy barriers. Like the carnivalesque and *utani* relationships, social media seems to have suspended restrictions and rules regulating everyday life. For instance, Facebook and Twitter are doing what the carnivalesque did and what *utani* does by providing public spaces for the subalterns to mix with elites and interact without fear of authorities and official conventions.

In one example, when President Uhuru Kenyatta wished Kenyans a Merry Christmas on his Twitter handle, many of the retweets were ridiculous. He had written:

Once again, we celebrate the birth that changed the world.
We Christians believe that on this day, God sent his son for
our salvation. (@UKenyatta, 5:54 AM - 23 Dec 2016).

Among many of the replies were:

then God sent you to us as punishment. (@mwazo_peter).

hehehe God sent us a real punishment in the name of Uhuruto.
Kenya [should] be liberated 2017. (@sangura_julius).

yes and unfortunately the devil sent you our way, please wake up and
find your way back to sanity for the sake of the country. (@Obaremoni
2016).

where will Kenyan mothers give birth this xmas season with Drs on
strike? In your stable?? (@AmAkenyan,)

In another example, when President Kenyatta congratulated the Liberian President-elect, George Weah, a few months after his election had been nullified by the Supreme Court, retweets from Kenyans on Twitter were evocative of the billingsgate market speech. The president had tweeted:

President-elect Weah's victory is a triumph of democracy. Kenya will stand with Liberia, for we believe that Pan-African cooperation will win every African the prosperity and freedom they deserve. I look forward to working with President Weah in the service of those ideals (Uhuru Kenyatta @Ukenyatta, 28 Dec 2017)

Among many billingsgate replies were:

ona achievement za Weah alaf uniambie vile unafeel ukimcongratulate. wewe ni joker flani [see Weah's achievements and tell me how you are feeling congratulating him. You are a common joker].

- 2X African Player of the year 1995
- Ballon d'Or winner 1996
- FIFA world player of the year 2004
- Arthur Ashe Courage Award 2008
- CAF Award for Best 10 Players 2017
- President of Liberia

(Hansen Inganga @hanseninganga, 28 Dec 2017).

Moses Chacha added to what Hansen Inganga had written:

Hehehe he will come up with his own merits my brother [referring to Hansen Inganga] such as;
2013 - IEBC CERTIFICATE [this was in reference to Uhuru Kenyatta's win in the equally controversial 2013 presidential elections]

2015 - ICC CERTIFICATE OF GOOD CONDUCT [this was in reference to the dropping of the crime against humanity charges by the International Criminal Court).

2017 (part 1) - IEBC CERTIFICATE 2017 [this was in reference to the nullified 2017 presidential elections]

(Part 2) - IEBC CERTIFICATE [this was in reference to the second presidential election which was absconded by Raila Odinga, Uhuru Kenyatta's nemesis].

Despot trying to bring legitimacy to himself *kwa kudandia* [by hanging on] George Weah achievements lol. (φρα φηαφηα @moses_chacha, 29 Dec 2017).

While #Justice254 wrote:

Please don't work with him [addressing President-elect George Weah], you'll teach him bad manners of electoral theft and how to rape democracy. Congratulations are in order anyway to Mr.weah (#Justice254@online_vampire).

In a similar case, Kenyans on Twitter (KOT) started a Twitter challenge mocking President Kenyatta for allegedly launching non-existent 'development projects'. The twitteriat had claimed frequent media appearances by the President while inaugurating 'development projects' were mere publicity stunts (Kamau, 2017). Many of the tweets in this challenge were simulations, what from a Bakhtinian perspective reflects non-official unveiling of projects, such as washing dishes, opening gifts, switching on a television, among others. Therefore, these simulations and retweets were more of *utani* than hate speech. From the tone of the message, the retweets are transgressive speech entangled more in power play than the destructive hate speech.

The above tweets and the 'mock development project challenge', are only a few examples of how social media platforms are opportunities for direct contact with authorities. The tweets are similar to carnivals held in open areas that permit free interaction. Social media is making available public spaces where subalterns can interact with the president without fear of official conventions.

As has been illustrated above, carnivalesque participation reverses hierarchy, a process that 'de-thrones' powers-that-be, just as the religious or secular authorities were mocked during medieval carnival (MacMillan, 2017:7). Social media users are reversing the

hierarchy by attacking political elites, breaking down the 'superior' elite vs subaltern dichotomy. Laughter is another important aspect of the carnival in this reversal of hierarchy. Here the carnival laughter is comparable to what Bakhtin (1984:4) states is a "boundless world of humorous forms and manifestations' which 'opposed the official and serious tone of medieval ecclesiastical and feudal culture". In the examples above, humour directed at the president is expression of resistance to authority considering that folk laughter was used as transgression against oppression. Bakhtin (1984, 92) wrote:

...folk laughter presents an element of victory not only over supernatural awe, over the sacred, over death; it also means the defeat of power, of earthly kings, of the earthly upper classes, of all that oppresses and restricts.

In addition to the social media platforms providing opportunities for direct contact with authorities, another carnivalesque feature that reflects power of transgressive speech is the idea of not acknowledging differences between actors and spectators (Bakhtin, 1984:8) since the carnival, just like *utani* encourages active participation by the masses. Regarding the tweets and the 'mock development projects challenge' mentioned above, there are no differences between actors and spectators as content is produced by the audience, a process that has been christened "citizen journalism". Active citizens are engaged in user-led content creation, what Bruns (2009:119) calls 'produsage', a portmanteau of the words 'production' and 'usage'. With this freedom, 'beggars can become kings', as "figures of official culture lose their elevated status" in an environment with an intense spirit of egalitarianism (see Platter, 2006:1). As seen above, the president's persona is directly linked to production of content unlike in conventional media where such messages are produced by public communication or propaganda offices.

Furthermore, social media can itself be seen as organised public events since these new media bring masses together to create an equivalent of a public event, albeit a virtual one. Through the spirit of produsage, a user-led content creation model (Bruns, 2009:119), and technologies that provide multimodal resources — texts, sound, spatial, and visual resources — social media is bringing together millions of people to participate in what can be seen as a more expanded public event from where the carnival is performed. Instead

of the public meetings taking place in squares and streets, social media has given a virtual meeting place.

Considering the spirit of egalitarianism in social media as content is created by subalterns and not professional content producers, there is bound to be a difference in the allowable levels of extreme speech. As argued by Van Dijk's (1989), professional journalists are "symbolic elites" who conceal the voices of their corporate or institutional paymaster and influence of their professional norms. While to Chomsky (1989:80), professional journalists are ideologically shaped to support the ruling elites, contrary to traditions of professional journalists, participation by subalterns facilitates their direct contact with the ruling elites as opposed to the alienation created by conventional media. It is like social media is the carnival pageants and comic shows of the marketplace (cf. Bakhtin, 1984:5).

Similarly, there is *utani*-like mockery of the ruling people when subalterns use affordances innate in memes to replace subtitles and captions of original dialogue with the outrageous. The term meme was conceptualised by biologist Richard Dawkins (1976:203-215) as a cultural analogue to a gene. To Dawkins (1976:206-209), memes resemble genes, the molecular unit that maintains cells and pass hereditary data, as they have similar structure, mechanisms of distribution and survival, productivity and fecundity. Like genes, social media memes survive processes of constant replication and transformation even though they can also get damaged through mutation (cf. Dawkins, 1976:30-33). As digital images with superimposed text, memes are viral grassroots productions that mutate and spill over to diverse online channels. Because of space limitation, this study avoided the debate on genealogy of the term memes but focused on Internet memes as a techno-aesthetic carnivalesque transgressing the existing power structure. That is to say, memes have a longer history than social media but the term is used here within the confines of this study's overall objectives. In this regard, memes are looked at as 'texts' that are different from iconic images and viral linguistic texts that do not experience much alteration. Hence memes are taken as a guerrilla storytelling practice by individuals who use carnivalesque strategies to re-narrate stories through images that propagate themselves virally.

Comparable to what Goriunova (2013:54) called digital media's entrenchment of "aesthetic morphogenesis", users of social media are creating memes as a way of initiating viral cultural protests. Messages in such carnivalesque are created through a process that Dwyer (2017:110) has called 'guerrilla subtitling', to mean a "practice that rebels against, or resists legal media and translation frameworks" (2017:123). However, the criminality element is ignored, and the term is used as Cintas (2018:134) did, to refer to subtitling and captioning of memes produced by individuals who use the carnivalesque strategies to counterargue narratives spread by elites. As strategies for re-narration, guerrilla subtitling and captioning are exemplary practices of what Fraser (1997:81) calls subaltern counter-publics, that is, "parallel discursive arenas where members of subordinated social groups invent and circulate counter-discourses, which in turn permit them to formulate oppositional interpretations of their identities, interests, and needs." Thus, guerrilla subtitling of memes is a strategy used to contest and challenge hegemonic practices.

Memes reflect the carnivalesque as they protest through humorous and nonsensical messages. The proliferation of memes parodying elites reminds us of Bakhtin's (1984:8) carnivalesque as a "second life, organised on the basis of laughter". These transgressive memes expand spaces previously restricted by the hegemonic conventional media. Like Bakhtin's marketplace, social media provides spaces where participants can create nasty jokes without disclosing their identities, rather by simply creating online personas that can hide their personal information. Indeed, it is hard to identify the person circulating memes unless specialised identification programmes and hardware are used. This is because memes are not bound to their creators and even if they were, many social media users avoid potential harassment by government agencies by creating online personas. Similar to the masking that takes place in the carnival, the majority of social media users hide their identities, for example by using creative aliases (see Cintas, 2018).

Just like in medieval carnivore, anonymity in social media is equivalent to the carnivalesque practice of wearing masks to conceal identity. Some social media networks like Facebook are against the carnivalesque traditions of wearing masks, instead the network demands its clients to use real names on justification that it will be "harder for bullies to anonymously smear the reputations of others, or anyone else to use an

anonymous name to harass, scam or engage in criminal behaviour” (Osofsky & Gage, 2015). Although the social media network claims anonymity encourages antisocial behaviour, it is this antisocial behaviour that revives the carnivalesque. In the “real name” vs anonymity debate, the carnivalesque is on the side of the latter. Indeed, anonymity enables users to express themselves in a way that would be rendered impossible under real names.

The masks used to conceal identity online can be either visual or discursive (Scott, 2004). While visual anonymity refers to the removal of visual representation of the source, discursive anonymity is the removal of any signs that can attribute verbal communication to a particular source. Unlike visual anonymity that requires mere removal of the author’s images, discursive anonymity is difficult to achieve as writing always reveal the message source to a certain degree, even though, as Scott (2004) argues, people feel anonymous, provided their personal information like name and email are withheld.

The affordances of social media networks, despite the ‘real name’ policies of the networks, offer users a number of options: they can choose to be totally anonymous, pseudonymous, or identifiable. For example, when a user registers a Facebook account, s/he is required to provide a username, mobile phone number, date of birth, residency, job, gender and interests, among others. But only the username is displayed by Facebook. Users choose the profile information that can be shared. It is difficult if not impossible for Facebook to find out if the user registered with pseudonym or a real name as there is no real identity database to compare with. Thus, social media is a place where people can mask themselves to unmask others. As Bakhtin (1984:40) said, by hiding behind masks, subalterns can violate natural boundaries and mock authorities in a playful way. In fact, use of various carnivalesque elements, such as “parodies, caricatures, grimaces, eccentric postures, and comic gestures are per se derived from the mask.”

Another feature of the carnivalesque that has reawakened productivity of *extreme speech* in social media is fraternisation. This is a socialising function of the otherwise extreme speech. Moreover, the carnivalesque elements of fraternisation, argues Bakhtin (1984:16), were preserved and given a deeper meaning in the modern carnivals although without

their primitive connotation. Abusive language is therefore “a special genre of billingsgate” as abuses have various functions that are similar to those of the billingsgate in primitive communication. Hence, social media is the modern billingsgate in which abusive exchanges symbolise more of fraternisation efforts than plain enmity. Bakhtin (1984:16) gives the example of changes of verbal intercourse among people in friendly relations, who address each other informally, use abusive words affectionately, with mockery permitted”.

From this fraternisation perspective, abusive language in social media can be democracy, just as it did in Rabelais’ novel (see Bakhtin, 1984:28). *Extreme speech* can cause fraternisation when it acts “as a leveller between its members” (Robson, & Robson, 2006:82).

Each member of the group, through his acceptance of the use of taboo words, makes a tacit admission to the basic bodily urges and functions common to everyone.... each member experiences a form of ‘exposure’- albeit a non-violent, non-libidinous kind- and what is more, he sees other members of the group ‘exposed’.... In Bakhtin’s terminology, obscenity ‘degrades’- it strips away the politeness involved in the social contract (Robson, & Robson, 2006:82).

As explained by Žižek (2009a), true human ties and genuine friendships are forged when people hurl extremely rude statements at one another, statements such as “I want to sleep with your mother,” or “Your sister isn’t as good as your brother in bed” (see Alexander, 2011:18). Obscenities, argues Žižek (2009a), “breaks the ice” to get people together. The Slovenian philosopher gives the example of fraternisation that happened during his days in the army when his friend one morning told him “I f**ked your mother,” and he answered, “After I’ve f**ked your sister.” Doing this ritual every morning acted as fraternisation as Žižek and his friend became really good friends despite simmering ethnic animosity in the Balkans.

Furthermore, insults, argues (Conley, 2010:116), have been used as a method of “motivating military recruits and athletes to “shape up” ... [a]nd every year, thousands of young people aspiring to belong to a fraternity or sorority willingly subject themselves to

humiliating hazing practices.” Young people, just like recruits and sportsmen accept insults as a way of becoming “part of the team.” As such, *extreme speech* is a fraternisation tool which plays more of an agonistic than deliberative function, Chantal Mouffe would say. Here, *extreme speech* is used to break down hierarchy and enable subalterns to access elites. Taken this way, *extreme speech* in social media is equivalent a carnivalesque that is dislocating conventional political practices by merging the official with non-official.

3.5. Incivility as Mutual Zombification

Claiming *utani* is always counterhegemonic would be falling into the trap of privileging one dimension over the other in a binary relation: in this case privileging the counterhegemonic over hegemonic use of *utani*. Although joking relations are transgressive, just like Bakhtinian carnivals, they are not identical to utopian radicalism because regimes can use similar approaches, to achieve what Mbembe (2001:103) calls the ‘mutual zombification’. It also implies when elites use *utani*, instead of the carnival inverting hierarchies, it guides, deceives, and toys using power to avoid direct confrontations. Through carnivals, the state can dramatize its own magnificence, make manifest its majesty, and create a spectacle for ordinary people to watch (Mbembe, 2001:104). Rulers and the ruled become entangled by intimate tyranny, and the politics of obscenity creates “mutual zombification”—the impotence or the state of powerlessness of the ruler and the ruled as “each has robbed the other of vitality and left both impotent” (104). Hence:

The question of whether humour in the postcolony is an expression of ‘resistance’ or not, whether it is, a priori, opposition, or simply manifestation of hostility toward authority, is thus of secondary importance (Mbembe 2001:108).

Whereas Bakhtin claims the counter-culture obscenities were located in ‘non-official’ spaces, Mbembe argues that these cultures are intrinsic to all systems of domination and to the means by which those systems are confirmed or deconstructed. The ruling elite’s carnivalesque is not merely linguistics, but several ‘wrongdoings’, the ‘excess and lack of proportion’ seen in the public display of grandiosity, sycophancy, ostentatious corruption, flamboyant violence, and coercive ceremonialism, the sub-Saharan ‘aesthetics and stylistics of power’ (Karlström, 2003:58). The carnivalesque is a state’s

...unusual and grotesque art of representation, its taste for the theatrical, and its violent pursuit of wrongdoing to the point of shamelessness. Obscenity, in this context, resides in a mode of expression that might seem macabre were it not an integral part of the stylistics of power. (Mbembe, 2001:116).

Nevertheless, the dominated poach these 'wrongdoings' to "tame or shut it up and render it powerless" (Mbembe, 2001:109). For example, the while the ruling elites are extravagant, they must also feed their clientele and display their prestige to turn "prodigal acts of generosity into grand theatre." Consequently, Bakhtin erred, argues Mbembe (1992:29), by attributing the carnivalesque only to the dominated. It means the state can only dramatize its carnivalesque if the dominated act as a witnessing crowd, without it, the fete lacks glamor. It is the crowd that gives the state obscenities a carnivalistic sense. Like in Bakhtin's case, the official carnival does not differentiate the spectator from the performer, rather all people live it, not as the 'real world', but as 'the world standing on its head'.

Through *incivility* in social media, the dominated act playfully with, and make fun of the regime, enabling them to achieve a status Mbembe (2001:105) calls "*homo ludens par excellence*," the playful statuses in which the split subjects are neither in confrontation with the regime nor absolutely dominated, nor in any other conventional binary oppositions against the state. *Utani* becomes hegemonic when it acts as spaces for play and fun outside officialdom to allow the subalterns to jokingly obey what they would not obey under an environment of seriousness. For example, it is through play and fun that people adhere, with amusement, to what Mbembe (2001:109) calls the "innumerable official rituals" in the postcolony. Seriousness risks causing a confrontation, for instance, when the "rulers compel obedience and define, in a constraining manner, what they prefer the ruled to simulate" (1992:11). To put it differently, the regime becomes a simulacra by allowing *incivility* only within the very limits set by officialdom, so that ordinary people can simulate adherence to the carnivalesque of innumerable official rituals, such as wearing political party uniforms, carrying party card, performing support for the autocrat, or even posting portraits of the despot in their business premises and homes: thus a space is created for

ordinary people “to say the unsayable and to recognise the otherwise unrecognisable” (2001:109).

Hence, if we consider *utani* as a regime-endorsed form of transgression, it means some obscenities in social media can validate regimes through permitted mockery and act as a safety-valve for accumulated anger. Put another way, permitted disorder is a collusion between the “people” and the “State” to maintain harmony by allowing merely the periodic reversal of hierarchy—which is not an alternative structure, but a distorted reflection of the dominant structure (Presdee, & Carver, 2000:42).

Although Mbembe identifies conviviality through mutual zombification, the lack of hostility does not contradict the nature of politics, which from a Schmittian perspective is equivalent to the friend-enemy relationship. Rather, ordinary people zombify themselves with state obscenities to conceal their grievances, but at the same time demystify the superhuman image that ruling elites inspire. According to Mbembe, “[t]his explains why dictators can sleep at night lulled by roars of adulation and support only to wake up to find their golden calves smashed and their tablets of law overturned” (111).

This paradoxical nature of *utani* positions it within the locus of ‘agonistic confrontation’ rather than a counterhegemonic tool in agonistic politics, since the joking relations can be employed by both the dominant and the subaltern. It implies mutual zombification through the obscene and the grotesque opens up confrontations that do not have a final victory for either side. Even with social media encouraging *utani*, to imagine a pluralist democracy as the finalist, Mouffe (2000a:16) warns “is to transform it into a self-refuting ideal, since the condition of possibility of a pluralist democracy is at the same time the condition of impossibility of its perfect implementation.”

It is therefore incorrect to interpret *incivility* in binary terms as either a tool for absolute domination or resistance, rather like it should be seen as equivalent to what Derrida (1981:78) terms as being both a remedy and poison at the same time. Whereas on the one hand it is being used by the dominated to invert hierarchies, it is also the tool that is enabling ordinary people to accept the bizarre activities of the state.

3.6. Conclusion:

Frequent attacks on the political elite are reminiscent of the carnivalesque since the humorous insults are a way of breaking down hierarchies, but at the same time, it is possible for the ruling elite to use similar *incivility* to legitimise their bizarre reign. Thus, I argue that although the carnivalesque in social media is breaking hierarchies through the confrontation between official cultures, it is through display of similar transgression that the ruling elites acquire their superior positions. To this concern, social media texts have become an important opportunity for transgressive speech, but it is this allowable transgression that makes the otherwise obscene activities of the state invisible. Therefore, the free social media space can be a site of resistance, but also, just like in conventional media, a site of ideological state apparatuses.

Despite its mediaeval origin, Bakhtin's carnivalesque remains relevant in explaining the productive nature of *extreme speech* in social media. The theory provides a framework for explaining *extreme speech* associated with social media, showing how the dichotomy of allowable/restricted speech neglects the potential of *extreme speech* to not only breakdown hegemony, but also work for it. Although obscene engagements in social media contribute to development of counter-publics that diverges from the Habermasian conception of the public sphere, it can be argued that the public sphere is in itself obscene.

Chapter Four

Theoretical Framework

Returning ‘the political’ to politics: From deliberative to agonistic democracy

The political in its antagonistic dimension cannot be made to disappear simply by denying it, by wishing it away.

Mouffe (2000:03).

4.1 Introduction

This dissertation is an attempt to explain how *extreme speech* content in social media mirrors the conflict inherent in politics so that denying the productive nature of *extreme speech* would be like proposing a democracy without politics. Although deliberative democracy has made it look like it has finally depoliticised politics by creating a ‘post-political’ consensus without antagonism, continuing the tradition of “political displacement of politics”, in preference for establishment of ‘order’ (see, Marchart, 2007:159), political practices retain inherent antagonism as seen in the various fundamentalisms like right-wing and racist politics in the West and ethnic cleansing in Africa.

In this chapter, I follow Mouffe in returning politics to political theory by proposing how *extreme speech* is suitable for an agonistic model of democracy that advocates a ‘conflictual consensus’ and seeks to come to terms with the political rather than disavowing it as deliberative democracy has attempted. The objective of this chapter is to explain how *extreme speech* expressions in social media are part of the disagreement that returns politics to the rather depoliticised democracy, using Mouffe’s concept of agonism. From this perspective, *extreme speech* in social media are viewed as an opportunity for advancing agonistic democracy by breaking deliberative democracy’s traditions of displacing politics with consensus. A fundamental argument made here is that *extreme speech* in social media political discourses is equivalent to disagreements that can widen the democratic spaces that are otherwise constrained through consensus.

The chapter uses the agonistic democracy theory to answer the following question: What is the role of *extreme speech* in political discourse and how does it transform participation in

politics? To answer this question, theories of democracy are viewed as a dichotomy between those advocating agreement and those pushing for maintenance of disagreement. The agreement or consensus enhancing theories are inspired by Habermas's models of deliberative democracy while the disagreement models are inspired by among other agonists, Mouffe's post-structuralist model of radical democracy. This chapter gives a critical overview of deliberative democracy and proposes an agonistic democracy enriched by current antagonisms in social media. The first part of the chapter describes democracy as a floating signifier with a variety of meanings. The second part brings back politics to democracy, starting with Carl Schmitt's concept of 'the political' and how this notion has been used by Mouffe to develop a post-structuralist model of agonistic democracy.

4.2 Democracy as a Floating Signifier

If democracy is 'a government by and for the people', it means there are many democracies. Thus, democracy is a contested concept due to its multiplicity of meanings. In other words, democracy is a 'floating signifier' waiting to be allocated meaning since it lacks a clear relationship to what it means. In this regard, the shortcomings of current democracy theories, both in established and emerging democracies, have made many theorists — led by Laclau and Mouffe — to show disappointment with liberal democracy, the hegemonic type, as illustrated in their attempt to develop more viable alternatives.

In relation to the role of the social media in enhancing democracy, the various versions of deliberative democracy are at the centre-stage as alternatives to aggregative democracy. The idea of deliberation has been the key in the deepening of democracy since its invention in Athens, but what has changed or is being revived is how deliberation can link liberal values to democracy. Through deliberation, political decisions are freely made after reasonable discussion and debate among citizens. This type of democracy enables citizens to reason together through a process of exchanging information without endangering liberal values. Through reasoning, deliberative democracy transcends the dichotomy between liberal emphasis on individual liberties and the democratic principles of collective decision-making. Thus, deliberative democracy solves the tension in liberal democracy by moving away from the aggregative models, the individualist or economic views of democracy in which citizens make decisions through voting, a process that

endangers liberal values. Deliberative democracy moves politics toward 'talk-centric' decision-making processes as a replacement of the individualistic voting-centric systems that can be illiberal. As explained by Chambers (2003:308), deliberative democracy is focused on communicative processes, the opinion and will-formation that precede voting, unlike vote-centric democracy in which preferences and interests compete via fair mechanisms of aggregation. Hence deliberative democracy functions through exchange of information and justifications of positions and not competition between conflicting interests or views that are not publicly justifiable. Instead of numerical superiority being used in decision-making, citizens should ideally make decisions based on reasonableness. Hence the use of social media can enhance deliberation in political discourses as the platform provides a channel through which interlocutors can easily engage, making democracy more talk-centric.

Yet the hegemonic status occupied by deliberative democracy overshadows its alternatives. In fact, deliberative democracy has become so hegemonic that it seems irrational to oppose it because on the surface, deliberation seems to be the best approach for resolving disagreements through the presentation of reasonable arguments. "Hence deliberation has become a standard for the accomplishment of democracy: it is what democratic theorists aim for, our ideal and our aspiration" (Sanders, 1997:347).

To proponents of deliberative democracy like Rawls and his followers, democracy is a process of public reasoning that should give birth to an ordered society. To them, the basic feature of democracy is "reasonable pluralism" that can enable citizens reach rational consensus on conflicting doctrines through, if need be, replacement of "comprehensive doctrines of truth or right...by an idea of the politically reasonable addressed to citizens as citizens" (Rawls, 1997:766). A well-ordered society as conceived by Rawls does not have room for dissenting views as democracy is able to create a society with neither political nor economic conflicts. If conflicts arise, they are resolved smoothly within the framework of public reason, with the persons who remain irrational, states Mouffe (2005: 226) "forced, through coercion, to submit to the principles of justice". Hence political liberalism gives the impression of a well-ordered society, in which antagonism, violence and power have been eliminated, even though in reality these conflicts have only been made invisible. Exclusion in deliberative democracy is justified for being a product of the 'free exercise of public

reason'. Thus, the exercise of public reason is a clever way of "eliminate[ing] adversaries while remaining neutral" (ibid, 227).

The Habermas inspired version of deliberative democracy takes a strictly procedural approach in which there are no limits on the scope and content, provided the deliberation follows the institutionalised procedures. The success of deliberative democracy depends not on the reasonableness of the "citizenry but on the institutionalisation of the corresponding procedures and conditions of communication, as well as on the interplay of institutionalised deliberative processes with informally developed public opinions" (Habermas, 1996:298). The institutionalised procedures and conditions are the formal (legislated) spheres specifically designed to take decisions — such as parliament and courts, while the informal sphere is the civil society, such as voluntary organisations and media institutions. In the civil society, citizens participate in making individual opinion and will-formation, whereas in the formal political sphere, designated representatives take decisions on behalf of citizens.

To Habermas, democracy is achievable if the procedures of the deliberation are impartial, provide equal opportunity, openness and are without coercion. Such procedures when agreed by all participants produce legitimate outcomes (see Mouffe, 2000:89). As explained by Habermas's follower Benhabib (1996:70), the decision-making in deliberative democracy is through participation governed by the norms of equality and symmetry. This deliberation is supposedly happens in an environment where all citizens have the right to question the issues assigned for discussion; and initiate reflexive arguments about the very rules of the discourse procedure and the way in which they are applied and carried out. In deliberative democracy, there are no prima facie rules limiting the agenda or identity of the participants. Thus, legitimacy derives from the fact that decisions are made as an outcome of equal participation by all interested parties. As such, democracy best functions in the absence of any barriers that exclude some people or groups from participating; where persuasion is through rational arguments and not coercion; and when interlocutors maintain respect and impartiality (Chambers, 1996: 208).

In conclusion, the idea behind deliberative democracy, it can be argued, is that political decisions can only be valid if they are outcomes of agreement by all affected people, and

the outcomes are believed to be the most reasonable. However, these conditions are difficult to achieve because deliberative democracy does not take into consideration the ever present and ineradicable character of power and antagonism that politics entails. Although deliberative democracy aims at reaching a rational consensus, such a consensus does not exist, instead what is achieved is consensus “as a temporary result of a provisional hegemony”, which is a form of power stabilisation that always entails some exclusion (see Mouffe, 2000:104). The following section identifies weaknesses in deliberation democracy and how *incivility* in social media makes this model inadequate in explaining the current deficiencies in democracy.

4.3. Politics as Disagreement.

Despite proponents of deliberative democracy making it look like their model can enable citizens to reach rational agreement by promoting reason over power, this reason-centric model achieves agreement through concealed exclusion as all attempts to construct a reasonable ‘we’ involves an exclusion of ‘unreasonable’ ‘them’. Furthermore, even if the procedures for deliberative democracy are designed to promote rationality and eliminate the influence of economic or political domination, it remains difficult to remove the rampant internalised devaluation of some citizens due to structural inequalities in capitalist societies. The relationship between status and critical public scrutiny is more complex than Habermas intimates when he declares a deliberative arena as a space where extant status distinctions are bracketed and neutralised (Fraser, 1990:60). Thus, deliberative democracy is in conflict with not only the inequalities in capitalist societies but more so with pluralism, a political environment in which individual are free to organise their lives as they wish without being seen as unreasonable. As noted by Mouffe (1990c:58) if democracies find ways of coming to terms with pluralism, they will discard attempts to achieve perfect consensus and accept permanence of conflicts.

The recurrent political conflicts in Kenya, such as ethnic violence and religious fundamentalism are a challenge to liberalism in deliberative democracy: the inability of democracy to tame liberalism. Instead of using rational consensus to solve such conflicts, what the deliberative democracy project has failed to achieve, radical democracy, Mouffe (1994c:109) argues, should make conflicts compatible with pluralist democracy. In this regard, social media, unlike conventional media, is providing an opportunity for people to

engage in agonistic politics contrary to Habermas and Rawls deliberative democracy ideals. Indeed, Habermas's idea of neutral procedure and Rawls's public reasonableness are inadequate in explaining the permanence of antagonism in social media. As an alternative to the traditional rationalist public sphere, Fraser (1990:58) argues that "[s]ome new form of public sphere is required to salvage that arena's critical function and to institutionalise democracy." Furthermore, Habermas ignores other types of public spheres, the non-liberal, non-bourgeois, competing public spheres. These contempt of other democracies, to Fraser (1990:61), is what makes Habermas idealise the bourgeois public sphere. Indeed, there is a multiplicity of arenas and more to politics than "political incorporation through suffrage" since public life can be accessed through a variety of ways. Contrary to Habermas, Fraser (1990:61) mentions a plurality of competing and conflictual counterpublics like nationalist publics, popular peasant publics, elite women's publics, and working class publics that provided alternative political behaviour and alternative norms of public speech.

Attempts to eliminate antagonism are the dark side of deliberative democracy as removal of antagonism is used as a strategy to contrarily block broader participation by excluding 'unreasonable' publics. In particular, from a Gramscian perspective, deliberation is used to legitimize an emergent form of class rule (see Fraser, 1990:62) since deliberative democracy does not give people the opportunity to struggle against hegemony but instead conceals political domination by replacing coercion with consent. For instance, Habermas envisages the bourgeois public sphere as open and accessible to all, but this claim was not realised since women were excluded from official political participation on the basis of their gender, while both men and women were excluded for their working-class status and racial grounds. Yet the bourgeois conception of the public sphere requires that inequalities be bracketed to create an arena in which interlocutors speak to one another as if they were peers (Fraser, 1990:63).

To this end, we need to juxtapose deliberative democracy with an alternative post-bourgeois account to interpret how unlimited participation through social media can deepen radical democracy. By constituting an alternative public sphere, what Fraser (1990:67) calls *subaltern counterpublics*, subordinate social groups can invent and circulate counter discourses, which in turn permit them to formulate oppositional

interpretations of their identities, interests, and needs. This can enable the subordinate groups to reinvent social reality, reducing the extent of their domination in the official public spheres. The subaltern counterpublics function as spaces for withdrawing the dominant groups' 'reasonableness' and become training grounds for agitation directed to dominant groups. This enables the subordinate groups to offset the unjust participatory privileges created by the regime (Fraser, 1990:68).

It should be noted that both stratified and egalitarian societies need multiple public spheres since even egalitarian societies can be classless but not necessarily culturally homogeneous (Fraser, 1990:68). When egalitarian societies permit freedom of expression and association, they are likely to be divided into social groups with diverse values, identities, and cultural styles. In egalitarian societies, it is cultural heterogeneity and not structural inequality that creates the need for multiple publics. A single public sphere would privilege norms of one cultural group over others through discursive assimilation which can end multi-culturalism and ultimately lead to the demise of social equality (Fraser, 1990:69). Therefore, for a society to be truly egalitarian in discourse, it must have multiple public arenas to allow debate within and between groups with diverse values.

Since both Rawlsian and Habermasian deliberative democracy theorists propose a public sphere in which "power and antagonism would have been eliminated and where a rational consensus would have been realised" (Mouffe, 1999:752), this type of democracy eliminates politics from democracy as it recommends a type of democracy that is without its conflictual dimension. Consequently, deliberative democracy merely hides exclusion given that political order can only be achieved through exclusion. Rationality conceals these oppressive exclusions instead of establishing institutions through which oppression can be contested. Furthermore, if a society can achieve rational consensus not based on any form of exclusion, it means such consensus cannot be legitimately challenged (see Mouffe, 2005c:227). The alternative to consensus is what the Mouffe (2005c:228) calls conflictual consensus in which there is consensus on 'ethico-political' principles of liberty and equality for all, but there remains "the possibility of serious dissent about their interpretation, dissent that can never be overcome thanks to rational procedures" (228).

Prioritising deliberation can lead to undemocratic consequences such as delegitimation of the political activities of others, among them demonstrations, mobilisation, bargaining, lobbying, among other direct actions. Definitely, the aim of participating in politics is not always to talk with opponents as participation in politics can also be aimed at contesting power structures through myriad ways. Given that those who hold power in Africa are rarely persuaded by mere reason(s) to give up their power, deliberative democracy theories remain unsatisfactory. In addition, in a world of structural inequalities, deliberative democracy is biased towards powerful agents as it conforms to existing power structures. Consequently, meaningful participation in societies with structural inequalities can be promoted by engaging in “critical oppositional activity, rather than attempt(ing) to come to agreement with those who support or benefit from existing power structures” (Young, 2001: 671). Unless inequality is eliminated, powerful people will continue controlling deliberations and thus deliberation can be undemocratic. It is unreasonable to adopt a reasonable stand in the face of structural inequalities. What is required is for the subalterns to use passionate political action as deliberation often fails them in the face of inequalities. As advised by Young (2000:49), deliberation is reasonable communication but where there are problems with structural positions of privilege and disadvantage, the subalterns:

...do not violate norms of reasonableness if they engage in seriously disruptive actions or express their claims with angry accusations. Disorderliness is an important tool of critical communication aimed at calling attention to the unreasonableness of others — their domination over the terms of debate, their acts of exclusion of some people or issues from consideration, their use of their power to cut off debate, their reliance on stereotypes and mere derision.

The issues discussed in the public sphere, what objectively affect everyone, are ambiguous. This is because matters recognised as common concern by one group of participants, might not be common concern for outsiders. Fraser (1990:71) mentions issues of domestic violence against women as examples of matters that were not of common concern and were not legitimate topics of public discourse since the majority considered these issue to be a private matter among what was assumed to be a fairly small number of heterosexual couples. However, feminists formed a subaltern counter-publics and “after sustained discursive contestation...succeeded in making it a common concern.” Therefore, there are “no naturally given, a priori boundaries” along which the

public sphere should be delimited. The boundary between public and private issues is hazy and therefore should be decided through discursive contestation. As emphasised by Fraser (1990:71)

...no topics should be ruled off limits in advance of such contestation. On the contrary, democratic publicity requires positive guarantees of opportunities for minorities to convince others that what in the past was not public in the sense of being a matter of common concern should now become so.

A singular public sphere is a sphere of the powerful under which the “less powerful cannot discover that the prevailing sense of ‘we’ does not adequately include them” (Fraser, 1990:72). In its place of presumed existence of a common good, Fraser (1990:72) writes, the topics, interests, and views admissible in deliberation should remain open. This is what social media *incivility* has achieved: avoiding the pretence created by the myth of consensus. After all, civility creates an environment where subordinate interests and topics are delegitimised. However, Fraser (1990:67) warns of the possibility of subaltern counterpublics that are anti-democratic and anti-egalitarian. In this category, there are antidemocratic counterpublics such as hate groups that should not be mistaken for subordinate counterpublics.

This study rejects the rationalist consensual democracy theories that became hegemonic after the late 20th Century victory of liberal democracy over its adversaries (see Mouffe, 2000:80). Due to the widespread presence of *extreme speech* in social media, it is clear that the theories that can best explain the role of social media in deepening democracy are not the agreement-enhancing deliberative democracy theories, but the radical alternative that views of democracy as a disruptive and dislocatory force in politics. Such radical democracy theories emphasise the role of politics in democracy by looking at how power relations, hegemony, and disagreement are central to pluralist democracy (see Norval, 2007:39). For instance, the consistent ethnic nationalistic conflicts in Africa can only be explained well outside the deliberative democracy theories.

The following section describes Schmitt and Mouffe's theories of democracy, theories that fall outside the rationalist perspectives that stands accused of displacing politics from politics itself. These theories can help us explain how *extreme speech* in social media can retain 'the political' in politics and thus reinvigorate democracy in this seemingly post-democracy era. 'The political', (Schmitt, 1927), is a method of describing the specificity of politics without wishing away the inevitability of conflict like economics, law, psychology, sociology and other disciplines attempt to do. Without wishing away conflict, the political explains politics in a constitutive rather than transcendental sense. It means by including 'the political', we views politics in its own right without reducing it to its part. To Schmitt (1927), politics is deeply existential, essentially involving real possibility of violence, even though deliberative democracy theorists eliminate this danger using explanations outside politics. Whereas to Mouffe (2005a:9), 'the political' is the antagonism constitutive of human societies, while 'politics' is the set of practices and institutions through which an order is created and human coexistence organised "in the context of conflictuality provided by the political." Although 'the political' is inherent in all human societies and can never be eradicated, 'politics' are the "practices, discourses and institutions which seek to establish a certain order and to organize human coexistence within the conditions that potentially conflicting due to the dimension of 'the political'." In simple terms, using the concept of 'the political', we can explain how politics has become alienated from itself through consensual democracies and other efforts that attempt to suppress instead of taming the ineradicable violence. Agonism is therefore a proposal of how politics can be returned to itself (see, Valentine, 2018:198). The following section starts by explaining how passion in politics can be used to rescue democracy. This is followed by the description of Carl Schmitt's concept of 'the political' and how this concept has been appropriated by Mouffe to develop the theory of agonistic democracy through which politics can be returned to itself, albeit in a more domesticated form.

4.4 Returning Politics to Democracy: From Schmitt to Mouffe

Proponents of deliberative democracy ignore the role of emotional rhetoric, the unthinking public, and the rage against opponents among other uncivil strategies that are symbolic of 'the political', the antagonism constitutive of human beings, which are supposed to be tamed by politics — "the set of practices through which an order is created" (Mouffe 2005:

9). By sidelining passion, the contemporary language of deliberative democracy relegates politics from democracy by prioritising the consensual part of the conflictual nature of politics.

To proponents of deliberative democracy, politics “is a matter of calm deliberation” (Walzer, 2002:618) and if not ignored, emotions are deemed important only to the realm of citizens, not to the realm of power (David, 2004:229). From this perspective, emotions are a problem that the working class must deal with, not part of politics of the regime. Yet even with this popular imagination, both the proletariat and the ruling people throughout the world are engaged in passionate politics as evidenced by various forms of disagreements between regimes, such as broken negotiations, interrupted debates, storming out of meetings on the one hand, and severe forms of disagreements among the subalterns like violent ethnic and religious conflicts that have resulted in ethnic cleansing, and massacre on the other hand. It is important to realise that it is severe political differences that have caused war between nations.

Therefore, the role of *incivility* in social media on democracy can be interpreted better if the definition of democracy returns ‘the political’ by emphasising the antagonistic nature of politics. Such definitions stresses the power struggles as the key foundation of politics. As stated by Louw (2010:8-10), politics is a process of organising and regulating social power relationships, making decisions about the allocation and distribution of scarce resources and legitimating this process in the face of struggles against enforcement. To this concern, the study uses Carl Schmitt’s (1927:26) friend/enemy principle in which politics is part of ‘the political’—differences that on the extreme can cause war and Laclau and Mouffe’s (1985) adaptation of the theory into agonistic democracy.

4.4.1 Carl Schmitt’s ‘the political’

Extreme speech in social media is a reincarnation of politics that had been concealed by the consensual deliberative democratic traditions supported by regime-preferred mainstream media that is used to conceal disagreements. In relation to these theories about the reawakening of politics, Carl Schmitt’s (1927) work, *The Concept of the Political*, a criticism of liberalism, is a milestone and a key reference today. Regrettably, Schmitt’s

work remained unexplored for over a century because of his association with the National Socialist Party.

Through the concept of 'the political,' Schmitt rejects the depoliticised deliberative democracy's consensus achieved through rational discussions that relegate emotions from politics. Using his friend/enemy principle, Schmitt attempts to discover the essential nature and characteristics of politics which distinguishes it from other realms of life, the private spheres of the economy and the civil society. The friend/enemy rule is evident in "all political concepts, images, and terms [that have] a polemical meaning" (Schmitt, 1927:30). Thus, the role of *extreme speech* in social media as a tool for enhancing democracy can be explained best by relating *extreme speech* to 'the political'. But such radical descriptions of democracy, as explained earlier, are challenged by the hegemonic deliberative democracy that has naturalised rationalism in political practices, thereby presenting democracy without politics.

