

LANGUAGE AND THE CONSTRUCTION OF A POSITIVE IDENTITY AMONG INMATES IN KENYAN JAILS¹

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This paper describes linguistic and stylistic strategies used by a group of inmates in Kenyan jails to construct their identities in a positive way through language. They did so in thirty-four letters which they wrote to a religious leader who was their benefactor. Linguistically, the strategy consisted mainly in using euphemistic vocabulary and passive and active voice constructions that avoided presenting the inmates directly as the wrongdoers now serving a jail sentence. Stylistically, the inmates resorted to two main strategies: describing their skills and the positive aspects of their lives before they were imprisoned and choosing to use a religious register which would be associated with their addressee. Apparently, they resorted to those linguistic and stylistic strategies in an attempt to distance themselves from the crimes they had committed.

1. INTRODUCTION

The question of how lawyers and judges impose identities on accused persons has fascinated forensic linguists. Here are some examples: Cotterill (2003) points out that OJ Simpson's identity in the O.J. Simpson Trial² is

¹ This article is part of the author's ongoing PhD research in Forensic Linguistics. The author is grateful to Dr. Alison Johnson, University of Leeds, for reading through the first draft of this paper and for her very insightful comments and to Prof. Kembo Sure, Moi University, for both his comments and material support that shed light on some areas. The author also wishes to thank Rev. Francis for allowing him access to the letters that constituted the data for analysis.

² The O.J. Simpson trial dealt with "the double homicide of O.J. Simpson. Simpson was accused of the murder of his ex-wife, Nicole Brown Simpson and her male companion, Ron Goldman. In a trial lasting 9 months and culminating in Simpson's sensational acquittal, one of the central tenets of the prosecution case was that Brown Simpson was the victim of systematic and escalating domestic violence at the hands of her ex-husband Simpson". (Cotterill 2003, pp. 294-5)

negatively constructed by the prosecuting lawyers as that of a “violent man capable of murdering his wife” while the defence lawyers make attempts to “minimise and neutralize the negative prosodies evoked by the prosecution” (p. 66). Drew (1992) discusses defensive strategies used by a woman to fend off an incriminating version of events in a rape case. Eades (2008) examines the strategies employed by defence lawyers to construct the identity of four young boys appearing as witnesses in a case against police officers as being that of criminals and how the boys themselves resist the imposed identities. She also catalogues (on pp. 151 and 171) similar cases where accused persons have rebutted the imposed identity construed of them by either lawyers or judges. For example, she cites authors like Harris (1984), who looks at how questions are used to make accusations in a British Magistrates’ court; Matoesian (1993, 2001), who examines “how a rape victim engages the defence lawyer in a ‘delicate negotiation’ of meaning”, and also “how a rape victim is not a passive recipient of blame attributions by the defense attorney”; and Ehrlich (2001, 2005) who examines how “complainants and their witness in a rape trial and tribunal implicitly and explicitly challenged and rebutted the characterization of events presupposed or asserted by the cross-examining questioners and tribunal members” and also shows “how the identity that the victim in a Canadian rape case constructs for herself is ‘dramatically’ different from that imposed by both the trial judge and the appeal judge in their decisions” (Eades 2008: 171).

These cases reveal that there is always an underlying struggle between the adversaries in court proceedings. On the one hand, the prosecution team strives to impose an identity on the accused person by giving accounts of events meant to support their allegations of the accused person’s wrongdoing, while, on the other hand, this accused person resists the imposed, inevitably negative, identity. The prosecution will argue that the accused person is a criminal while the accused person will argue that he or she is not.

The common thread here is that these encounters occur within the courtroom where the accused parties strive to rebut the imposed identities.

But when court proceedings end, the case is determined, and a sentence has been handed out to the guilty party, one would think that that the struggle over the imposed identity would end as well. However, letters from inmates suggest the contrary. The accused persons, who are now inmates, still continue to resist the imposed identity. This paper focuses on this aspect by examining linguistic and stylistic strategies that a sample of inmates in Kenyan jails have used to construct their identities positively.

2. THE SOURCE OF LANGUAGE DATA UNDER ANALYSIS

The data analyzed in this paper was drawn from a corpus of about ten thousand words composed of letters from thirty-four inmates in Kenyan jails and ex-inmates (all considered as inmates in the paper). The letters were addressed to Rev. Francis (not his real name) who graciously allowed the author to use them as data for linguistic analysis. They cover an eight-year period, from 2002 to 2009. The majority of the letters were written by the inmates as requests for assistance, while a few of them were written to express gratitude for the assistance already offered. In one case, the letter was written to a government minister through Rev. Francis.

The letters reveal a number of pertinent details about the inmates. These include reasons for their incarceration, their ages, the nature of the crimes that they have committed, and the length of stay in prison. The crimes mentioned in the letters include child negligence, theft, drug trafficking and murder. Although the letters were written in Kenyan jails, the authors are from four different countries: Kenya, Uganda, the Democratic Republic of Congo, and the United States of America.

From a forensic linguistics analysis point of view, those letters, whose length ranges from between 196 to 596 words, would be considered to be of adequate length for analysis. According to Coulthard (2005: 2) and Coulthard (2006: 6), forensic linguistics texts “are very short indeed - most suicide notes, threatening notes and threatening letters, for example, are under 200 words long and many contain fewer than 100 words”.

In the analysis below, the letters from which illustrative material has been drawn will be referred to as L1, L2, L3, etc (for Letter No. 1, Letter No. 2, Letter No. 3, etc.).