Schmitt (1996) was against the belief by liberal democrats that a rational consensus can be arrived at on the basis of free discussion and relegation of disruptive issues to the private sphere. Instead, Schmitt (1996:37) argues against the annihilation of politics since "the political" derives its energy from a variety of sources, such as religious, economic, and moral sources, among other antitheses which can turn the previously non-political antithesis into a political one, by pushing aside the non-political situation.

The right-wing political thinker, who developed his concepts during the dark days of the Nazi dictatorship, defines politics based on a friend-enemy dichotomy. He argues that, just like the final distinction in morality is between good and evil; beautiful and ugly in aesthetics; and profitable/unprofitable in economics, "the political" distinction to which political actions can be reduced is that between friend and enemy" (Schmitt (1999:26). Despite this, the political enemy is not necessarily morally evil or aesthetically ugly, contends Schmitt (1996:27), but is nevertheless the "other, the stranger" so that conflicts with him are possible. Nevertheless, the 'enemy' is treated "emotionally" as evil and ugly because political distinctions are supported by other autonomous distinctions even though these autonomous distinctions retain autonomy even when used to amplify the otherness (Schmitt, 1996:27). Therefore, the "the reverse is true: the morally evil or aesthetically ugly

or economically damaging need not necessarily be the enemy”, and vice versa (ibid). Hence the friend-enemy dichotomy is not based on eternal demographic features as it keeps changing.

Moreover, Schmitt (1996:28) warns that the enemy is not a private adversary, arguing that the enemy “exists only when, at least potentially one who is fighting the collectivity of people confronts a similar collectivity... solely the public enemy.” In the friend-enemy dichotomy, the most extreme form of enmity is war, it remains a possibility “as long as the concept of the enemy remains valid” (Schmitt, 1996:33). However, to Schmitt, war is not politics but a continuation of politics by other means because in war “political adversaries confront each other openly [in] uniforms and the distinction of the friend and enemy is no longer a political problem”. Additionally, war uses strategies and tactics different from those of politics even though politics remains the “brains” behind war and war happens after a political decision has been made (Schmitt, 1927:34).

The political, therefore, is a continuous struggle with a real possibility of physical killing at its “most extreme consequence of enmity” (Schmitt, 1927:33). It can be argued that war is not the purpose of politics, but it remains a possibility in politics and this possibility is the premise that creates political behaviour (Schmitt, 1927:35). Therefore, people are always in a struggle and there is a possibility that on the extreme these struggles can result into soldiers fighting real war, causing the physical killing of the enemy.

In other words, “the political” sphere is characterised by the antagonistic contestations which are different forms and acts of contestation of war characterised by killing: this is to say that *the political* is where politics is conducted by antagonistic contestations which are ‘other means’ than those used for war. Schmitt (1975:17) argues that if there were no enemies, there would be no politics since the political world is not a universe where people have similar views but a ‘pluriverse’ where people have differences.

The political enemy, to Schmitt, is synonymous with an ‘opponent’ who threatens one’s way of life. Further, the political enemy is not necessarily “morally evil or aesthetically ugly’ nor an economic competitor, since these are not considerations for political enmity. However, the political enemy can be treated as an evil and ugly competitor to strengthen and intensify the political distinction by drawing the support of the other differences. Slomp

(2009:26) notes, following Schmitt, that our enemy is not an enemy because he is bad, but he may become bad in our eyes because he is our enemy.

The antagonistic nature of social media discourse can be explained by the Schmitt's friend/enemy principle. Users of social media see others as enemies threatening each other's way of life. Furthermore, social media subscribers create the enemy in other users who are not necessarily a threat but because the other users are different in some aspect. For instance, based on tribal differences, social media users see one another as enemies. This matches what Slomp (2009:26) described as an enemy who is not an enemy because he is bad but has become bad in our eyes because he is our enemy.

When read in the context of Kenyan politics, Schmitt's enemy-friend dichotomy is a suitable interpretation of the regularly changing friend-enemy relationships between various tribes which are foundations of political parties. As explained previously, the Kikuyu–Luo dichotomy, with other tribes on either side, is the friend-enemy complex shaping Kenyan politics. Yet this friend-enemy relationship between the Kikuyu and the Luo is not permanent, in fact major political changes, for instance the struggle for self-governance in the 1950-60s and multiparty democracy in 1990s, were achieved when the Kikuyu and the Luo were 'friends'.

When Schmitt is read in the Kenyan context, the tribal cleavages are "sufficiently strong to group" Kenyans in the friend-enemy dichotomy. Without a doubt, tribal identities are significant to politics in Kenya, even though there are other antitheses like religion, age, regional and economic factors. Although tribes are natural, unlike political parties that are a human creation for political association, the tribe as a non-political antithesis has undergone what Schmitt (1996) terms as pushing aside the non-political by the political antithesis. Subsequently, the otherwise non-political tribal identities have become political, making the tribe the most extreme political antithesis.

Schmitt (1996:39) argues:

If...the economic, cultural or religious [or even tribal] counterforces are so strong that they are in position to decide upon the extreme possibility from their viewpoints, then these forces have in actuality become the new substance of the political entity.

Ethnic groups in Kenya are, therefore, the true composition of ‘the political’— the friend enemy relationship that is the foundation of politics. Because ‘the political’ is enshrined in ethnic groups, democracy in Kenya is a struggle between different ethnic groups, not political parties as imagined by proponents of liberal democracy.

The Schmittian description of politics leaves us with the challenge of domesticating hostility by defusing antagonism that permanently exists in society. One approach of achieving this is through democracy which Pantaloni (2010:1-2) contends is widely regarded as the most effective means of political decision-making. Democracy, argues Louw (2010:10), is a rule-based mechanism guiding competition for gaining and using power. Erman (2009:1042) writes how a democratic system should be designed to provide arenas for citizens to express their disagreements and confront their differences (see also the works by Chantal Mouffe, Ernesto Laclau, William Connolly, and Bonnie Honig).

4.4.2 Chantal Mouffe’s Agonistic Democracy

The Concept of the Political (Schmitt, 1927), was resurrected, without Nazi dishonour, in post-communist Europe when liberal democracy’s ‘consensus at the centre’ not only failed to maintain consensus but also acted as the ‘constitutive outside’ that created fundamentalisms. Mouffe borrows Jacques Derrida’s notion of the ‘constitutive outside’, to describe how the outside is “incommensurable with the inside, [is]...at the same time, the condition of emergence of the latter.” This means what is ‘outside’ is not simply negation of the inside but something which questions it. As such, our antagonism against ‘them’ is not the constitutive opposite “but the symbol of what makes ‘us’ impossible” (Mouffe, 2000:13). As such, antagonism cannot be eliminated. Therefore, the task of democratic politics is to create the conditions for absorption of the conflict.

Mouffe eliminated Schmitt’s inclination towards violence by dissolving the binaries between ‘the political’, the antagonisms inherent in human being, and politics, the “set of practices and institutions through which an order is created, organizing human coexistence in the context of conflictuality provided by the political” (Mouffe, 2005a:9). This argument is against attempts to remove conflict from politics, like liberal democracy has attempted, but at the same time taming the violence in Schmitt’s proposal. In fact she warns against developing methods for arriving at a rational consensus since the agreements can only be

achieved through exclusion of powerless voices. Without a doubt, attempts at attaining consensus without exclusion faces the impossibility of constructing an 'us' that does not have a corresponding 'them' (Mouffe, 2009:8). Instead of removing conflict, democratic politics should develop a mechanism of seeing others not as enemies to be destroyed, but as adversaries whose ideas are fought. To put it in another way, instead of exclusionary consensus, politics should convert conflict into struggles between adversaries rather than allow antagonism between enemies.

Acknowledging that the conflict and antagonism in the political can never be completely eradicated, but only controlled, means accepting that democracy is paradoxical. Although democracy is a channel for taming antagonism, achieving a final resolution to conflict puts the democracy at risk: "the very moment of its realization would see its disintegration...conflict and antagonism are at the same time its condition of possibility and the condition of impossibility of its full realization." (Mouffe, 1993:8). Democracy is both at risk when there is insufficient consensus, and when its agonistic dynamic is hindered by an apparent excess of consensus which risks pushing the excluded, Mouffe (1993:6) argues, towards joining fundamentalist movements or antiliberal, populist forms of democracy.

To Mouffe (2005a:10), "it is the lack of understanding of 'the political' in its ontological dimension which is at the origin of our current incapacity to think in a political way." That is to say we can only return politics to itself if we develop strategies for taming, rather than denying ineradicability of 'the political' — the conflictual nature of politics. Since 'the political' is always potentially antagonistic, it means every social order is a hegemonic intervention that does not depend "on any a priori social rationality" but functions by concealing itself (Mouffe, 2005a:17). Simply put, every order is achieved by exclusion of other possibilities. Therefore, although sedimented social order makes it look like antagonism has been eradicated from 'the political', order means hegemony has succeeded in excluding some possibilities. It is order through exclusion not consensus. That is to say social order

...is the realm of sedimented practices, that is, practices that conceal the originary acts of their contingent political institution and which are taken for granted, as if they were self-grounded. (Mouffe, 2005a:17).

It is the political upheavals that followed what was otherwise thought to be the 'end of history' that motivated Chantal Mouffe to adjust Schmitt's concept to create a non-rationalist theory that could explain why the Left-Right consensus had initiated nationalism uprisings and growth of new antagonisms. Although the 'end of history' created an illusion of the end of antagonisms, what followed was widespread emergence of particularisms that challenged Western universalism, events that could not be understood under the liberal democracy paradigm (see Mouffe, 1993:1). The agonistic democracy project was proposed to fill the gap created by liberal democracy's inability to explain the antagonisms that trailed the end of history.

Agonistic democracy is Mouffe's (1993) reconceptualisation of Schmitt's concept of "the political" to describe a type of democracy that returns 'the political' to politics by providing a solution to the inherent violence, a democracy critical of mainstream deliberative democracy that was accused of attempting to eliminate politics at the end of history. Through the concept of agonistic democracy, Mouffe (1993) revises Schmitt's concepts of "the political" and antagonism to propose a way of transforming the ineradicable antagonism in the friend-enemy relationship into agonism, a process through which the society can manage conflict inherent in politics and avoid transforming differences into violence or war.

The term agonism is derived from the Greek word *agon*, meaning contest or strife (Wenman, 2015:25), while agonistic democracy is a form of alternative democracy modelled along the antagonistic nature of human beings, who Kant (2006:6) states, have "unsociable sociability". Agonism, according to Wenman (2015:33), is the rebirth of tragedy that has created "a world without hope of redemption from suffering and strife." However, tragedy in agonistic democracy is neither a neo-classical revival nor 'a nostalgic appeal' to the Greek past; but as clarified by Kalyvas (2009:13), tragedy should be understood as "a 'de-Hellenisation' of the agonism" from its ancient signification.

The re-introduction of small-scale face-to-face politics through social media is reminiscent of the Greek past. Like the ancient and post-modern *agon*, there is “conflict, suffering, and strife...endemic in social and political life and not a temporary condition on a journey towards reconciliation or redemption.” Social media *incivility* can be seen as what Wenman (2015:35) characterised “as an impossible contest between two or more rivalries but nonetheless legitimate powers, between incommensurate conceptions of the good, where neither has unqualified right or virtue on their side”, like the rivalry between Antigone and Creon in *Antigone*. Rather than closure, the play demands open-ended discussion with regular shifts in the antagonist/protagonist dichotomy.

Therefore, *incivility* in social media discourse is the tragedy in agonistic democracy that does not signify danger to human life. Conversely, it should be viewed from Wenman’s (2015:38) hypothesis that “removal of conflict is not the goal of politics”, suggesting that conflict can be displaced by contending parties in ways that are mutually beneficial. This line of reasoning is what Nietzsche (1998:22) emphasises in the value of having enemies, because self-preservation is best served if the opposition does not lose all strength.

Just like Schmitt, Mouffe sees antagonism as inherent to human relations but proposes ways of dealing with it through sublimation of the antagonism. To Mouffe (1993:04), to manage antagonism:

It requires that, within the context of the political community, the opponent should be considered not as an enemy to be destroyed, but as an adversary whose existence is legitimate and must be tolerated. We will fight against his ideas but we will not question his right to defend them.

It means agonism is contestation not a ‘struggle-to-death’, a form of rivalry between equal forces. Mouffe (2000:100-103) contrasts agonism with antagonism (mutually destructive forms of hostility) arguing that the challenge is how to transform contemporary forms of antagonism — like fundamentalism — into constructive modes of conflict. It is Mouffe’s concern with solving antagonism that differentiates her theory from those of other neo-Schmittian opponents of liberal democracy.

Following Schmitt’s friend-enemy principle, Mouffe (2002:03) cautions against any attempt to eliminate antagonism from politics as antagonism forms politics. The attempt to

eliminate antagonism from politics ends up replacing the political with the “juridical and the moral”, thereby attempting to achieve impartial decisions as alternatives to antagonism (Mouffe, 2000:03). The author believes liberalism’s rejection of “antagonism is what prevents liberal theory from understanding democratic politics.”

Since it is impossible to arrive at rational consensus at the centre without exclusion, as the constitution of the ‘Us; is based on the existence of ‘Them’, the important issue in democratic politics is, therefore, to develop a strategy to establish the ‘Us-Them’ relationship in which the ‘Other’ is not seen as an enemy to be destroyed but as an adversary whose ideas can be fought, but who retains the right to defend the adversarial ideas. By doing so, conflict is converted from ‘antagonism’— the struggle between enemies, to ‘agonism’— the struggle between adversaries (Mouffe, 2002:09). Consequently,

The ‘agonistic struggle’ – the very condition of a vibrant democracy – consists of this confrontation between adversaries. In the agonistic model the prime task of democratic politics is neither to eliminate passions nor to relegate them to the private sphere in order to establish a rational consensus in the public sphere; it is, rather, to ‘tame’ these passions by mobilizing them for democratic ends and by creating collective forms of identification around democratic objectives (Mouffe, 2002:09).

Proponents of agonistic democracy propose how to ‘tame’ passions by mobilising them to reinvigorate democracy (see Mouffe, 2002:10). Agonistic democracy is characterised by a constant struggle between opposing hegemonic projects, struggles which cannot be stopped rationally. However, this confrontation, opines Mouffe (2012:11), is played out under conditions regulated by a set of acceptable democratic procedures.

To Mouffe (2000:104) “[a] well-functioning democracy calls for a vibrant clash of democratic political positions” without which there is the danger of the suppressed democratic confrontation being replaced by “confrontation among other forms of collective identification...and an explosion of antagonisms that can tear up the very basis of civility.” The exclusion caused by consensus has been naturalised by conventional media—the traditional newspapers, radio and television—through gatekeeping, what Mouffe (2000:05)

argues was a status quo that has been “made into the way ‘things really are’.” By contrast, social media is denaturalising exclusion by allowing users to continuously disagree, a reflection of “multiplicity of voices [in] contemporary pluralist societies” (ibid, 104).

Extreme speech in social media indicates that this new channel is encouraging dissensus instead of consensus. Dissensus should be seen as a source of progress because it denaturalises what has hegemonically been made to look natural. The shortcoming of agonism is how to avert discord, what Rescher (1993:165) termed keeping temperatures low and limiting discord to the verbal arena. It is agonistic democracy’s strategy of allowing vibrant clash of political positions to block possibilities of extreme antidemocratic political identities that make the concept of agonism relevant in explaining how *extreme speech* can reinvigorate democracy in the post ‘end of history era’. What seems *extreme speech* in social media can block the emergence of fundamental ethnic, nationalist or religious identities when opponents in social media are adversaries to contend with, but not enemies to be destroyed (cf. Mouffe, 1993:5-6).

Mouffe (2012:632) cautions that “the political” is the antagonistic dimensions inherent in all human societies and cannot be eliminated even though democracy can keep this antagonism at bay by providing the institutions, practices, and language games, thanks to which antagonism can, so to speak, be sublimated and transformed into “agonism”. Instead of keeping the possibility of antagonism at bay by solving these underlying causes, and in fear of the negative consequences of politics, deliberative democracy attempts to eliminate politics through consensus. Yet consensus cannot eliminate politics since Kenyan politics revolves around ethnic identities. As Mouffe (2012:262) suggests, there is no way antagonism could ever be totally eliminated without also requiring the disappearance of collective identities.

Likewise, Mouffe (1993:06) rejects attempts to remove conflict from politics arguing that:

When there is a lack of democratic political struggles with which to identify, their place is taken by other forms of identification, of ethnic, nationalist or religious nature, and the opponent is defined in those terms too. In such conditions, the opponent cannot be perceived as

an adversary to contend with, but only as an enemy to be destroyed. This is precisely what a pluralist democracy must avoid; yet it can only protect itself against such a situation by recognising the nature of the political instead of denying its existence.... Democracy is in peril not only when there is insufficient consensus and allegiance to the values it embodies, but also when its agonistic dynamic is hindered by an apparent excess, of consensus, which usually masks a disquieting apathy.

While the dominant liberal democracy has eliminated the adversarial practices in politics, emphasising consensus beyond the Left and Right, politics always entails the us/them relationship (Mouffe, 2005b:56). To put it differently, the consensus encouraged by guardians of the liberal 'non-partisan' democracy cannot exist as consensus is in itself created by "drawing a frontier and defining an exterior, a 'them' which assures the identity of the consensus and secures the coherence of the 'us'". Thus, the consensus advocated by proponents of post-political democracy cannot exist because "[t]here cannot be an 'us' without a 'them', and the very identity of a group depends on the existence of a 'constitutive outside" (Mouffe, 2005b:61).

To avoid situations where the friend/enemy frontier explodes into violence, Mouffe (1993:4) proposes that the opponent in agonistic democracy should be displaced from being an enemy to be destroyed, into an adversary to be tolerated in order to bring back to politics what Schmitt had pointed out as antagonisms that can never be eliminated but can be given a political outlet to defuse hostility. For example, parliamentary systems are structured as struggling armies with the counting of the vote ending the battle. Contrary, the illusion of consensus is fatal for democracy as the absence of a political frontier opens up possibilities of the extreme to articulate antidemocratic political identities such as fundamental ethnic, nationalist or religious identities: here the opponent is not an adversary to contend with, but an enemy to be destroyed (Mouffe, 1993:5-6).

A healthy democratic process calls for a vibrant clash of political positions and an open conflict of interests. If such is missing, it can too easily be replaced by a confrontation between non-negotiable moral values and essentialist identities.

Agonistic democracy can be an alternative to liberal democracy despite the current imbalances in geopolitical structure which have made liberal democracy hegemonic. Mouffe (2009:557) cautions that because other societies deal with the question of

democracy in a different way, we need a model following a non-Western path, even though:

... all those who want to develop vernacular models of democracy face the same problem with respect to the West: its refusal to acknowledge forms of democracy different from the liberal democratic one. Western powers are adamant that the only legitimate democracy is their current interpretation: multi-party electoral democracy, accompanied by an individualistic conception of human rights, and of course by free market policies. This is the model that they claim to have the moral duty to promote, or impose if necessary.

At the same time, Mouffe (2009:557) accepts the universality of Western deliberative democracy and suggests that it is worthy of our allegiance, but notes that there is no reason to present it as the only legitimate way of organising human coexistence and to try to impose it on the rest of the world. She highlights the fact that the kind of individualism dominant in Western societies is alien to many other cultures [like sub-Saharan cultures], “whose traditions are informed by different values, and democracy is understood as ‘rule by the people’ and can, therefore, take other forms in which, for instance the value of community is more pregnant than the idea of individual liberty”.

Liberalism romanticises a well-ordered society “from which politics has been eliminated” (Mouffe, 2005c:226), a world without conflict and violence. But Mouffe (2005:226) urges against this Habermasian view of democracy as the absence of domination or violence, instead suggesting the establishment of a set of institutions through which domination or violence can be contested. Habermas argues that communication should bring about a rational/reasoned agreement through “reciprocal understanding, shared knowledge, mutual trust, and accord with one another” that leads to agreement based on recognition of the corresponding validity of claims of comprehensibility, truthfulness, and rightness (Habermas, 1979:3). In other words, rational consensus is grounded in communicative rationality which is based “on the central experience of the unconstrained, unifying, consensus-bringing force of argumentative speech” (Habermas, 1988:10).

Contrary to Habermas' rational agreement, discussion in social media cannot be explained from a communicatively rational, consensual, and harmonious perspective. Instead, *extreme speech* is a common occurrence in social media; meaning that conflicting differences between social media users should not be viewed as negativities to be eliminated but rather as diverse values to be recognised in political discourse. This demands alternative thinking and renouncing of the rational view of politics that suggests consensus not based on any form of exclusion since reaching consensus without exclusion is contrary to agonistic democracy. Even the rationalist Habermas (1989b:94-6) argues that the growth of the press and propaganda expanded the public beyond the bourgeoisie, fragmenting the public's social exclusivity and cohesion. Consequently, conflicts entered and made the public sphere "a field of competition among interests in the cruder forms of forcible confrontation." To solve these confrontations, suggests Habermas (1989b:96), social organisations started taking over political functions of the public sphere leading to "refeudalisation" of the public sphere where "large scale organisations strived for political compromises with the state...behind doors if possible; but at the same time...secured at least plebiscitarian approval from the mass of the population through the deployment of a staged form of publicity." This is in line with Althusser's (1979) description of the mass media as an ideological state apparatus that interpellates the people.

Unlike the conventional media channels, — the newspapers, radio and television — social media is not controlled by the ruling class, at least for now. Thus, the social media have given an opportunity to the plebeians to express views without going through traditional ruling class-controlled media structures. These traditional media structures have been socialised to eliminate conflict thus enhancing the hegemony of the ruling class.

Mouffe's (2005:226) critique of Habermas asserts that consensus without exclusion implies once such consensus has been obtained, it cannot be legitimately challenged. Conversely, the kind of consensus needed in a democracy is a 'conflictual consensus'. To Mouffe (2005), 'conflictual consensus' on the 'ethico-political' principles of the liberal democratic regime on liberty and equality for all, gives a chance to the possibility of serious dissent that can never be overcome through rational procedures.

Rather than attempt to eliminate dissent, Mouffe (2005) identifies contest as the central dynamic of any democratic politics since the “adversary” is central in democratic politics. However, the author revises Carl Schmitt’s principle of friend/enemy relationship, by stating that contrary to the “enemy” who does not have any shared principles and whose confrontation is of an antagonistic nature, “adversaries” have different interpretations of shared principles and they fight for their interpretation to become hegemonic.

Mouffe (2005) refers to democratic politics as the fight between adversaries – the “agonistic” struggle, and argues that one should never try to put an end to the agonistic confrontation. Additionally, antagonism, which is converted into agonism in pluralist democratic models, cannot “disappear by simply denying and wishing it away, which is the typical liberal [democracy] gesture” instead, denial of antagonism in the political only leads to a situation where liberalism cannot explain various forms of antagonism and forms of violence, which liberalism assumes were part of the past age when reason had not yet managed to control the supposedly archaic passions in politics (Mouffe 2009:550).

If we acknowledge the dimension of ‘agonism’, social media can offer an avenue for legitimate, ‘agonistic’ forms of conflict by providing a platform for unlimited public discussions. Instead of achieving the idealised public sphere and rational political unification of the public as proposed by Habermas, social media can support an agonistic public sphere organised around different identities in friend/enemy relationships. This is what Mouffe (2009:553) refers to as legitimate agonistic forms of conflict – which is the legitimate political contest -- that would not bring about the end of conflicts, but would make conflicts less likely to take an antagonistic form (i.e. turn in to real violence or war) than in a world with a single legitimate economic and political model imposed on all because of its supposedly superior rationality and morality, like it is practiced in liberal democracy models.

Mouffe (1993) contends that it is impossible to have rational agreements in democracy without excluding part of the public; instead, disagreement leads to true democratic emancipation. According to Mouffe (1993:8):

For a radical and plural democracy, the belief that a final resolution of conflicts is eventually possible, even if envisaged as an asymptotic approach to the regulative ideal of a free and unconstrained communication, as in Habermas, far from providing the necessary horizon of the democratic project, is something that puts it at risk.

It is Mouffe's view that politics is not "conflict resolution", rather it is balancing the play of power and, therefore, the heart of true democracy is a contest or agonism. Mouffe asserts that contrary to popular assumption, liberal democracy is essentially not a democracy but more of tyrannies that attempt to remove contentions and political contestations from politics. In other words, liberal democracy attempts to sanitise politics by outlawing it: it tries to create "politics without politics" by replacing political debate and political decision-making with decision-making by "rational" bureaucrats and technicians who are not accountable to the public.

Habermas's proposal of creating a rational consensus through free discussion, Mouffe (1995:334) argues, conceives politics "through a model elaborated to study economics as a market concerned with the allocation of resources where compromises are reached among interests defined independently of their political articulation. In many cases rational consensus has meant the rejection of alternative views when disagreement needs to be permanent in politics. Indeed, Mouffe (1995:335) notes:

The political has to do with the dimension of antagonism which is present in social relations, with the ever-present possibility of an "us–them" relation to be constructed in terms of "friend–enemy." To deny this dimension of antagonism does not make it disappear; it only leads to impotence in recognizing its different manifestations and in dealing with them. This is why a democratic approach needs to come to terms with the ineradicable character of antagonism. One of its main tasks is to envisage how it is possible to defuse the tendencies to exclusion which are present in all constructions of collective identities.

Mouffe's criticism of liberal democracy is, in particular, relevant to Africa where the tenets of liberal democracy like fair/free elections are lacking. For instance, power is not necessarily acquired through winning elections nor does losing elections lead to a loss of power. With failed electoral processes, rulers who lose refuse to hand over power, while the opposition often does not accept defeat and some of them turn to violent means to

acquire power. It is as if rigging and contesting elections are poll strategies. This is the status of the political in Africa, and it is outside liberal democratic principles.

Although Mouffe's work is tied to the left-right politics, especially in relation to the collapse of the communist bloc, her ideas are equally relevant in the interpretation of politics in Africa. For instance, the crisis witnessed after the re-introduction of multipartism in 1992 and the 2007 elections can be linked to the need for "redrawing the political frontier between friend and enemy" after consensus, considering that it is impossible to have a world without antagonism (Mouffe, 1993:2). It is the emphasis of consensus as a replacement of political frontiers between adversaries that causes violent explosions. The violence that comes out of periods following agreements is what Mouffe (2005:60) terms the "negative consequences of consensus politics".

Unity of a political grouping is secured by identification of 'them', the 'constitutive outside'. However, unlike in Western democracies where 'them' was constituted by the right or left wing, before the 'end of history', this dichotomy does not create the constitutive outside in Kenya. While the collapse of the communist bloc vanished the friend-enemy frontier in Western countries, leading to resurgence ethnic, national, religious antagonisms, the friend-enemy frontier in Kenya does not fit the right-left Western model. Instead, there are an amalgam of groups that create frontiers based on their diverse subject positions. For instance, during the struggle for multiparty democracy in early 1990s, the ruling party Kanu acted as the constitutive outside for the opposition. But when this constitutive outside disappeared after consensus about the return of multiparty democracy, there was a rapid breakup of the opposition party, FORD, with some former adherents joining Kanu. This was in addition to the growth of ethnic nationalisms. In fact, the first election-related ethnic violence occurred in 1992, soon after multiparty democracy was reinstated, a situation that can be seen as a process of creating a new frontier from enemies found in the ethnic other. It can be argued, following Mouffe (1993:5) that the end of single party dictatorship in Kenya, just like the blurring of political frontiers between left and right, was harmful to democratic politics as it impeded the constitution of distinctive political identities, but encouraged growth of "collective identities around religious, nationalist or ethnic forms of identification" (see Mouffe, 1993:5).

The violence that followed the end of single party dictatorship in Kenya in 1992 and the fallout of the Mwai Kibaki-Raila Odinga Narc coalition that took over from long serving President Moi, can be understood, Mouffe (1993:2) would say, as part of the “crisis of political identity that confronts liberal democracy following the loss of the traditional landmarks of politics”, in this case the end of single party dictatorship that acted as the constitutive outside. President Moi’s Kanu fizzled out of active politics after the former president’s preferred candidate Uhuru Kenyatta lost to Mwai Kibaki in 2002. The party supported Kibaki’s Party of National Unity in the controversial 2007 elections. Consequently, the 2007/08 post-election ethnic violence was an outcome of the consensus that brought the constitutive outside inside, creating a democracy without political adversaries.

Considering the fact that social media has increased extreme speech, Mouffe’s theory of antagonism can provide a suitable grounding from which to explain *extreme speech* as part of political practices rather than a juridical problem. From Mouffe’s perspective, *extreme speech* is a new tool for creating a “constitutive outside.” Thus, instead of proposing juridical solutions, the concept of agonism can be used to explain how elements of antagonism, such as extreme speech, reinvigorate democracy by returning politics to democracy considering the fact that “the political” in its antagonistic dimensions cannot be eliminated from politics but can at best be given fissure by being transformed into agonism. Furthermore, the concept of agonism can enable us to explain the failure of deliberative democracy in Kenya by providing an alternative to the binary opposition of deliberative democracy and extreme speech.

Moreover, consensus does not always yield to the most rational decision. In fact, there can “be good as well as bad consensus”— an agreement that is evil or stupid as well as an agreement that is benign and wise, 1,000 people can be just as wrong-headed (or wrong-minded) as a single individual (Rescher, 1993:15). This means that bad consensus is a weakness of liberal democracy. For example, decisions made through elections have led to bad consensus that legitimises corrupt and ineffective governments. In many cases, the consensus in liberal democracies is an outcome of propaganda, brainwashing, coercion and even election rigging, not necessarily rational persuasion. For example, President Uhuru Kenyatta and his deputy William Ruto were elected in 2013 while indicted

by the International Criminal Court (ICC) in The Hague for crimes against humanity. In fact, it is the ICC indictment that acted as the constitutive outsider to energise their ethnic identities. Their election was more of successful propaganda than rational persuasion as proponents of deliberative democracy would want to say. This means we need alternatives to deliberative democracy.

Since politics is divisive by its nature, deliberations between different ethnic identities in Kenya have been confrontational, meaning that ‘the political’ defines the relationship between different ethnic groups in Kenya. After all, the state arose as a means of keeping class [*ethnic*] antagonisms in check, even though the state later became a powerful ruling class that held down and exploited the oppressed (Mentan, 2010:06). Therefore, political hostilities are fundamental and pre-existing and not necessarily created by incivilities in social media debates. Indeed, when it comes to the creation of a collective identity, the creation of an “us” by the demarcation of a “them,” always has the possibility of the “them and us” relationship becoming one of “friend and enemy,” that is, becoming antagonistic rather than agonistic (Mouffe 2009:335). In such situations, the dichotomy of friend-enemy antagonism, which defines pre-political state of war needs to be transformed into agonistic debating adversaries. It is this agonistic nature of political discourse that leads to *incivility*, “speech that may be readily regulated or even suppressed, consistent with core precepts of [liberal] democracy” (Weinstein 2009:36), or the category of negativity that is “excessively harsh” (Brooks & Geer, 2007:1). Contrary to liberal democracy ideals, Mouffe (2012) states that antagonism can be turned into agonism if adversaries share a common symbolic space and recognise at least to some degree, the legitimacy of the claims of their opponents leading to a form of “conflictual consensus”.

Although in Kenya, like in most of the sub-Saharan countries, political competition is based on ethnic identities, it does not mean there are no alternative identities. It only means that for the time being, ethnic identities are the *modus operandi* of national politics. In fact, the controversial 2007 presidential elections were partly structured on alternative identities like socioeconomic promises for the underprivileged, the youth and devolution through

majimbo.³ In addition, even as ethnic identities shape national political discourse, competition within ethnic groups has been shaped by alternative identities like age, socioeconomic status and education, among others.

The function of *extreme speech* in reinvigorating democracy has been blurred by the nostalgia for past forms of political engagement that idealise civic iterations in a public sphere imposed on people by representative democracy models (Papacharissi, 2010:12). This nostalgia, emanating from previous forms engagement, is based on the assumption that conversation reflects a healthy democracy. Yet conversational democracy has supported the exclusive and elitist mainstream media. Contrary to the nostalgic democracy, social media has reduced levels of public conversation, but provided new avenues for individualised participation in politics outside the formal channels of engagement (see Papacharissi (2010:14). Unfortunately, democratic societies have failed to appropriate new the opportunities provided by social media due to their rationalistic frameworks that ignore ‘the political’ (cf. Mouffe, 2000:60). For example, although social media have increased commodification of private spaces into political spaces thereby creating newer political practices that are different from the nostalgic civic public engagement, we must relinquish the rational framework of democracy to appreciate how the private sphere can play a role in politics. To Mouffe (2000:62), the crucial task is to acknowledge that there might be forms of political organisation, therefore, liberal democracy should renounce its claim to universality. This study is a push for the renunciation of universality and an attempt to develop particularistic concepts that can explain current antagonistic engagements without tailoring them to fit hegemonic liberal democracy. In other words, this is a project in the family of others out to challenge the triumphalism of the liberal democracy model.

³Jimbo (majimbo plural) is a Kiswahili word meaning region. *Majimboism* (regionalism) was a key identity that differentiated KADU (proponents) from KANU, the two parties involved in first election after independence. *The Constitution of Kenya, 2010* is modelled along this regionalism thinking. The debate remains relevant in contemporary Kenya.

4.5. Relevance of Agonism to the Kenyan Context

Despite Mouffe having developed her project to explain the growth of right-wing parties in the post-political Europe, to some extent being applicable in South America, and explaining the positive outcome of dissensus, the agonistic model of democracy has less acceptance not because it is less coherent or underdeveloped but “because agonism is less conventional, in terms of both the modes of argumentation typically invoked by agonistic democrats and the prescriptions they offer for the renewal of democracy” (Wenman, 2015:03). The situation is worse in Africa, considering that a review of literature indicates neither Mouffe’s work nor other agonistic democracy works have been used to interpret African politics. This study attempts to mainstream agonistic democracy in Africa by using it to explain how *extreme speech* in social media can be an asset to democracy. Undeniably, liberal democracy has been supported by mainstream media which has traditionally been hostile to dissenting voices, but social media is amplifying alternative voices parallel to aspirations of Mouffe’s agonism.

Secondly, the work of Mouffe attempts to universalise European particularism when she equates consensus to the post-communist European era. Although agonism is a suitable description of the growth of right-wing parties and the violence that followed the collapse of communism, African democracy has experienced consensus outside the blurring of the left-right divide. As Ajulu (1995:230) argues:

...the concept 'the left' is ambiguous in Kenyan context. ...For historical reasons, the so-called left has not existed as an organised political force. If it exists at all, it has been characterised by organisational weak-ness and numerical insignificance.

The formation of the left can be traced to trade union movements of the 1940-50s, which later morphed into KANU in early 1960s (Ajulu, 1995). Even though the leftists — urban working class, traders, lumpens, the peasantry, and of course, the embryonic indigenous bourgeoisie— were an instrumental force behind KANU's capture of state-power in 1961, soon after, the “embryonic bourgeoisie” took over the party and expelled left leaning members. The first post-colonial regrouping of the left was the formation of Kenya People Union in 1966 by radical politicians who had been expelled from parliament. The party was banned in 1969. The next were attempts in the late 1970s and early 1980s by anti-

government radical students and the intelligentsia (ibid, 231). Moi used state apparatus after the 1982 attempted coup to clamp down on the second regrouping, forcing it into underground operation. This brief history shows that the concept of leftist politics, the politics traditionally understood to be advocating for Marxist political ideas, “is probably inappropriate [when defining]...traditions and political practices” in Kenyan politics (Ajulu, 1995:231).

Mouffe’s concept of agonistic democracy would have been more useful if she included consensus in societies transiting from other forms of democracy or even dictatorship. Thus, the challenges facing liberal democracy, a democracy that has since gained universal acceptance, should be properly situated, instead of limiting it to the collapse of the left. For example, in Kenya, the challenge to liberal democracy has been the era following the end of single-party rule, while South Africa’s challenges are in the post-apartheid period. These two examples show that consensus can happen between other contending actors other than the left-right divide. As a matter of fact, the left-right divide in Kenya and many other African countries ended years before the ‘end of history’.

Rather than returning the left-right divide, reactivation of ‘the political’ through *extreme speech* in social media is reminiscent of democracy in Ancient Greece. As Dover (1972:34) explains, historically, democratic speech was rough, vulgar and insulting beyond what we consider acceptable today. For example, in Ancient Greece, the birthplace of modern democracy, politicians were often smeared with offences of taking bribes and involving in prostitution; they were accused of being:

...ugly, diseased, prostituted perverts, the sons of whores by foreigners who bribed their way into citizenship... it seemed to be the business of comedy to grumble and slander, and to speak fair of a politician or general would have been discordant with its functions as means by which the ordinary man asserts himself against his political and military superiors (Dover, 1972:34-35).

Like in Ancient Greece, *extreme speech* in social media can be seen as a struggle to contest the established power relationship outside the universalised left-right divide. In relation to Kenya, a country that did not go through the left-right divide before the “end of

history”, *extreme speech* is a threat to liberal democracy as it provides an opportunity for non-class identities to replace classical class struggles to change power relations. More so, increased participation in social media comes years after confirmed failure of the classical working class struggle through what Laclau and Mouffe (1987:80) describe as the emergence of proletariat dictatorship that discredited ‘socialism’. But failure of the working class only concealed but did not mean the end of the ‘political’. Thus, *incivility* in social media is productive as it re-invigorates ‘the political’ by providing an alternative to classical class struggle that previously symbolised it.

Therefore, even with some shortcomings related to conceptualisation of ‘political’ as a left-right antagonism, Mouffe’s work remains a suitable alternative to deliberative democracy and is among leading descriptions of how consensus can serve as a catalyst for the emergence of violent conflicts. Indeed, Mouffe’s agonism project is a critique of deliberative democracy’s inability to acknowledge that power and antagonism are ineradicable characters of politics. With this elaboration, the next section utilises Laclau and Mouffe (1985) book to develop a Discourse Analysis method for critiquing the taken-for-granted understanding of *incivility* as part of the political in social media.

PART II: Laclau and Mouffe's Discourse Theory as a Method

In the last chapter of the previous section, Chantal Mouffe's concept of agonism, a concept she developed by transforming Carl Schmitt's friend-enemy principle, was used to discuss how *incivility* in social media, as part of 'the political', can promote radical democracy. When used by the subalterns in their daily struggle against the ruling elites, *incivility* in social media becomes a counter-hegemonic strategy that can advance agonistic democracy, but when used against the subaltern, *incivility* is antidemocratic. Here *incivility* is similar to subversive but progressive counterhegemonic artistic movements like Dadaism, Surrealism, Fluxus and Situationism (see Cammearts, 2007:75), the bizarre, nonsensical and beyond reason performative practices that have been used to subvert dominant thinking since early 20th Century. The purpose of this section is to develop a method for empirical Discourse Analysis from Laclau and Mouffe's (1985) book, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics* and use the method to critique the taken-for-granted understanding of *incivility* in social media. Since Laclau and Mouffe did not develop a strategy for using Discourse Theory as a method for empirical research, this study advances the theory by transforming it into a post-foundational research strategy. It can be argued that Laclau and Mouffe's (1985) book is more of a theoretical framework for an ideological critique rather than a method for empirical analysis of 'text'. Even as a research orientation, Laclau and Mouffe's concepts of 'text' and 'discourse' analysis, for example as used in analysis of metaphors, metonymy and catachresis at the ontological level, is different from how the concepts are used by other discourse analysts (cf. Fairclough & Wodak, 1997, Wodak & Meyer, 2001). For instance, the latter's Critical Discourse Analysis separates the discursive from non-discursive structures in contrast to Laclau and Mouffe's ontological views that everything is discursive, even though they do not give guidelines about how to empirically study the discursive world ontologically.

Considering that social media is the medium that has popularised present-day *incivility*, discourse analysis of *incivility* in social media should examine both the medium (as text) and the conventional linguistic 'texts' in line with Laclau and Mouffe's views that everything

is discursive. Without doubt, it is the adoption of a new medium — social media — by subalterns that led to widespread mediatised *incivility*, therefore, Discourse Analysis should include the medium as material text.

In this section Laclau and Mouffe's (1985) Discourse Theory is transformed into a method for Discourse Analysis by using the theory to explain how the various practices of including and excluding meaning — the linguistic and artefacts — are being used in the struggle to partially fix the meaning of *incivility*, a process that can be likened to the impossible attempt to construct a centre. The partial fixation of meaning through exclusion of other possible meanings is not only achieved through language, but also other articulatory practices outside linguistic signs. Although Fairclough (1992) argues that social practice can either be discursive or non-discursive, to Laclau and Mouffe (1985: 108), everything is discursive as “every object is constituted as an object of discourse”, even non-linguistic ‘texts’ that seem non-discursive have a discursive and signifying nature. Therefore, dislocation and struggle to partially fix the meaning of *incivility* is through inclusion and exclusion of other possible meanings and means, both linguistic texts and extra-linguistic material ‘texts’, although linguistic texts are more overt. For this reason, the study analysed the various means of representation, both linguistic texts (with other semiological systems) and extra-linguistic materials (the medium) that are used by the regime to partially fix the meaning of *incivility* and how subalterns are contesting this partial fixation of meaning as part of the struggle against hegemony.

The Discourse Analysis method in this study is enriched by materialist theoretical elements (Carpentier, 2017:289), and the medium in particular. Consequently, the study extended CDA by including material-semiotic approaches to interpret the medium as ‘text’. In conventional CDA, the medium is non-discursive but through material-semiotic approaches, the medium is viewed as a discursive part of the non-human agency participating in the struggle to centre *incivility*. Material-semiotic approaches assume material practices generate the social, therefore, the *social* and the *technical* are embedded in each other, meaning that it is impossible to analyse the social without analysing its materiality (see Law, 2009:148). Discourse Analysis of social media as text follows McLuhan's (1964/1994:7-15) argument that “the medium is the message” and an

“extension of ourselves”. From this perspective, social media has become, what Wittes and Chong (2014) would have called ‘a common feature of human anatomy’. In the words of Law and Mol (2008), while “linguistic semiotics teaches that words give each other meaning...[m]aterial semiotics extends this insight beyond the linguistic and claims that entities give each other being” (Law & Mol, 2008: 58). Therefore, researchers should return the medium to media studies and avoid privileging content since content is a creation of the medium. Indeed, in the method of Discourse Analysis, discourse is “constituted as [any] attempt to dominate the field of discursivity, to arrest the flow of differences, to construct a centre” (Laclau & Mouffe 1985:112).

The post-foundational discourse analysis method developed from Laclau and Mouffe’s Discourse Theory can be differentiated from other categories of discourse analysis, Alvesson and Karreman (2000:1127) writes, by defining it as ‘Discourse’ with upper case ‘D’, the Discourse Analysis of stuff beyond linguistic texts. This is like Foucault’s concept of ‘discursive practice’, while discourse with lower case ‘d’ refers to the linguistic sense of studying text and talk in social practices. Henceforth, this study uses the terms Post-Foundational Discourse Analysis to mean discourse analysis of how stuff beyond texts have been used to naturalise the social world although not fully, leaving fissures in the dominant discourse. Therefore, the other discourse analysis is taken as being only a small part of Discourse Analysis.

To differentiate Post-foundational Discourse Analysis from other forms of discourse analysis, the study follows Carpentier and De Cleen (2007) who transformed Laclau and Mouffe’s Discourse Theory into Discourse Theoretical Analysis (DTA), thereby creating a research method similar to CDA but wider, given that DTA is a post-foundational method in which nothing is outside the discursive field since discourse includes within itself the linguistic and the extra-linguistic components (cf. Laclau & Mouffe, 1985:100). However, this study improves Carpentier and De Cleen’s (2007) DTA by transforming Laclau and Mouffe’s (1985:128) suggestions on hegemonic role of tropes into a method for Post-Foundational Discourse Analysis. Just like Alvesson and Karreman (2000:1127) and Carpentier and de Cleen (2007:266), this study uses caps to show the distinction between Post-Foundational Discourse Analysis and other forms discourse analysis.

Part II has two chapters: Chapter Five borrows from Carpentier and de Cleen's (2007) DTA to develop Laclau and Mouffe's (1985) Discourse Theory into a methodological framework and strategy for analysing *incivility* in social media from two perspectives: How *incivility* as a democracy-enhancing subversive speech has caused 'dislocation' in politics by providing an alternative strategy for participating in public discourses; and how the wider 'government' (from Foucauldian perspective) is struggling to extend its hegemonic meaning of *incivility* through 'articulation'. Chapter Five proceeds in three main steps: it starts by giving a philosophical perspective of the study, followed by the design of a Post-Foundational Discourse Analysis model from Laclau and Mouffe's (1985) Discourse Theory and explanation of the model's key sensitising concepts. Chapter Six describes the the sampling method and data analysis strategy.

5.0 Chapter Five

Applying Laclau and Mouffe's Discourse Theory as a method

Laclau and Mouffe's texts aim at theory development, they do not include so many practical tools for textually oriented discourse analysis. As a result, it can be fruitful to supplement their theory with methods from other approaches to discourse analysis.

Jørgensen and Phillips (2002:24).

5.1 Ontological and epistemological considerations

Discourse analysis research approaches contest the possibility of people neutrally accounting for their life-world surrounding, arguing that 'texts' create and maintain power relations that shape society. Researchers using discourse analysis aim at finding out how meaning is produced and circulated in the society through various means of representation. By choosing Post-foundational Discourse Analysis as a research method, this study makes the following assumptions on ontology, epistemology and axiology respectively: *extreme speech* is experienced as political contestation with no objective *reality*, but what has been naturalised to look like objective reality is just one among many other realities; it is not possible to access unmediated *knowledge* to explain *extreme speech* in an objective way because knowledge is constructed therefore we can only understand and interpret the socially constructed meanings of *extreme speech* but not unmediated knowledge; therefore, *values* have a role in the research process since there are no 'real' facts 'out there' that can be revealed about extreme speech. As stated by Laclau and Mouffe (1985:4), there is no discourse "through which the 'Real' might speak without mediations".

The above assumption places this dissertation into the constructionist tradition, in which, as Burr (1995:110) argues, 'objectivity-talk' claimed by scientists is seen as "part of the discourse of science through which a particular version (and vision) of human life is constructed" considering that human beings cannot step outside their humanity and view the world from no position at all. The study interprets social media *incivility* as part of the 'Real' world of 'the political' (see Schmitt, 1927) rather than the world of politics that has been created out there and can be accessed through 'objective' research methods modelled along traditions of natural sciences.

Hence, my interpretation of how *incivility* is playing a role in the dislocation of hegemony is anchored on particular ontological presuppositions about political reality. In this study, *incivility* is understood as symbolising the true nature of politics as a friend–enemy relationship (see Schmitt, 1927) and following Lacan, the Real that cannot be symbolised, or rather, the unsymbolisable human experience – “in short, the real as distinct from reality” (Stavrakakis, 2007:6). Indeed, the political reality is indeterminate. As such, ‘reality’, Lacan (1973:17) says, is only ‘the grimace of the real’ because the real is placed firmly on the side of the unknowable. Denying *incivility* is part of banal political experiences conceals how it can be a moment of disruption able to dislocate the dominant ways of doing politics. The presupposition then is not that political reality shaping our understanding of *incivility* is unsymbolisable, but that it can only symbolise reality that is already constructed and, therefore, it misses the Real human experience that falls outside constructed reality. We, then can only use symbolic reality to interpret *incivility* as part of the Real.

Consequently, the ontological perspective of this study focuses on the underlying causes of *incivility*. To use a Heideggerian term, the study describes *incivility* as ‘that-being’, some given thing that determines *incivility* as a specific type of political activity in our everyday politics. At the ontic level, we are concerned with types of political practices, the taken-for-granted practices that shape our day–to-day politics. But at the ontological level, we question those assumptions by enquiring into the Being of political activities to understand the nature of politics (Mulhall. 2005:58-58). That is to say, the study uses the ontic to explain the ontological. To Heidegger (1962:44), the ontic is concerned with the open existence of matter that can be observed, while the ontological is concerned with the underlying deep structure that creates the ontic.

The ontological perspectives of this study has both the ontic and the ontological: the former analyses actual existence of *incivility* in social media as part of political reality, while the latter uses the former to describe the nature of politics, what Laclau and Mouffe (1985), following Schmitt (1927), call ‘the political’. Politics is thus split into the traditional idea of politics (meaning the banal political practices that constitute society), the ontic, and ‘the

political' (referring to the impossibility of society due to indeterminacy of politics — the 'ontological' dimension of political practices). The problem of this ontological difference is that it confines the political to the field of political theory where political differences cannot be described empirically (see Marchart, 2007:6). However, since the political is "one of the forms in which [we can] encounter the real", so that "political reality is the field in which the symbolisation of this real is attempted" (Stavrakakis 1999:73), this study attempts to describe the unsymbolisable Real by reading *incivility* at the ontical level to describe it at the ontological level, even though such description is only a gesture as:

...we cannot access the ontological level directly that—if we want to approach it at all—we will have necessarily to pass through the ontic level, in order to 'wave' at something which will always escape our grasp because of the irremediable gap between the ontological and the ontic, beingness and beings, the ground and what is grounded. (Marchart, 2007:24).

In this study, *incivility* is analysed from the ontological level as part of 'the political', that is core to politics. As explained in the previous chapter, the concept of the 'the political' developed by Schmitt (1927:30) emphasises the underlying role of emotions in politics and rejects consensus achieved through rational discussions since consensus depoliticises democracy. To Schmitt, it is the friend–enemy relationship that distinguishes politics from other realms of life. It is only through transformation of Schmitt's (1927) friend—enemy antagonism to agonism, Mouffe (2000) argues, that that democracy can retain politics. As Sayyid and Zac (1998:251) point out, post-foundational discourse theorists should work from the perspective that political processes cannot be explained a priori, therefore analysis of politics should not rely on that which is 'outside' politics itself as doing so would achieve the impossible — stepping outside ourselves in order to explain the world from a non-human point view.

Furthermore, *incivility* in social media is one of the symptoms of the impossibility of society (see Laclau (1990: 44), since in the place of harmonious discourses, society is made up of people in constant conflict. As explained by Jørgensen and Phillips (2002:34), to Laclau and Mouffe, "'Society' is our attempt to pin down the meaning of society, not an objectively existing phenomenon." Due to the 'overlapping identities', it is not possible to pin down 'society' because the multiple competing discourses arising from overlapping identities

make it impossible for a single discourse to establish itself and become the sole discourse structuring the social. For instance, in addition to the dominant antagonism between ethnic identities that shape national politics, every individual simultaneously has overlapping identities that create multiple antagonistic discourses. Politics is shaped by, antagonistic discourses between employer-employees, government-religion, the central government-county governments, residents-county governments, youths-adults, women-men, trade unions-employers, consumer-producer, among other antagonisms that instead of creating a society, to use Laclau's words, "prevents it from being" (1990: 44).

However, to exercise power, the regime is struggling to give *incivility* in social media a fixed meaning through temporal closure of the discursive field by establishing rules for social media users. But this ontical attempt is opposed by the ontological practices symbolised by social media users who are utilising *incivility*, to repeat Laclau's (1990:44) words, 'to prevent the society from being'. Consequently, increased *incivility* in social media is a product of ontological fissures as it is an attack on various sedimented ontical positions, thus it is part of the contest in daily political struggles against attempts to constitute society by domesticating the *Real*. Hence, *incivility* has no true essence - the fixed properties that can define it outside discourse. Instead at the ontical level, *incivility* is a socially constructed hegemonic project even though its hegemonic meaning disguises itself as objective. As emphasised by Sayyid and Zac (1998:262), hegemonic projects can be judged successful when they achieve two things: success in making hegemonic rules the 'natural' rules and its limits - the 'natural' limits of the community; and success in contributing to 'forgetting' other projects against which it was struggling

Considering that both nature of reality and knowledge are constructed, and values have a role in discovering these constructions, Laclau and Mouffe's (1985) Discourse Theory was utilised as a research method within interpretivist research traditions. To Laclau and Mouffe (1985:108), denial of the existence of objective reality and knowledge does not mean denial of material existence of objects, rather it means there are diverse meanings attributed to objects and events. What can be said is that "natural facts are also discursive facts...[because]...nature is not something already out there to be read from the appearance of things, but is itself the result of a slow and complex historical social

construction” (Laclau & Mouffe, 1985:84). Therefore, there is no objective knowledge that can provide an ‘Archimedean point’ from which to understand the ‘Real’, rather, objectivity is constructed through the discursive production of meaning (see Jørgensen & Phillips, 2002:33). As an interpretative approach, Discourse Theory can enable us to understand and interpret how the production of everyday meanings is discursive, since we make our own world rather than live in a world that we find ‘out there’. However, unlike classical hermeneutic arguments that can be accused of being mere self-interpretations, Discourse Theory enables researchers to make interpretations based on theoretical concepts and perspectives, which, according to Howarth (2005:320), act as “external vantage point to detect partialities and distortions”.

Having embraced a constructionist perspective, the study views the dominant meaning of *incivility* as a creation of the regime through favouring one part in a binary opposition. Constructionism, Walsh (1972:19) argues, does not “take for granted, as the natural scientists do, the availability of a pre-constituted world of phenomena for investigation [but] must instead examine the processes by which the social world is constructed.” Therefore, the study participates in what Bhaskar (2008:183) terms “radical revision of knowledge” due to a new level of crisis induced by the proliferation of anomalous facts of a particularly disturbing kind. Indeed, by returning citizens’ ability to participate in politics, social media has created a new level of crisis to the established hegemonic order.

However, to avoid the mere reversal of the regime’s favouritism of a pair in a binary opposition, this study utilises double reading to identify the second meaning outside the binary—the elements of *incivility* which, to use Kakoliris (2017:) words, “have refused to be incorporated” within the binary opposition. That is to say, the study is concerned with the meaning of *incivility* that is different from the dominant meaning. Consequently, the second reading moves away from the government’s definition of extreme speech, to propose an incompatible definition outside the logic of favouring one side in the binary opposition between acceptable and unacceptable speech. This study therefore engages in “critical” productive reading to discover not the ‘difference’ between acceptable speech and *incivility*, but the ‘deferral’, what Derrida (1982:3) would say is the presently denied meaning of *incivility*— “the possible that is presently impossible”.

Considering that truth is produced and not necessarily discovered, this study rejects objectivism, the idea that politics can be understood as facts external to individuals. However, the rejection of objectivism should not be mistaken for a denial of the material existence of objects, rather the interest here is to use Discourse Theory to make visible the possible meanings that are 'presently impossible'. *Incivility* in social media has a variety of possible meanings, just like Laclau and Mouffe (1985:108) explain how the falling of bricks can be "God's wrath" or some 'natural phenomenon'. In this dissertation, *incivility* in social media is read as part of the cracks in the dominant deliberative democracy, cracks that are making visible the 'presently denied' forms of democracy. As explained by Laclau and Mouffe (1987:82):

If I kick a spherical object in the street or if I kick a ball in a football match, the physical fact is the same, but its meaning is different. The object is a football only to the extent that it establishes a system of relations with other objects, and these relations are not given by the mere referential materiality of the object but are, rather, socially constructed.

Just like the spherical object that can also be a football, the meaning of *extreme speech* in social media is based on its relations with other objects that deny or allow the meanings. Although the regime has attempted to securitise *extreme speech* in social media by constructing it as hate speech, incitement to violence, a threat to national security or at best, rudeness, away from the binary division of speech into what is acceptable and what is not (Pohjonen, & Udupa, 2017:1174), *extreme speech* can also mean revolutionary speech, just like a 'spherical object' on the street which can be a football or a projectile based on the system that defines its relation with other objects. From a post-foundational perspective, there are no foundations to rely upon in understanding the world other than the socially constructed system of relations.

To deconstruct hegemony that enforces a binary division of speech as part of attempts to create a society without antagonism, this dissertation adopts a 'problem-driven' approach to expose how the regime has made *incivility* in social media a security problem. The problem-driven approach is similar to Foucault's (1985:11–12) problematisation, which is more than a matter of analysing "behaviour or ideas, nor societies and their 'ideologies',

but the problematisations through which being offers itself to be, necessarily, thought — and the practices on the basis of which these problematisations are formed”.

Through problematisation, the study analyses *incivility* in social media as part of the processes through “which one tries to see how the different solutions to a problem have been constructed [and] how these different solutions result from a specific form of problematisation” (Foucault 1997: 118–19). The problem–driven approach used in this study contrasts with problem-solving research that assumes there is ‘a world out there’ from where problems can be discovered and solved. Because ‘objective reality’ is impossible, Cox (1981: 129–30) and Howarth (1998:167) argue, problem-solving research operates within the dominant theories of reality. Problem-driven research is also different from method-driven research that is motivated more by techniques of data-gathering and analysis than by a concern with the empirical phenomena under investigation, or theory-driven approaches which aim “to vindicate a particular theory rather than illuminate a problem that is specified independently of the theory” (Shapiro 2002:601).

Through problematisation, the study avoids the authoritarianism of inductive and deductive methods in social science research. Inductive approaches generate knowledge through discovery of empirical generalisations while deductive approaches test hypotheses and theories to find out their predictive success. However, Discourse Theory can be used to generate knowledge through abduction — a process through which empirical facts are discovered first and then theories constructed to explain those facts, a ‘facts-before-theory’ approach (see Haig 2005:371). Through Discourse Analysis, *incivility* in social media is “explained rather than (made to) serve as the objects of prediction in theory testing.” Using this approach, the study overcomes the dualism between inductive and deductive reasoning, bearing in mind that ‘the political’ is a form of permanent contestability and neither inductive nor deductive reasoning can predict it. Consequently, to explain ‘the political’, the sphere where politics is performed, researchers should reason through probabilities or fair guess, making inference of a *case* from a *rule* and *result* (cf. Peirce 1992 [1878]:188).

An abductive reasoning explanation is satisfied if its postulated mechanism can explain the phenomenon being investigated, with good reasons for believing in the existence of

the mechanism; and without the possibility of thinking of any equally plausible alternatives (Glynos & Howarth, 2007:32). Explanations then begin with the encounter of “a phenomenon that needs to be rendered intelligible” which leads to the constitution of a problem – or an *explanandum* (Glynos & Howarth, 2007:34). The logic of an abductive explanation and theory construction is a to-and-fro movement between the phenomena investigated and the various explanations used to sieve the initial concepts, logics, empirical data, and self-interpretations to produce an account which can constitute a legitimate candidate for truth or falsity. Unlike the positivist justification which involves subjecting statements to predictive tests in order to determine their truth or falsity, abduction as a post-positivist justification accepts an account “as a valid explanation only if it produces insights and greater illumination according to criteria which can be publicly articulated, criteria concerning evidence, consistency, exhaustiveness, and so on” (Glynos & Howarth, 2007:38). A post-positivist justification, therefore, is elastic as it is accepted based on theoretical and critical *interventions*, in addition to winning *persuasion* among the agents being studied and the epistemic community.

It can then be summarised that Post-Foundational Discourse Analysis draws its power from the fact that there is no one ‘how-to-do-a-discourse-analysis’ method since discourses can only be understood if relevant approaches are used to discover what is possible, but is presently made to look impossible through the society’s hegemonic powers. Thus, a universal empirical Discourse Theory recipe:

...does not exist and should not be developed. For, whereas there is a great need to develop our critical reflections on how to apply discourse theory in concrete studies, we should not aim to solve the methodological question once and for all. Discourse theorists must remain methodological bricoleurs and refrain from developing an all-purpose technique for discourse analysis (Torfing, 1999: 292).

This study followed Torfing’s suggestion by using relevant concepts from Laclau and Mouffe’s Discourse Theory to develop a suitable method for analysing *incivility* in social media as part of wider hegemonic struggles. The following section begins the ‘methodological bricolage’ by using some concepts from Laclau and Mouffe’s book to develop a framework for analysing *incivility* in social media discourses.

5.2 Design of post-foundational Discourse Analysis model

This study used relevant 'sensitising concepts' from Laclau and Mouffe's (1985) Discourse Theory to design a model for analysing *incivility* in social media. The term sensitising concepts was first used by Blumer (1954:7) to contrast the empirical world's definitive concepts from social concepts. Blumer explained that while definitive concepts refer to "what is common to a class of objects" as illustrated by the object attributes, sensitising concepts lack clear attributes and consequently do "not enable the user to move directly to the instance and its relevant content" but can give the user a general sense of direction. He added that "Whereas definitive concepts provide prescriptions of what to see, sensitising concepts merely suggest directions along which to look." Sensitising concepts, according to Ritzer (1992:365), can guide researchers about "what to look for and where to look".

Discourse, the partial fixation of meaning through exclusion of other possible meanings, is the primary sensitising concept in Discourse Analysis (see Carpentier & De Cleen, 2007: 273), while the theory's key concepts are the secondary and tertiary sensitising concepts. Discourse Theory's key concepts explain 'the articulatory practice', what creates '*discourse*' (cf. Laclau & Mouffe 1985: 105, italics in original). The excluded meanings in discourse (Laclau & Mouffe, 1985: 111), are reservoirs of 'surplus meaning' produced by the articulatory practice. This means *extreme speech* stands on a continuum of meanings, but through discourse, some meanings are excluded in order to create a unity of meaning that can serve the purpose of the dominant elites. Nevertheless, it is not possible for *extreme speech* to achieve unity of meaning because, as Laclau and Mouffe (1985:112) argue, it is impossible for "any given discourse to implement a final suture", to fix the ultimate meaning as only partial fixation of meaning is possible. In this study, dislocation acts as the key secondary sensitising concept. The theory's tertiary sensitising concepts, what happens after dislocation, were: articulation, moments, elements, empty/floating signifiers, nodal points, hegemony, 'the political', objective discourse and ideology.

The secondary and tertiary sensitising concepts selected for this study are what Laclau and Mouffe (1985) refer to as logics, the complex rules of the game of politics that make possible the political practices as well as its vulnerabilities. To Laclau (2000:183), these 'rules of the game' are similar to rules of chess, which make the logic of chess playing.

Borrowing from Wittgenstein, Laclau (2000:183) differentiates logics from grammar which works to “produce a set of use-based meanings that no purely logical analysis can uncover.” Unlike grammar which is a set of rules governing the ‘language game’, logics are the type of relation between entities that make it possible for a system of rules to operate (Laclau, 2000:283-4). Laclau refutes the possibility of there being a general logic of politics like grammar of language which can “establish the foundation of any possible language” insisting on the contrary, that logics are context dependent. The logics in politics, just like the rules in a game of chess, are internal to the language game of politics, and as Laclau (2000:384) explains, “do not depend on any aprioristic foundation.” Consequently, because politics has its own internal logic — the contextual rules of the game — it can only be explained based on the rules within which it is played.

The model developed in this study operationalises Discourse Theory by mapping the theory’s secondary and tertiary sensitising concepts on a diagram that uses blocks and arrows supported by written descriptions of the concepts’ relationships. By selecting sensitising concepts relevant for this study, the model represents an incomplete but relevant mechanism of Discourse Theory following Craver’s (2006:360) suggestion that a model should be a representation of some parts, activities, and features with gaps masked by ‘acknowledged fillers’ to indicate the kind of activity between parts of the models. Indeed, if the model was to be a complete description of Laclau and Mouffe’s Discourse Theory, it would have included too many concepts some of which are irrelevant for this study. Craver (2006:360) recommends that theoretical models should drop details that are irrelevant to the context under which the model is to be used. The selected sensitising concepts narrow the otherwise extensive theory, after all Discourse Theory is like a multi-head wrench which can be used to open nuts and bolts of different sizes but only when the user selects fitting heads. Since ‘everything is discursive’ according to Laclau and Mouffe (1985), researchers using Discourse Theory need to focus only on the relevant sections of the theory in order to limit the research to manageable levels, otherwise a complete operationalisation of the theory would demand illustration of too much information. The model is presented in figure 5.1.

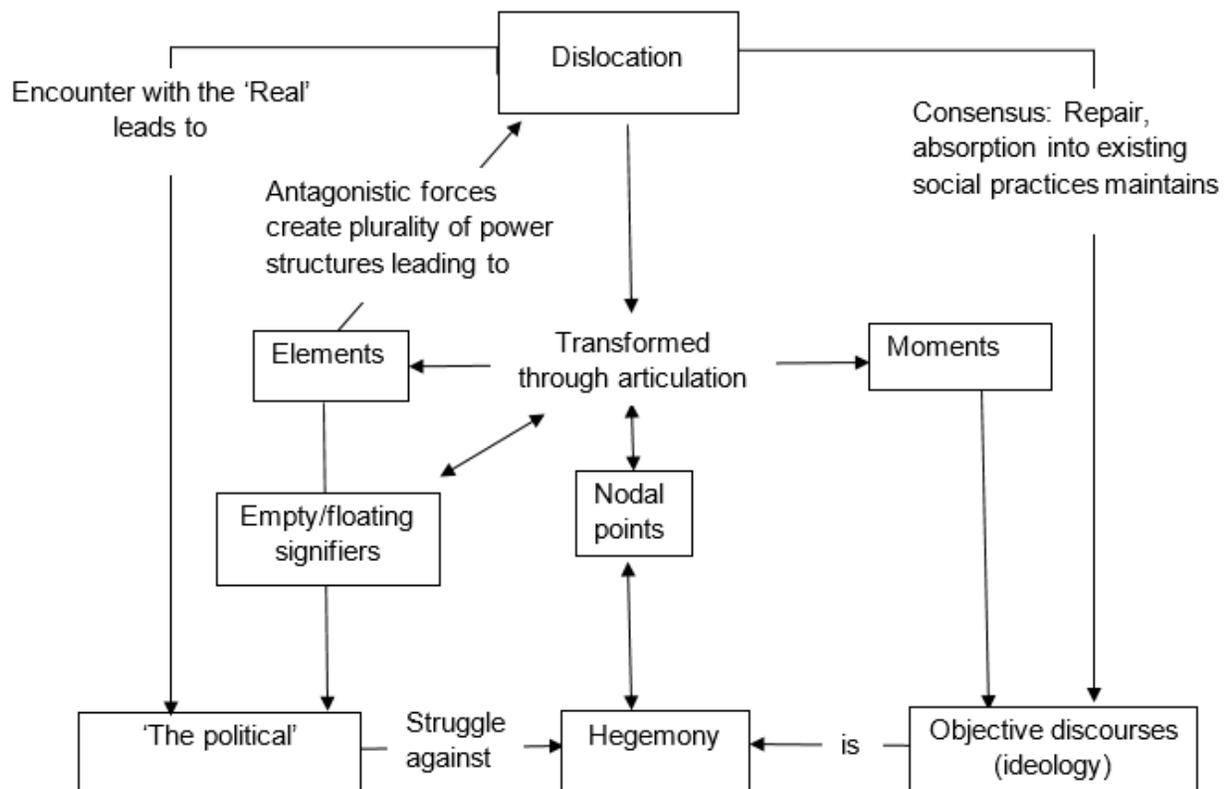


Figure 5.1: Post-Foundational Discourse Analysis model

The model starts with dislocation as the key secondary sensitising concept in Discourse Analysis. Dislocation, as Blumer (1954:7) would have said, gives “directions along which to look” for how *incivility* in social media is decentering conventional practices by enabling the audience to construct new radical subjectivities different from their previous docile state. Three discursive routes, the resultant secondary sensitising concepts, come out of dislocation: antagonism which causes public contestation and leads to ‘the political’; consensus which repairs and absorbs the dislocation into existing institutions and power structures; and articulation which changes the dislocation into elements, moments, empty signifiers, and nodal points. Dislocation and the resultant sensitising concepts are explained in detail below:

5.2.1 Dislocation: The institutional void created by *Incivility* in Social Media

To dislocate, in a layman’s terms, is to disturb something by moving away from its routine in a manner likely to prevent it from functioning ‘normally’. From an ontic perspective,

incivility in social media causes dislocation when it creates a moment of interruption of a subject's symbolic world (cf. Glynos & Howarth, 2007:14). But from an ontological perspective, any structure of social relation is always already dislocated (see Laclau 1990: 39) as every symbolic order is an impossibility that has been concealed for it to constitute itself. This study views *incivility* in social media as a dislocation at the ontic level that has disrupted existing hegemony, what Laclau (1990:39-40) would have called dislocations of the structure due to the 'surplus' signified that creates an excess of meanings in discursive structures. The amount of *incivility* experienced in social media is unprecedented because the platform is a field for 'unlimited' content creation, unlike legacy media which have ingrained systems of editing. It is this freedom that has enabled social media content creators to dislocate the myth of a stable society that was covertly supported by legacy media. Indeed, the rampant *incivility* in social media is a form of dislocation as the *incivility* cannot be integrated into existing consensual liberal democracy.

Since dislocation is abstract and therefore difficult to see in texts, this theory-praxis gap was filled by the more descriptive notion of institutional void. By interpreting institutional void as a symptom of dislocation, it was possible to identify moments of dislocation from the breakdown in "rules and norms according to which politics" was previously conducted (see Hajer, 2003: 175). Dislocation causes institutional ambiguity by making the existing rules and norms irrelevant in resolving issues "in a manner that is perceived to be both legitimate and effective" (Hajer, 2003:176), this gives opportunity for the creation of new ways of doing things. The objective of this Discourse Analysis project was to examine how *incivility* as a dislocatory moment with traumatic as well as the productive elements has caused an institutional void — an absence of a clear authority and set of accepted rules of engaging in politics.

To Laclau (1990:40), dislocation is the process of 'decentring' the structure by making visible the contingency of discursive structures. Decentring shatters the existing identities, inducing an identity crisis for the subject and leading to constitution of new identities. Hence in the structure-agency debate, "agency is only possible given the 'failure' or 'dislocation' of a structure" (Howarth, 1998:287) which ruptures the normalised order of things.

Dislocation creates unevenness that opens possibilities for decision-making by those who were previously not part of the dominant social order, as seen in the accompanying antagonism. But because discourse is a site of struggle, dislocation also generates reaction from the dominant social order, the attempts to create consensus through repair and absorption of the dislocation into existing social practices. Laclau (1990:39) gives the example of dislocatory effects of capitalism as leading to destruction of traditional communities and the reaction of workers who are never passive to capitalism's dislocation of their lives, — workers react by resisting capitalism through various forms of trade unionism. Thus, dislocatory relations give “rise not only to negative consequences but also to new possibilities of historical action.” Dislocation threatens dominant identities but on the other hand acts as the “foundation on which new identities are constituted” (Laclau 1990: 36). In relation to this study, it means mediatised *incivility* is not only threatening dominant ways, but also creating new ways of doing politics.

The dislocation caused by social media is similar to what Laclau (1990:40) terms dislocation stemming “from presence of antagonistic forces” that decentres the structure creating a plurality of power centres. Yet, because of the plurality of power centres, dislocation cannot achieve totality, instead it leads to “recomposition around particular nodal points”. Thus, as argued by Laclau (1990:40), “dislocation is both the condition of possibility and impossibility of the centre at the same time” and it can be the basis for analysing antagonistic relations that prevent the “society from being” (ibid, 44). Consequently, dislocation provides a suitable ‘Archimedean point’ from which to begin making sense of *incivility* in social media.

The logic of dislocation was used as the key sensitising concept to describe how *incivility* in social media is denaturalising political practices and how this denaturalisation is being resisted by hegemonic forces. Logics such as dislocation, according to Glynos and Howarth (2007:137), are “*the rules or grammar of the practice, as well as the conditions which make the practice both possible and vulnerable*” (emphasis in original). Logics of dislocation shift subjects from their prevailing subject positions and distance them from the taken-for-granted discourses (see Marttila, 2015:59).

In clarifying the concept of dislocation, Torfing (2005:16) argues that “a stable hegemonic discourse becomes dislocated when it is confronted by new events it cannot explain, represent, or in other ways domesticate.” This is what social media has caused: mediatised *extreme speech* which has disrupted the way of representing politics in Kenya by allowing articulation of alternative discourses that were previously suppressed. What social media has enabled people to do cannot be domesticated in a similar way the mainstream media was domesticated. In fact, it is only through such disruptions that the mass media switches from being an ideological state apparatus (see Althusser, 1971:79) to a tool that can, from a Lacanian perspective, represent the unrepresentable ‘real’ politics that stands in opposition to political reality. Political reality is our unachievable attempts to symbolise the real. This is well explained by Mouffe (1993:3) who argues from an ontological perspective that:

The political cannot be restricted to a certain type of institution, or *envisaged* as constituting a specific sphere or level of society. It must be conceived as a dimension that is inherent to every human society and that determines our very ontological condition. (Mouffe, 1993:3)

Although political reality attempts to symbolise (or cover-up) ‘Real’ politics, it is in the failure to achieve this symbolisation, as seen through dislocation, that we encounter ‘Real’ politics. This productive failure initiates another round of efforts to symbolise real politics and so on and so forth. In a Lacanian sense, this is the moment of the political *par excellence* (see, *Stavrakakis, 1999:74*), even though “[t]he political is not the real *per se* but one of the modalities in which we experience an encounter with the real” (ibid, 75).

Since the real is unrepresentable, it can “only be conceived negatively, in terms of disturbances of the imaginary and the symbolic” (Boothby 2001:295). Hence dislocation as a negative index of the real can be interpreted as the limit of signification, a point of *interruption* or *breakdown* of signification (see Laclau 1996: 37). In Lacanian terms, dislocation can be described as “encounters with the real”, different from ‘antagonism’ which falls in the struggle between the imaginary and the symbolic orders of reality — the relation between different discursive projects fighting for hegemony. As explained by Laclau (1996:39), dislocations:

signify the limits of signification – the real, if you want, in the Lacanian sense – and there is no direct way of doing so except through the subversion of the process of signification itself. We know, through psychoanalysis, how what is not directly representable – the unconscious – can only find as a means of representation the subversion of the signifying process.

Consequently, the interruption and breakdown as an encounter with the real is not only traumatic, from the negativity experience, but also a condition of possibility for new political creations. This means dislocations ‘threaten identities’ while producing others (see Laclau 1990: 39). As shown on the Post-foundational Discourse Analysis figure above, dislocation has two outcomes: it is met with efforts to repair it through consensus on the one hand and an ‘encounter with the real’ that turns politics into ‘the political’, on the other. While consensus attempts to limit ‘the political’ through repair and repression of the dislocation into existing social practices, encounter with the real leads to ‘the political’, which frees politics from being restricted to “certain type of institution, or *envisaged* as constituting a specific sphere or level of society” (Mouffe, 1993:3).

To repair the dislocation, the regime is securitising *extreme speech* to repress the use of social media in order to rearticulate the signifiers of democracy, freedom, the role of the executive and legislature, equality, sovereignty of the people among others. In this regard, several social media activists have been harassed by security agencies: bloggers Abraham Mutai, Alan Wadi Okengo, alias lieutenant Wadi, and Robert Alai, were arrested and charged for posting incivilities, while Dickson Bogonko Bosire apparently disappeared in 2012 or thereabouts (see Freedom House, 2014). This strategy of solving dislocation by absorbing it into existing structures, as Gramsci argued, is hegemony as it is a combination of repressive forces and consensus.

Now that the hegemonic discourses in Kenya are facing a crisis, they are attempting to secure their preferred meanings on the continuum of *extreme speech* by securitising the dislocation into moments or nodal points. The regime is countering the dislocation through what Glynos and Howarth (2007:104) would term “channelling and reshaping the grievances into the existing institutions and structures of power”. In particular, the regime

is knotting *extreme speech* to the nodal point of national security⁴ so that *incivility* is pushed out of normal politics and instead controlled using security tools.

However, when dislocation leads to the ‘the political’, actors free themselves from restrictions imposed by institutionalised politics and positivise the disruption caused by *incivility*. This is to say, the social media has enabled people do what cannot be domesticated in a way similar to the manner in which the mainstream media was domesticated. For instance, many popular bloggers in Kenya have risen outside the traditional journalism career progression structure, with their career growths being credited to tough online stances. Among them is Denis Itumbi, the director of Digital, New Media and Diaspora Affairs at the presidency, who the *Daily Nation*, the country’s leading newspaper, reported to be among 50 other Kenyans unsuitable to serve in sensitive government offices like the presidency due to their questionable academic qualifications (Musambi, 2014). But even as the newspaper identified Itumbi’s purportedly dubious qualifications, what seems forgotten is the fact that Mr Itumbi was not hired to work for the presidency based on his academic qualifications or newsroom experience as has been the tradition of hiring ‘advisers’ to the president. Contrary to the legacy media newsroom tradition, Mr Itumbi, just like other government or opposition bloggers, was hired based on popularity and to some level, *incivility* of his social media accounts. Here, dislocation is positive because it has been used to create new ways of accessing ‘the political’ not mere politics at ontical level. These are some of the possibilities that have come out of dislocation through *incivility* in social media.

⁴The concept of national security in Kenya is viewed as protection of the state from internal more than external enemies since the country’s encounter with armed conflicts has mainly been internal. Hence the ‘Westphalian’ understanding of national security cannot explain security threats between populations or even against an oppressing regime (cf. Hentz, 2010:632). With ethnic fragmentation competing national identities, states are not unitary institutions, meaning national security in Kenya can pit the state (as an ethnopolitical structure) against the people who are not always innocent as they sometimes use “informal, local, powers that are normally more trusted than the central power” (Menocal, 2011:1726) to undermine state security. The concept of securitisation will therefore be used to refer to how the regime is defending itself against threats from its own people’s counterhegemonic acts.

5.2.2 Elements and Moments

Dislocation results from the antagonism between signs whose meanings are not yet fixed (therefore can take multiple meanings), which Laclau and Mouffe (1985:105) argue are any differences that are not articulated discursively. Based on the polysemic nature of elements, dislocation is repaired by the discourse that attempts to transform elements into moments by reducing their polysemy to a fully fixed meaning thereby establishing closure, a temporary stop to the fluctuations in the meaning of the signs. But this closure is never permanent: “The transition from the ‘elements’ to the ‘moments’ is never entirely fulfilled” (Laclau & Mouffe 1985: 110). Thus, discourse can never be so completely fixed that it cannot be undermined and changed by the multiplicity of meanings in the field of discursivity. In this study, *incivilities* in social media are viewed as elements in the field of discursivity because there are competing ways of understanding it, ranging from mere rudeness or hate speech to democracy enhancing speech. Borrowing from the description of elements by Jørgensen and Phillips (2002:28), *incivility* must be positioned in relation to other signs in order to get meaning. This positioning happens through *articulation*. Thus, the objective of discourse is to reduce elements into moments through articulation to make the discourse authoritative and ‘natural’. Yet this final condition cannot be achieved because of the permanent antagonism originating from the “constitutive impossibility of society” (Laclau, 1996:44). Hence, all elements that have been transformed into moments through articulation are under the constant threat of being rearticulated to elements due to the permanent antagonism in the discourse trying to establish different meanings to elements.

To Laclau and Mouffe (1985:113), “the transition from ‘elements’ to ‘moments’ can never be complete because ‘elements’ are floating signifiers that cannot be wholly articulated to a discursive chain. As a floating signifier, *incivility* is ambiguous, but it acquires meaning when articulated against different signifiers, like hate speech and a completely different one when articulated with a signifier like freedom of expression or even civic participation. Yet the government is attempting to make its hegemonic meaning natural by articulating the meaning of *incivility* around the nodal point of hate speech and related undemocratic speech. For example, the National Cohesion and Integration (NCIC) Act, 2008, attempts to fix the meaning of *incivility* by articulating it against hate speech. The Act defines hate

speech as “speech or expressive conduct which insults an ethnic, racial or other identifiable group”. This definition articulates *incivility* from an element into a moment (a crime of hate) by positioning *incivility* in relation to ethnic and racial differences, these being the other signs that are used to fix the meaning of *incivility*. Yet this articulation is not final because of the permanent antagonism that threatens to rearticulate moments back to elements. As noted in the previous chapter, the National Cohesion and Integration Act, 2008 exists more in law than practice because the courts have not convicted even a single person based on this Act. In fact, the National Cohesion and Integration Commission has blamed the courts for what it terms not convicting ‘reckless politicians’ spreading hate speech (see Kajilwa, 2015).

As shown in the above examples, articulation of a discourse attempts to transform “elements” into “moments” through the exclusion of some possible meanings of elements and selection of a preferred meaning from the “field of discursivity” (Laclau & Mouffe, 1985: 111). Such processes, Laclau (2014:49), would say, are processes of metaphoric substitution that create relationships between dissimilar things. Here metaphors, as explained by Laclau’s (1988), are not ordinary linguistic metaphors, but “metaphoricity” of language at the ontological rhetoricity level. Thus, this study followed the tropological turn to analyse *incivility*, at the ontological level, with “metonymy corresponding to combination and metaphor to substitution” (Laclau, 2008:66).

Articulation functions like a metonym or metaphor by substituting or combining one signified with another signified. Hegemony succeeds when discourses use metaphoric substitution or metonymic combination to turn elements into moments. Hence the aim of a discourse is to achieve “closure” in which the polysemic signs are fixed with preferred meanings through metonymic and the metaphoric transformation of elements into moments. Hegemony is achieved when consensus removes polysemy in signs, making them to have fixed meaning. For example, the utterances by courts, police and the Communications Authority of Kenya have attempted to give *incivility* a fixed meaning by naming it hate speech, which justifies the use of coercive tools on people. Such hegemonic practices, Laclau would call catachresis as they fix the meaning floating by naming unnamed things. Alternatively, the process can be seen as metonymic as state organs have attempted to fix the meaning of *incivility* by giving it the name of something related

(see Laclau 2005:71). Such hegemonic practices, according to Torfing (1999:101), work by *expanding discourses “into a dominant horizon of social orientation and action by means of articulating unfixed elements into partially fixed moments in a context crisscrossed by antagonistic forces.”* In this case, there is an attempt to fix the unfixed meaning of *incivility* by attaching fixed moments through securitisation so that it is equated to hate speech and incitement to violence. Nevertheless, such closure can never be permanent since hegemony is always at risk of being displaced by rival discourses that try to break it down by rearticulating the meanings of elements into empty or floating signifiers.

5.2.3. Empty signifier/floating Signifier

After dislocation, regime discourses attempted to fix the meaning of floating signifiers by creating competing empty signifiers. Floating signifiers, Laclau (1996:36) argues, are “*equivocal*”— they are arbitrary signs that “can be attached to different signifieds in different contexts — or “*ambiguous*” because they have excess or deficiency of meaning that prevents the signifieds from being fully fixed. Indeed, *incivility* has meaning but this meaning is difficult to fix. For example, the meaning depends on who uttered the statement. If it is one of ‘us’, it is not *uncivility*, it is only *incivility* if it is one of ‘them’.

Different from floating signifiers, empty signifiers emerge, argues Laclau (1996:37), if there is an impossibility that can signify an interruption of the structure of the sign, creating a “limit to something [that] is the same as thinking of what is beyond those limits.” The limits of a signifying system cannot be themselves signified “but have to *show* themselves as the *interruption* or *breakdown* of the process of signification” leaving us with the paradoxical situation of the condition of possibility of a signifying system also being the condition of its impossibility. *Incivility*, as a floating signifier, can have different signifieds depending on the discourse in which *incivility* is being articulated. But *incivility* can be an empty signifier if meaning is created by what is absent.

The concept of empty signifiers explains how absence is in itself a signifier. Laclau (1996:34) defines an empty signifier as a signifier without a signified. Such signifiers are not attached to any specific signified but still signify when their absent signifier is filled. Laclau’s concept of empty signifier is derived from Saussure’s concept of sign as consisting of a *signifier* and a *signified*. The signifier is the sign’s physical/visible/tangible

image, like marks or sounds, while the signified is the mental concept to which the sign refers. The mental concept referred to by the signifier is common to members of a language sharing group. Saussure, Baskin, and Meisel (1960/2011) explain the arbitrary relationship between the signifier and the signified. While Fiske (1982:44) summarises similar principles argued by semiotician Peirce (1931–58) and Ogden and Richards (1923). Laclau and Mouffe (1985:113) lament that these linguistic structuralist models of the signifier/signified “became a new form of essentialism”. The two post-structuralist authors propose that a signifier does not always have a fixed signified due the “impossible suture between signified and signifier” (Laclau & Mouffe, 1985:113). The empty signifier suggests the possibility of a signifier without a signified since absence is in itself a signifier of presence. For Laclau (1996: 53):

In a situation of radical disorder, order is present as that which is absent; it becomes an empty signifier, as the signifier of this absence. In this sense, various political forces can compete in their efforts to present their particular objectives as those which carry out the filling of that lack. To hegemonise something is exactly to carry out this filling function”

As explained by Laclau (1996:41, 2005: 105), the idea of empty signifiers explains the means by which the “unachievable fullness and universality” constituting the social is discursively represented. But this does not mean that the social has no meaning; it only means there is a continuous struggle over meaning. As stated by Laclau and Mouffe (1985:112), “a discourse incapable of generating any fixity of meaning is the discourse of the psychotic.” Thus, empty signifiers represent ‘being’ that is constitutively unreachable (Laclau, 1996:39).

To repair the dislocation caused by social media, the regime has emptied the concept of security and is metonymically filling it with content that makes *incivility* a security problem. As such, security has lost content, Laclau (1996:44) would say, as it “is present as that which is absent; it [has become] an empty signifier, as the signifier of that absence.” Various political actors are competing in presenting their definition of (in)security to fill the absence with content.

From a poststructuralist approach, security is an empty signifier with a performative character as it is self-referential considering that it can constitute itself without referring to an external reality (Huysmans, 1998:232). Even if we accept that increased *incivility* in social media can incite people to violence, how the regime is governing this problem using security tools is a political process because it is possible to see *incivility* positively as an outcome of increased freedom. That is to say that, as an empty signifier, security becomes a nodal point that can be used as ‘a technique of government’ to respond to a political problem. Moreover, *incivility* can have other meanings if it is not defined as a threat to society.

Repair and stabilisation of new discourses that emerge from dislocation is achieved by creating empty signifiers as new meaningful totalities, what Howarth and Griggs (2006:29) say is hegemonisation “via articulation and replacement of previously existing formations.” In this study, the emptied concept of national security is being used to signify some form of universal need for respect and order in politics. Thus, as a hegemonic tool, the national security myth is being used to unify people around what is perceived to be lacking or under threat from social media users. The need for security is a point of agreement that the majority can unite around but without agreeing how to identify it. Consequently, as an empty signifier, national security can be defined by being filled with content in many ways, with dominant discourses controlling this filling while alternative political forces attempt to fill it with their preferred content.

The meaning of empty signifiers is almost incomprehensible until they are filled with new meanings through combination with other signs in a chain of equivalence. That is to say that national security has become a political construct through its metonymic combination with other signs, both linguistic and non-linguistic, such as limits to freedom of speech, dangers of hate speech, crime, violence and tribal hatred, among others. Hence, as an emptied signifier, national security can be filled with any other signs to represent ‘anything’ — a hegemonic struggle to stabilise a dislocated discursive field. Consequently, by identifying the chains of meanings around national security, we can identify how discourses attempting to repair the dislocation are constructed.

As an empty signifier, the concept of national security is important to politics and there are on-going hegemonic struggles to (re)establish its definition. After all, hegemony succeeds when objectives of one group, in this case one group's definition of national security, becomes the universal definition, making alternative definitions unthinkable. That is to say that to be transformed into the universal representation, signifiers have to empty their particularity. This means a signifier becomes empty when it is detached from its particularity to become autonomous from its former self and creates an empty space to be allocated universal content. As made more intelligible by Wullweber (2015:80), "an empty signifier arises out of a specific political process in which a particular statement, signifier or practice is transformed into a universality." This is the state of political struggle over social media as a threat to national security in Kenya – various groups are out to make their definitions universal. But since the process of emptying is never completely finished, empty signifiers are hybrids of both particularities that they deny and the universality that they desire. As such, they are tendentially empty (Laclau 2000:304) as they create meaning in relation to what they are not.

National security is an empty signifier because it is signified by its absence. To rephrase Laclau (1996:44), in a situation of radical *incivility*, 'national security' "is present as that which is absent; it becomes an empty signifier, as the signifier of this absence. In this sense, various political forces can compete in their efforts to present their particular objectives as those which carry out the filling of that lack. To hegemonise something is exactly to carry out this filling function". What is represented through empty signifiers is a being that is constitutively unreachable (Laclau, 1996:40). In defining the concept of national security, we are faced "with a constitutive lack, with an impossible object which" shows itself through the impossibility of its representation. Since national security lacks the means of direct representation, its signifier is constitutively inadequate as it cannot represent it.

This relation by which a particular content becomes the signifier of the absent communitarian fullness is exactly what we call a *hegemonic relationship*. The presence of empty signifiers - in the sense that we have defined them — is the very condition of hegemony....hegemonic operations would be the presentation of the particularity of a group as the incarnation of that empty signifier which

refers to the communitarian order as an absence, an unfulfilled reality (Laclau, 1996:43-44).

Mouffe (2000:100-103) transforms antagonism in the friend-enemy dichotomy into agonism, contestation between adversaries and not a 'struggle-to-death' within a democratic polity. From agonistic democracy perspective, politics can be reduced to *incivility* in the agonistic relationship, more specifically, *incivility* is political agonism, which is the essential hearth of democracy but by eliminating it from politics one tends to introduce the enemy-friend antagonism, which becomes struggle to death as there are no possible ways to contest agonistic positions by debate within democracy. Therefore, attempts being made to remove *incivility*, for example, through its securitisation, can be equated to attempts to remove politics from itself. Since both the government and the people know that civility is at the core of 'peaceful' politics but at the same time know civility means nothing because it only exists outside politics, or the stagnant politics of consensus. Yet people are united around the demand for politics without insecurity, attempting to fill the empty signifier with content. Such processes of competing to create signifiers out of lack, Laclau (1996:44) are called hegemonisation. For this reason, efforts by various actors to enforce civility in politics can be seen as efforts to reinforce hegemony over others.

As a floating signifier, *incivility* is not just filled by linguistic content that, for example, securitises *incivility* by uttering security statements, rather it is the meaning that is fixed by 'security practices', the security rationalities used to govern. From a Foucauldian point of view, security practices are the rationalities "embedded in governmental knowledge, skills, technologies...that traverse both linguistic and non-linguistic non-governmental practices as well as artefacts" (Huysmans, 2006:147). Considering Laclau and Mouffe's argument that everything is discursive, it is not only linguistic tools that are used to stabilise the meaning of *incivility*, but many other 'techniques', which according to Huysmans (2006:9), are "embedded in training, routine, and technical knowledge and skills, as well as technological artefacts."

5.2.4. Articulation

Articulation is recomposition by antagonistic forces around particular nodal points after dislocation (Laclau, 1990:40), what Glynos and Howarth (2007:117) call misrecognition through rearticulation of the dislocatory event. To Laclau and Mouffe (1985:105), articulation is “any practice establishing a relation among elements such that their identity is modified as a result of the articulatory practice”. Although all objects and actions are meaningful, the process of rearticulation changes relations between objects and actions such that their meaning and identity becomes temporarily fixed in a particular way.

Even though it is impossible to close the social field, attempting to close the field is an impossible ideal. Reaching the impossibility is attempted through ‘empty signifiers’ that act as the impossible ideal for the society. Emptiness is an essential quality of nodal points as a condition for possibility of hegemonic success (Howarth, Norval & Stavrakakis, 2000: 9). Yet hegemonic forces attempt to ‘fill’ the empty signifiers so that the social field is closed, but this closure remains impossible. To Laclau (1996:44), politics “is possible because the constitutive impossibility of society can only represent itself through the production of empty signifiers.” It is because of its emptiness that different hegemonic projects are attempting to confer meanings on freedom in social media.

Through articulation, *incivility* in social media achieves temporary fixation of the meaning. This can be conceptualised as aimed at:

...removing ambiguities by turning the elements into moments through closure. But this aim is never completely successful as the possibilities of meaning that the discourse displaces to the field of discursivity always threaten to destabilise the fixity of meaning. Therefore, all moments stay potentially polysemic, which means that the moments are always potentially elements. Specific articulations reproduce or challenge the existing discourses by fixing meaning in particular ways. And because of the perpetual potential polysemy, every verbal or written expression ... is also, to some extent, an articulation or innovation; although the expression draws on earlier fixations of meaning (Jørgensen & Phillips, 2002:29).

This study explains how discourses fix the meaning of *incivility* in social media by identifying two categories of practices of articulation: those that reproduce and sediment governmentalities; and those that reactivate subjectivities and make people to rethink their political practices. This is in line with Foucault’s (1986: 12-13) thought on how government

policy articulation, the “practical texts”, create ‘subject positions’, which are either taken or rejected by political subjects.

Taking government created ‘subject positions’ means adopting policies that construct government inspired way of thinking about oneself. This is what Foucault (1980:98) claims is non-repressive power that instead of stopping us from doing something, encourages us to *do* certain things. Here ‘government’ is the full array of knowledge that supports governments by producing *governable* subjects, what Foucault calls ‘governmentality’. In contrast, some articulation reactivates subjectivities and makes people rethink their political practices due to what Laclau and Mouffe (1985: 111) claim is a lack of finality in discourses making it impossible for a society to exist. Unlike in classical Marxism in which historical materialism sees society as an objective totality demarcated by the economy into antagonistic classes, Laclau and Mouffe contend that society does not exist as an objective totality, but only as temporary *closures* whereby other possibilities for identification are marginalised or excluded. Through closures, we continuously produce society, yet this society remains an imaginary entity. According to Laclau (1993b: 287), terms for totality of society are myths (floating signifiers) invested with a different content by different articulations. It is these floating signifiers that establish an imaginary society.

In this dissertation, elements of rearticulation that reproduce and sediment governmentalities about *incivility* in social media are: floating signifiers and empty signifiers that are transformed into nodal points through articulation, giving meaning to a chain of signifiers of *incivility* in social media by partially fixing their meanings. Articulation of floating and empty signifiers into nodal points attempt to reach an impossible ideal of a society without politics. While articulations transform nodal points into elements, floating or empty signifiers reactivate subjectivities and make people rethink the existing hegemony.

5.2.5. Nodal point

Nodal points are the privileged discursive points that fix the meaning of signifying chains since “a discourse incapable of generating any fixity of meaning is the discourse of the

psychotic” (Laclau & Mouffe, 1985:112). The concept is borrowed from Lacan’s (1977:302) *point de capiton*, the privileged-master signifiers used to anchor or quilt signifying chains by knotting the signifiers to the signified to create an illusion of a fixed meaning (see Laclau & Mouffe 1985:112). Other signs acquire meaning from their relationship to the nodal point. Although the nodal point gives meaning to a chain of signifiers by partially fixing their meaning within those chains, this meaning arises from the play of differences instead of being *a priori* privileged (Laclau & Mouffe, 1985:112). Rearticulation gives new meaning to the dislocatory event by constructing nodal points, the signs that occupy a privileged status in discourse. But this privileged status is not permanent as meaning can never be completely fixed, since discourses are always vulnerable to the exterior that they exclude as they attempt to fix meaning.

This study identified how the regime is using the empty signifier of (in)security as a nodal point to fix the meaning of *incivility* in social media. The national security myth is an empty signifier but when filled with regime preferred content it becomes a nodal point that can fix the meaning of *incivility*, which is otherwise a floating signifier. To use Lacan’s words, securitisation ‘quilts’ *incivility* so that it stops sliding, and acquires a specific meaning. Through this ‘quilting’ by the national security nodal point, the regime creates a fixed meaning of *incivility* as a threat to the nation’s wellbeing, placing it outside politics. But before it is quilted, *incivility* is a floating signifier made up of what Žižek (1989:96) would term “non-bound, non-tied elements... whose identity is 'open', overdetermined by their articulation in a chain with other elements”. What is at stake in this securitisation process is freedom as a floating signifier: securitisation demonstrates how freedom due to social media is dangerous to the nation as it can lead to violence. Since nodal points are only temporarily fixed, the competing ascriptions between nodal points and floating signifiers will be used to identify the struggles taking place over the meaning of *incivility* in social media discourses.

5.2.6. Objective Discourses/ideology, Hegemony vs. ‘the political’

Discourses that have been sedimented to a singular meaning and seem natural are ‘*objective*’ discourses, the opposite of ‘the political’ (Laclau, 1990:34). Yet earlier sedimented discourses remain fluid and can, at any time, enter the play of politics and be

problematised through new articulations (Jørgensen & Phillips 2002:36). Hegemony is located between 'objectivity', a naturalised status and 'the political', the contested field. Sedimentation of discourse to a naturalised status is a hegemonic struggle through which alternative understandings of the world are suppressed, creating a single perspective that, without contest, is viewed as natural.

Discourse Theory equates objectivity to ideology since what has become naturalised through objectivity appears as given and unchangeable and seems not to derive its meaning from its difference from something else (Laclau, 1990:89). Ideology hides the fluid nature of meaning, thereby masking the alternative possibilities that would otherwise have presented themselves (Jørgensen & Phillips, 2002:37). In addition to masking alternative possibilities, objectivity is also a form of sedimented power; it hides the traces of power making us forget that the world is politically constructed (Laclau, 1990:60). An important precondition of post-Gramscian hegemony is the unsettled nature of 'the political'. Since elements have no relation, they can be re-arranged and placed in different relationships by hegemonic projects (Norval, 1996:309).

Post-foundational Discourse Analysis as a method provides strategies for looking at possibilities that have been excluded in order to point out the consequences of particular discursive constructions of social media *incivility*. Besides, the method provides a strategy for analysing how some myths about social media *incivility* have come to appear as objectively true while others as impossible and how some myths have been allocated different contents by diverse social actors in the struggle to make their particular understanding of social media *incivility* the naturalised one.

From the above Discourse Theory model, multimodal Post-foundational Discourse Analysis and Discursive Material Analysis models were developed to operationalise Discourse Theory into a method for analysing how social media *incivility* is denaturalising dominant narratives. Based on the questions guiding this study, processes associated with absorption of dislocation include government policies on *incivility* and dominant texts naturalising the meaning of *incivility*, while processes associated with public contestation

utilise social media *incivility* to create counter-publics and reinvigorate citizens' understanding of freedom of expression.

5.3 Conclusion

The above proposed model for Post-Foundational Discourse Analysis is a strategy of transforming Discourse Theory into a method for discourse analysis. The model uses dislocation as the key sensitising concept that can be used to deconstruct *incivility in social media*. However, strategies for creating a method out of Discourse Theory, as Phelan and Dahlberg (2011:13) warn, should not lead to method-led studies instead of critically exploring Discourse Theory's value, and limitations, as a "critical theoretical framework for focusing methodological attention on the 'radically contingent' and 'contextualised' nature of social and media practices (Laclau, 1990: 22–3)". Whereas "method-driven" studies are done within firm guidelines of scientific methods of data-gathering, Post-foundational Discourse Analysis is a "problem-driven" approach that is guided by "problematization" of social practices (Glynos & Howarth, 2007:167). The proposed Post-foundational Discourse Analysis model identifies the blind spots and silences in the existing social and media practices to make visible a different regime of social media order (Phelan & Dahlberg, 2011:13). The suggestion by Phelan and Dahlberg (2011:13) acted as a reminder about the need to bring this study as close as possible to Glynos and Howarth's (2007:167) "problem-driven, rather than method or purely theory-driven research". The study strived to balance between theoretical and procedural issues in developing a method for Discourse Analysis. The Discourse Theory model developed in this chapter is used in the next chapter to construct a strategy for sampling and analysing *incivility in social media*.

6.0 Chapter Six

Design of a research strategy for Discourse Analysis

Discourse does not refer to linguistic or signifying systems, grammars, speech acts, or conversations. To think of discourse as mere spoken or written words forming descriptive statements is to enact the mistake of representationalist thinking. Discourse is not what is said; it is that which constrains and enables what can be said. Discursive practices define what counts as meaningful statements.

(Barad, 2007:146)

6.1 Introduction

This chapter is the second part of the methodology section. The chapter uses concepts from Laclau and Mouffe's Discourse Theory as explained in the previous chapter to develop a sampling and Post-foundational Discourse Analysis strategy. Developing a sampling and analysis strategy was important since, as explained earlier, Laclau and Mouffe's (1985) discourse analysis lacks analytical frameworks, despite their important contribution to the 'discursive turn' and their continued suitability for analysing mediated power relations. In this chapter, I develop a post-foundational strategy for sampling and analysing *incivility* in social media based on Laclau and Mouffe's logics of dislocation as illustrated in the previous chapter.

As explained in Chapter Two, *incivility* can either be democracy-enhancing or anti-democracy, based on the target of the *incivilities*. If *incivility* is directed at the dominant groups as a part of the efforts to contest the hegemony of existing democracy and power structure, then such *incivility* is democracy-enhancing. It is only when *incivility* challenges dominant discourses and encourages counter-hegemonic discourses that it falls in the category of communication that promotes agonistic democracy. Such *incivility* is akin to democracy-enhancing subversive performative movements that started in early 20th Century, like Dadaism, Surrealism, Fluxus and Situationism (cf. Cammearts, 2007:75). These subversive movements reject logic, reason, and aestheticism of art in the modern capitalist society, preferring 'nonsense' and 'irrationality' as tools for not only overturning traditional bourgeois notions of art but also overturning dominant thinking (cf. Hopkins, 2004: xiv). But *incivility* can be anti-democratic when directed at the powerless — those outside the existing hegemonic order of things. Such anti-democratic *incivility* expresses

feelings of intolerance against the proletariat, such as hate speech and incitement to violence, categories of speech that can be counter-hegemonic but at the same time anti-democratic, and if not countered, can create a dominant anti-public sphere. The challenge for agonistic democracy-enhancing *incivility*, as Mouffe (1997:8) would argue, is the difficulties of subordinate groups establishing equivalence in their diverse democratic struggles, equivalences that can enable them to define a common adversary. If the marginalised and disadvantaged groups establish 'new subject positions' that can allow them to jointly use *incivility* to challenge their common adversary, then *incivility* in social media can be part of truly democratic struggles against power. Sampling was done among what can be categorised as agonistic democracy-enhancing *incivility*; the *incivility* that is dislocating dominant democracy.

6.2. Sampling strategy

Discourse Analysis constitutes a corpus whose 'texts' can be analysed in detail when a small sample is selected because discourses operate within enormous symbolic material that is impossible to survey in entirety (see Angermuller, 2014:58). In this study, sampling was guided by the following question: What are the boundaries within which the meaning of *incivility* in social media can be analysed given that Laclau and Mouffe (1985:107) reject the distinction between discursive and non-discursive practices, affirming that "every object is constituted as an object of discourse". To Laclau and Mouffe (1985:107), there is no distinction between "the linguistic and behavioural aspects of a social practice", this is not to deny that "objects exist externally to thought, but the rather different assertion that they could constitute themselves as objects outside any discursive condition of emergence" (p108). This means, "...[d]iscourse is not a mental act in the usual sense. Material things, external objects as such, also participate in discursive structures" (Laclau, 1988:254). As explained by Griggs and Howarth (2017:2), discourse is made of words and things — the human and non-human agents and actions. Thus, to capture all discursive practices, this study analysed linguistic and material texts through which the meaning of *incivility* is fixed or contested. Additionally, Laclau and Mouffe's concept of dislocation of current liberal democracy acted as the boundary within which sampling of *incivility* in social media was done, otherwise sites for struggles over *incivility* in social media are infinite and

it is impossible to demarcate clear boundaries, considering that every object is an object of discourse.

Furthermore, unlike in positivist studies that assume the existence of an objective 'world out there' that should be sampled, sampling pursues different goals in Discourse Analysis. For instance, the major reason for sampling was to locate the most relevant case for researching the phenomenon of *incivility* in social media (cf. Flick, 2007:29). The author asserts that researchers should ensure that the sample is representative of the issue unlike in positivist studies in which samples are statistically representative of the population. Indeed, in Discourse Analysis, sampling is not based on the logic of statistical generalisation derived from the selection of the most representative part of the population, rather, as Flick (2007:27) states, sampling is a way of selecting cases, materials or events for properly constructing a corpus for studying the phenomenon of interest in the most instructive way. Therefore, the selected sample is not statistically representative as positivists would argue but is made up of relevant cases that 'represent' the entirety of *incivility* in social media. In reference to Discourse Analysis, Howarth (2005:19) proposes that the criteria for sample selection should be the specific problem being investigated since it is the problem which strongly determines the appropriate context and limits of a particular research project even though the data must be explicit, consistent, and justified. Furthermore, Flick (2007:28) recommends that samples should be selected "according to the *intensity* with which the interesting features, processes, experiences" occur in them. Due to the above considerations, the sample was selected as explained in 6.2.1.

6.2.1. Multimodal samples

Multimodal samples were used to capture both linguistic and other material texts bearing in mind that 'everything is discursive' (see Laclau & Mouffe, 1987:108). To avoid what Barad (2007:146) calls 'representationalist thinking,' the sample included the 'full repertoire' of resources used by social media audiences, linguistic texts being only one mode among several others. Moreover, because new media has changed the nature of the written text by combining text with other modes, this change needs to be matched by changes in Discourse Analysis strategies. For instance, social media has enabled users to combine linguistic texts with other semiotic modes, continuing the tradition of new media

complementing conventional media texts, thereby intensifying conventional media's multimodality. Leeuwen (2015:447) identified how the following media innovations increased multimodality: magazines and comic strips use of images and graphics in the 1920-30s; the influence of film's nonverbal communication on how people talk and smile; the influence of the microphone on voice quality and intonation; and how television increased the influence of nonverbal communication in politics. Current innovations in social media are likely to have similar effects.

Multimodality is a suitable response to the call by Laclau and Mouffe for Post-foundational Discourse Analysts to avoid differentiating discursive and non-discursive practices since every object is constituted as an object of discourse. Thus, the corpus for Discourse Analysis should be "all identifiable communicative modes, embodied and disembodied" with the modes loosely defined without clear or stringent boundaries and often overlapping with other modes (Norris, 2004:101). Through the multimodal sampling strategy, the study evades the weakness of Critical Discourse Analysis, which differentiates discursive from non-discursive practices by analysing linguistic texts and neglecting material 'texts' or objects, yet according to Laclau and Mouffe (1985:108), no object can constitute itself "outside the discursive condition". Therefore, to properly apply Laclau and Mouffe's (1985) Discourse Theory, we should look for how *incivility* has caused dislocation through linguistic and extra-linguistic modes — the material texts and objects that avail social media.

Considering that 'texts' in social media can be viewed as technologies of representation (modes) or technologies of dissemination (medium as the second mode), this dualism formed the two categories of modes that were selected for inclusion in the multimodal sample. Similar duality is proposed by Lievrouw (2011:7) who categorises new media into "material *artefacts* or devices", their use (social practices) and institutions that people create around the artefacts. In this study, the medium as artefacts are the extra-linguistic modes (texts), while use of artefacts enables transmission of various linguistic and non-linguistic texts (the social practices). Although mode is the semiotic system, a grammatical system that functions as a regular means of representation and communication through

some medium, the physical means of inscription and dissemination of textual modes is also a mode (see Jewitt, 2004:184).

From Laclau and Mouffe's view that every object is an object of discourse, the medium is another mode, although this mode is also used to transmit linguistic modes. In the dissemination/representation dichotomy, the medium is the material technology for disseminating 'texts', while mode refers to any regular means of representation, a symbolic system, such as photographs, written texts and various forms of sounds or their newer forms. The new mode encouraging *incivility* in social media is the technologies of dissemination (the medium) — the Internet-enabled dissemination whose major affordance is its ability to function not only as technology of dissemination but also as technology of production, enabling the audience to produce as they consume. Therefore, the medium in social media is also a new mode, but the technologies of representation in social media are the longstanding modes — written texts, images and sound — which have been appropriated by social media to offer more affordances of dissemination and production. The transformation of mass media from static technologies of dissemination like newspapers, radio and television to Internet-based social media provides audiences with affordances of dissemination, making possible different kinds of communication activities, among them, increased *incivility*.

By sampling both technologies of representation and dissemination, the study avoids foregrounding representational modes at the neglect of affordances of the medium, a common weakness Jewitt (2004:184) identified in studies of new communication technologies. Consequently, the multimodal sample selected for this study captures the meaning of 'signs' not only as linguistic texts but also as material 'texts' or objects that are used in the struggle to partially fix the meaning of *incivility* through exclusion of other possible meanings.

6.2.1.1. Technologies of Representation: Government Linguistic Texts

The technologies of representation, the linguistic symbolic system of representation used by social media audiences was sampled to enable the author to answer research

questions two to four. The sample enabled the researcher to locate linguistic settings under which democracy-enhancing *incivility* can be observed, what Flick (2007:30) termed locating places where the practices which the researcher is looking for happen. Sampling of technologies of representation enabled the author to select the regular means of presenting *incivility* in social media. Two categories of technologies of representation were sampled: government texts and social media texts.

All texts that enable governments to function are government texts. Governments function through governmentality, a strategy of creating “rules, opinions, and advice on how to behave as one should [creating] a framework of everyday conduct” (Foucault 1985:12). Government documents are those that covertly give governments power to govern, by naturalising a ‘regime of truth’, in this case the government’s naturalisation of its meaning as the only meaning of social media *incivility*. Purposive sampling was used to capture texts that can explain how governmentality has influenced the partial fixation of the meaning of social media *incivility*. The voice of the government can be found in documents used to indirectly control and encourage forms of governing the self. The population of government texts included all texts created by what Althusser (1971:79) called state Apparatus and Ideological State Apparatus (ISA). Based on Althusser’s argument, texts from repressive state apparatus are those created by the government tools that function through violence: the administration, the army, the police, the courts, and the prisons, among others. The repressive state apparatus texts are the most forceful, according to Austin (1962:153), since they are supported by violent tools. While ideological state apparatuses (ISAs) are texts from specialised institutions of the religious system of churches, educational institutions, the family, the legal, the political, the trade-unions, the media, and the cultural institutions. Unlike the repressive state apparatus that are unified and belong to the ‘*public* domain’ the larger part of the ISAs is part of the ‘*private*’ domain (Althusser, 1971:79). Yet this private ISAs work for the state since the repressive and ISAs are of the ruling class. Nonetheless, the difference between the two is their double functioning: the repressive state apparatus functions openly and predominantly by violence and secondarily by ideology, whereas ISAs function predominantly by ideology but secondarily by violence (Althusser, 1971:80). However, the author declares that the ruling class cannot control the ISAs as easily as it controls the repressive state apparatus

because of the influence from the former ruling class and resistance from the exploited classes. The inability to fully control ISAs is the reason for the existence of social media *incivility*, which happens at the displeasure of the government, a form of hegemonic struggle. The sample of documents created by repressive state apparatuses was selected from various government policies, while the sample for documents created by ISAs were selected from the mainstream media institutions.

6.2.1.1.1. Government Policies

The following policy texts by the Government of Kenya were sampled to analyse how the government is repairing the dislocation caused by democracy-enhancing *incivility* in social media: the report by The Commission of Inquiry on Post-Election Violence (CIPEV); annual reports and publications from the following administrative organs — Communications Authority of Kenya, the Media Council of Kenya and National Cohesion and Integration Commission.

The CIPEV report was selected because it implicated the media as a source of incitement that led to the 2007 post-election violence. The report was identified as one of the 'dislocatory' events when shifts in practices occurred to initiate changes in the government's understanding of social media *incivility*. The selection of annual reports and publications from the administrative organs was necessitated by the fact the authoring bodies were created by administrative laws with a positivist thinking, just like the majority of Kenyan laws. Kulundu (2013:123-129) argues that Kenyan laws are "patently modelled on the legal positivist doctrine" as verified by the primary data from legal professionals and secondary data in the form of case-law and comparative law. The legal positivism philosophy of the above administrative bodies has given them power to naturalise the government's understanding of *incivility* in social media. With a legal positivist background, the administrative bodies view all types of *incivility*, be they directed at the dominant groups or subordinate groups, as detrimental to democracy when this should not be the case. After all, administrative bodies are part of 'governmentalities' through which natural laws are replaced with government practice made to look like laws of nature (see Foucault, 2008:15-16).

Laws are part of ‘mentalities of government’ used to conceal power relations, as exemplified by Foucault (1996:332) who genealogically describes how modern laws are based on innovations in ancient feudal law, in which *épreuve* — a trial by ordeal — “does not name...the one who told the truth... [ra]ther it establishes that the strongest one is, at the same time, the one who is right.” To Foucault, the juridical process is a way of ritualising war so that the stronger one is, he is designated as the one who is right. In juridical processes, the burden of proof (an equivalent of *épreuve*) “does not have the function of showing the truth, contesting the truth, or revealing it... [instead it] is an operator of the law and not an operator of truth nor an *apophantic* [logic] operator.” In any case, laws function based on their inherent judicial powers bestowed by the political powers. Foucault (1996:339) shows how power penetrated juridical processes by giving the example of transmutation of wrongs against an individual to wrongs against the sovereignty, the law, and power. From this perspective, the juridical process is a political form of exercising power through judicial institutions (ibid, 341).

The above government policy texts were selected purposively given the endless variety of texts in existence. As suggested by Bacchi (2009:20), choosing texts is part of the interpretive exercise reflecting the researcher’s interests and the possibility for the texts being used to develop a particular argument.

6.2.1.1.2. Mainstream Media Texts

The mainstream media are part of ISAs, which act as a site for knowledge construction. The news media does not just report news or reflect audience preferences (Bacchi, 2009:242), they actively engage in interpretation of ‘problems’ such as *incivility* in social media. By participating in knowledge construction, the media plays a significant role in governing (Bacchi, 2009:243). In this regard, the study selected samples from the following: News and opinions on *incivility* carried by leading national newspapers — the *Daily Nation*, *Standard* (and their Sunday editions), and the *Star*; editorial policies of mainstream media organisations — the Nation Media Group, the Standard Media Group, Royal Media and Radio Africa and the government broadcaster, KBC. These documents can help show how mainstream media have naturalised understanding of *incivility* in social media. Analysing media texts is relevant because the texts are drawn from “existing ways

of making sense of the world” (McKee, 2003: 46), therefore, they are important cultural resources that tell us something about the broader discursive framework in which they operate (Van Brussel, 2014:23).

Media texts make visible existing discourses, rather than being the creators of discourses. The process of bringing to the fore the existing discourses works like ‘a feedback loop’ with the media texts drawing on existing ways of sense making which are interpreted by people and fed back into texts which they produce and are fed back into mediated texts (McKee, 2003:46). Analysis of media texts was aimed at showing how the dominant forces are engaged in a hegemonic struggle to renew their hegemony, which is threatened by *incivility* that deepens agonistic democracy.

6.2.1.2. Technologies of Representation: Social Media Texts as Alternative Media

Conventional media like ISAs tools are part of government texts, but social media can be both inside and outside government. Social media networks that have provided an avenue for democracy-enhancing *incivility* are similar to other forms of alternative media such as underground newspapers and pirate radio that struggle to provide divergent opinions. Unlike the traditional alternative media, the common of them being underground newspapers and pirate radio that could not compete mainstream media, social media are part of the “inexpensive, powerful tools [that are] challenging the givens of mainstream or popular culture (Lievrouw, 2011:2). According to the author, new media tools have enabled “people to work around the fixity of traditional media technologies and institutional systems, and to negotiate, manipulate, and blur the boundaries between interpersonal interaction and mass communication.” New media are, to use Lievrouw’s (2011:2) words, the “latest incarnation” of alternative media, the various forms of “oppositional, radical, underground, or anarchist media”.

The major challenge in sampling social media texts is the infinite information available. Appropriate selection criteria were developed by starting the data collection process on a pilot basis in order to identify social media sites with *incivility*. As explained in Chapter One, the researcher ended up selecting Facebook Groups and Pages of Ghafila.co.ke,

Kenyan-post.com and Nairobiwire.com. These sites were by then ranked by Alexa.com and news.google.com as the most visited. Alexa.com, a subsidiary company of Amazon.com provides commercial web traffic data, in the provider's own admission, Alexa.com is the world's leading provider of free web metrics (www.alexacom.com). The second ranking site, news.google.com is a news aggregating site. Additionally, these sites were selected since the use of search engines and commercial ranking is a common selection criterion in online studies. For instance, Kelly, Bochynska, Kornman, and Chapman (2008:1881) selected sites based on Nielsen/Net ratings, Boulos and Bath (2003) used several search engines to select a purposive sample, Ostry, Young, and Hughes (2008:649) sampled popular websites based on data bought from a web-tracking company, while Ninaweyman, Martin, Dirmaier (2014:6) used Alexa.com.

The second major reason for selecting the sites was their editorial independence. As alternative media channels, the selected sites provide an opportunity for citizens to participate in production of news as amateurs, or citizen journalists without enforcing 'professional' norms, and beliefs, common in the hegemonic mainstream media news sites that are part of the ISAs. The study avoided social media sites owned by conventional media outlets like newspapers, television and radio stations, whose content is influenced by work practices based on an institutionalised understanding of truth, objectivity, and the use of journalistic formats and language, which exclude 'others' from giving alternative frames to news.

The researcher and research assistants documented *incivility* in selected sites. They looked for information that can match the following: User's understanding of *incivility*; reactions to *incivility* (commenting or not commenting on the *uncivil* comments), comments participants gave about *uncivil* comments, and demographic background of participants posting or reacting to *uncivil* comments.

6.2.1.2. Technologies of Dissemination: Social Media Artefacts as Material Texts

Technologies of dissemination, the artefacts that can be read as texts, were sampled to underscore the importance of looking for communication not only in regular means of

representation but also the technologies for producing, storing, and disseminating meaning. To reiterate, if Discourse Analysis is to follow Laclau and Mouffe's (1985) suggestion that everything is discursive then the analysis should include material texts, with 'text' signifying "anything that can be read and thus interpreted, or to which meaning can be ascribed" (Allen, Griffin, & O'Connell, 2011:2). Technologies of dissemination represent through material modes, what Lievrouw and Livingstone (2006:8) call "the tools and techniques of communication rather than ...content, meaning, interaction or shared understanding." By using material texts, the study avoided the 'blackbox' effect, where the representational mechanism of artefacts remains hidden from those using the artefacts and those analysing the medium.

The first categories of technologies of dissemination selected were hardware, the social media artefacts that carry meanings beyond their immediate function. What distinguishes hardware as artefacts from technologies of representation is the fact that the main function of technologies of representation is to inscribe and distribute texts, while the main functions of hardware are different from representation, even though Discourse Analysis can enable us to discover how hardware conceals their representation. As pointed out by Latour (2007:71), agential power of artefacts can be proven by the fact that "*anything* that does modify a state of affairs by making a difference is an actor". As Latour (2007) would have argued: if there is a difference between acting with or without an artefact then the artefact is an actor or participant in the action. This does not mean that the artefacts 'determine' the action, rather, explains Latour (2007:72), it means artefacts "might authorise, allow, afford, encourage, permit, suggest, influence, block, render possible, forbid, and so on." To Johnson (1988:299), the agency of artefacts can be identified by imagining what humans would have to do in the absence of the object. It is possible that dislocation caused by *incivility* in social media would have happened in the absence of current telecommunication objects, but the dislocation would not be as it is today. In this regard, the sample of artefacts included all the hardware: the mobile phone, personal computers and other technologies used to access social media sites.

The second category of technologies of dissemination was software, artefacts that fall in the category of the material substrate of digital texts (see Casemajor, 2015:7). Digital texts were analysed as material artefacts, an approach pioneered by Katherine Hayles who

reinvigorated materiality in seemingly immaterial literary production. She proposed a way of analysing effects of change in methods of inscription on the reader's interaction with the text, how texts change in meaning due to their physical changes. To Hayles (2002:25) "*the physical form of the literary artefact always affects what the words (and other semiotic components) mean*" (emphasis in original). Instead of texts, she proposes "technotexts" in reference to the influence of technology on the texts it produces (Hayles, 2002:25). Popular social media sites, Facebook and Twitter, were sampled but not for analysing meaning of their content but to find out how the software as material texts is influencing dislocation. Here, software is seen as 'prosthesis', to use McLuhan's (1964/1994) term, the extensions of producers and users' abilities.

6.3. Data analysis 1: Technologies of Representation

Based on the Post-foundational Discourse Analysis model developed in the previous chapter, the analysis of linguistic texts was done to show how the regime is rearticulating dislocation caused by *incivility* in social media. In particular, the analysis was aimed at finding out how government texts are absorbing dislocation into existing social practices. These texts — the laws, policies and mainstream media texts — as explained above, are the nodal points attempting to rearticulate the meaning of agonistic democracy-enhancing *incivility*, which is otherwise a floating signifier that can be attached to different signifieds in different contexts. Although *incivility* in social media can be either democracy-enhancing or anti-democratic based on its target, government texts attempt to rearticulate democracy-enhancing *incivility* as subversive anti-democratic speech that is a threat to national security, the epitome of this being *NCIC Guidelines for Monitoring Hate Speech* (cf. NCIC Act, 2010). Through such attempts to fix the meaning of *incivility*, government texts are doing what Foucault (1985:12) calls actions that make people govern themselves. But since it is possible to have a signifier without a signified, an empty signifier existing as a signifier that is emptied of meaning still signifying through absence (Laclau, 1996:34), attempts by the regime to fix the meaning of *incivility* are through empty signifiers that have no specific meaning. Laclau (1990:40) would have said that the government is attempting to create the 'possibility and impossibility' at the same time. Thus, there is a struggle between government texts that attempt to securitise *incivility* and social media users' democracy-enhancing *incivility*. For instance, although the National Cohesion and

Integration Commission regularly initiates prosecution of social media users for offences related to *incivility*, what the commission terms hate speech, the prosecutions have not achieved a single conviction. The commission further agrees that as it monitors hate speech, the Constitution of Kenya guarantees freedom of expression (Mohammed, 2014).

By attempting to make *incivility* a threat to national security, the government is limiting democracy-enhancing subversive speech. Instead of agonistic democratic struggles, the government prefers reasoned public debate. This means the public sphere has been rearticulated into a form of repression which, drawing on Gramsci, Fraser (1990:62) argues acts as a vehicle for the transformation of a repressive mode of domination into a hegemonic one, securing the ability of one section of the society to rule the rest. The government-preferred public sphere is a site for the construction of the consent but not critical scrutiny of the state.

Dominant groups, the state, media owners and other elites, indirectly control the mass media content (re)production through selective investments in media institutions, financial control, employee selection, as well as statutory regulation, and directly through editorial influence. Even though conventional mainstream media journalists perform the actual process of freely shaping content as ordinary people, they are “symbolic elites”, to use Van Dijk’s (1989) words, people who exercise power on the basis of their “symbolic capital”. Journalists seem to have relative freedom to shape content, but this conceals the fact that their voices are voices of the corporate or institutional masters who pay or support their work. Van Dijk (1989:23) argues that professional norms, the news value system and assumed freedom of expression ideologically conceal the journalists’ position as symbolic elites who are dependent on political elites. Therefore, the mainstream media creates an environment where the minds of the people can be controlled symbolically rather than through physical coercion.

The following question guided the analysis of government text: How is the government absorbing the dislocation caused by democracy-enhancing *incivility* in social media into

existing social practices? This question was answered by looking for how the regime is using threats to national security as articulatory linguistic and material texts.

From this perspective, securitisation of social media discourses limits how we talk about politics. This means the language we use determines the fundamental assumptions that we adopt about politics, and how these assumptions guide our civility or *incivility* in social media discourses. Thus, securitisation tends to minimise, if not remove, ‘the political’ from politics by constructing limited subject positions. Positioning of the people through language, the process of producing peoples’ identities through socially and culturally available discourses, allocates people a set of expected behaviours, masking their real selves (see Burr, 1995:96). This is to say, people are products of the prevailing discourses, even though they also have agency to manoeuvre and choose or resist the prevailing discourses.

Following post-structuralists’ conceptions of language elaborated by Foucault (1991:63), government texts can either be statements (*énoncé*) or the act of saying the statement (*énonciation*). In a statement (*énoncé*), ‘what is said or written’, ‘the subject of the enunciation’ is a finished product through which language speaks, what Foucault (1991:63) calls ‘things said’ — the “conditions and rules that must be satisfied in a given order of discourse for a statement to qualify as meaningful and thus to constitute a candidate for truth and falsity”, like the subject’s training and specialisation, institutional affiliation, and the ‘subject position’ (Howarth, 2005:343). While the act of saying, *énonciation*, constitutes or subverts a subject through the intentions of those uttering statements — ‘the intended force with which the utterance is issued’ (Skinner, 2002:82). It is not only what writers say in a statement but what they are doing by uttering the statement, which is determined by the historical contexts within which the statement is uttered. This study used these two strategies to describe how the regime is repairing dislocation by (re)creating subject positions through statements, that is, the regime’s production of meaning of *incivility*; and the acts of saying, which is the force of the regime’s speech acts.

From a genealogical perspective, truth moved from the enunciation (*énonciation*), like force of speech acts, to the statement (*énoncé*), where the struggle is over conditions and rules that determine meaning rather than the mere force of the speech act. This moved hegemonic struggles from resistance against government statements, like resistance to speech acts, to resistance against government conditions and rules that create regimes of knowledge. The mutation of truth means discourse is no longer linked to direct exercise of power as “truth does not impose itself on a pure, receptive human mind: it is sought after” (Sheridan, 1980:121). It is this “will to truth” power of discourses that is least apparent as it operates most effectively only when masked. The masking is so concealed that, as explained by Foucault (1971:9), people who unmasked this will to truth through speeches that did not “form part of the common discourse of men” were viewed as mad. Consequently, to identify how the regime is repairing dislocations by knotting *incivility* to threats to national security, I looked for texts which gave authority to the regime’s way of thinking.

For instance, the report by the Commission of Inquiry into Post-Election Violence, is an institutional report that was produced by trained subjects, occupying commanding ‘subject positions’. The report cemented the regime’s securitisation of *incivility* by attaching it to the nodal point of hate speech, which it blamed for instigating the 2007-08 post-election violence. Through this report and other public documents by “technicians of different sorts”, the traditional and organic intellectuals respectively engaged in the practice of articulation to construct hegemony of the regime (see Gramsci, 1989:113; Laclau, 2000:286). That is to say, the intellectual function is the practice of articulation aimed at creating a partial fixation of the otherwise floating signifier of *incivility*. The intellectual is, therefore, a subject position that emerges from articulation, which detaches the intellectual from the identity of the actor (see, Sunnercrantz, 2017:69).

From a constructivist perspective, documents created through intellectual functions are the ‘regime’s truths’ (Foucault, 2008:18) used to control subjects by encouraging the formation of the self through techniques of living, rather than repression through prohibition and law (Foucault, 1971-72:89). Intellectual functions invent authoritative documents that are ‘technologies of the self,’ able to make subjects govern themselves by accepting

regime created knowledge. This study describes how knowledge about *incivility* in social media is reproduced, regulated, and legitimated by epistemic communities (see Van Dijk, 2008:04).

The following part describes the strategy used to identify how the regime is using linguistic texts to construct subject positions by transubstantiating *incivility* into a national security threat. (The strategy for analysing material texts is described in the second section of data analysis, the analysis of ‘technologies of dissemination’).

6.3.2.1. Speech Acts

The study looks at performative speech acts as articulations, which transform elements, moments, and floating signifiers into nodal points to (re)define *incivility*. From a speech act perspective, I examine the struggles over institutionalised meanings of *incivility* by modifying Austin’s (1962) performative speech theory to take ontological presumptions of poststructuralist rhetorical practices. Performative speech acts are not utterances which could be true or false, but utterances which by being said, do something. Although any utterance is performative since it acts to the least by saying words, Austin (1962:99) differentiated performance of illocutionary acts, acting by saying something, from locutionary acts in which performance is the act of saying something and perlocutionary act, the consequences of an utterance. All utterances are locutionary acts because by uttering words, one will be performing the saying of those words. While perlocutionary acts bring about or achieve by saying something, the action is through consequences of the utterance. As pure performatives, illocutionary acts do something by saying something. The study was interested in pure performatives, the texts through which the government is securitising *incivility* in order to absorb dislocation.

However, in line with the study’s ontological assumptions, this study takes speech acts not as linguistic acts at micro-textual level, the type of discourse analysis labelled by Philips and Jorgensen (2002: 62) as discourse-as-language. Instead, the study takes speech acts from a macro-textual approach in which the definition of text is broader than its linguistic texts. At the macro-textual level, discourse analysis is the analysis of “ideologies embedded in the text, and not so much on the language used” (Carpentier, 2017:16).

These are what Foucault (1981:61) calls speech acts that produce serious truth claims. As explained by Dreyfus and Rabinow (1982:48), they are serious performative speech acts, “what experts say when they are speaking as experts.” However, I revised Foucault’s view of speech act to remove the structuralists’ residues, especially his reference to experts. In this study, as it will be clarified later, experts are both traditional and organic. That is to say that this study did not look for individual speech acts but was more interested in mini narratives articulating the concept of *incivility* in social media. Here, I looked for the all the sources of rules that shape the production of statements about *incivility* in Kenya today.

Indeed, Laclau and Mouffe (1985:108) proposed the theory of Speech Acts as a strategy for analysing power concealed in discourses, while to Laclau (2014:63), it is only when tropes such as metonyms become metaphors that regimes achieve hegemony. These, I guess, are the clearest empirical methodological suggestions by Laclau and Mouffe — how metaphors, metonyms and catachresis as speech acts can be used to analyse sedimentation of hegemony.

Before the language turn, tropes were seen as linguistic expressions that deviate from normal literal language use by changing the usual meanings of words. Unlike the literal language in which words ‘mean what they say’, tropes ‘say one thing to mean another’. However, from a poststructuralist perspective, tropes at macro level are ways of creating reality as they limit how we construe reality. Following Laclau’s methodological suggestions, the study attempts to analyse how the speech acts make *incivility* a metonym by associating it with hate speech and then eventually substituting this particularity with universality through metaphorisation that conceals its ‘metonymical origins’. If left undisturbed, substituting *incivility* with hate speech makes the latter a *catachresis* as it becomes a figural term without a literal one (cf. Laclau, 2005:71). Such distortion of meaning is due to the “need to express something that the literal term would simply not transmit.” Hate speech has been made the name of something that cannot be literally named hate speech.

Just like Laclau (2014:49) and Fiske and Hartley (1978:32), my use of tropes to analyse hegemony is influenced by Jakobson (1958) who broadened the meaning of tropes by using them as a twofold description of aphasia with: metaphoric patients, through substitution, expressing similarity between dissimilar things, while metonymic patients, through combination, suppress the contiguity between things. Thus, tropes are not simply devices for poetic imagination through extraordinary language but can also be used as tools for hegemonic intervention in everyday life as they are used to influence thought and action at the macro level. As explained by Lakoff and Johnson (1980:5), since “our conceptual system is largely metaphorical...what we do every day is very much a matter of metaphor.” In other words, metonyms and metaphors are used here at the conceptual level to describe how discourses form practices within ‘the political’, different from their narrow linguistic understanding as poetic language tools.

At the conceptual level, a metaphor is a signifier that creates new meanings by substituting one signified with another signified to construct the equivalence between the sign and the reality it represents. From this perspective, a metaphor uses one thing to mean something else (see Miller 1979: 156). Hence unlike Saussure’s signifiers whose relationship with the signified is arbitrary, metaphors signify by convincing us that the signifier is equivalent to the signified even though the two are unrelated. For example, the conceptual metaphor “AN ARGUMENT IS WAR” limits us to construing argument in war-like linguistic expressions, shutting out alternative understandings (cf. Kovecses, 2010:6). Thus, the metaphoric real “does not display the actual real world, but displaces it” (Fiske & Hartley, 1978:32), this is how metaphors play a hegemonic role. In any case, everything can be similar to everything else in some respect, only that “relative importance of any specific relation of similarity depends on context and purpose” (Lopes 1996:18). On the other hand, metonyms are made of two closely related elements that can stand for each other (Kovecses, 2010:6). While the signifier and the signified are unrelated, metonyms use a signified to stand for a directly related or closely associated signified. For example, through metonymic displacement, the regime uses one signified to signify another by associating the somewhat hatred aspect of *incivility* with hate speech and risk to national security. This association modifies people’s perception of *incivility*, making it difficult for them to see *incivility*’s other attributes. Consequently, metonyms play a hegemonic role when they

make objects signify abstract concepts through association. In any case, there are always “many parts that can stand for the whole” (Lakoff & Johnson, 1980:36), but the part selected is the most important in the hegemonic struggle.

For instance, when actors take tasks such as security organs taking up policing of civility that are not natural even though they can be associated with them, this ‘taking up’ Laclau (2014:54) would argue, is metonymic as it is not natural but only ‘a part’ is used to signify a whole. When such “‘taking up’ continues for a long period of time... people... get accustomed to it and tend to think that it is a normal part” within the confines of the security organs. This is when the metonym of securitisation of civility is transformed into a metaphor as it creates an unexpected similarity between *incivility* and disparate things like security, making people construe *incivility* in terms of (in)security. At this level, what was particular, the taking up of civility by security organs, becomes universal. After people get accustomed, what began as contingent practice is metaphorically taken to be part of what security organs are supposed to do: henceforth the identity of particularity becomes difficult to pinpoint (cf. Sunnercrantz, 2017:305). To Laclau, it means “‘contiguity’ shades into ‘analogy’, ‘metonymy’ into ‘metaphor’... this is inherent to the central political operation that we call ‘hegemony’: the movement from metonymy to metaphor, from *contingent* articulation to *essential* belonging.” How *incivility* has been named or is regulated is, therefore, a metaphorical crystallisation that conceals its metonymical origin. In Laclau’s words, “the partial object ceases to be a partiality evoking a totality and becomes... the name of that totality” (2005:115). Such dislocation of “hegemonic formation involves the reactivation of that contingency: the return from a ‘sublime’ metaphoric fixation to a humble metonymic association” (Laclau, 2014:55). That is to say that dislocation involves a return to the metonymic meaning by making ‘taking up’ civility by security actors particular.

A related trope is catachresis, which plays a hegemonic role by misapplying terms through what Parker (1990:60) calls transfer of a word “from one place to another ...when no proper word exists.” Catachresis is a figural term which has no corresponding literal term. Laclau (2006:107) states that catachresis does away with “the complementarity literal/figural...present in all tropes. The literal would simply be a term which conceals the traces of its own rhetoricity, so that rhetoricity would be constitutive of language.” Thus,

catachresis is different from metaphor and metonym, which transfers or substitutes where a proper term already exists but is displaced by a term transferred from another place. Metaphors and metonyms simply, but correctly, describe one thing as another, while catachresis abuses metaphorical transfers by misapplying words, what Howarth and Griggs (2006:32) call “double relegation” a catachresis is not only figurative, but also figurative in abhorrent form. In analysing the repair of dislocation, looking for catachrestic terms is important as they play a constitutive role by naming through maiming. As explained by Laclau (2005:100), after the failure of an institutional order and the emergence of demands that cannot be represented within it, “the name becomes the ground of the thing”. So, in this study, how mediatised *incivility* is named is hegemonic as no proper word in existence can perfectly substitute the mass *incivility* being experienced in social media today.

As clarified above, linguistic relations between the signifier-signified and syntagm-paradigm when theorised outside language can be used to define ontological relations (see Laclau, 2014:58). Syntagmatic (metonymic) relations exist where institutional forms prevail by combining different positions to create a stable and unchallenged social order. Confrontation divides the society into syntagmatic positions of ‘us’ and ‘them’, with all social elements identifying themselves on either pole through relations of *equivalence*, whereas ‘institutionalist political discourse’ multiplies *differential* positions created through antagonistic discourse, rupturing the syntagmatic differential positions and enabling “identities to establish paradigmatic [metaphoric] relations of substitution with all the others in each of the two poles” of equivalence and difference (Laclau, 2014:58).

While guarding against linguistic reductionism, this study uses linguistic expressions in political discourses, the ontic level, to show how tropes constitute objective discourses at the ontological level, considering that the ontic is informed by the ontological (cf. Howarth & Griggs, 2006:31). Linguistic expressions operate at the ontical level as symbolic representations that can be used to access the primacy of politics at the ontological level. For example, in creating nodal points of hate speech through securitisation, the regime is using empty signifiers to represent the irrepresentable ‘real’ through combination and substitution, which is not a replacement of positive terms like traditional metonyms and

metaphors do, but is a process of “giving a name to something which is essentially ‘nameless’, to an empty place” (Laclau, 2014:56). That is to say that representation of the impossible is achieved through the discursive production of the empty signifiers which signify “the blind spot” at the ontological level. Hence, the irrepresentable ‘real’ can only be represented through tropological combination and substitution. For instance, hate speech and national security are catachresis when misused to represent the unrepresentable, but once accepted after continuous misuse, become hegemonic formations and lose their catachresic nature. This chain of three tropes, conceptual metaphor, metonyms and catachresis, are the analytical tools used to identify how the regime is hegemonically shaping struggles over *incivility* in social media discourses. As noted above, this study uses tropes for the ontological analysis of *incivility* in social media, not the linguistic expressions that act at an ontical level, even though it is only through the latter that we can access the former.

To trace hegemonising tropes at the ontological level, the study adopted Austin’s (1962:150) taxonomy of five illocutionary acts based on the force of their actions, ranging from *verdictives*, *exercitives*, *commissives*, *behabitives* to *expositives*. Among the five, verdictive acts are the most forceful speech acts because they result from judgement made by a judge, jury, arbitrator or umpire but can also be appraisals that give findings — verdicts as the name implies. Exercitive acts result from exercising power, like ordering, warning, advising and urging, among others. Verdictives are judicial acts while exercitives are executive or legislative acts. Even though the force of the verdictives comes from the official position of the speaker, verdictives “purport to be correct or incorrect, right or wrong, justifiable or unjustifiable on the evidence”, not as a favourable or unfavourable decision (Austin, 1962:153). The author urges that a judicial act is executive but is uttered differently, making the resultant action look as if it is not part of executive power. Commissives act by making commitment through the speaker’s utterances. They also include declarations of intentions from the speaker. Through verdicts, a speaker commits others to a certain future conduct, while through interpretation of verdicts, others can commit themselves to a certain estimated verdict. Behabitive acts are among the miscellaneous illocutionary acts because their actions are only through attitudes and social behaviour, for example, acting through “apologising, congratulating, commending,

condoling, cursing and challenging” (Austin, 1962:151). Expositive acts clarify reasons, argument, or communication and are expository in general.

The mere utterance of performative acts cannot absorb dislocation into existing social practices nor articulate social media *incivility* into a nodal point unless the utterances are made correctly. Austin (1961:13) warns that besides uttering performatives, many other things must go right for the performative to perform action. He called the things that can go wrong *infelicities*. The following are necessary for the smooth functioning of performatives (Austin, 1962:14-5): accepted conventional procedure, appropriate persons and circumstances, the participants performing the act correctly and completely, the hearer reacting to it in a certain way, the speaker having certain thoughts, feelings, or intentions, and the speaker executing tasks in the future (cf. Oishi, 2006:2). A lack of these felicities prevents performatives from acting.

The following subsection identifies sites for the regime’s performative speech actions — by both repressive and ideological state apparatus — used to repair dislocation through metonymical displacement and metaphorical substitution to create a regime preferred meaning of *incivility* in social media.

First, the law: In this category is the most forceful speech act, the texts that act “by convincing others that a certain rule is indeed “the law” (Fletcher, 2003:85). The law is among other speech acts categorised by Austin (1962) as verdictive acts, the actions originating from judicial orders, which create institutional forms of allowable behaviour (see Searle, 1969:35). Laws and judicial rulings make *incivility* mean one thing and not the other, creating a nodal point of an otherwise floating signifier. To paraphrase Searle’s (1969:35) ‘counts-as locution’, laws act as constitutive rules that make ‘*incivility*’ count as insecurity or hate speech in a context stated by the regime⁵. As such, I left out ‘regulative

⁵ Searle describes how institutional facts are created by constitutive rules with the of structure X counts as Y in C, where Y does not necessarily have physical relationship with X. Instead, the collective agreement enables the Y term to get a new status that is not an outcome of satisfying the X term. The physical features specified by X are insufficient to guarantee the functions assigned to Y, but its new status is by collective agreement or acceptance. We “simply count X things as Y things” (Searle, 1995:44-45). Like Searle, I attempted to describe how X (*incivility*) has been made Y (security threat).

rules', the laws which can be "paraphrased in the form... "If Y do X" (34). These are laws that inform us what to do if, let us say, we are ridiculed or abused.

Second are institutions of knowledge creation: These are the mainstream media and the regime's public discourses. Within mainstream media institutions, dislocation is repaired through two strategies: editorial policies and knowledge discourses. Editorial policies constitute the power of media institutional discourses. These rules act in a similar way as verdictives and exercitives in convincing mainstream journalists, as Fletcher (2003:85) would argue, "that a certain rule is indeed "the law", but in this case not the law of state but the law of the newsroom. In any case, it is editorial policies as constitutive rules that prevent dislocation in legacy media content.

In the category of knowledge discourses are Austin's (1962) expositive acts that clarify reasons, argument, or communication. The study describes how the regime is constructing truth that can sediment its securitisation discourses in the face of the dislocation caused by *incivility*. Intellectuals play a major role in shaping dislocatory events like *incivility* in the social media since hegemony operates through spreading the truths of the regimes. To this concern, I describe intellectuals as sources of truths used to dislocate or sediment the regime's truth about *incivility*. To achieve this objective, I adopt a non-essentialist stand by defining intellectuals as not only experts in the academy but also those playing intellectual roles outside the academy, the divisions Gramsci calls traditional and organic intellectuals (see Gramsci, 2005:49). Organic intellectuals are specialists in political economy, industrial technicians, organisers of new culture and legal system — the experts created to support the "capitalist entrepreneur's" activities, while traditional intellectuals are those bounded to the regime, on the one side what he calls the '*noblesse de robe*', the government administrators and on the other, scholars and those with non-ecclesiastical authority (Gramsci. 2005:49-50).

Following Gramsci (2005:51), Laclau (1990) argues that the role of the process of building unity by organic intellectuals is "not about the function of the intellectual but about the intellectual function" which can be located in any social group other than the society's specialists. Therefore, what matters is the intellectual function, not the intellectual's specific mandates in the larger society. For emphasis, it does not "matter if they are priests,

physicians, notaries, lawyers, teachers, nurses, dropouts, or gang members”, what matters is the subject position that enables them to play the intellectual function in society. What matters is for the functioning organic intellectuals to adopt a subject position advancing the transformation of the world through the creation of a new regime of truth production (cf. Foucault, 1980:133). In this sense all people who contribute in public discourses through the media — professional journalists, writers of letters to the editors, opinions and columns writers, play an intellectual function (cf. Laclau, 2000:286-288). As Gramsci said: “All men are intellectuals...but not all men have in society the function of intellectuals.”

Last are warnings: These are constitutive discourses used by the regime to securitise *incivility* through threats. Searle (1995:44-45) would say that they order people to ‘*count X is Y*’. Warnings are in the category of what Austin (1962) called exercitives, texts that act by exercising executive power through ordering, warning, advising, urging, among others. Exercitives make decision in favour of or against, a decision that something is to be so, which is different from verdictives that make a decision that something is so. The study describes how the government used warnings, orders, commands, requests and recommendations to constitute *incivility* as a national security threat.

The above sites for speech acts form the constitutive rhetoric that set up the institution of politics by creating contexts that make us regard some information as *uncivil*. I follow Searle in arguing that “constitutive rules do not merely regulate, they create or define new forms of behaviour.” That is to say, constitutive rules, just like rules of football, create the very possibility of playing the games of politics (cf. Searle, 1969: 33). In this case, hegemony is achieved when the above constitutive rhetoric ‘tropologically’ displaces *incivility* from being mere unpleasant speech to make it a national security threat. Such tropes can become sedimented after a period of tropologisation when they become part of the society’s common sense that does not require clarification. Therefore, to discover tropological sedimentation, it demanded that I look for tropes at the macro level — how the regime is making parts to represent the whole — that is, using what people know about hatred to explain the meaning of mediatised *incivility*. Consequently, this study, as I said earlier, was keen on metaphorical ideology constructions and not tropes as plain linguistic

expressions that represent one thing as another. Observing Laclau's warning, the study avoids reducing discourse to speech and writing but expands it to "any kind of signifying relation" (1988:254).

6.4. Data Analysis 2: Technologies of Dissemination

The analysis of material agency of social media was aimed at answering the following questions:

How are material things participating in repair of dislocation caused by *incivility* in social media?

How is the regime using material things to maintain consensus by converting *incivility* in social media into nodal points?

Answering these questions demands a wide definition of texts, what differentiates Discourse Theory from other discourse analysis methodologies. As noted in the previous chapter, McLuhan's (1994:7) argument that the medium is the message becomes the overriding principle guiding Discourse Analysis in this subsection. Social media has become the prosthetic technological extension of the common persons' ability, amplifying their nature and ability to communicate. To McLuhan (1994:9):

...the medium is the message because it is the medium that shapes and controls the scale and form of human association and action. The content or uses of such media are as diverse as they are ineffectual in shaping the form of human association. Indeed, it is only too typical that the "content" of any medium blinds us to the character of the medium.

In relation to *incivility* in social media, it can be argued that the media is a key determinant in the creation and circulation of *incivility*. It is through the affordances of social media, as will be discussed later, that the audience is able to easily engage in *incivility*. This is contrary to conventional news media in which editing limits *incivility*. This study moves away from the tradition of adopting Critical Discourse Analysis when using Discourse Theory, a tradition that often ignores the medium assuming it is non-discursive and humans have liberty to use the medium the way they want (see Jørgensen & Phillips, 2002; Fairclough, 2003; Carpentier & De Cleen, 2007; Carpentier, 2010; Carpentier, 2017). Although a linguistics orientation lures researchers into assuming that the medium

is non-discursive, since it looks linguistically, we should view the medium as discursive to maintain the Discourse Theory tradition. Despite Laclau and Mouffe (1985) not distinguishing the discursive from non-discursive dimensions of the social practices, this lack of distinction does not mean nothing but texts exist, on the contrary, it means discourse itself is material and that entities such as the medium are parts of discourse. This study attempts to fully operationalise Discourse Theory as a method for analysing 'everything' by developing a strategy for interpreting artefacts in addition to linguistic texts. In fact, Latour (1991:103) argues that we can only understand domination by turning away from the exclusive concern with social relations and start looking at the non-human actants that are used by elites to hold the society together.

Analysis of social media artefacts treats technologies that provide social media as discursive 'texts', the material or objects, written by designers and influenced to take the hegemonic meanings but which 'readers', the social media users, can challenge through creative interpretation. According to Latour, 1991:237) "nothing in a given scene can prevent the inscribed user or reader from behaving differently from what was expected" (emphasis in original). For this reason, it can be argued that the relationship between humans and social media artefacts is political. Product designers and dominant groups have not been able to close dissemination technologies, instead they have structured them to allow 'readers' to engage in what Eco (1979:4) calls the making of "...a series of interpretive choices, which even though not infinite are, however, more than one". Therefore, social media artefacts are texts similar to Barthes' (1970/1974:4-5) 'writerly texts' which encourage the readers to produce new texts instead of forcing them into idleness by closing the meaning of texts.

Analysis of social media material things attempted to implement Foucault's (1980:1994-95) *dispositifs*, the influence of "the said as much as the unsaid". Foucault (1978:203) describes *dispositif* as a conglomeration of discursive and non-discursive practices other than language, the various tactics around which "little by little a discourse" is formed and in the long run becomes "a coherent, rational strategy, but one for which it is no longer possible to identify a person who conceived it." To Rabinow and Rose (2003:10-11),

dispositif is a “device oriented to produce something – a machinic contraption... [used for]... management of certain characteristics of a population”.

As part of Foucault’s *dispositifs*, the agency of social media devices can be understood from three perspectives: realist, social constructivist, or hybrid constructivist. From a realist perspective, (see Sclove, 1995; Winner, 1980), artefacts have inherent properties and agency. For instance, Winner (1980:125) claims that some technologies are inherently political because they make their users to “choose a particular form of political life.” But by emphasising the physicality of artefacts as the source of agency, realists downplay the importance of social representation in determining the agency of objects.

To analyse the agency of artefacts in the context of other agents, social constructivists (see Pfaffenberger, 1992; Woolgar, 1991) recognise the colonisation of artefacts by human agency. To them, social representations determine the constitution of agency of artefacts (Brey, 2005:64). As texts, artefacts allow different readings even though they can acquire a dominant meaning making alternative reading difficult. The case of mobile phones and personal computers suits this explanation: although these gadgets have many uses — from calling and Internet access to money transfer services — their dominant meaning is still bounded to making calls. To Brey (2005:64), based on social constructivist conception of affordances and constraint, the agency of artefacts is not “constituted by inherent design features of artefacts themselves, but rather by dominant social representations or ‘readings’ of them. Design features of artefacts that seem to be responsible for constraint are actually social constructions.” What artefacts can do or not do, the artefacts affordances, is determined through social constructions, not the objective features of artefacts. Yet pure social constructivism ignores the role of the physical features of artefacts. For example, previous new communication technologies caused dislocation but not to the extent caused by social media. It appears that social media has some unique affordances and constraints due to its physical features even though social constructionism is playing a major role in determining the affordances and constraints. The weakness of social constructivists is denying non-human objects agency, assuming only humans act, while the weakness of realists is taking a technological determinism stand and backgrounding the social.

Instead of alternating between realism and social constructivism, Callon and Latour (1992:356) provided a third alternative that redistributed agency between humans and non-humans. Scholars in this school deny the division of artefacts into either objective physical artefacts or socially constructed artefacts (cf. Woolgar, 1991; Grint & Woolgar, 1992), instead, they propose a midpoint, suggesting artefacts should not be seen as 'objective' even though there are clear cases of uncontroversial physical features that should be considered when evaluating the artefact's affordances and constraints (Brey, 2005:9). For instance, it seems clear that printed newspapers cannot afford readers instant response and participation in creation of news. As Brey (2005:68) explains, some constraints imposed by artefacts seem self-evident, but to Woolgar (1991:32) such claims of 'self-evidence' are socially constructed truths used to avoid the possibility of questioning accepted truths. We should remain suspicious of the self-evident objectivity of artefacts without being fixated on social construction. This is the perspective taken by *hybrid constructivists*, (cf. Brey, 2005:10), working within the *actor-network theory* to analyse the workings of objects as part of other activities in a heterogeneous network of entities (actants), human and non-human, working symmetrically to co-construct each other. In the actor-network theory, there is no distinction between physical objects and human actors — differences in their physical capacities and behaviour disappear allowing actants to form associations.

From a *hybrid constructivist* perspective, this study proposes a strategy for analysing materiality of social media by underscoring the importance of looking for discursive practices in the *affordances* of artefact, the action possibilities artefacts make available. The concept of affordances takes the middle ground between technological determinism and social constructivism, an approach in which technology is not a mere 'blank slate' that can be interpreted by society as it pleases since different technologies have different affordances which "*constrain the ways (in which) they can possibly be 'written' or 'read'*" (Hutchby, 2001:447, emphasis in original). This is to say that affordances are the actions that are made possible by a physical object, what people can do under specific conditions based on the person's relationship with a physical object (Norman, 1990:11). An artefact's affordances are the attributes of both the artefact and the human

actor that determine their interaction. It is the affordances that determine how people can use the artefact. According to Gaver (1991:3), “affordances are properties of the world that make possible some action to an organism equipped to act in certain ways.” It is the relationship between the artefact and the human actor that determines their agency.

Gibson (1979:127) developed the concept of affordances to describe what the environment offers or permits, the opportunities and possibilities given by the environment. What the environment permits is not its objective features but rather social constructions shaped by a selective reading of the environment. Affordances, according to (Hutchby, 2001:444), are what constrain or enable the possibilities of objects’ agential action. However, obvious affordances ignore the objects’ concealed qualities since the “special combination of qualities into which an object can be analysed is ordinarily not noticed” (Gibson, 1979:135). In his masterwork on affordance, Gibson argues that instead of perceiving objects based on their objective physical properties or qualities, we perceive the affordance of objects to make the perception process simpler, a process that neglects affordances that are not easily perceivable. In many cases, what is noticeable are those features of a thing that distinguish it from other things “but not all the features that distinguish it from everything that it is not” (Gibson, 1966:286). This conceals “[t]he special combination of qualities into which an object can be analysed” (Gibson, 1979:135).

Therefore, to be utilised, affordances have to be perceivable so that the agents can know what the objects allow them to do. Where affordances are not perceptible, some signalling technology should be used to make the affordance perceivable because it is through visibility that affordances provide clues to the operations of things (Norman, 1990:12). Making affordances perceivable is similar to labelling instructions on objects to enable people figure out what can be achieved through the objects, yet in most cases it is the perceptible affordances that are labelled. Take the example of mobile phones which afford (are for) transmitting a voice — phones afford calling. This affordance is the most perceptible but not the only affordance, yet millions of instruction manuals explain in details how mobile phones afford calling.

Gibson (1979) limits affordances to those that can be seen, but Gaver (1991:2) argues that affordances exist with or without there being information that can enable people perceive them. In addition to perceptible affordances, Gaver identified two other types of affordances: hidden affordances and false affordances. Affordances can remain hidden if there is no information that makes them perceptible, while false affordances are created when information makes people to perceive a non-existent affordance (Gaver, 1991:2). Because mobile phones were not designed to provide news broadcasting nor banking services, these affordances remained hidden for some time. The affordance to money transfer was discovered by unbanked populations in third world countries. The various journalistic functions, from word processing to photography are the other less visible affordances provided by mobile phones. Consequently, affordance is jointly determined by the qualities of the object and the abilities of the agent to realise these qualities (see Norman, 1990:11). Based on Gibson's (1979) hypothesis, the study argues that dislocation has been enabled by both perceptible and hidden affordances provided by social media artefacts. Through Discursive Material Analysis, this study traced both perceptible and hidden affordances that have enabled social media artefacts to cause dislocation in political practices in Kenya.

The chapter uses a Discursive Material Analysis strategy to develop 'tricks' to make the objects talk, "to produce scripts of what they are making others — humans or non-humans — do", otherwise objects "have no visible effect on other agents" (Latour, 2007:79). Agency of objects remains hidden because often, there is no direct resemblance between objects and actions afforded by the objects. Therefore, hidden behind the dislocation caused by the social media, *incivility* are the affordances that do not have open resemblance to the actions (*incivility*) they cause or prevent. Affordances remain hidden when researchers using Discourse Theory privilege linguistic texts over material texts. But with an appropriate discursive material analysis strategy, it is possible to discover the hidden activities performed by artefacts as tools supporting or weakening hegemony.

The material text analysis strategy in this dissertation followed Latour (1991:105) in dividing texts into hegemonic and counterhegemonic material texts, which is in line with Laclau and Mouffe's (1985:108) argument that everything is discursive since every object

is constituted as an object of discourse. Latour (1991:105) referred to hegemonic activities by both linguistic and nonhuman texts, as *programs*, and their counterhegemonic equivalent, as *anti-programs*. In the sensitising concepts of this study, programs are equivalent to efforts aimed at reaching consensus by repairing dislocation, while anti-programs are the public contestations that lead to 'the political'. It is when programs completely counter anti-programs, Latour says, that they can be said to have become *predictable*, making subjects to obey orders from nonhuman actants with only a few exceptions. In this study, predictable programs are those that have achieved hegemony while anti-programs are resistance strategies adopted by subjects. The most forceful statements that achieve predictability, Latour (1991:106) points out, are not uttered sentences but the extra-linguistic statements which he calls material apparatus that emerge from a "gradient that carries us from words to things and from things to words." Consequently, when analysing dislocation by *incivility* in social media, linguistic texts are "naked statements" that are weak in enforcing hegemony, but it is the "loaded statements" (cf. Latour, 1991:106), a combination of linguistic and nonhuman texts that are at the centre of hegemonic discourse.

To discover the agency of material actants, this study adopted Latour's (1991:229) thinking to trace actions of actants in networks. Through *delegation*, difficult activities that are ideally supposed to be done by humans are shifted to non-humans which easily perform the activities. Without a doubt, governments can control people more effectively by delegating the process to nonhuman actors since it is easier to 'discipline' nonhumans than humans. But as the government seeks to dominate by using the artefacts' 'perceptible affordances' (cf. Gaver, 1991:3), users can challenge such dominance through oppositional use of the same artefacts.

The study traces how the regime is struggling through artefacts to repair the dislocation caused by spread of *incivility*. This regime struggle is being perpetuated by artefacts 'who' have acquired human agency from delegated authority. The study identifies artefacts that act on behalf of hegemonic groups to restrict participation in social media discourses and artefacts that counter these hegemonic practices.

6.4.1. Dislocation and Repair through Physical and Software Affordances: Forcing Functions and User Excluding Constraints

Artefacts can enhance or limit dislocation based on their affordances, the features designed to encourage desired behaviour and those features that remain hidden even from the designers. Instead of analysing how perceptible affordances encourage 'desired behaviour', a taken-for-granted and technological deterministic perspective, this study analyses affordances from a Post-foundational Discourse Analysis perspective. Here, even the perceptible affordances are not mere 'objective' physical features as they innocently look, but what they afford people to do can be contested. As it was noted earlier, it is only through the establishment of a system of relations with other objects that the meaning of a spherical object stops being a projectile and becomes a football even though the spherical physical fact remains the same (see Laclau & Mouffe 1987:82). Creators of the social media artefacts make some affordances perceptible to encourage users to use artefacts in preferred ways. However, the creators cannot close off all affordances, some of which remain hidden, yet these hidden affordances can be discovered by users through their day-to-day experience with the artefacts. The designer's lack of total control over the artefacts they design is reminiscent of the plurality of power centres which, as Laclau (1990:40) argues, is the "constitutive impossibility of society" (Laclau, 1996:44). Neither the designer, the dominant partner in production of social media artefacts, nor the user is in control of the social media artefact's affordances.

Since the majority of human-computer interactions are enabled by metaphoric objects and processes, the study identified affordances metaphorically. Through metaphors, the nature of social media artefacts can be described as if they are something else. Because social media is intangible, with 'material substrate' that hides its materiality, the best way of explaining social media affordances is through the use metaphors that describe social media's hidden materiality as something else which we already know. Through this approach, metaphors were used to open the 'black box' of social media interaction by borrowing from our daily life experiences when using artefacts. Indeed, in the "real world, metaphors allow users to transfer knowledge about how things should look and work (Mandel, 1997:69). After all, a majority of electromagnetic human-computer interactions are hidden although their mechanisms are made visible through metaphoric objects and

processes. Even the 'zeros' and 'ones' are metaphorical, since computers work by recognising different voltages, not 'zeros' and 'ones' (see Boomen, 2014:12).

The metaphoric affordances offered by social media were derived from similar affordances offered by physical mechanisms and artefacts (see Norman, 1988: 132-38, 204-6). Here social media artefacts, both software and hardware, are treated as if they are physical mechanisms for directing activities of their users. The physical mechanism metaphors identified in this study are what Blackwell (2006:491) describes as generic "tools" designers use to produce specific products. The products here are the medium of social media and the gadgets used to access this medium. Contrary to the many perceptible metaphoric objects that purport to provide an interface to enable users operate telecommunication gadgets easily, but which Boomen (2014:15) accused of channelling users' attention away from the inner working of the machine and its software in the name of user-friendliness, this study identified both hidden and perceptible metaphoric affordances by re-reading the metaphoric software objects and the physical artefacts used to access social media. The study adapted forcing functions and users excluding constraints, the "constraints that force ...desired behaviour" (Norman, 2013:141) to analyse social media artefacts.

In industrial design, forcing functions (Norman, 2013:142), are physical "constraints that can prevent inappropriate behaviour." The affordances require users to first perform actions not directly related to the intended use of the artefact before using the artefacts. The study used the metaphor of forcing functions to identify how artefacts can prohibit use or demand users to perform other actions before allowing them to access social media. These forcing functions are described metaphorically as interlocks, lock-ins and lock-outs (Norman, 2013:141)

- a. **Interlocks:** These are affordances that force "operations to take place in proper sequence" (Norman, 2013:141). The interlocks metaphor is derived from car interlocks that force a driver to fasten the seatbelt before igniting the car (see Brey, 2005:67). To put it in another way, interlocks are prerequisite procedures that prepare artefacts for 'safe' use. Brey (2005:70) gave the example of a safety pin of a rifle that requires certain actions performed before the rifle can be used. In this

study, the metaphor of interlocks refers to actions by dominant groups to force subjects to follow a predetermined sequence before using social media artefacts. Even though a social media artefact can properly work without going through the predetermined sequences, prerequisite procedures related to use of the artefacts are designed to demand the user to go through some sequences before using the artefact. Some interlocks are justified in the name of assisting users to avoid making mistakes but it is such justification that hides their hegemonic purposes, considering that social media artefacts have “political qualities” (cf. Winner, 1980:121) unlike near ‘objective’ artefacts such as household artefacts for which interlocks are for the users’ safety. The study identified how both physical and software interlocks are used hegemonically by the regime that demands social media use to ‘take place in specified sequence’. For example, the study identified the regime’s lock-in-like technologies in the registration of users through subscriber identification module (SIM) databases and Internet Protocol addresses. This registration, on the one hand makes it easy for subscribers to routinely access the Internet but on the other hand allows artefacts to control Internet access. SIM cards contain credentials used to identify and authenticate subscribers. As such, they lock-in users and allow them to easily connect to the mobile network and hence access social media services. The spread of Internet use in Kenya can be credited to lock-in features of SIM cards: they are microprocessors operating systems, with storage and built-in security features that prevent the unauthorised. As removable microprocessors, SIM cards can be used in different mobile phones different from the fixed landlines.

- b. **Lock-ins:** The metaphor of lock-ins is derived from the features that ensure continuous operation or prevent someone from prematurely terminating the activities of the artefacts (see Norman, 2013:143). Thus, lock-ins are designed to keep operations going by ensuring artefacts are always functional. Brey (2005:70) gives the example of a computer’s “soft” on-off switch that avoids disconnecting power but instead starts by shutting programmes, saving files and finally turning off the computer — these ensure that programmes and files are safely shut before power is disconnected. Although lock-ins seem helpful to ordinary users, they become hegemonic technologies when used by the regime to deny ordinary people the ability

to fully control artefacts. The study looked for how lock-ins are being used by the regime to deny users the ability to fully control social media artefacts by preventing alternative uses of social media technology. Here, alternative uses utilise hidden affordances that designers either failed to make perceptible or the regime has no control over (cf. Shaw, 2017:6). The second category of lock-ins are software: social media applications that lock in users by being incompatible with other applications. For instance, the two sites popular in Kenya, Facebook and Twitter are incompatible, which means each site's users are locked-in. As explained by Norman (2013:143), lock-in designs have been used as a business strategy by providing internal consistency to motivate customer's loyalty. The study analysed how lock-ins have been used to make social media users dependent on particular social media sites, making it hard for them to leave, even when there are several other sites. Here the study analysed the social media software as a source of user loyalty, which becomes hegemonic when users ignore alternative software.

- c. **Lock-outs:** The metaphor of lockouts is derived from features of artefacts that prevent users from using artefacts dangerously. Brey (2005:67) explains how lockouts in industrial designs prevent a person from entering dangerous places, or the occurrence of unwanted events by ensuring that people enter only safe places or only use devices for the right reasons (also see Norman, 2013:144). However, to Winner (1980:121), artefacts that have "political qualities" that prevent users from accessing 'dangerous places' are clearly part of 'the political'. Analysis of social media artefacts and software was done by identifying how lockouts become hegemonic when they prevent people from using social media to access the purportedly dangerous content or prevent them from using devices 'wrongly'.
- d. **User excluding physical constraints:** these are artefacts that exclude certain users from making proper use of social media (cf. Brey, 2005:71)). The artefacts act as physical limitations on the use of social media when they "require users to have certain physical attributes or be in possession of certain physical competencies" (ibid). It is easy to see the hegemonic ability of perceptible affordances that exclude

users as domination is achieved when subjects are denied access to the public sphere. The study looked for how artefacts physically exclude by prequalifying users based on some physical attributes or competencies. Like physical user excluding features, the study looked for hidden affordances in software features that prevent users from properly using social media. Concerning the oppositional use of user-excluding affordances, the study looked for how the user manoeuvred around the user-excluding constraints in artefacts by taking advantage of hidden or even false affordances to create and replace the user-excluding affordances (c.f Shaw, 2017:7).

6.5 Conclusion

The Post-foundational Discourse Analysis strategy proposed in this chapter improves previous attempts to apply Laclau and Mouffe's (1985) Discourse Theory as an empirical research method by complementing linguistic textual analysis with material analysis. The chapter is a methodological transformation that proposes how to analyse every text used in discourse texts meaning both linguistic and material texts. Analysing extra-linguistic texts enabled the study to capture what Sprenger (2015:2) argues are the macro-decisions that take place away from the traditional avenues of politics like parliaments and other political hotspots. Indeed, the new political hotspots in social media discourses are software, mobile phones, personal computers, and the various affordances through which these devices are used to access the Internet. The chapter develops a strategy for analysing the struggle over *incivility* in social media by looking at how linguistic texts and affordances of social media artefacts as discursive 'texts' are utilised by subalterns in hegemonic struggles against the regime. Thus, linguistic texts and social media artefacts make up the corpus of texts analysed in this dissertation. The next chapter uses the strategy developed in this chapter to analyse specific cases of struggle over *incivility* in social media discourses in Kenya.

PART III: Dislocation, repair and return of ‘the political’.

This section utilises the Post-foundational Discourse Analysis model developed in Chapters Five and Six to analyse how the dislocation caused by *extreme speech* is being followed by three events: repair and absorption of the dislocation into existing social practices to maintain the society’s objective discourses, transformation of the dislocation through articulation into nodal points to create new hegemonic practices and encounter with the ‘real’ political ontology in which politics is a struggle against existing hegemonic practices.

The dislocation of political practices due to *incivility* in social media occurs when antagonistic groups forget their differences in order to unite against a common adversary with the aim of reworking sedimented imaginaries that support the existing social order. That is to say that the struggle over composition of new subject positions is the new left’s perspective that sees the struggle against domination not only as a struggle against material deprivation, violence and brute force but more importantly, as a struggle to control the production of subject positions. To understand how mediatised *incivility* is dislocating the existing social order, we should try to see how *incivility* is disarticulating and replacing previously sedimented subject formations.

Chapter Seven describes how the first two events, repair and absorption of the dislocation into existing social practices, through technologies of representation, the linguistic symbolic system of representation is used by the regime to repair and transform dislocatory events by creating a binary view of *incivility* as hate speech and substituting it with the nodal point of insecurity. This is what regimes do: fix meanings by repairing and absorbing dislocation through nodal points — the discursive points that construct new common sense through partial fixations (see Laclau & Mouffe, 1985:105).

Chapter Eight looks at how the regime is attempting to repair and absorb the dislocation using non-anthropocentric agency: the physical and software affordances participating in the struggle to give *incivility* a binary meaning. Non-human agency is categorised into two: the dominant-hegemonic and counterhegemonic artefacts. The dominant social media artefacts are those working for the regime to stabilise the hate speech narrative, while the

counterhegemonic objects are those playing an oppositional role by contradicting governmentalities.

Chapter Nine is an overview of the findings and a description of the implications of *extreme speech* in social media on radical democracy. The chapter traces the productivity of *extreme speech* by looking beyond the era of consensual politics when the mainstream media acted as ideological state apparatuses. It is argued that the emptiness created by the fall of dictatorships after the end of history is being filled by new political frontiers that are neither right nor left like ethnic, national, and religious antagonisms which are reflected by *extreme speech* in social media.

7.0 Chapter Seven

Repair of Dislocation through Technologies of Representation

This chapter describes technologies of representation, the linguistic symbolic system of representation used by the regime to repair dislocatory events by associating *incivility* with hate speech and substituting it with the nodal point of national security. This is how *incivility* in social media has been taken up in Kenya: the discourses that inform the overall *incivility* narrative are located in regulatory bodies, the courts of law, legacy media, and traditional knowledge intellectuals. The chapter describes how the regime is utilising linguistic hegemonic tools to recreate dominant practices through the combination and substitution of *incivility* with other things. This is what regimes do: fix meanings by repairing and absorbing dislocation by means of nodal points — the discursive points that construct new common sense through partial fixations of the otherwise floating signifiers (see Laclau & Mouffe, 1985:105).

7.2. Repair of Dislocation through National Security Myth

The discourse of national security is part of efforts to achieve discursive closure and repair the institutional void created by *incivility* in social media. That is to say, the regime is repairing dislocation by appealing to the national security myth to make *incivility* a national security problem. Securitisation discourses, Laclau and Mouffe (1985:97) would argue, are metaphorical acts “established by analogy with the physical world”. At this level, tropes articulate competing demands when they act as empty signifiers trying to fill their lack by creating nodal points to fix the meanings of floating signifiers (see Laclau 1995, 171). Therefore, securitisation narratives are tropological speech acts attempting to transfer or substitute existing descriptions of *incivility* (as part of politics) with hate speech, which is outside politics or simply put, the narratives are describing *incivility* as something else. Instead of explaining the multitude meanings of *incivility*, the security metonym tells us not what *incivility* is, but rather what *incivility* is like.

Such tropological facts are only facts “by human agreement” as they are brought into being by people who believe the facts exist (see Searle, 1995:1). The facts are what Searle calls

“institutional facts” that are in contrast to “non-institutional, or ‘brute’ facts”. To recall, the overall aim of this study was to make sense of *incivility* in social media without relying on the regime’s truth. Considering that institutional facts can only exist through human institutions, I argue that the regime is creating its preferred objective facts about *incivility* through security tropes that covertly place *incivility* within the confines of security institutions. By describing *incivility* in social media through objectivity constructed by hate speech discourses, the regime restricts how *incivility* can be constructed as democracy enhancing speech.

Yet the metonymic directionality of the hate speech rhetorical figures is not universal. For example, although the regime wants to make *incivility* in social media the source domain (more accessible) used to talk about hate speech (the target domain), the other way round is also possible (see Lakoff & Johnson, 1980). As explained previously, the discriminative allocation of national resources was identified as one of the key triggers of the 2008 post-election violence. From this perspective, hate speech should be the source domain (as it is more visible) used to explain *incivility*. Thus, it can be argued that the security metonym is being used hegemonically to displace *incivility* from normal politics, allowing the regime to use emergency as a means to solve the ‘problem’. This is how the hate speech metonym is reproducing and subverting power relations. Indeed, instead of looking at metonyms as ways of cognitive grasping, we should see them as constitutive of the political world (see, Mottier, 2008:189). That is to say, the metonym of hate speech is a ‘*mini-narrative*’ that can only be understood after understanding Kenya’s historical, social or political context of *incivility*, otherwise the meaning of metonymic mini-narratives becomes hegemonic when they are presented as a myth, a new stabilising meaning given to a dislocated space where previous myths no longer have meaning (see Laclau, 1990: 61).

From this perspective, the meaning of myths is broader than false belief or statement as is commonly used. As clarified by Barthes (1973:149-150), myths ‘transform history into nature’ by neutralising or ‘depoliticising’ intentions of the bourgeoisie. Hence myths can repair dislocations by depoliticising events, texts and utterances (Roslyng, 2011). When myths succeed in repairing dislocation, new objectivity is formed and subjects are eclipsed and absorbed into the structure, taking them to new subject positions (Laclau, 1990:61).

The national security tropes are returning sedimented discourses by transforming *incivility* from an element into moments with a fully fixed meaning. Outside the national security myth, *incivility* in social media is a floating signifier as it can take several meanings. Therefore, the national security myth supports objective discourse through transubstantiation of *incivility* from a floating signifier into moments by knotting it to security narratives that seem authoritative and natural.

Several nodal points were identified. These are the discourses that form the basis for filling the empty signifier of national security with meaning to limit its slippage (Lacan, 1993:268). These discourses are metonyms, metaphors and at worst, catachresis tools that attempt to name *incivility* that is essentially unnameable. The following section analyses linguistic discourses, the technologies of representation that have caused dislocation or are being used to repair the dislocation by fixing the regime preferred meaning of *incivility*.

7.3. Technologies of Representation: Performative Speech Acts

The regime is using linguistic tools, the speech acts to metonymically substitute *incivility* with hate speech and construct it as a national security threat. To reiterate, since society is constructed through “language, as a partial and metaphorical incorporation into a symbolic order”, efforts to repair events that question these constructions use metaphors to (re)sediment the constructions (Laclau & Mouffe, 1985:126). These linguistic texts are either statements (*énoncé*), or the act of saying the enunciation — *énonciation* (Foucault, 1991:63). Statements are strategies for truth creation while acts of enunciating (performative texts) are the actions through force of utterances. This means the regime’s strategies for truth creation and performative texts are the nodal points that attempt to fix the meaning of *incivility*, by displacing, substituting or misapplying concepts that are otherwise floating signifiers. In this study, securitisation efforts are viewed as strategies for truth creation and performative texts that can generate meaning without external rationality.

The most stringent securitisation has been through the performative speech act of the statutory bodies, the police and courts. Although not a single person has been convicted for offences related to *incivility*, save for, Alan Wadi Okengo, alias lieutenant Wadi, a university student, who was jailed after pleading guilty but was later acquitted on appeal, mere court cases metonymically securitise *incivility*. As explained earlier, by not implementing the strict laws, the government allows symbolic freedom under which “everyone is guilty of something” and yet the regime looks merciful for not enforcing the severe laws (Žižek (2008:666). Thus, even without convicting, the law is a tool for securitising politics through the control of ideas, even as it retains possibilities of being used for coercion. The following four privileged sites were identified as sources of regime’s securitisation discourses: regulatory bodies (the National Cohesion and Integration Commission and the Communications Authority of Kenya); the judiciary and the police; and the knowledge nodal point (traditional intellectuals and the legacy media).

7.3.1. Regulatory Bodies Nodal Point: CAK and NCIC

The hate speech discourses by the Communications Authority of Kenya and the National Cohesion and Integration Commission have been key in shaping the meaning of *incivility* in social media. Based on their regulatory functions, the CA and NCIC are using hate speech discourses to displace and substitute *incivility* from politics to security practices. As explained by Buzan et al. (1998:23), securitisation “takes politics beyond the established rules of the game and frames the issue either as a special kind of politics or as above politics.” In this case, the two state agencies have attempted to metonymically displace *incivility* in social media from being in the spectrum of political practices to security, where *incivility* is viewed as an existential threat that requires emergency measures outside the normal politics. When people get used to the metonymic meaning of *incivility* as a threat to national security, the regime can deal with the problem through violation of normal political practices. Thus, through CA and NCIC, the regime aims at universalising its hegemonic views by converting its metonymic association of *incivility* with hate speech to a security metaphor in which *incivility* is hate speech.

The Communications Authority of Kenya was established in 1999 through the Kenya Information and Communications Act, 1998, as the government agency in charge of the information and communications industry. Its key functions include licensing, managing the nation's frequency spectrum, approving equipment for use in the country, protecting consumers, monitoring and managing competitions among industry players. The NCIC is a statutory body that was established by the National Cohesion and Integration Commission Act of 2008 with the overall objective of "constructing nationhood, national cohesion and integration" among Kenyans. In particular, the commission was established to resolve the long-term issues agreed on as Agenda 4 of the National Accord and Reconciliation Act 2008, a power-sharing peace agreement signed by Mwai Kibaki and Raila Odinga on February 28, 2008 to end post-election violence. The Agenda 4 issues were identified as:

...constitutional, legal and institutional reforms; land reform; tackling poverty and inequality as well as combating regional development imbalances; tackling unemployment, particularly among the youth; consolidating national cohesion and unity; and addressing transparency, accountability and impunity (NCIC, 2016).

Indeed, it is the dislocation by the 2008 post-election crisis that brought to the surface long standing divisions in Kenya. However, instead of solving these deep-seated causes of ethnic antagonism, the NCIC has been associating *incivility* with insecurity by knotting *incivility* to the hate speech nodal point. When state bodies take up such activities, Laclau (2014:63) says, they initiate a process of converting metonyms into metaphors that in turn stabilise the regimes' hegemony. The relationship between the 2008 post-election violence and *incivility* in social media is metonymic as the violence was closely associated with incitement. However, the incitement metonym was metaphorised to hegemonic levels through the creation of the NCIC with the mandate of monitoring hate speech. Although the NCI Act gives a wide mandate to the commission, including stopping various forms of discrimination and harassment, victimisation, denial of membership to organisations, access to public resources, and property ownership, it seems the organisation is more interested in stopping hate speech than structural threats to nationhood. As noted in Chapter Two, the rampant marginalisation of minorities in the allocation of national resources like roads, clean piped water, electricity and medical services was identified as

the underlying cause of the 2008 post-election violence. Yet the NCIC and CA have ignored these underlying causes of antagonism and are using performative speech acts to securitise *incivility* by ‘quilting’ it to hate speech as seen in the following advertisement warning citizens during the 2017 presidential and parliamentary election campaigns:

“Hate Message” means a message designed to degrade, intimidate or incite to violence or prejudicial action against a person or group of people based on their race, gender, ethnicity, nationality, religion, political affiliation, language, ability or appearance....It shall be the responsibility of the political content author to authenticate, validate the source and truthfulness of their content prior to publishing to limit information that might spread rumours, mislead or cannot be supported by facts (Communication Authority of Kenya/National Cohesion and Integration. 2017:4).

The offence of hate speech as constituted by the National Cohesion and Integration Act No. 12 of 2008, includes “threatening, abusive or insulting words or behaviour, or displays any written material...public performance of [plays]...visual images; or ... programmes” that can stir ethnic hatred. This description is a verdictive speech act that establishes the official nodal point created by the regime’s truth. By being knotted to this regime-created nodal point, the otherwise empty security signifier is filled with meaning.

It means the NCI Act (2008) definition of hate speech takes some political issues out of normal politics by securitising categories of speeches considered to have features of existential threat. The Act aims at encouraging “national cohesion and integration by outlawing discrimination on ethnic grounds”. This type of performative speech act is what Austin (1962:153) calls verdictives, the judicial acts that “purport to be correct or incorrect, right or wrong, justifiable or unjustifiable on the evidence” (Austin, 1962:153). Hence, the NCI Act is a verdict on the form of *incivility* in social media that can be interpreted as discriminatory on ethnic grounds. The Act bans some forms of speech considered hate speech, making the Act a nodal point used to stabilise prevailing objective discourses in the face of dislocatory elements. The commission has demanded to increase its securitisation moves by requesting for stricter rules than what the NCI Act provides currently. The commission complains that:

Of late, the political class has also learned about incitement to violence, so they use foul language that constitutes insults that are

not covered in any penal statutes. To address such challenges, the Commission proposed significant amendments to the Act that will help to seal all the existing loopholes. But that notwithstanding, NCIC has continued to collaborate with the police to investigate and take to court people arrested with incitement to violence offenses. These include cases related to the use of vulgar language (NCIC on the Fight against Hate Speech in Kenya, 2018).

In addition to verdictives, the NCIC and CA regularly securitise *incivility* through exercitives such as warnings, orders and advisories. For example, in a joint statement, the NCIC and CA warned administrators of social media groups that they would be held liable for any hate speech posts (*Daily Nation*, 28 July 2017). The two bodies warn that “Persons who knowingly spread undesirable political content via social media networks shall be penalised according to the NCI Act, the Penal Code and other relevant laws.” Such threats are used by the regime to repair dislocations caused by social media.

The two agencies, the NCIC and CA, used exercitives because they have appropriate authority over the realm of civility. In the public warning to social media users, the two commissions start by reminding readers that they have authority to enforce civility (Joint statement on user...2017):

...CA is vested with the responsibility of regulating ICT services...as well as safeguarding the interests of ICT consumers, CA draws its mandate from the Kenya Communication Act, 1998, as amended by the Communication (Amendment) Act, 2009 and the Kenya Information and Communication (Amendment) Act, 2013....[NCIC] on the other hand, is mandated to facilitate and promote equality opportunity, good relations, harmony and peaceful co-existence between persons of different ethnic, religious and racial communities.

By attaching *incivility* to the nodal points of hate speech, performative speech acts formalise civility norms. Although *incivility* is a normative informal practice, the regime has put in place rules that have made it a security threat. As an informal normative practice, *incivility* is vague, but through the regime’s speech acts, *incivility* has been substituted with a performative insecurity threat. This means civility has become imposed on the people as it is no longer mutually voluntary co-operation. For example, in a ‘*Joint statement on user generated content on social media platforms during the electioneering period*’, both

the Communications Authority of Kenya and the National Commission for Integration and Cohesion listed guidelines on how to safely use social media (Joint statement on user...2017). The two commissions claimed they wanted to protect users by curbing “misuse of social media platforms”.

Based upon CA’s mandate to protect consumer interests, and NCIC’s mandate to promote national cohesion and integration, CA in consultation with the NCIC and other relevant stakeholders...issues these Guidelines to prevent the transmission of undesirable political content via SMS and Social Media platform (Guidelines on prevention of dissemination ...,2017:1).

These guidelines are attempts to repair dislocation which, as Torfing (2005:16) argues, are signs that stable hegemonic discourses can no longer “explain, represent, or in other ways domesticate” the events. The CA and NCIC guidelines are attempts by the regime to resediment previous political practices which *incivility* in social media is disrupting. What state agencies like CA and NCIC are doing is to limit the return of ‘the political’ through the repair and repression of *incivility* into existing social practices.

The suggested solutions reflect the CA and NCIC’s deployment of logics of difference to activate internal differences within groups, especially the conventional differences between tribes, to (re)create regime preferred subject positions for social media users. To recall Laclau (2000:192-3), the logic of difference sediments particularities through metaphoric substitution. The repair of dislocatory events is achieved by reducing “the equivalential movements that are possible within a certain social formation” (Laclau 2000: 192-3). The hate speech metaphor is used to stabilise the regime preferred meaning of *incivility* by defining it as what it is not, in this case content that is detrimental to “consumer interests” and can damage “national cohesion and integration”.

In addition to exercitives, CA and NCIC are using persuasive discourses, what Austin’s (1962) calls expositive acts to knot *incivility* to the nodal point of hate speech, an act that transubstantiates *incivility* into a security threat. Through persuasive acts, the regime is attempting to repair dislocation by providing knowledge that fills security with meaning. Persuasive technologies of governance, Huysmans (2006:10) says, “contribute to adequate governing of insecurities by developing knowledge about security problems and training people in enacting it.” Among key expositives used to expound the regime’s views

and arguments are the NCIC and CA's training and 'how-to' manuals. These are strategies used by the two government agencies to expound the regime's views of *incivility* in social media by teaching people the regime's truths.

The Communications Authority of Kenya has pushed its persuasive discourses through a national cyber security management system, christened the "National Kenya Computer Incident Response Team Coordination Centre (National KE-CIRT/CC)", a centre for coordinating the management of cybersecurity incidents established based on the authority granted to the CA by the Kenya Information and Communications Act, 1998 (see The National KE-CIRT/CC..., 2018). As part of its 'proactive activities', the centre offers 'how-to' security tips on reporting abusive social media content. For example, it provides Facebook procedures for reporting hate speech, nudity, abusive chats, bullying, violent and graphic content (see National KE-CIRT/CC Information...2018). Similarly, the centre provides information on how to flag YouTube videos (YouTube Abusive Content...2018b), Instagram (Report Harassment....2018), and Twitter (Twitter Abusive Content, 2018).

Through these securitising speech acts, the CA makes *incivility* the referent object. The 'how-to' security tips highlight how free social media is a threat to its users. For instance, the CA argues that social media is "a very powerful tool that needs to be monitored and governed to protect the security and rights of the users and non-users" (Twitter Abusive Content, 2018).

Regarding the NCIC, one of its core functions is peace training aimed at enhancing harmony among ethnic communities and racial groups (Republic of Kenya, 2008). An example of using training to securitise *incivility* is special workshops for police officers on the enforcement of hate speech criminal law and training of journalists about conflict sensitive reporting and monitoring of hate speech. As explained in the *Police Training Manual*, such workshops are "intended to better prepare police officers...investigators and prosecutors to deal with incidences of hate crime" (NCIC, 2011:7). In one of the training manuals for journalists, *Guidelines for Monitoring Hate Speech* (2010), the commission securitises *incivility* by blaming the media for "promoting stereotypes and perpetuating

hate messages, misreporting events and general misrepresentations” that resulted in the 2008 post-election violence.

NCIC gives a broad definition of hate speech to include cultural stereotypes, general negative depictions; abusive, insulting, provocative language; imagery, poems, metaphor, proverbs; pictures, ridicule, and alarming language. In addition to training journalists and police officers, the commission has also trained judges and magistrates (see Ministry of Justice and National Cohesion, 2011: xvii). It is through such regime persuasions that *incivility* in social media is constructed as a national security threat.

7.3.2. The juridical Nodal Point

The justice nodal point may not be seen in the consequences of a particular case but how the judicial system participates in elevating *incivility* discourses to national security. Once the securitisation metaphors appear, they become institutionalised to judicial reasoning, which in turn affects other securitising actors. As a result, this section did not deal with individual laws securitising *incivility*, but the legal discourses — what Foucault would call the judicial knowledge regime that is shaping the struggle for discursive order in the face of dislocation.

The court’s major securitising act against dislocation identified in this dissertation was the sentencing of a university student to one-year imprisonment after he pleaded guilty to charges of insulting the President. Mr Alan Wadi Okengo was convicted after he was accused of publishing information on his Facebook Page that the government claimed was aimed inciting the public and undermining the authority of the President, contrary to Section 132 of the Penal Code. Okengo published information:

...which denigrated the person of the President of the Republic of Kenya, which message was calculated to bring into contempt the lawful authority of the President of the Republic of Kenya (*Alan Wadi Okengo vs Republic*).

However, the sentence was quashed after Mr Okengo successfully appealed his conviction. The Appellant raised several grounds challenging his imprisonment, among them the errors in trial and the fact that he was not of sound mind at the time he was

convicted (*Alan Wadi Okengo vs Republic*). Based on verbatim statements of the appellant when he was called upon to mitigate before being sentenced, the Court of Appeal found him to have “mental issues which the [lower] court ought to have investigated to establish if indeed the appellant had the requisite mental capacity to plead guilty to the charges that were brought against him”. Wadi had said:

Since last year I have been having mental problems. I have come of my problems (sic). I have an ailing grandmother. My mother left. I have one cousin. I am traumatised, in a way I expected for school fees to be paid. Those things have been disturbing my mind. I missed two graduations. I am waiting to do exams. I do not know if my sanity is on trial. I have mental disorder. I apologise for the same (sic). I would wish to meet the concerned party and apologise (sic). The devil had time to my mind (*Alan Wadi Okengo vs Republic*).

The judge desecuritized *incivility*, at least for people with ‘mental issues’ who lack capacity to plead guilty. This ruling shows that the dislocation caused by *incivility* in social media is visible in institutional ambiguity between the Executive and the Judiciary. The void of institutional ambiguity can be seen in the absence of clear rules and norms according to which politics is to be practiced (see Hajer, 2003:175).

As a desecuritising actor, Justice Mwita of the High Court of Kenya created an institutional void when he declared Section 132 of the Penal Code unconstitutional after a successful petition by an opposition-turned-government blogger who had been charged with insulting the president. Robert Alai had tweeted that “Insulting Raila is what Uhuru can do. He hasn’t realised the value of the Presidency. Adolescent President. This seat needs maturity” [by then Raila Odinga was the leader of Opposition and a fierce critic to President Uhuru Kenyatta’s reign].

The prosecution stated that Alai’s tweet was aimed at bringing “into contempt the lawful authority of the President of the Republic of Kenya” (*Robert Alai vs Attorney General and Director of Public Prosecution, 2017*). But Justice Mwita said “continued enforcement of Section 132 of the Penal Code ... is unconstitutional and a violation [of Alai’s] fundamental right to freedom of expression” (ibid).

The judge quoted the case of *Andrew Mujuni Mwenda & 2 Others vs Attorney General, petition Nos. 12/2005 and 3 of 2006 (CCU)*, in which the petitioner challenged constitutionality of Sections 39 (1) (a) and 40 of the Penal Code, which were contrary to Article 29 (1) (a) of the Ugandan constitution. In this case, the Constitutional Court of Uganda stated that how people express their thoughts depends on their childhood environment, with the elite and those living in God fearing environments training their:

children to address an elder or a leader politely, [while their] counterpart brought up in a slum environment may make annoying and impolite comments, honestly believing that, that is how to express himself/herself... [therefore people] ... have a right to criticise their leaders rightly or wrongly. That is why...leaders should grow hard skins...

The Justice Mwita traced the genealogy of *Section 132* of the Penal Code to the pre-independence uprisings. He explained that having been introduced in 1958 after the colonial government declared a state of emergency, the purpose of *Section 132* was to

suppress dissent among the natives with the object of protecting and sustaining the colonial government in power then. However, the resultant effect was to instil fear and submission among the people.

He argued that *Section 132* contradicts the *Bill of Rights (Article 20(2))* of the Constitution. As stressed by *Article 20(2)*, people have the right to exercise freedom of expression to the greatest extent, subject only, to the limitation of that right under Article 33 (2) or any other provision in the constitution.

Alai's lawyer, Mr. Ongoya had argued that *Section 132* of the Penal Code was unconstitutional as *Article 4(2)* of the current constitution describes Kenya as a multi-party democracy,

...which means people must have a wide latitude to speak about their government since that government is made of public officers" (*Robert Alai vs Attorney General and Director of Public Prosecution, 2016*). He opposed criminalisation of government criticisms by the Penal Code that was forcing "people to speak in low tones in a democratic society.

The Attorney General raised a securitising frame when he argued that *Section 132* seeks to punish a person who contravenes freedom of expression as stated in *Article 33 (3)* of

the constitution, in particular people who “bring into contempt, excite defiance or disobedience to lawful order” (*Robert Alai vs Attorney General and Director of Public Prosecution, 2016*). While the chief government prosecutor argued that section 132 seeks to “preserve dignity of public officers.”

In a similar case, two administrators of a popular Facebook Group successfully petitioned the High Court of Kenya to declare *Section 194* of the Penal Code unconstitutional (see *Jacqueline Okuta and Jackson Njeru v. Attorney General and Director of Public Prosecution, 2017*). Jacqueline Okuta and Jackson Njeru, the administrators of *BuyerBeware-Kenya (Original)*, a group with about 108,000 members, by the time of writing this work, had been prosecuted for offences of criminal defamation under *Section 194* after they published allegedly defamatory statements on *Buyer Beware-Kenya (Original)*. Okuta and Njeru had respectively posted the following information:

...the persons pictured and named therein are wanted for illegal possession and handling of property. Anyone with information regarding either of the three to get in touch with Facebook page- 100,000 Likes for justice to be done for Jacky and her Kids.

Justice Mativo advised the aggrieved to seek civil remedy in form of damages for defamation. The judge explained how the invocation of the criminal defamation law to protect reputation is “unnecessary, disproportionate and therefore excessive and not reasonably justifiable in an open democratic society based on human dignity, equality and freedom.”

In another case, an activist successfully challenged the constitutionality of *Section 29* of the Kenya Information and Communication Act, 2013. Godfrey Andare had been charged under this section with the offence of improper use of a telecommunication equipment. He was accused of using his Facebook account to post grossly offensive information about Mr Titus Kuria, the complainant. He had posted:

...you don't have to sleep with the young vulnerable girls to award them opportunities to go to school, that is so wrong! Shame on you.

But through his lawyers, Godfrey Andare convinced the High Court to declare *Section 29* of the Act unconstitutional because it was a threat to freedom of expression as it vaguely

criminalises publication of certain information (*Geoffrey Andare v. Attorney General and Director of Public Prosecution*, 2015). The section provided as follows:

A person who by means of a licensed telecommunication system—
(a). sends a message or other matter that is grossly offensive or of an indecent, obscene or menacing character; or
(b). sends a message that he knows to be false for the purpose of causing annoyance, inconvenience or needless anxiety to another person, commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding three months, or to both.

Justice Mumbi Ngugi found this section “so vague, broad and uncertain that individuals” would not know offending communication as it is expected in criminal offences. The judge was guided by the case of *Sunday Times vs United Kingdom Application No 65 38/74 para 49*, in which the European Court of Human Rights stated that “a norm cannot be regarded as “law” unless it is formulated with sufficient precision to enable the citizen to regulate his conduct.”

In a 2014 petition filed by CORD, the opposition party that lost to President Uhuru Kenyatta in the 2013 presidential elections, several sections of the Communication Act were declared unconstitutional by the High Court (see *Coalition for Reform and Democracy and others v. Republic of Kenya and others*, 2015). The executive had influenced Parliament to enact Security Laws (Amendment) Act, No 19 of 2014 (SLAA) as an urgent measure to enhance national security in the face of increased terrorist attacks. SLAA amended 22 other Acts of Parliament that were either directly or indirectly concerned with national security matters. The High Court declared 10 Sections of the Act unconstitutional because they either violated the freedom of expression and the media or of rights of the accused as guaranteed by the Constitution. Among those found unconstitutional was Section 66A of the Penal Code that aimed at prohibiting publication through:

...print, digital or electronic means, insulting, threatening, or inciting material or images of dead or injured persons which are likely to cause fear and alarm to the general public or disturb public peace”. It seems this section was aimed at restricting *incivility* in social media content since it is mainly in social media that such restricted content is found. Legacy media restrict publication of such offending information through editorial policies, house style and professional

ethics guidelines. (*Coalition for Reform and Democracy and others v. Republic of Kenya and others*, 2015).

As seen in the cases described above, courts stopped many criminal cases related to use of social media because the cases were based on unconstitutional Acts of Parliament. This judicial knowledge is clear in *Kuria & Three Others vs Attorney General* (2002), a case that I quote at length:

The court has power and indeed the duty to prohibit the continuation of the criminal prosecution...It is a duty of the court to ensure that its process does not degenerate into tools for personal score-settling or vilification on issues not pertaining to that which the system was even formed to perform...The machinery of criminal justice is not to be allowed to become a pawn in personal civil feuds and individual vendetta. It is through this mandate of the court to guard its process from being abused or misused or manipulated for ulterior motives

These rulings caused an institutional void when the courts stopped the executive from using restrictive means of controlling *incivility*. It seems independence of the judiciary encouraged by the Constitution of Kenya 2010 has created a void between courts and other arms of government over securitisation of *incivility*. Although the NCIC and the police are dominant securitising actors working through prosecution of offenders, their relationship with the Judiciary is antagonistic. It gives the impression that as the two state organs securitise *incivility*, the courts are desecuritising.

For example, the police spokesperson blamed the courts for the growing hate speech, claiming the courts should convict 'reckless politicians' (see Kajilwa, 2015). The spokesperson said police officers often present 'watertight evidence' but only for the courts to frustrate their work by unconditionally releasing suspects. The NCIC made similar accusations claiming the courts and uncooperative witnesses have made it difficult to arrest hate mongers (Kisika, 2017).

Nonetheless, this tension is more than conflict over *incivility* policies, it shows the tactics being used by the Executive to challenge the rule of law. The police and NCIC can use the language of national security in its favour as it can skew the tensions in favour of the Executive. What the NCIC and the police are doing is to repeatedly use the discourses of

national security to contest the nature and limits of liberal democracy without directly slipping from democracy into dictatorship (see Huysmans, 2006:11). The tensions between the Judiciary and the Executive show how politics of national security, Laclau and Mouffe would argue, from an ontological dimension, is part of 'the political' rather than pure security discourses that are part of the ontic.

However, this institutional void does not mean the courts were not repairing the dislocation caused by *incivility*. To recall, this is how the law works as a hegemonic tool. Regular acquittals enable the regime to be symbolically totalitarian while looking democratic for not convicting people based on the strict criminal laws, but at the same time use these laws to scare people. It can therefore be argued that the courts securitise *incivility* even without convictions but through juridical practices that accompany investigations, arrests or even detentions. As explained in *Jacqueline Okuta and Jackson Njeru v. Attorney General and Director of Public Prosecutions, (2017)*, "even if the accused is eventually acquitted, he may well have undergone the traumatising gamut of arrest, detention, remand and trial. Moreover, if the accused has employed the services of a lawyer, he will also have incurred a sizeable bill of costs which will normally not be recoverable."

The hegemonic operation of courts is similar to hegemonies of regimes that look merciful, Žižek (2008:666) argues, by ensuring that "everyone is guilty of something" but not yet convicted because the regime has withdrawn full enforcement of the severe laws. Such regimes retain "a permanent threat to discipline its subjects". In this case, social media contributors are free because of the mercy of the courts not because there is freedom of expression. Yet this mercy is what gives courts legitimacy as it enables courts to appear neutral and objective. This court-guaranteed freedom means people can only take the court's preferred freedom. Thus, judicial discourses are objective discourses that attempt to conceal the 'the political' which means that laws are rules used to tame 'the political'. In any case, hegemony is not only dominance but also negotiation strategies which generate consensus without appearing domineering.

7.3.3. The Legacy Media Nodal Point: Journalistic Traditions and Voices of Organic Intellectuals.

In analysing legacy media, I looked at mainstream newspapers as governmentality tools availing mini-narratives that shape and define *incivility*. Here, newspapers are channels for ‘serious speech’ that are part of institutional practices. Because this study is an ‘argument over definition’ of mediatised *incivility* — ‘the naming of unnamed things’, the suitable analytical techniques are metaphors on the one hand and catachresis, how arguments attempt to “[give] a name to something that did not already have a name” on the other hand, considering that a sign is not ontologically fixed, therefore any fixity is a social-historical expression of power (see Laclau 2005:71). This subsection analyses how legacy media discourses sedimented the regime’s definition of mediatised *incivility* through mini-narratives articulated by organic intellectuals.

Legacy media contribute to the formation of regimes of truth at macro-level through two ways: firstly, the editorial policies that create subject positions for media workers and secondly, by giving a voice to organic intellectuals through opinion editorial spaces. That is to say, legacy media institutions engage in the creation of nodal points when they adhere to traditional journalism principles claiming to serve as ‘neutral’ channels while spreading the regime’s speech acts or when they give a voice to organic intellectuals to use opinion editorials to create nodal points. In addition to merely supporting the construction of nodal points by other actors, the news media is directly involved in the tropological transformation of *incivility* to something else when legacy media, as part of ideological state apparatus, creates nodal points for the regime. The following part starts with the analysis of editorial policies, followed by an analysis of opinion editorials.

7.3.3.1. Editorial Policies.

Editorial policies are technologies of self as they provide media employees with institutional values used to work them into ideal employees. As Foucault (1988:18) would have said, they:

...permit individuals to effect by their own means or with the help of others a certain number of operations on their own bodies and souls,

thoughts, conduct, and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality.

Editorial policies act as instruments that enable journalists to fit the needs and challenges of media organisations. Hence editorial policies entice media workers to spread the regime's truths.

For example, the social media editorial policy for the Nation Media Group, the biggest news media organisation in Kenya, warns its journalists against editing "pages that relate to controversial issues or campaigns as this can be traced back to them and to NMG" (Nation Media Group, 2014). The policy also reminds journalists to "[a]lways assume that all that [they] post online will at some point become public." Such policy statements are nodal points as they prepare journalists to produce news or cover the regime's securitising speech acts without providing critical alternatives.

In its 'Comment Policy' (2016), the Standard Group, the second biggest media organisation in Kenya, lists types of abusive comments it does not publish. The media organisation warns against posting comments that are defamatory, false or misleading, insulting, threatening or abusive; obscene or of a sexual nature; offensive, racist, sexist, homophobic or discriminatory against any religions or other groups". To the Standard Media Group, commentators should:

...respect people's privacy. You are not allowed to submit confidential or private information. For example, you must not upload the telephone number, email address or any other contact details of any person. You should not write anything which could prejudice pending or on-going court proceedings of which you are aware. For example, if you have any personal knowledge about someone who has been arrested or charged or (is) being prosecuted for an offence, you must not mention it. If you do, you could be in contempt of court, which is an extremely serious matter (Comment Policy, 2016).

The Star, the third leading newspaper in terms of circulation, warns social media users against abusive contents that are "defamatory; obscene; promote or incite violence, terrorism, illegal acts, hate speech, or hatred on the grounds of race, ethnicity, cultural identity, religious belief, disability, gender, identity or sexual orientation, or are otherwise objectionable in the *Star's* reasonable discretion" (*Star* community policy..., 2018).

Legacy media is using its editorial policies as technologies of power to promote governmentality. Here, technologies of power are the editorial management practices that produce cooperative journalists and social media users and hinder opportunities for alternative voices. Even though they do not do it directly, editorial policies produce mentalities that make securitisation of *incivility* possible.

Editorial policies are similar to ‘quasi-logical’ tools that persuade by defining accepted premises. Just like linguistic tropes, editorial policies make media workers understand *incivility* in terms of other things. This means editorial policies create nodal points that stabilise the meaning of *incivility* in social media. The nodal points create objective discourses which support the larger narratives that name *incivility* as something else.

7.3.3.2. Opinion Editorials.

The second strategy for creating nodal points through legacy media, as mentioned earlier, is through the opinion editorial voices of organic intellectuals. From a non-essentialist standpoint, organic intellectuals are those playing intellectual roles outside the academy (see Gramsci, 2005:49). This group of intellectuals constitutes nodal points through which it attempts to fix meanings of *incivility*. The study analysed discourses by intellectuals who contributed in public debates through the news media — those who wrote letters to the editors, opinions and columns.

In selecting opinion editorials, I strived to include all articles mentioning *incivility* and its catachresis’s names such as hate speech, incitement to violence, inflammatory or defamatory speech published since the year 2007. The 2007/08 post-election violence and the resultant actions like constitutional changes, motivated my choice as this period captures the climax of dislocations, the period when an institutional void was created and *incivility* (re)constructed. I identified, from newspapers, the speech acts that produced serious truth claims (see Foucault, 1981:61), “what experts say when they are speaking as experts” (Dreyfus & Rabinow, 1982:48). I considered opinions that were ‘serious speech acts’, and not news that was more of the various forms of ‘everyday ordinary’

discourses (see Griggs & Howarth, 2017:7). This selection was followed by a careful reselection of thirty statements from the two leading newspapers with national circulation: the *Daily Nation* and the *Standard*. These are articles that I judged to epitomise the dominant discourses at play in shaping the naming and constitution of *incivility* in social media. The importance of selecting such articles in Discourse Analysis is to help a researcher to identify recurring discourses and not to prove hypotheses like it is common in the positivist studies. To echo what I stated in the sampling strategy, samples should be selected “according to the *intensity* with which the interesting features, processes, experiences” occur in them (Flick, 2007:28). Accordingly, the 30 opinion articles can be used to describe how the hegemonic intellectual function is pushing for closure in the ongoing discourses on *incivility* in social media.

The voices of organic intellectuals in the selected statements were analysed from two perspectives: their subject positions/positions of enunciation (Laclau & Mouffe, 1985:115) of the organic intellectual and the argument itself, a combination of post-Marxist views on identity and use of rhetorical devices. This analytic approach should be seen as part of the tactics for creating order in the otherwise vast data available, and not attempts to reduce the data using quantitative principles or evidence supporting casual claims. Consequently, in analysing the opinions, I looked for how organic intellectuals repeatedly used the classical Aristotelian triad of ethos (their subject positions), pathos and logos in debating *incivility*. Although Laclau (2000:77) confines rhetoric to the ontological level of analysis of ideologies, especially the tropes of naming, this study looked for the ontical domain, the rhetorical styles of persuasion, to describe the ontological level. That is to say, the analysis describes how rhetorical styles are being used to create “catachresis that names something that is unnamed” (see Finlayson, 2012:758).

7.3.3.2.1. Ethos: Subject Positions/Positions of Enunciation

To perform functions of organic intellectuals, one has to take suitable subject positions, this is equivalent to the Aristotelian ethos. Such subject positions rely on the respect given due to the subject’s authoritative position, what Locke sees as a kind of illegitimate use of force as such proof cannot advance knowledge (Locke, 1838 [1690]: 524). The interest here was to look for how the organic intellectuals created and occupied subject positions

to make their arguments more authoritative. What is important for the organic intellectual is not the individual actor, but how the individual actor creates and occupies positions that support their arguments.

In addition to the organic intellectuals' positions as authors, there was a tendency to cite traditional regime sources of authority, meaning intellectuals merely legitimised the regime's truths. For instance, in letters to the editor published by the *Daily Nation* 26th October 2017, the author took authoritative subject positions by citing the Constitution of Kenya (see Kibet, 2017). Although Kibet does not sign off as a lawyer, he reiterates how the constitutional protection of freedom of expression "should not extend to war propaganda, incitement to violence or hate speech." The author also echoes the guidelines issued by the Kenya Film Classification Board Chief Executive Officer, Ezekiel Mutua on how the media should limit divisive content to promote 'coexistence' among people from different ethnic backgrounds. Kibet (2017) cites the Media Council of Kenya Code of Conduct to support his stand on restricting journalists from producing content that can invoke "feelings of contempt, hatred, violence, or inflammatory statements."

Other than citation of authorities, appeal to ethos was also seen in how intellectuals persuaded audiences by identifying their expertise. In an article published in the *Star* on 15th February 2017, the author positions herself as an academic and an ersatz spokesman for government agencies. Mercy Muendo signs off as an information technology law lecturer at Mount Kenya University (*Muendo, 2018*, the article was originally published online by The Conversation). Muendo starts by explaining the failed metonymy of hate speech as seen in recurrent acquittal of suspects accused of spreading hate speech. The acquittals for hate speech offenders mean hate speech has failed to symbolise the whole, thus *incivility* in political discourses is only part of the puzzle of rough speech.

Organic intellectuals can take the subject position of experts based on their education, attachment to professional associations or first-hand experience with *incivility* in social media. For example, *Muendo (2018)* appeals to authority based on her educational qualifications and attachment to the legal profession — "*the author is a lawyer and a university lecturer specialising in law and information technology.*" Through this appeal to

authority, the intellectual implicitly claims epistemic privilege over the general public, and uses this privilege to legitimise her authoritative positions. Thus, the author's formal professional qualifications acted as a strategy for intellectual self-legitimation.

Subject positions of experts were also created by declaring a macro-epistemic stance emanating from either the authors' expressions of epistemic support or evidentiary justification of their statements (see Marín-Arrese, 2015:210). In a broad sense, the former conveys personal estimation of veracity of the statement (epistemicity) whereas the latter emphasises the sources of knowledge, the evidential information, used to prove the statements uttered. Several authors used the Constitution and laws on hate speech in Kenya and other jurisdictions to take macro-epistemic stances. Since laws and government policies at large are the regime's constitutive rules, by using them to support their statements, intellectuals reiterate the government's truth.

For example, Wainaina (2017) blames the gaps in Kenya's hate speech laws for hate speech in social media. The author laments that existing laws only target individuals but not the social network corporations. She proposes that in addition to the current laws, the *National Cohesion and Integration Act* and guidelines issued by the NCIC and CA stipulating a fine of Ksh.1 million (€8,000) or a five-year jail term for sharing inflammatory content via Facebook, Twitter and WhatsApp, there should be additional laws to ensure corporations take responsibility for conveying inflammatory content. The author names Germany as a success story for passing what she terms "a controversial law which fines social media companies up to Ksh. 5.9 billion (€50 million) for failing to pull down hate speech."

Organic intellectuals can also enhance their expert positions by taking the subject position of spokespersons, albeit indirect. These are the authors who directly or indirectly speak on behalf of a group or organisation. The position of indirect spokespersons is taken when organic intellectuals informally support views by institutions. In such cases, intellectuals become 'ersatz spokespersons' as they endorse causes or lend their voices in any other way to a variety of constituencies (see Pels, 2013). *Muendo (2018) attaches herself to the Communications Authority of Kenya, which had acquired equipment for monitoring*

social media: “The regulator has ... warned that it could pull the plug on social media if national security comes under threat.” The author further explains how the security laws can be used to control ‘hate speech’:

...the Preservation of Public Security Act has a provision that imposes criminal liability for journalists suspected of compromising public safety, public order, morality or defence. ...The Prevention of Terrorism Act also allows [limits] freedom of expression. This can also be used by the government to regulate and monitor social media platforms.

Muendo further attaches herself to the NCIC to explain how the National Cohesion and Integration Act defines hate speech. From the ‘spokesman’ subject position, the intellectual attempts to articulate the NCIC’s metonymical ‘analogies’:

Hate speech may include words or behaviour, the display, publishing or distribution of written material and public performances of plays and recordings...This provision can be used to monitor, remove or block content, including online content. It has been used to compel mobile service providers to monitor hate speech internally. In the run up to the March 2013 elections, it was applied to fight hate speech via SMS and on the Internet.

From this perspective, strong arguments come from attached organic intellectuals — those working as representatives of organisations.

Authoritative subject positions can be created by highlighting the author’s personal experience. Musyoki (2017) narrates how he initially thought tribal associations were formed by university students not used to what he calls metropolitan campuses, but got shocked when he found out tribal associations were prevalent in work places, churches political parties, and even WhatsApp groups. He suggests that Kenyans should avoid tribal associations and protect the interest of the country. The author uses his experience with tribalism to explain the consequences of *incivility* in political discourses.

7.3.3.2.2. Ethos-Logos: Subject Positions and Grammars of Politics

At the apex of rhetorical substitution and displacement is the experts’ appeal to logic. These are ‘quasi-logical’ arguments rather than logic used outside politics, like in mathematics or physics. As explained by Laclau (2000:76), logic in politics is not “formal logic, or even about a general dialectical logic, but about the notion which is implicit in

expressions such as ‘the logic of kinship’, the ‘logic of the market’ and so forth”. Therefore, logic in Discourse Theory is the “‘grammar’ or clusters of rules which make some combinations and substitutions possible and exclude others [this] broadly coinciding with the ‘symbolic’ in Lacanian theory. *Incivility*, as antagonistic events, is similar to Lacan’s notion of the Real as it cannot be symbolised through institutionalised performances (see Laclau, 2000:77). Thus, in looking for how the organic intellectuals are using logics to repair dislocation, I looked for the grammars of politics that, at an ontic level, attempted to symbolise the ‘real’, considering that we can only have partial access to the ontological by passing through the ontic (see Marchart, 2007:24).

The grammar is used not as rules of correct language usage, but as a system for reproducing patterns of political practices that “build a mental picture of reality, to make sense of their experience of what goes on around them and inside them.” (Halliday, 1985:101). Similar to how the grammars of language describe how words are combined to make meaning, the grammars of politics describe the rules made to create sense of political practices such as *incivility* in social media (cf. Kress & van Leeuwen, 1996:1). Sedimentation of these rules is what creates nodal points about *incivility* in social media. Just as grammar of language, sedimented political grammars must be obeyed for one to interpret politics within the socially accepted parameters.

The grammars of politics attempting to stop the “subversion of the Symbolic by the Real” can be identified from the structural locations that are similar to the linguistic structure of combination and substitution (Laclau, 2000:77). Thus as stated in Chapter Five, I analysed the regime’s grammars of *incivility* by identifying the metonymic combinations and metaphoric substitutions struggling to stop the subversion of the symbolic by the Real (see Laclau, 2008:66). Moreover, political actions have what Laclau (2000:78) calls a parodic component, the tropological displacement of meaning without logic, from one context “towards new uses which subvert its literality.” The actions can also be catachrestical when the meaning created through the displacement does not have any literal meaning outside the very displacements from which they emerge.” The organic intellectuals appeal to the logic of politics based on probabilities, reciprocity and cause-effect relationships about the

given nature of the world, what falls in the realm of the enthymemes that persuade by connecting unfamiliar claims to something known (see Finlayson, 2012:761).

After going through the opinion articles, it is quite clear that a homogenous view of *incivility* does not exist. However, the dominant discourses about *incivility* attempt to create the nodal point of hate speech but with occasional narratives of freedom of expression. These nodal points are explained below.

7.3.3.2.2.1. Hate Speech Nodal Point

The hate speech nodal point follows the peace narrative that has dominated the news media since the 2007/08 violence that erupted after the botched presidential elections. As noted by Ogola (2011:88), the news media in Kenya was so fragmented by events related to the Kibaki-Raila fallout before the 2007 elections that after the elections, the media institution was in crisis, challenged by the same tensions that led to the violence. Since then, editors have been pushing a peace narrative against a backdrop of ethnic antagonisms that shape politics in Kenya today. The hate speech media discourses have continuously denied ethnic identities legitimacy by addressing the public as a homogeneous group within a unified nation-state (see Ogola, 2011:90).

A somewhat typical example of the nodal point of hate speech constructed through the peace narrative is the opinion by Munene (2013:25), a newspaper editor, who gives an 'expert' assessment of extreme speech. Munene positions himself as an expert when he starts by quoting Sudanese poet, professor and cultural critic, Taban Lo Liyong. The writer describes Liyong's views on causes of hatred in Kenya, and then supports his argument through the use of the grammars of politics. The *Standard* newspaper editor argues that those who abuse freedom of expression suppress freedoms of those exercising their freedoms responsibly. He advises Kenyans to avoid social media users who post ethnic hatred on their walls.

In addition to delegitimising ethnic affinities by propping a homogeneous nation-state, the organic intellectuals also used the grammar of patriotism (Billig, 1995)⁶ to reintroduce the “ideology of order”. To Ogola (2011:90), “it was in the interest of both the state and the media that the nation should survive.” The intellectuals have over time emphasised the dangers of chaos, but have rarely tried to look at the root causes. To these intellectuals, “alternative readings of the nation” risks dividing it.

The then Commissioner of Police, Major General Mohammed Hussein Ali, appealed to the grammar of patriotism when he discouraged the news media from broadcasting hateful content as Kenya had adopted European traditions of limiting constitutional rights to freedom of expression where such freedom threatens public peace (Ali, 2007:13). “There are those who subscribe to the American model that opposes any restrictions on free speech, including hateful incitement and bigotry”, that is not our approach, the Commissioner of Police said. He warned the media against inciting people by exaggerating facts or slanting news reports, arguing that such hate speech ought to be discouraged as it limits free development of political discourses. Ali warned of the possibility of Kenyan FM stations being as vicious as Radio Milles Collines, an FM station that has been blamed for the 1994 Rwanda Genocide.

The patriotism views are reiterated by Dr. Othieno (2013:21), a regular commentator, who identifies himself as a science writer. He appeals to the grammar of patriotism by arguing that it is the middle class and well-educated Kenyans who stand to lose more if the country experiences violence due to hate speech, yet it is the same people spreading hate speech. The author argues that although the poor were accused of causing post-election violence

⁶In this project, the patriotism grammar is differentiated from nationalism, following Billig (1995), based on social categorisation even though the two are fundamentally similar. Nationalism is categorised as extreme and dangerous, such as ethnic nationalism, while patriotism is beneficial to the nation-state. The grammar of patriotism is the loyalty rules used to reproduce established nation-states, what Billig calls banal nationalism. Different from ‘hot’ nationalism that is dangerously irrational, the grammar of patriotism makes it appear ‘natural’, invisible and beneficial to the nation (cf. Billig, 1995:16-17). Thus the political logics of patriotism sediment discourses by invoking “love of the political institutions and ...love of the republic” (Viroli, 1995:1).

in 2007, it is the middleclass people who are currently spreading hate speech through social media.

Similar patriotism grammar used by the organic intellectuals to create nodal points through peace narratives was the discursive othering through the inclusive or exclusive personal pronoun 'we'. This pronoun put readers in fixed subject positions, with the 'we' being the patriotic civil people while side-lining the alternative subject positions occupied by uncivil other to construct us-them distinctions. These personal plural pronouns, Billig (1995:93) argues, are the routine small words, "that offer constant, but rarely conscious, reminders of the homeland, making 'our' national identity unforgettable." The plural pronoun 'we' in this study is the Kenyan national 'we' which is speaker and addressee inclusive but exclusive of unpatriotic trouble makers. Thus 'we' created the subject positions of the organic intellectuals and the newspaper readers as patriotic Kenyans, meaning it metonymically replaced Kenya with organic intellectuals and their readers. The extracts below illustrate the inclusive Kenyan 'we'. The paragraphs are numbered in the extract for the ease of discussion:

Let's resist tribal divisions

[12] I challenge all Kenyans to stand up against tribalism. We should resist unhealthy competition, conflicts, indifference and hatred.

[13] We should follow the example of the Good Samaritan, who illustrates that a neighbour is not necessarily a person who lives next-door, or a fellow tribesman, but anybody in need irrespective of race gender or tribe. Let us promote peace making and reconciliation.

[15] Kenya is a great nation and we should rise above economic and political discrimination, or that of any other kind. Let us choose our leaders on merit alone (Tarus, 2007).

In the 15 paragraph article, *Let's Resist Tribal Divisions*, the organic intellectual speaks for all Kenyans who should be patriotic to control hostility during elections. In paragraph 12, the author urges all Kenyans to stop tribalism and unhealthy competition in politics. The intellectual subtly uses 'we' (us) to create "we-ness" with readers (see Petersoo, 2007:426). The personal pronoun 'we' is used in reference to our "strong fabric of family relationships", "values" and "continent" [4]. Through this grammars of patriotism, Tarus (2007) pushes the nodal point of peace by speaking

for and to all Kenyans. Thus the inclusive Kenyan 'we' is used to repair dislocation by attempting to 'symbolise the 'real' through peace narratives.

7.3.3.2.2. Freedom of Expression Nodal Point

Not all writers used the regime grammar to repair dislocation through the metaphors of hate speech. Thus, there is an institutional void within the legacy media created by organic the intellectuals' nodal point of freedom of expression. For instance, a university lecturer and columnist for the *Daily Nation*, Dr. Godwin Murunga, makes a divergent argument on the relationship between hate speech and electoral violence (Daily Nation, 2013). To him, the connection between hate speech and electoral violence is weak and it is clear politicians are the cause of the violence because they use hateful messages as tools for mobilising support in a General Election, an election they treat as a do-or-die thing. He argues that the cycles of electoral violence since 1992 can be attributed to political elites, some of them having been named in various judicial reports. The author warns of the possibility of political elites using hate speech as pretexts for limiting freedom of expression.

In "*The state must deal firmly with ethnic incitement on internet and social media*", Dr Mutuma Rutere, a United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, argues that criminal laws for regulating Internet should be based on clear legislation and "restricted to a very small category of speech". Such "restrictions should not be at the sole discretion of those in power, or done in secrecy in the name of national security. Even more important, such decisions must be open to review by free and independent judiciaries" (Rutere, 2014). Although the author was discussing how incitement could be avoided, he warns against using criminal laws as an excuse to reduce freedom of expression in the name of controlling hate speech.

The freedom nodal point was also created by Osoro (2013), a policy analyst working with the civil society. To him, the problem is not *incivility* in social media but the negativity of ethnicity in Kenyan politics. He argues that "unless we take immediate corrective action to counter the tribal nature of this country's politics, Kenyan nationals at home and abroad

will continue to find new channels to trade tribal insults” [16]. Many of his other arguments are self-explanatory in relation to this study, as such it was worth quoting him at length:

Strong arm tactics simply won't work

[4]. The social media war of words seems to draw its fault lines along tribal roots. There is concern that unless this behaviour stops, the Internet insults may spill over in to our social lives...

[5]. Prosecution may not work since the line of separation between freedom of expression and hate speech is far too thin to allow for effective court action...

[6]. Coming out too forcefully may drive the problem underground only for it to explode later. The event preceding the Arab Spring comes to mind.

[7]. ...The solution lies in either leaving the social media war to burn out on its own, or addressing the serious shortcomings ailing our political system that spawn tribal animosities.

[8]. The government should commission a study to unearth the malady and propose probable solutions. Unleashing security agents to police how Kenyans enjoy fundamental rights will only negate the advances made so far.

[9]. Put bluntly, Kenya should not embark on a journey of self-examination to find out why negative ethnicity appears to pervade all aspects of its political, social, and economic life.

[10]. Reading the war of words on social media objectively, one is bound to accept the fact that the crude dialogue captures precisely the sick political culture that has pervaded this country's social fabric since independence.

[11]. Attempts to gag this disgusting dialogue without addressing the causes will be tackling the symptoms instead of dealing with political mischief, which is the real culprit.

[12]. Let us not bury our heads in the sand.

[18]. The use of coercive methods such as tracing social media offenders, arrests, and court prosecutions as a control mechanism to cure this problem should be discouraged (Osoro, 2013).

The above opinion shows the dislocatory effect of *incivility* in social media. The problem is not *incivility* but the political culture that has failed to tame violence. The writer uses the freedom of expression nodal point to destabilise the regime's attempt to fix the meaning of *incivility*.

Some organic intellectuals blamed the negative ethnicity for the violence that accompanies general elections in Kenya. Kipkoech Tanui, a regular columnist and the Managing Editor

of *The Standard Weekend Editions*, argues that political campaigns in Kenya are dirty as candidates on either side use any means to win (2007:12). In an election year, “the thirst for victory kills conscience”, Tanui opined. The editor is happy that sometimes voters are annoyed when political elites attempt to incite them. He gave the example of “the people of Emining, a small town in Koibatek”, who apprehended Administration Police officers found distributing inciting leaflets along Kabarnet-Nakuru road. From this information, it is clear that the *incivility* is a political strategy used by political elites even those with control over government security agencies.

Similar blame of political elites, although indirect, was made by the Commissioner of Police, who advised the media institutions to be vigilant of people out to use the media to broadcast hate speech to propagate ethnic stereotyping (Ali, 2007:13). According to Ali, “such activities are basically incitement, which elicits intense resentment that lasts long after the election period”. Corresponding arguments were made by Munene (2007), on how ethnic hatred is used by politicians to woo voters. The politicians, Munene claims, use tribal hatred against some people even though the essential differences in Kenya are between the haves and have-nots.

To summarise, the dislocatory effects of *incivility*, as seen in the organic intellectuals’ discourses above, can be narrowed to two conflicting nodal points: hate speech vs freedom of expression. On both sides, the grammars of politics are used to make arguments on how *incivility* should be perceived in relation to democracy. The hate speech nodal point pushes for the restriction of freedoms that are harmful to others, while the freedom of expression nodal point advocates expanding spaces as a prerequisite for democracy. The main argument within the hate speech nodal point is that democracy consists of political stability and harmony, but for the freedom nodal point, democracy requires freedom of expression.

The majority of the articles in the corpus supported the hate speech logic by equating *incivility* to hate speech. As Laclau (2000:77) would have said, organic intellectuals used the regime’s ‘grammars’ to combine and substitute *incivility* with extreme speech. These ‘parodic performances’ were built around the discourses of the 2007/08 post-election

violence and the antagonistic ethnic political struggles that define politics in Kenya. Such parody is not mere playful use of language but hegemonic action through which “a certain meaning which was fixated within the horizon of an ensemble of institutionalised practices is displaced towards new uses which subvert its literality” (Laclau, 2000:7). The second nodal point was created by the counterhegemonic grammars of free speech. Such intellectuals were against the combination and substitution of *incivility* with hate speech. They see *incivility* as part of freedom of expression and warn against the assumption that all *extreme speech* is hate speech. To these organic intellectuals, the hate speech grammars attempt to stop “subversion of the symbolic by the Real” (Laclau, 2008:66).

7.3.4. Knowledge Nodal Point: Traditional Intellectuals.

Considering that power produces knowledge (Foucault, 1972:27), this section describes how the regime is spreading a type of knowledge that tropologically transfers *incivility* from politics to a national security threat. The regime’s knowledge is the society’s regime of truth, the politics of what is true and what is not, “the types of discourse which [the society] accepts and makes function as true” (Foucault, 1980:131). These categories of discourses fall in Austin’s (1962) expositive acts, the speech acts that clarify reasons and arguments which are objective “by human agreement” but not ‘brute’ facts” (see Searle, 1995:1).

The regime is supported by people who can see truth from a vantage point due to their intellectual qualifications. These are individuals who are institutionally recognised because their subject positions grant them ‘epistemic privileges’ in the society. Traditional intellectuals are “*individuals with authority*”, the group Gramsci (2005:94) called intellectuals bounded to the regime — the government administrators, scholars and those with non-ecclesiastical authority (Gramsci, 2005:49-50). Foucault (1977:11) called such individuals ‘technicians’, the specialists who transformed the physical punishment by executioners to control through training. They are “technicians of behaviour: engineers of conduct, orthopaedists of individuality” who discipline by producing docile bodies created by a body of knowledge.

It is not through sheer force but when regimes use technicians to return sedimenting discourses that the regime can express its power, even though sedimentation hides traces

of the regime when people forget that the world is politically constructed. To use Laclau's (1990:60) words, objectivity "is nothing but the sedimented form of power, in other words a power whose traces have been erased."

Starting with a series of online searches, I identified several intellectual statements during critical junctures in relation to *extreme speech* in Kenya. I then undertook repeated readings and isolated major documents with serious speech acts about *incivility* in social media (see Griggs and Howarth, 2017:7). This was followed by the careful selection of two statements — *The Final Report of the Truth, Justice & Reconciliation Commission of Kenya 2013* and *The Report by The Commission of Inquiry into Post-Election Violence* (Waki Report, 2008 — which I judged to have played a dominant role in shaping the regime's truth about *incivility* in social media. The two reports were part of *The National Accord*, a peace agreement signed to end the 2008 post-election violence. Thus, my judgment was guided by my situated knowledge about *incivility* in social media in Kenya and theoretical assumptions about the role of traditional intellectuals in the construction of public discourses.

The following part starts by describing how traditional intellectuals are using 'effect for cause' metonyms to construct a regime preferred narrative about *incivility* after the violence that followed the 2007 presidential and parliamentary elections. From January to March 2008, post-independence Kenya went through the worst violence, which even without being categorised as civil war, left over 1,300 people dead, over 500,000 displaced and a massive quantity of property destroyed. This was a period of dislocation as effects of the violence made the concept of hate speech a central nodal point in the struggle to stabilise the meaning of *incivility* in social media. Although election-related ethnic violence can be traced to the first and subsequent multiparty elections in 1992 and 1997 respectively, the media was formally blamed for spreading hate speech after the 2007/08 post-elections violence. From this perspective, *incivility* was viewed as a security problem by being knit to nodal points that are forms of destructive extreme speech, such as hate speech and incitement to violence.

As a 'statement', the *Waki Report*, constituted rules for regulating extreme speech, which is otherwise a floating signifier. Considering that the commission was established to

“investigate the facts and circumstances surrounding the violence...and to make recommendations concerning these and other matters”, the report is a serious speech act. The commission’s mandate can be viewed as an attempt to repair dislocation after the violent disruption.

The Commission’s findings on the culpability of media in respect to incitement and *extreme speech* have shaped current understanding of *incivility* in social media. As explained by Klopp (2009:150), the Commission “provided a long, detailed and graphic report about the varied forms and dynamics of violence in different parts of the country”, including how the news media can threaten national security. Although Kenya had had two similar Commissions whose recommendations were ignored (the Kiliku Report and Akwiumi Report), Justice Waki’s Commission recommendations were designed to be self-executing.

Furthermore, the commission was more independent and had more resources, both financial and personnel, than the two previous commissions. For example, the commission hired experts from all over the world, among them Dr. Suzanne Mueller, a renown German political scientist, Robert Grinstead, a Canadian investigator, Ms. Melinda Rix, a New Zealander sexual violence expert, and Ms. Gladys Mwariri, a Kenyan counselling psychologist. This was in addition to other forms of support from several United Nations agencies, the Government of Kenya, and civil society organisations working in the areas of peace and conflict resolution (see Waki Report, 2008:2). Foucault (1995:295) would have called this team a group of “technicians of behaviour”.

The Commission reported that vernacular language FM radio stations broadcasted inflammatory information that created a climate of hate, and incited people to violence. When the Commission handed to The Hague-based International Criminal Court a list of suspects “bear[ing] the greatest responsibility for crimes”, among the suspects was journalist Joshua arap Sang who the Commission accused of using his morning show on KASS FM to broadcast inflammatory content (Waki Report, 2008:472).

In his testimony to the Commission, Bitange Ndemo, an associate professor at the University of Nairobi, a columnist with a leading newspaper, and by then Permanent Secretary of Information and Communications, said the government’s ban on live

transmission was in the interest of the nation as there was need to control the media, which was operating “freely and sometimes recklessly and irresponsibly”, using untrained “journalists who were partisan, and sometimes were politically biased.” He said:

.... media houses took sides in the run up to the 2007 election, that there were complaints that “most editors had been compromised”, and that “some media houses became sensational and unnecessarily alarmed their audiences and inflamed their passions”. He told the commission that the live broadcast of vote tallying of the 2007 election results at the KICC [the vote tallying centre] and the visible acrimony of political leaders inflamed tensions, bringing “the country to the brink”. (Republic of Kenya, 2008:296-7).

The above views were attempts to repair dislocation through securitisation by generating regime truths about *incivility* to oust it from politics. For example, in the statements, the person speaking had the right to speak as an authority. Therefore, the statement is likely to be taken as true. In addition, the speaker used accepted conventional security grammar and had political capital to depict the news media as an existential threat to the State.

However, fissures are seen in this government truth when the CIPEV report explains how the 2007 violence was preceded by deliberate use of violence by political actors, coupled with failure to punish perpetrators, a situation that created “a culture of impunity and a constant escalation of violence” since the return of multi-party democracy in 1991 (Republic of Kenya, 2008:22). This means the blame directed to ‘hate radio’ stations for alleged incitement was mere regime truths attempting to remove politics from an otherwise political problem. Thus what the regime considered inciting speech does not constitute a natural opposition to peace. It is the other conditions that make inciting speech a threat to the nation.

Nevertheless, there was dislocation within the narratives by traditional intellectuals. Contrary to Prof. Ndemo’s construction of a regime of truth, the then Chairman of the Kenya Editors’ Guild, Macharia Gaitho, argued that although the media was “accused of playing a part in fanning the [post-election] violence”, this accusation was made by political actors who felt they were not supported by the media. Mr. Macharia disagreed with Prof. Ndemo on alleged media partisanship, maintaining that taking sides is not wrong provided

the audience is informed. To Macharia, it was wrong to accuse the media of incitement when it “played a very critical role in lessening tensions” by not airing the real inflammatory statements from politicians. It would have been better:

...if the media had aired more rather than fewer inflammatory statements by politicians who then would have been exposed to the public for who they were (Republic of Kenya, 2008:297-8).

Acknowledgment by the Chairman of the Kenya Editors’ Guild that media institutions ‘lessened tensions’ by reporting fewer inflammatory speeches, is itself a form of securitisation as it classifies some speech as too inflammatory to be political. As noted previously, such strategies hide the fact that *incivility* has political causes and requires political solutions. Consequently, testimony by the Chairman of the Kenya Editors’ Guild shows how the regime is securitising *incivility* through authorities working for ideological state apparatus.

7.4. Conclusion

It can be argued that not all ideological state apparatuses are working in unison to securitise *incivility*. For example, NCIC and Parliament are in conflict with courts. Apart from the institutional ambiguity caused by the conflict between courts and state apparatuses, the classic Austinian Speech Act premises securitisation on the force of enunciation of security to create a new social order which brackets ‘the political’ and neglects the equally important role of the audience (see Buzan et al., 1998: 32). Thus the security Speech Act Theory eliminates ‘the political’ from politics by denying audiences agency. The dominant speech acts equated security to “*conventional procedures* such as marriage or betting in which the ‘felicity circumstances’ (conditions of success)” determine success of the act, yet securitisation is influenced by the power of the speaker and the listener (see Balzacq, 2005:172). Thus the speech act has some essentialism and it is inadequate to singularly explain the securitisation of *incivility*. We, therefore, need to explain the role of the audience in this process to bring back politics to democracy. This means *incivility* has not been securitised ‘successfully’ as conflicts within the regime are forms of desecuritisation, or from an ontological perspective, the impossibility of every symbolic order to conceal the real (see Laclau 1990: 39). Chapter Nine describes the productivity of *extreme speech* in social media and its implication on agonistic democracy.

Chapter Eight

Dislocation and repair through technologies of dissemination: Physical and software affordances with non-anthropocentric agency

...non-humans are able to produce discourses.

Carpentier (2017).

8.1. Introduction

Attributing agency to objects, seeing objects as full-fledged actors is a departure from conventional poststructuralist Discourse Analysis, which reserves agency to humans. This study crosses boundaries by moving away from pure human agency traditions to non-anthropocentric agency in order to discover how Internet artefacts are participating in fixing the meaning of *incivility*. Indeed, poststructuralists provide an incomplete overly simplistic account of discourse when they put too much emphasis on language at the neglect of material realities of life. That is to say, we can, without essentialising Discourse Theory, use 'new materialism' approaches to interpret how non-linguistic signs participate in discourse.

Therefore, the crossing of boundaries into analysis of non-human agency tries to trace 'the political' in the social media from struggles over the use of technical resources to, on the one hand, initiate and repair dislocation, on the other,. This material semiotics approach is in line with the dissertation's ontology that focuses on underlying presumptions, both linguistic and material texts discourses. Indeed, Laclau and Mouffe (1985:108) reject the classical materialism assumption of "thing's existence outside thought", instead they opt for radical materialism since things cannot "constitute themselves as objects outside any discursive condition of emergence." As Howarth (2000:102) says, all objects are conferred with meaning through a system of relations between objects and practices. Simply put, this chapter provides a holistic approach to discourse as it adds the material technologies to the linguistic texts analysed in the previous chapter.

A non-anthropocentric agency refers to an analysis of how physical and software affordances, the mundane artefacts that “knock at the door...[and] beg us for understanding” (Latour, 1992:227), are participating in the struggle to dislocate or repair dislocations caused by *incivility* in social media. Chapter Seven described a similar dislocation and repair through technologies of representation, the linguistic texts operating at the ontological level. In this chapter, I move beyond representation to analyse the technologies of dissemination that represent through material modes, the non-linguistic semiotic systems (see Malafouris, 2013:90; Lievrouw & Livingstone, 2006:8). I follow Latour’s (1990:103) argument that

...in order to understand domination we have to turn away from an exclusive concern with social relations and weave them into a fabric that includes non-human actants, actants that offer the possibility of holding society together as a durable whole.

Discourse Analysis of technologies of dissemination is divided into two parts. The first part describes the dominant-hegemonic use of social media artefacts — how people are using Internet objects as intended by the designer. It is through dominant use that technologies can resuscitate existing hegemony or repair the dislocation caused by *incivility* in social media. Through the analysis of the agency of object, this thesis exposes the government of things that is otherwise concealed in Internet technologies, both the software and hardware. We can thus argue that through various governmentality strategies, non-humans are working hand in hand with the regime to stabilise domination in the face of the dislocation caused by *incivility* in the social media.

In the second part, I look at objects playing an oppositional role by contradicting governmentalities. Oppositional use utilises hidden affordances or overturns false affordances into actual affordances not imagined by designers. Thus Hall’s (1980) concept of oppositional reading is married with Laclau and Mouffe’s project to analyse how affordances of social media are contradicting regime-preferred human–machine interaction. In any case, Hall’s concept should not be read in an overly deterministic way but a balance should be found between technological determinism and the social shaping of technology (see Shaw, 2017:5). Just like linguistic texts, use of technologies (as texts) is not ideologically neutral, although

...misuses of technology are often framed as failures, particularly when committed by people who are seen to be 'marginal' [...,we] might, via Hall, reclaim those 'misuses' as not a fault, but, while not accounted for by a designer, they are still plausible deployments of a technology's affordances (Shaw, 2017:6).

In the above categories of Discourse Analysis of dislocation and repair, as Knappett and Malafouris (2008:xii) would have said, two agents, people and objects, "come together to construct a new hybrid agent", meaning action involves a coalescence of human and nonhuman elements and as such the responsibility for action must be shared (also see Latour, 1999:182). As explained by Torfing (1999:35), materials can support the temporal stability of a discourse by sedimenting the objective meaning of "non-linguistic objects such as artefacts". After sedimentation, these objects "achieve the status of mere 'objective presence'" (Laclau, 1990:34), making people to accept the social and symbolic authority of the objects without reflecting on their taken-for-grantedness. In other words, Internet artefacts are subtly sedimenting the regime's hegemonic discourses. As explained in chapters Five and Six, although Post-Foundational Discourse Analysis projects have not operationalised discursive materiality, this dissertation makes Internet artefacts empirically visible as physical and software affordances.

Similar to the regime's use of technologies of representation, physical and software affordances are metonymically substituting *incivility* with hate speech and constructing it as a threat to national security. That is to say, artefacts are working with the regime to construct a metaphoric 'symbolic order' to repair the dislocation caused by *incivility* in social media. Artefacts here are the 'text' because, as explained by McLuhan (1994:9), "it is the medium that shapes and controls the scale and form of human association and action." These artefacts are what Latour (1991:103) terms the non-human actants that hold the society together on behalf of elites. The non-human actants are technologies that make social media users to reduce *incivility* without thinking about it.

How artefacts are substituting and combining *incivility* with hate speech can be seen in the way artefacts utilise their affordances to restrict users from freely accessing social media. From a Discourse Analysis perspective, affordances are not seen as 'objective' physical

features even though they look so, instead they are seen as statements which provide hegemonic affordances to the regime. The regime's statements at this point are object and apparatus which force social media users to accept the regime's hegemonic discourses. The word 'statement', therefore, refers not to linguistics, "but to the *gradient* that carries us from words to things and from things to words" (Latour, 1991:106).

Nevertheless, how to uncover 'things' remains a nightmare for researchers using Discourse Theory because Laclau and Mouffe offer no easy answers, instead, their works remain abstract and elusive in regard to the empirical inquiry of objects. This weakness, as Carpentier (2017:37) explains, means Laclau and Mouffe give "considerably less attention to material components of reality". While remaining faithful to Laclau and Mouffe's work, I innovated strategies for analysing objects by appropriating other theoretical fields that attribute agency to objects. Indeed, to utilise Discourse Theory, researchers must look elsewhere while maintaining sight on Laclau and Mouffe's works.

In this dissertation, the agency of Internet artefacts was identified from what they allow or forbid users to do (Akrich & Latour, 1992: 259). To use Latour's analogy, the speed bump is not only an iconic sign that reminds drivers to slow down but more important a sign with an ability to direct physical action. I describe similar enactive signs in social media: the 'action possibilities' made available or hidden by social media artefacts. In this regard, I identified nodal points created by affordances of Internet artefacts, the specific features designed to encourage or demand regime desired behaviour. These nodal points are the identification technologies; the technologies of 'efficiency'; and the technologies of 'safety'. The three nodal points enable the regime to sediment discourses by forcing social media user to behave in a specific way. A detailed analysis of technologies of material statements acting as forcing functions is presented below.

8.2. Forcing functions: hegemonic use of social media artefacts,

As explained in the methodology section, forcing functions are "constraints that force the desired behaviour" (Norman, 2013:141). In relation to the struggle over *incivility* in social media, forcing functions are nonhumans that either forbid users or require them to first perform other indirect actions before they get to access social media. The forcing

functions, as Norman (1988:9) suggests, are perceived and actual features that determine “how the thing” can be used. It is like forcing functions demand users to pledge loyalty before permitting them to use social media. From an ontic perspective, forcing functions are technologies that work with the regime to prevent or repair the interruption of the symbolic world (see Glynos & Howarth, 2007:14). The meaning of *incivility* in social media is settled when objects indirectly limit how people access and use social media. Through this strategy, the regime delegates the work of repairing dislocation to social media objects.

Consequently, the function functions build objective discourses, the opposite of ‘the political’ (Laclau, 1990:34). Here hegemony is created not through linguistic tools, but technologies that naturalise some way of doing politics while suppressing alternative understandings. That is to say, forcing functions hides ideology by masking alternative uses of the technologies of social media. The forcing functions also hide the traces of power, making people forget that technology is political (see Laclau 1990:60). The forcing functions clandestinely make some myths to appear as objectively true while others as impossible.

The metaphor of forcing functions can be found in rules and regulations embedded in technologies that require users to perform other actions before being allowed to access social media. The forcing functions mean technologies are either syntagmatic, both Latour (1990:107) and Laclau (2014:58) would agree, when they work together with human actants, or paradigmatic when the technologies substitute some human actants in enforcing the regimes instructions. These syntagmatic and paradigmatic relationships form integrated chains of human and non-human actants that assist the regime to repair dislocation caused by the social media. These forcing function metaphors are explained in details below. However, these metaphors are not the only forcing functions in the social media discourses as everything is discursive (see Laclau & Mouffe, 1987:108), nevertheless I only identified the most visible few to make this study practicable.

8.2.1. Interlocks: Identification Technologies as Nodal Points

To recapitulate what I said in the data analysis strategy, interlocks are affordances that encourage users to perform actions in a proper sequence (see Norman, 2013:142). This

type of affordance prevents unsafe use of gadgets. Hence the interlocks metaphor in this dissertation refers to how artefacts inspire subjects to follow a predetermined sequence before accessing social media. In relations to social media *incivility*, interlocks act as nodal points since they participate in fixing the meaning of *incivility* by demanding that users create content only after performing other actions. In regard to identity technologies, interlocks demand that users identify themselves before using social media. Therefore, interlocks are nodal points as they repair dislocation by removing anonymity and making users more responsible for their actions. As Lacan (1977) would say, interlocks ‘quilt’ *incivility* so that it stops sliding and acquiring a specific meaning. Through this ‘quilting’ by the national security nodal point, the regime creates a fixed meaning of *incivility* as a threat to the nation’s wellbeing, placing it outside politics.

In this regard, one of the most visible constraints that forces regime preferred behaviour on social media users is the various identifications systems. The most obvious interlock is the Subscriber Identity Module (SIM) registration. In 2010, the defunct Communications Commission of Kenya (CCK) (now Communications Authority of Kenya) ordered telcos to register user’s SIM cards. On purchase of a SIM card, subscribers are required to provide full names as recorded on the identity card or passport, physical and postal addresses, dates of birth (see Republic of Kenya, 2013). In addition, subscribers must provide a passport photo to accompany the identification. Minors, below 18 years, can only be registered under their guardian’s identify. Unregistered users have been blacklisted, consequently they cannot use telecommunication gadgets to access social media services.

Although the SIM card registration information is supposed to remain ‘private’, the Kenya Information and Communications (Amendment) Act (2013) states that telcos should provide the information when needed “in connection with the investigation of any criminal offence or for the purpose of any criminal proceedings; or...for the purpose of any civil proceedings”. The Act further states that: “A subscriber shall be *prima facie* liable for activities or transactions carried out using a SIM-card registered under the subscriber’s name”.

Although the aim of the mandatory SIM-card registration was to curb what the regime calls fraudulent activities online and through telecommunication services, the SIM card lends itself to abuse by the government. For example, to track individuals who post anti-government comments online. Indeed, it is feared that mandatory SIM-card registration is creating “a mobile–centric surveillance society” (Donovan, & Martin, 2014). Definitely, the aim of SIM-card registration in Kenya has not only been to track criminals but also to get to know people, who the regime thinks, are spreading hate speech (see Ngirachu, 2012).

The mandatory SIM-card registration is part of the growing assemblage of surveillance incorporating other biometric identity technologies to create panoptic regimes. For example, it was reported by Privacy International and the National Coalition of Human Rights Defenders-Kenya, that the Government of Kenya had in 2012 contracted a Ukrainian company, EDAPS to create an Integrated Population Registration System (IPRS) (see *The State of Privacy in Kenya*, 2018). This dissertation used data from several identity databases held by government agencies to make a ‘super’ identity database by combining the following registers: birth and death, citizenship, personal identification card, aliens register, passport, marriage and divorce, voters register, tax register, drivers register, National Social Security Fund National Hospital Insurance Fund and the Kenya National Bureau of Statistics registers. Since Kenya has not adopted a data protection law, such centralised data can be abused by the regime out to rein in dissenting voices.

The second category of identification technologies are social media software. Users must first create and authenticate personal accounts in order to participate in content generation. Each social media application has an authentication method but as dominant applications expand and acquire start-ups, authentication platforms are being integrated. A common authentication system makes it easier for the social media applications and the government to acquire user information. Reminiscent of Althusser’s criticism of newspapers as ideological state apparatuses, social media is exposing users’ private information without causing alarm. It is like users are not aware of the risk of exposing their personal information through social media accounts.

Furthermore, although social media users in Kenya can replace their real names with nicknames to create anonymous accounts, the nicknames do not guarantee anonymity. Instead, pseudonyms work as false affordances, features that make people to perceive a non-existent affordance (see Gaver, 1991:2). Nicknames are false affordances as the anonymity of users is exposed through various software identification technologies, such as data mining. With software identification technologies, it means even without self-disclosure, mined data can be used to reconstruct users' identities. According to Facebook's own revelation, although integration of third party apps has improved social media networks, the integrated "flow of information has the potential for abuse...[as]... [b]ad actors can gather information from people and use it in ways that they aren't aware of and didn't agree to" (Baser, 2018). Facebook is against locking out such bad actors as this lockout will in turn limit users' ability to share information. In any case, social media networks are sustained by content created by users for free. As explained by Baser (2018), the giant social media corporation is against misuse of data by third parties but claims that it has no control over data mining techniques used by bad actors like Cambridge Analytica, a British political consultancy firm that was accused of acquiring personal data of Facebook users without consent and using the data to manipulate voter choices during the August 2017 Presidential and Parliamentary elections. Through social media data mining, third party organisations can covertly collect users' data from different platforms, comprehensively analyse and integrate all the data in order to construct personality profiles of users. The profiles can then be used to target social media users with individually tailored content.

Furthermore, users identify themselves indirectly through self-disclosure since social media applications are designed to induce users to share routine experiences. Users create public profiles through which they present identities. These applications allow social media users to determine the type of information exposed, giving them power to self-present in front of significant others, who in many cases are within the network of real-life friends. The network of real-life friendship limits anonymity and motivates users to create an "idealised projection of the real-life '*actual self*'" (Krasnova, Günther, Spiekermann, & Koroleva, 2009:42). The real-life friendship network combined with other self-disclosure

features prevent users from engaging in misrepresentation, unlike in purely anonymous online forums.

The above identification technologies are nodal points because they act as non-linguistic signs used by regimes to repair dislocation by making it look like the use of telecommunication gadgets is a threat to national security. The SIM registration technology and social media applications are the means of exercising power because they are used by the regime to guide social media users' activities. These identification technologies are a strategy for repairing dislocation by absorbing it into existing repressive forces, the channelling of dislocation into what Glynos and Howarth (2007:104) term "existing institutions and structures of power". Here, technologies of identification are being used to transform *incivility* from the state of being "elements" to "moments" by making telecommunication and social media networks a national security issue.

These technologies of identification Laclau and Mouffe (1985:111) would have called the material "field of discursivity" used by regimes to metonymically combine *incivility* with insecurity (see Laclau, 2008:66). The identification technologies create hegemony by subtly turning *incivility* from a polysemic sign to a sign with regime preferred fixed meanings. To Laclau (1990:60), such transformation is the objectivity that hides its social constructedness because the influence of identification technologies on politics remains invisible.

Furthermore, technologies of identification are helping individuals to take their subject positions. Indeed, governments use forms of self-identification to produce different subject positions. Consequently, social media users in Kenya have taken the subject positions created by "techniques of the self" (Foucault, 1997:87). Taking subject positions created by identification technologies means accepting the government inspired way of thinking about oneself. Such a subject position, Foucault (1980:98) argues, is a non-repressive power that encourages instead of stopping us from doing something.

Identification technologies are also evocative of Bentham's Panopticon, a surveillance technology that makes it easy for a supervisor to watch many people in theatre-like cages

that makes the observed an “object of information, never a subject in communication” (Foucault, 1977:200). The post-Panoptic telecommunication surveillance system built by registered SIM cards is a power technology in which users are the bearers as they assist in being observed. This electronic Panopticon captures features of the current society as it is similar to what Foucault (1977:201) calls power that is ‘visible’ as the users (inmates) are aware that the government has their data but it is ‘unverifiable’ as they are unable to know whether they are being watched at any one moment but are sure they may always be watched. Force becomes unnecessary when using such technology of power because subalterns participate willingly in the enforcement process. In the place of force, the regime takes over the minds of its subjects, and “acts even before the offences, mistakes or crimes have been committed” (Foucault, 1977). Through identity registration, social media users’ activities have become transparent. Therefore, the society has become a panoptic prison, only that the prisoners are not fully aware.

Considering that the SIM card registration has created an electronic panoptic prison, Foucault (1980:98) would have said that the regime is using non-repressive power whose force enacts not by restricting but by encouraging or freeing us. From this perspective, governing is through the ‘rule of freedom’ (see Joyce, 2003:1) to do some things considering that “power is exercised only over free subjects [or those] with a field of possibilities in which several ways of behaving, several reactions and diverse comportments, may be realised” (Foucault, 1982:790). Consequently, material discourses are fixing the meaning of *incivility* in social media by making us feel free but at the same time directing our conduct. Although it looks like the regime has allowed the people the freedom to do whatever they want with social media provided that they register their gadgets, it is this freedom to use social media that is being used to rule them. Freedom here becomes a formula for “exercising power” in a regime governed through indirect control, encouraging various forms of self-direction.

This exercising of power over free people, Foucault (1982:789) named “conduct”, leads others into possible outcomes. Which means power becomes less confrontational but a question of government. Hence, the instruments of governing are no longer laws, but “a range of multiplatform tactics” used to direct the conduct of others (Foucault, 1991:95).

Through conduct, governing is no longer a process of imposing law on men, but using tactics including tactical use of laws. In relation to the social media, the possible fields of action are being shaped by, among others, the identification technologies.

In addition to the Panopticon metaphor, SIM card monitoring is a technology for hidden psychological punishment, with its effectiveness being “its inevitability, not from its visible intensity” (Foucault, 1977:9). Such punishment is different from conventional “punishment-as-spectacle” that inflicts pain on the victim but also shames the executioner (ibid). Through discourses of identification, Foucault (1977:9) would have said, technicians have taken over the work of the executioner but instead of inflicting “unbearable sensations, punishment has become an economy of suspended rights.”

8.2.2. Lock-ins: Dominant Technologies as Nodal Points

To recapitulate, lock-ins are technologies that ensure continuous operation or prevention of users from prematurely terminating activities (see Norman, 2013:143). These efficiency technologies might not be the best but can become the industry’s most popular. Brey (2005:70) gives the example of a computer’s “soft” on-off switch that avoids disconnecting power but instead starts by shutting programmes, saving files and finally turning off the computer — these ensure that programmes and files are safely shut before power is disconnected. Even though lock-in features are designed to improve the efficiency of social media, they end up reducing the users’ action possibilities. Indeed, through lock-ins, users are constrained to popular applications, which are not necessarily superior. Consequently, lock-ins support the logics of governmentality by encouraging the use of popular but not necessarily superior social media applications. These efficiency technologies are equivalent to hegemonic *programs* (Latour, 1991:105), what the regime wishes social media users to do

The first lock-in identified in this study is technology related, the early adoption advantages that make it possible for an innovation to hook users. After some time, even if the technology is not the best, lock-ins make users reluctant to switch because of the

resources invested in the technology through learning and networking. For instance, through technology lock-ins, users remain with the social media application even when software designers limit what users can do. To take the case of Twitter, one is limited to writing in not more than 140 characters, while Facebook users cannot rearrange the order of comments appearing on their pages. Yet these two applications remain popular. The technological lock-ins in Facebook and Twitter do not lead to the best communication environment but are social media's QWERTY keyboard — the well-entrenched technologies that deter additional innovation.

Lock-ins move power from users to designers and can support continued use of technologies that would otherwise be considered inferior or limiting, what I call the QWERTY keyboard of social media technologies. The lock-ins also mean market forces are unable to determine the best social media technologies. Instead of market forces, consumers depend on the number of people using the product, in such cases “popularity may prove more important than usefulness or effectiveness” (Barnes, Gartland, & Stack, 2004:372). Hence, social media applications have agency as they determine the action possibilities available for users without recognising the logics of market competition. The action possibilities are determined by popularity instead of superiority.

The second category of lock-ins are social media applications that lock-in users due to their incompatibility with other applications. For instance, the two sites most popular in Kenya, Facebook and Twitter are incompatible, which means each site's users are locked-in. As explained by Norman (2013:143), lock-in designs have been used as a business strategy by providing internal consistency to motivate customer's loyalty. The lock-in means once people get used to a system, they hesitate to change leading to the system becoming dominant. This incompatibility of lock-in hooks users on particular social media sites, making it hard for them to leave, even when there are several other platforms.

As a business strategy, lock-ins are used by social media applications to hook customers and motivate them to stay. Due to the increasing number of social media applications, this efficiency becomes hegemonic as users end up disregarding alternative applications. For example, Facebook and Twitter, the two most popular sites in Kenya are incompatible with each other and with a majority of the other social media sites. This strategy has enabled

Facebook and Twitter to lock-in users, reduce their bargaining power and thus make them reliant on the two sites. In fact, it can be argued that Facebook and Twitter are in control of social media discourses as their lock-in strategies have given them near monopoly in Kenya.

Social media users get entrapped in the application's lock-ins when they continuously add personal information to their accounts, thereby creating personalised sites. As it was found out elsewhere, people stay with their current service providers because of, among other reasons, approval by family and friends, the hitches of moving and amount of time and effort required to move to a new provider (see Harrison, Beatty, Reynolds and Noble (2012:402). Social media by its nature has created lock-in from emotional resonance and personal relationships among users. It can, therefore, be argued that the detailed databases kept by social media applications such as Facebook and Twitter encourage users to remain within these applications as the databases cannot be moved to other social media platforms.

Although lock-ins seem helpful to ordinary users, they become hegemonic technologies when they deny people full control over artefacts. For example, user lock-ins in current social media applications block new market entrants. Through their lock-in strategies, Facebook and Twitter, have acquired near monopoly status and are likely to remain the leading applications for a long period. This monopolistic control of the social media market has blocked the entry of potential substitutes. These barriers to market entry mean social media spaces will remain limited to what Facebook or Twitter has, invents, acquires or allows.

8.2.3. Lock-outs: Technologies of 'safety' as Nodal Points

The metaphor of lockouts is derived from features of artefacts that prevent users from using the artefacts 'dangerously' or wrongly. These safety technologies work with the regime to exercise power over social media users without coercion. Here, freedom and safe use are tools of power as they encourage users to behave in regime-preferred ways. The analysis of social media artefacts and software has identified hegemonic lockouts that encourage users to only access what the regime claims is safe content. These, Foucault would equate to technologies of safety. The second category of lock-outs are user-

excluding technologies that physically assist subscribers not to 'improperly' use social media artefacts. Through these lockouts, social media applications are working together with the regime to support user's 'safety'.

The Device Management System (DMS) is one of the lockout technologies used in Kenya. The system enables telecommunication companies to monitor all gadgets used to access the Internet communication through text and telephone calls. After details about the installation of DMS within telecommunication networks in Kenya leaked to the press in March 2017, Mr Francis Wangusi (n.d), the Director-General of CK, issued a press statement denying that the government agency was implementing DMS⁷ to monitor and access private data of mobile phone users. The Director-General claimed DMS was installed in the country's telcos to prevent use of counterfeit devices imported into the country illegally. The authority argued that counterfeits degrade the quality of telecommunication services and are a security threat because their users cannot be identified or traced. Considering that 98 per cent of users access the Internet through mobile phones (see Communications Authority of Kenya, 2017:25), the DMS was likely to constrain free use of the Internet.

What should be noted is that blacklisting of fakes through the DMS was in line with the existing world intellectual property regime that supports the capitalism mode of production. Thus, the antagonism against restricting the use of counterfeit phones from accessing the Internet is a form of *incivility* against global dominance in the telecommunication devices market. Counterfeits as physical *incivility* are part of the emerging economic and cultural phenomenon supported by development in the duplication technology in the global South. By using counterfeits, users resist market control by international super brands. Hence counterfeiting, from the Marxist critique of the capitalistic mode of production, is technology

⁷ The Communications Authority of Kenya acquired a Device Management System (DMS) to prevent use of illegal telecommunication devices on mobile telecommunications networks in Kenya. DMS was to be installed by telcos in Kenya as a technology for whitelisting genuine and blacklisting all illegal devices, such as SIM boxing fraud, counterfeits, substandard devices, non-approved and stolen devices.

that is creating conditions that can make it possible to abolish capitalism itself (see Benjamin, 2008:1). After all, some counterfeit technology has been “refined to the extent that virtually ... [the]... products are indistinguishable from the official or authorised ones.” With improved faking technology, it has become difficult to distinguish the fake from the ‘original’. Furthermore, some of the products categorised as fake were produced with the same material as the originals or even in the same factories although without permission. This means that what is fake is not poor in quality but what is produced without authority. Thus, some counterfeits no longer fit the dialectics of real/fake, original/copy, but the legal distinction as official-unofficial, authorised-unauthorised because many of them are manufactured by corporations subcontracted to make original products (see Chang, 2004: 233; Mathews, Ribeiro and Vega, 2012:232). The fact that the CA is using DMS technology to weed out counterfeit devices means these fakes are nearly the same as originals, what Mathews et al. (2012:232) calls the first-rate copies that are true simulacra, the counterfeits that can only be detected by a complex detection technology.

It was also found out that the regime is using technologies that filter content. For example, even after denying, it is suspected that either the Communications Authority of Kenya or some state security agencies have installed content filtering technology within Kenya. This was reported by The Citizen Lab study which found Kenya to be among 16 other countries that have installed Blue Coat Devices, a covert internet technology used for filtering, censorship, and surveillance (Marquis-Boire, Dalek, McKune, Carrieri, Crete-Nishihata, Ron Deibert, Khan, Noman, Scott-Railton, & Wiseman, 2013). The Citizen Lab is a Canadian interdisciplinary laboratory hosted by the Munk School of Global Affairs at the University of Toronto. The research laboratory investigates digital espionage against civil society, Internet filtering and other technologies used by regimes to infringe on online freedom of expression. The organisation found out that by January 2013, there were three PacketShaper installations in Kenya. This technology is used for filtering, censorship, and surveillance of Internet and cellphone communication.

A similar technical report was made by the Centre for Intellectual Property and Information Technology Law (CIPIT) of Kenya’s Strathmore University. The report indicates that there is “a middle-box on Safaricom's cellular network” (Safaricom is the largest telco in East Africa). According to CIPIT, this technology has a dual-use purpose: it can be used by the

telco for legitimate functions such as network optimisation but can also be used for traffic manipulation, surveillance and censorship.

The third category of lock-outs is the gadgets the NCIC uses to monitor hate speech. In a press conference on 20th March 2017, the commission vice chairperson, Irene Wanyoike, warned politicians that the commission had acquired special equipment that would be used to monitor hate speech at political rallies (see Munene, 2017). The NCIC handed over 267 gadgets to the police in an event covered by the mainstream media. This is comparable to what Latour (1992:256) terms moving agency from less reliable soft bodies to more faithful hard machines. Thus, using special gadgets to monitor 'hate speech' delegates the task to nonhuman actors as humans have failed to do it well.

8.2.2 Oppositional Reading of Technology-texts

The concept of oppositional reading was developed by Stuart Hall to describe how the audience decodes messages to contradict producers' intentions (see Hall, 1980). In the analysis of affordances of social media, the concept of oppositional reading can likewise be used to describe how users of social media contradict preferred action possibilities provided by technology. Just as the regime seeks to impose meaning and constrain 'action possibilities' through hegemonic social media artefacts, users can counter-hegemonically read artefacts to resist the regime's hegemony as "neither the writing nor the reading of technology-texts is determinate: both are open, negotiated process" (see Hutchby, 2001:445). To reiterate, "no artefact is idiot-proof because any artefact is only a portion of a program of action and of the fight necessary to win against many antiprograms" (Latour (1992:255). This means artefacts are not totalising as users can resist their hegemony. Regarding oppositional use of the social media artefacts, the study looked for how users used hidden affordances to manoeuvre around the regime's forcing functions (see Shaw, 2017:7). From this perspective, 'misuse of technology' is not a failure, especially when the misuse is by people perceived by the society as 'marginal'.

To pre-empt the likely misinterpretation of the counterhegemonic 'misuse' of technology as plain criminality, I reiterate the dualism of *incivility* in social media: it is democratic if used in the struggle against power — a form of shouting at power —, but antidemocratic if used as a tool of repression — a form of shouting with power. Examples of radical

democratic *incivility* is impoliteness that expresses opposition by subordinates directed at the power structure, while antidemocratic radical *incivility* is fundamentalist, racist, and similar vulgarity that pushes democracy backwards as it is aimed at the subalterns.

Along this duality, democratic radical media may overlap with repressive radical media, but the differences are easy to see (see Downing, 2001:89). *Incivility* that falls in the confines of repressive radical media does not enhance the people's powers nor increase personal or collective freedom. In addition, if misuse of technology is to fall within the boundaries of radical democracy media, the type of 'misuse' should neither be on the far Left nor on the ultra-Right, as the two extremes mirror each other. Thus, radical democratic 'misuse of technology' is a strategy that amplifies counterhegemonic antagonistic struggles against power, where power is anything from brutal repressive state apparatus to diffuse 'micropower' described in Foucault (1977) works.

The Computer Misuse and Cybercrimes Act, 2018, summarises most of the radical democracy Internet 'misuses' criminalised by the regime (see Republic of Kenya, 2018). The 'misuse' law proposed the establishment of a National Computer and Cybercrimes Co-Ordination Committee, under the Cabinet Secretary responsible for matters relating to internal security. While legislators claim to have passed the law to create a committee that can work with the National Security Council to prevent unlawful computer use, prosecute cybercrimes and protect the rights to privacy and freedom of expression, the law has several parts limiting subalterns' strategies of resistance. Among the litany of crimes included in this law is unauthorised access, use of illegal devices and programmes, cyber espionage, false news, pornography, forgery, online harassment, identity theft, and obscenity.

Due to the institutional void accompanying the dislocation caused by social media, courts temporarily suspended 26 provisions of the Act after the Bloggers Association of Kenya (BAKE) obtained a court order soon after the President assented to the law. BAKE had petitioned the court to find the Act unconstitutional as this law was aimed at reintroducing criminal defamation and other laws that had been declared unconstitutional by the courts earlier. The bloggers' association petitioned the court to suspend the law as it was aimed at infringing on fundamental freedoms guaranteed by the Constitution of Kenya, 2010.

Laws criminalising various ‘computer misuses’, BAKE claimed, were “problematic because they are so broad and overly vague in their wording” (Wangui, 2018). From the courts thinking, not every claim of ‘misuse of technology’ should be criminalised since some of these ‘misuses’ expand freedom of expression. As it was explained by Shaw (2017:6), a Stuart Hall follower, ‘misuses’ of technology should not at all be viewed as erroneous. What the regime claimed was misuse, Shaw (2017:6) argues, are some of the affordances “not accounted for by a designer”, but which remain “plausible deployments” when identified by the technology’s users. This is to say, although technology texts have open regime preferred readings aimed at closing the discursive spaces, the texts remain open since users can find alternatives to the regime’s efforts.

The affordances ‘misused’ by the audience for counterhegemonic purposes are mainly hidden. The affordances described in the previous section, the “constraints that force the desired behaviour” —interlocks, lock-ins, and lockouts — are all perceivable as they have perceptual information. Accordingly, the regime knows what the objects can allow people to do. But some affordances remain hidden from the regime until it realises that people have made these affordances perceptible.

One of the hidden affordances discovered by people is the practice of using social media for counter-surveillance purposes — watching those in authority. This practice is made visible by *sousveillance* — the tendency by subalterns to record and circulate information about the powerful⁸. It can be argued that the affordance that has enabled people to ‘watch from below’, is among the reasons the regime passed the Computer Misuse and Cybercrimes Act, 2018. Indeed, most of the actions criminalised by the Act are forms of *sousveillance*. Specific examples include, unauthorised access, use of illegal devices and password access codes, unauthorised disclosure of password, cyber espionage,

⁸ The term *sousveillance* was coined by Mann, Nolan and Wellman (2003:332)⁸, to describe inverted surveillance, the act of watching from below. The authors developed the *sousveillance* neologism from two French words ‘*sous*’, meaning below and ‘*veiller*’ meaning to watch. *Sousveillance* is the opposite of surveillance because the *watchers* are below those watched. Nevertheless, this inverted panopticon should not be mistaken for *synopticism*, an inverted panopticon model in which the many observe the few through institutional news media, for instance, the media coverage of celebrities (see Mathieson 1997:220)⁸.

publication of false information, computer forgery, cybersquatting, identity theft and impersonation, and phishing. These actions, although criminalised by the Cybercrimes Act, make the ruling elite to fear they are constantly being monitored. In this case, internalisation of discipline and behaviour correction happen among the ruling elites, contra the classic panoptic surveillance.

The list of actions criminalised by the Computer Misuse and Cybercrimes Act, 2018 is proof of institutional dislocation. It seems that the existing laws are not able to deal with changes that came with the wide adoption of Internet services. From an ontic perspective, Glynos and Howarth (2007:14) argue, dislocation is the moment of interruption of a subject's symbolic world, a disruption that shakes the existing hegemonic order of things. In this case, the dislocation has caused institutional ambiguity by making the existing laws irrelevant, challenging the regime to create new laws to support new things for doing politics.

8.3. Conclusion

The examples of repair identified above show how, through forcing functions, the regime is working via non-human actants to covertly patch-up the dislocation caused by *incivility* in social media. This is part of the regime's techniques that remain hidden in artefacts that direct social media users' behaviour. It is through such artefacts that the regime's discourses are sedimented to a singular meaning that seems natural. Through forcing functions of various artefacts, the regime is naturalising discourse and thus hindering alternative understandings of *incivility* in social media. As was stated in the methodology part, the regime sediments its ideology by making discourses objective since what is objective becomes naturalised and appears as given and unchangeable and seems not to derive its meaning from its difference from something else (Laclau, 1990:89). In this case, forcing functions are covertly naturalising the regime's discourses by moving *incivility* in social media out of politics through associating it with insecurity, crime and intolerance. It is through artefacts that the regime can covertly label *incivility* in social media as a security issue. This places *incivility* out of the sphere of normal politics and legitimises the regime's use of extraordinary measures outside normal democratic principles. Consequently, it can

be argued that social media artefacts are ideological tools that hide their traces of power making us forget that the world is politically constructed (see Laclau, 1990:60).

Chapter Nine

Conclusion: *Incivility* as an encounter with the Real and return of ‘the political’ in the post-political era.

...pure agonism is impossible for me. Or maybe it is possible, but you cannot call it political anymore. But the same holds for a pure antagonism. That is possible, but it is rare

Decreus, Lievens and Mouffe (2011:681).

9.1 Introduction

The aim of this study was, as Derrida would have said, to do ‘a double reading’ of *extreme speech* in social media so as to decentre the current dominant views and demonstrate alternative understanding of what has otherwise been categorised as *extreme speech* but which can be beneficial to democracy. The double reading was done within the lens of Laclau and Mouffe’s (1987) collaborative work, *Hegemony and Socialist Strategy*. Indeed, the post-Marxist position of Laclau and Mouffe’s political project remains useful to scholars attempting to explain the re-emergence of ‘the political’, at ontological level, not only after the ‘end of history’ in the West, but also during similar transitions that came at the end of the authoritarian rule in Africa and other places located outside the West. In fact, if ‘the political’ is seen as a friend enemy relationship, then politics, at ontological level, is universal as seen in the resemblance between the eruption of right-wing nationalism in developed countries and xenophobia and ethnic violence in the global South. It means Laclau and Mouffe’s Discourse Theory can act as a vehicle for understanding politics in non-Western countries which did not experience classical Marxism at the peak of communism.

Therefore, this dissertation views *incivility* in social media as a type of re-emergence of ‘the political’ or as Honig (1993:2) put it, a return of disruptive politics to political theory. The study re-opens the present Zeitgeist, the fear of hate speech, which is no more than the despair by the left and “their capitulation to a neoliberal hegemony” (Mouffe, 2000a:5), even though affordances of social media provide an opportunity to challenge what is looking like the unavoidable universalization of the liberal democracy principle. In other words, outside the binary opposition of acceptable and unacceptable speech, this dissertation proposes that we look at *incivility* as what Derrida (1981:42) would term

“irruptive emergence of a new “concept”...that can no longer be, and never could be, included in the previous regime.” Without a doubt, the institutionalised rational consensus politics that led to an ‘outbreak of peace’ at the end of history is currently faced with the hurdle of solving political problems through political means, especially when the problems involve adversarial politics like what *incivility* in social media has allowed. That is to say, although we are living in a world that has constructed an illusion that there is no alternative to the hegemonic deliberative democracy, this political system cannot explain the contemporary social disorder outside the left-right or other forms of us-them divide, disruptions that are more suggestive of the permanent existence of hostility than consensus.

The dissertation followed Laclau and Mouffe who read classical Marxism against itself to remove economistic views in Gramsci’s idea of hegemony by bringing it together with Saussure’s concept of signs as an arbitrary relationship between a *signifier* and a *signified*. Using the concept of arbitrariness of signs, but working against Saussure’s synchronic study of language, Laclau and Mouffe argue that signs cannot be permanently fixed even though discourses attempt to fix the signs into certain positions (see Laclau & Mouffe, 1985:113). Through this linguistic turn, Laclau and Mouffe break away from the essentialism bedeviling Marxism by seeing relationships of domination not as material or permanently fixed, even though some discourses struggle to fix them. Through their line of thinking, Laclau and Mouffe and their followers take leave from the Marxist concern with the economy: explanation of political actions is no longer done within economistic and class reductionism lenses, but from ‘texts’, where the texts are viewed beyond linguistic perspectives.

In Kenya, political antagonisms that fall outside classical Marxism, such as ethnic movements, have become the postworking-class forms of struggle against domination. Rather than a single working class identity, Kenya’s end of history was the beginning of overlapping identities not determined by economic relationships, such as students, women, minorities and ethnic groups, among others — with none managing to consolidate itself as a separate position, instead the multiplicity led to convergence and overdetermination at the same time. We no longer have a core founding principle of the

whole but numerous forms of antagonism both within and outside the binary proletariat-bourgeoisie axis. Moreover, just as the post-communist era in Europe demanded alternative understanding of political struggles, its parallel in Africa — the post-dictatorship era — demands a search for a new non-material ‘constitutive outsider’ shaping the current us-them relationships.

After locating *incivility* within the field of disruptive politics, I extended Chantal Mouffe’s (1993) concept of agonism to explain how what is seen as *extreme speech* can be productive, a stand challenging the dominant liberal democracy model. By providing a new viewpoint about *incivility*, the study has demonstrated the need to return politics to democracy, considering that politics has been displaced to the juridical since the ‘end of history’. To bring back politics, this dissertation attempted to account for the persistence of conflict in politics as it is seen in *incivility* in social media. A new way of understanding the role of *incivility* in democratic processes is essential because social media has provided spaces with minimal editorial control, which in turn is serving as an opportunity to radicalise democracy through tough speech. A critical understanding of *incivility* is however hindered by the hegemony of liberal democracy that overemphasises consensus at the expense of politics.

Although Laclau and Mouffe can be accused of holding poststructuralist views that deemed to be European particularisms describing the West’s post-communism ongoing, their work is relevant to scholars attempting to explain disruptive politics in Africa considering that other non-Western nations have had events similar to European post-communism occurrences. While it was the end of communism that marked an increase in ethnic conflicts and nationalism in Europe, non-western countries experienced similar conflicts, although initially after the end of colonialism and later after the end of authoritarianism. That is to say, despite the inappropriateness of the left-right dichotomies in analysing politics in Africa, this shortcoming should not allow claims that African democracy is in a liminal stage existing betwixt and between liberal democracy and nameless ways of doing politics. Rather, the universality of Laclau and Mouffe’s concept is derived from Carl Schmitt’s view that at the ontological level, politics is a friend-enemy

relationship, be it within or outside countries practising politics based on the left-right binary.

After this brief introduction, this chapter continues with an overview of the findings, then draws the conclusion and describes the implication of this new understanding of *incivility* as radical democracy.

9.2. Overview of the Findings

In Kenya, debates on *extreme speech* in social media have been characterised by governmentality, with regulatory narratives creating a binary opposition of speech between what is acceptable and what is not, thereby concealing the continuum of extreme speech. This binary division fits well in the widespread ‘post-political’ deliberative democracy era that has attempted to displace politics since the ‘end of history’. However, rather than reduce *extreme speech* to hate speech as governmentality efforts would prefer, I did double reading to deconstruct the regime preferred meanings. As Derrida would have said, I looked for the gap between what the regime “commands” on *incivility* in social media and what is impossible for the regime to “command” as the meaning is within the text but outside a regime’s command (see Derrida, 1967:158). Thus, I view *incivility* as a re-emergence of the adversarial model of politics in Kenya outside the classical left-right divide.

Hence, this dissertation was a project in destabilising the dominant rationalist approach to democracy, arguing against the existence of an Archimedean point from where a reasonable public debate can eliminate antagonism from politics. Against rationalism, I argue, following Chantal Mouffe, that *incivility* in social media is part of ‘the political’ — the various forms of antagonism that can never be eradicated from social relations as deliberative democracy has attempted to do. Contrary to the ambitions of liberal democracy, I argue that *extreme speech* in social media is a form of conflict that should be tailored to take the form of an agonistic relationship between adversaries but should not be allowed to become an ‘antagonistic’ struggle between enemies.

Chapter One introduced the overall content of the dissertation and clarified that *extreme speech* exists on a continuum from hate speech to speech that can strengthen conflictual democracy. This section gives a background of regime preferred hate speech narrative, followed by an interlude which moves the study away from the binary division of speech into what is acceptable and what is not. Unchained from the hate speech bias, the chapter starts a process of dismantling the seemingly objective regime preferred meanings of extreme speech. The chapter presents the problem statement and research questions of this study.

Chapter Two answers research subquestion one — what discourses have shaped the meaning of *incivility* in social media? — through critical reading of Habermas' (1989a) public sphere against Fraser's (1990) subaltern counter-publics, and Cammaerts's (2007) political jamming, to develop a continuum of democracy-enhancing extreme speech. In this chapter, I explain the contexts under which *incivility* in social media can be democracy-enhancing or antidemocratic. I argue that when used by subalterns as a way of resisting existing power structures, *extreme speech* supports conflictual democracy. I also use Žižek's (1993) concept of 'tolerance as ideology' to argue that demands for civility are part of strategies used by ruling elites to depoliticise democracy by making it look like *incivility* is a cultural problem of intolerance rather than a sign of normal political struggles between the dominant and subalterns. I explain how the demand for tolerance makes *incivility* to be perceived as a problem of intolerance rather than normal power struggle. I also propose, without falling into the primordialist trap, that in Kenya, it is ethnic identities created from both the political economy perspective and discursive subject positions, rather than the universalised left-right divide that acts as adversarial boundary markers. In this section, I explain the weaknesses of historical materialism, and advance a poststructuralist thinking by looking for alternative approaches to resistance other than the universalised working-class-elite opposition.

Chapter Three continues arguments against the unquestioned assumptions about harmful *extreme speech* by proposing how artistic practices can be counterhegemonic forces. Contrary to the hate speech narrative, the chapter proposes that *extreme speech* in its art form can subvert dominant forces in a democratic society by levelling hierarchies

created by rational consensus. I utilise this chapter to describe how the contemporary world resembles Medieval Age when *extreme speech* was occasionally allowed as a means of breaking down power hierarchies. I link the Bakhtian primitive art activism to the contemporary practice of *utani*, a folk culture of joking relationships common in East Africa.

Chapter Four is an application of Chantal Mouffe's concept of agonism to return politics to political theory. In this chapter, I propose that *extreme speech* is suitable for an agonistic model of democracy that advocates a 'conflictual consensus' and seeks to come to terms with the political rather than disavowing it as deliberative democracy has attempted. Offensive expressions in social media are viewed as a strategy for advancing agonistic democracy. A fundamental argument made here is that *extreme speech* content in social media political discourses is equivalent to disagreements that can widen the democratic spaces constrained by consensus since the 'end of history'. In this chapter, the role of *incivility* in social media is interpreted as a return of 'the political' to politics, an interpretation that emphasises struggles as the key foundation of politics. Through agonistic democracy, I propose that *extreme speech* in social media is a constant struggle that can tame the friend-enemy frontier from exploding into violence. It is argued that rather than attempt to eliminate dissent, agonism should be used to transform contests that are central to politics.

Chapter Five develops a method for empirical Discourse Analysis from Laclau and Mouffe's (1985) book, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics* and uses this method to critique the taken-for-granted understanding of *incivility* in social media. Since Laclau and Mouffe did not develop a strategy for using Discourse Theory as a method for empirical research, this chapter advances the theory by transforming it into a Post-foundational research strategy. Considering that social media is the medium that has popularised present-day *incivility*, the Discourse Analysis strategy proposes analysis of both the medium and the conventional linguistic 'texts' in line with Laclau and Mouffe's views that everything is discursive.

Chapter Six continues the methodology section by describing the sample and a data analysis strategy. This chapter, together with chapter five, create a way of using Laclau

and Mouffe's Discourse Theory to analyse how *extreme speech* in social media is dislocating dominant political practices. Here, Discourse Theory is brought together with discourse analysis to develop a method for empirical research.

Chapter Seven describes how the dislocation caused by *extreme speech* is followed by three events: repair and absorption of the dislocation to maintain objective discourses; transformation of the dislocation into nodal points to create new hegemonic practices or encounter with the 'real' at ontological level. This chapter is an analysis of how the regime is repairing *extreme speech* at the linguistic symbolic system of representation level, by associating it with hate speech.

Chapter Eight is an analysis of dislocation and its repair through technologies of dissemination — the material texts. This chapter, together with chapter seven describe how the regime is allocating new meanings to *incivility* by knotting the floating signifier of *incivility* to the national security nodal point. The two chapters describe how *incivility* mirrors 'the political' from an ontological perspective by identifying institutional voids created by *incivility*. The discourses analysed in chapters eight, just like in chapter seven, were identified through double reading of linguistic and non-linguistic texts.

The next section demonstrates how *extreme speech* can reinvigorate democracy following the alternative understanding developed in this study.

9.3. Productivity of *incivility* in social media and its implication on conflictual democracy

To understand the double meaning of the varieties of extreme speech, such as *incivility* in social media, we must look beyond the previous era of consensual politics when the news media acted as ideological state apparatuses in a society with sharp differences between the left and the right or where dictatorship acted as the constitutive outside that brought subalterns together. In the previous era of the left-right divide, political frontiers were clearly marked, but the current epoch lacks political frontiers clearly demarcated by communism or the democracy-totalitarians opposition. Thus, in Kenya this emptiness is filled by a rebirth of new collective identities that are establishing political frontiers outside

the left-right divide. The unity previously created by the common struggle against authoritarianism vanished with increased party and electoral reforms, leading to the friend-enemy relations “taking a multiplicity of new forms linked to the resurgence of old antagonisms – ethnic, national, religious and others” (Mouffe, 1993:3). Indeed “[t]he absence of a political frontier, far from being a sign of political maturity, is the symptom of a void that can endanger democracy” (5).

Contrary to consensual politics, the political at the ontological level, is an event that dislocates established orders to reconstitute the society afresh. Therefore, rampant *incivility* in social media should not be equated to an “upsurge of ‘the archaic’” (Mouffe, 1993:1), but should instead be seen as a return of ‘the political’ in the current post-political consensus that instead of eradicating antagonism following the end of authoritarianism, has fostered new antagonisms such as ethnic hatred, xenophobia and right-wing return of nationalism.

The post-political era that followed the decline of the left-right divide (which had not even stabilised in Kenya), and the end of the near ‘dictatorship’ after the return of multiparty elections, was followed by a new political spectre in the form of antagonisms which cannot be resolved by political institutions of the previous epochs, both liberalism, its hybrids and classical Marxism, as all these philosophies exclude ‘the political’ from democracy. Indeed, after the failure of communism and the convergence of the left and right, liberal democracy ideologists advocated handing over politics to experts who could rationally resolve political problems in a post-political environment. Although this hegemony of the post-democracy ‘politics’ that emphasises consensus was celebrated for advancing a democracy without conflict, *incivility* in social media can be viewed as part of critical artistic practices, the radical democratic project that is disrupting the consensualisms and “bringing to the fore its repressive character” (see Mouffe, 2008:6).

The current political environment in Kenya reflects a struggle to re-politicise new frontiers after the end of the binary totalitarianism-democracy opposition that had for long provided what Mouffe (1993:3) calls “the main political frontier enabling discrimination between friend and enemy”. Because it is no longer possible to unite against the absent

totalitarianism, the friend-enemy frontier has to take new forms reminiscent of primordial antagonisms, such as ethnic, national and religious conflicts, what Mouffe (1993:2) calls the “unrecognised manifestations of antagonism,” following the spread of an illusion that after the demise of Marxism, “we can finally dispense with the notion of antagonism”. As explained by Mouffe (1993:4), after defeating the totalitarian enemy, the meaning of democracy must be redefined by the creation of new frontiers of friend-enemy relations. The rampant *extreme speech* in social media is part of the attempts at redefining the meaning of democracy in a post-political society.

While the state-individual struggles characterised Marxist political activism, an interesting reform of radical democracy has emerged through rethinking of political consensus that came with a reduction of the space between the left and right. There is a need for reconsidering the political as the essence of class in Marx and Engels’ *Communist Manifesto* impedes other sources of identity in the post-communist era. If class was the essential source of identity, then the working-class group would be united regardless of the existence of other identities, but this is not the case. Therefore, through ‘double reading’ of extreme speech, we can develop a new perspective for theorising radical democracy by identifying the constitutive role of extreme speech. This new perspective is informed by a positive view of *extreme speech* as a counter-hegemony tool that can be used by subalterns to contest societal power hierarchies. Just like the famous Saussurian examples of the meaning of the knight in chess, *incivility* by itself means nothing outside the game of politics since its value is constituted within the game. However, the political discourses shape the meaning of *incivility* through articulation, the combination of several signs to give *incivility* a standard meaning.

The dislocation caused by *incivility* in social media has produced new political practices by returning politics to ‘the political’ thereby moving politics outside pre-defined political institutions. Since discourse cannot achieve complete closure, the nodal points identified in Chapter Seven and Eight — the linguistic and material texts — have failed to permanently define speech that is restricted and speech that is not. As explained in Part II, dislocation is not only traumatic, but also a condition of possibility for new political creations, which frees politics from being restricted within institutions of liberal democracy.

This is to say, ontologically, *extreme speech* is a symptom of inherent enmity in politics, which in Lacan's three psychoanalytic orders, is the 'Real', what loses its "reality" once it is symbolised through language. *Incivility* is merely pointing at the 'Real', the friend-enemy relations in politics, but can never symbolise it.

Therefore, away from understanding *extreme speech* from the regime-preferred ontic level, the symbolic order that uses texts to make the political accessible, *extreme speech* has deep underlying causes. Here *incivility*, as part of 'the political,' is understood from the ontological perspective different from the social practices — the ontic. The political introduces radical politics because it is practised outside established institutional order, enabling it to "contest *fundamental* norm of a practice or regime" as it seeks to establish a new constitutive order and institutions (Glynos & Howarth, 2007:115). Increased mediatised *incivility* is seen as part of counter-hegemonic demands that challenge the hegemony of consensual democracy. Thus, new social practices and an institutional order constituted by mediatised *incivility* are what Mouffe (1993:1) refers to as the emergence of new antagonisms which Western democrats "thought belonged to bygone age." Mediatised *incivility* is 'the political', and upsurge of 'archaic' politics challenging the universalisation of liberal democracy in a post-political era. Indeed the political resists diverse forms of post-political subordination because the political cannot be tamed for ever, instead it escapes every attempt to tame it through new fissures.

The post-political vision has failed to explain the reasons for the emergence of fundamentalism, such as ethnic hatred, that appeal to our primordial forms of identification, in an era when liberal democracy is expected to have matured with the passage of time. Although the rise in fundamentalism has been blamed on the reincarnation of atavism that had not been fully overcome (see, Mouffe, 2018:22), like the claim that democracy has remained in liminality in Africa (see Van Gennep, 1960:3), and ethnic hatred will disappear only when liberal democracy has matured, the inadequacy of such explanations was revealed by the growth of right-wing populist parties in western countries. The political in extreme speech, just like the political in adversarial democracy, has been concealed by claims that political adversary is a moral issue (see Mouffe, 2005a:73). Through moralistic claims passion has been:

...mobilised against what was designated as the 'extreme right', using the traditional repertoire of antifascist discourse. People were made to feel very good and very virtuous by simply participating in the denunciation of the 'evil forces'. Of course, this mobilization of passion was not acknowledged as such but perceived as the rational reaction of moral human beings wanting to defend universal values.

Incivility in social media faces similar moralistic condemnation in the current post-political society with weakened political frontiers. This is what Mouffe (2005:74) terms playing politics in the moral register. This moralisation does not make politics more moral, but it means that "political antagonisms are being formulated in terms of moral categories". Even though we are still faced with the friend/enemy discrimination in the current consensual post-adversarial era, the friend/enemy relations are categorised in the vocabulary of morality. This denial of the adversarial politics is the weakness of consensual democracy because moralisation of politics seals fissures and makes it impossible for antagonism to take agonistic forms. "When opponents are defined not in political but in moral terms, they cannot be envisaged as an 'adversary' but only as an 'enemy'. With the 'evil them' no agonistic debate is possible, they must be eradicated" (Mouffe, 2005a:76). Without an escape route that can turn antagonism into agonism, the moralised friend/enemy model of post-democracy creates the same conditions it declared obsolete-an anti-democratic friend/enemy environment. This is the risk created by the grand regime narratives about extreme speech, such as hate speech, xenophobia, incitement to violence among other speeches that have been moralised to legitimise their securitisation.

Following Schmitt, Laclau and Mouffe, I argue that *incivility* is a pluralistic outlet for the ineliminable antagonism in politics. This outlet is different from liberal democracy institutions for eliminating hostility, such as parliamentary systems which over time have come to symbolise what Mouffe (1993:6) declared are the "apparent excess... of consensus", the harmony that prepares the ground for domination by privileged groups. Thus, *extreme speech* in social media can be viewed as part of particularisms that are challenging the universalisation of liberal democracy (see Mouffe, 1993:1).

In conclusion, contrary to triumphalist consensualist narratives of Fukuyama and his followers, I see *incivility* in social media as a crisis in the current dominant post-political

imaginaries. Against the regime preferred ontic view of antagonisms, such as the grand narrative of hate speech, we should not forget that such antagonisms are only a “symbolic inscription of the ‘Real’” politics (see Mouffe, 2011:682). *Incivility* in social media is part of the antagonism that “belongs to the ontological, but since it already contains some kind of symbolic inscription, is also an ontic category.” Therefore, if we are to return ‘the political’ to the practice of democracy, we must find ways of accommodating varieties of extreme speech, such as *incivility* as this type of speech is politics at the ontological level. Nevertheless, we should find a way of moving away from the friend-enemy relations towards agonism in which conflict is between adversaries and not enemies. But as Mouffe (2011:684) notes, “[t]here remains a form of antagonism in every agonism”, as such because of social media, our politics is now “situated somewhere in-between agonism and antagonism”, both of which are not objective matters but hegemonic struggles.

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