3. THE INMATES' USE OF LINGUISTIC DEVICES TO CONSTRUCT A POSITIVE IDENTITY OF THEMSELVES

This section shows how inmates, in their letters, carefully chose certain lexical items and syntactic structures to construct a positive identity of themselves by distancing themselves from the crime they had been convicted of.

3.1. Distancing themselves from crime by using euphemistic words

In a majority of the letters (21 out of 31, i.e. 62%), the inmates neither state nor give details of the crimes they have committed. Instead, they use lexical choices that make euphemistic references to the crimes. The discussion below focuses on the use of the words *misunderstanding*, *colliding*, *accident*, and *landed*, to show how these have been used to distance the inmates from their crimes.

In L20, the inmate explains the circumstances that led to his detention. He claims to have had a “misunderstanding” with police officers at a police station where he had gone to report a case of ill-treatment by a *matatu*³ tout. As a result of the misunderstanding, he got detained. The inmate in L16 also describes his offence as a misunderstanding. He writes: “I was put into prison due to *misunderstanding with my landlord* who owes me 10,000 and a further 18,000 from unregistered women groups.” (The emphasis, through italicizing, is mine.) In both cases the inmates use the word *misunderstanding* to refer to the offences which they have committed and which subsequently have led them to jail. The *Oxford Advanced Learner's Dictionary* (7th edition) defines *misunderstanding* as ‘a slight disagreement or argument’. So, if the “misunderstanding” in the case of the two inmates

³ A *matatu* is a kind of public service vehicle in Kenya, typically a minibus.

has caused both of them to be jailed, it cannot be a “normal” misunderstanding: something more serious must have happened. The inmates’ use of the word *misunderstanding* is therefore strategic.

In L20, the inmate attributes his arrest to a collision. He says: “I came here [to prison] after *colliding* with the police at ... station.” Again, although the word *colliding* connotes a serious disagreement, it does not mention the actual crime or offence committed and is therefore euphemistic. By using it, the inmate also brings in another dimension: the fact that there was more than one party involved in the “misunderstanding”. Therefore, should blame be apportioned, it should not go to the inmate alone but also to the police officer(s) involved. On the other hand, since a collision evokes the image of an accident and, normally, accident victims are not to be blamed, but, instead, sympathised with, the inmate wants to seek pity from the reader of the letter and wants the latter to view him as more of a victim than an offender.

In L22, the inmate describes his offence as an “accident”. He writes: “I came here [Kenya] as a musician whereby this *accident* got me....” By referring to his offence euphemistically as an “accident”, the inmate is also distancing himself from the crime he has committed and is appealing to the reader’s sense of pity. His detachment is further emphasised through the use of the verb *got* in the segment *whereby this accident got me*. This accident getting him suggests his lack of involvement, like a pedestrian who is hit by a motor vehicle. He should therefore be viewed as a victim rather than the perpetrator of the crime he has been convicted of. But given that he was serving an 8-year jail term, he must have committed a serious offence. So, his use of the term *accident* to describe his incarceration is purely strategic, and, as in the other cases already looked at, is meant to help him to construct a positive identity of himself.

In L28, the inmate describes his arrival in prison as a “landing”. He explains that he was arrested following a disagreement with his business associate and concludes his account by saying: “That is how I *landed* here.”

Again, the choice of the verb *land* is strategic, as it has more positive connotations than e.g. *to be jailed*.

3.2. Using passive and active voice constructions that avoid linking them to the police

Like the inmates' choice of euphemistic words like *colliding*, *misunderstanding*, *accident*, and *landed* is meant to avoid "embarrassing ... words" Mulholland (1994: 99) and "negative values" Fairclough (2001: 99), a number of sentence constructions used by inmates and which focus on arrests and subsequent detentions are expressed in ways that project the inmate as the "medium participant", i.e. 'an entity to which something happens or is done' (Toolan, 1998, p. 79).

For instance, in L13 an inmate mentions the circumstances of her arrest by choosing to use a passive construction with no expressed agent: "I was a house girl before *I was brought* to prison." In this passive construction, the inmate chose not to mention the agent-phrase, which most likely would have been the prepositional phrase *by the police*. By not mentioning the police, she distances herself as a participant in police matters and avoids the attendant negative associations of wrongdoing which the phrase would have elicited. Her not mentioning the agent creates ambiguity, as it leaves out the "awkward who by? question" (Simpson 1993: 87). As a result, it is not clear whether she was taken to prison to see someone or whether she was jailed. Once again, this is a strategy to make the inmate be seen not directly as a wrongdoer.

Several other inmates similarly exploit the passive voice without an explicit agent-phrase in their letters, as in the following examples: (i) "*I was arrested* on January 3rd 2008" (from L5); (ii) "*We were arrested* in 1997 and charged with an offence of murder" (from L21); (iii) "*I was arrested* back in the year 1997 with a case of murder at home district Marigat" (from L25); (iv) "*I was arrested* with drug trafficking while I tried to meet my children's needs [;] I have six children and four orphans under my care, yet all were at school" (from L35).

Interestingly, though, one inmate, in L20, uses the active voice but with the same effect (i.e. of constructing a positive identity of herself) as that realised through the passive constructions just looked at. She writes: “*I came here after been arrested....*” The main clause, *I came here*, is in the active voice and suggests that she, not the police, is responsible for finding her way into prison. Such a personal choice is not, ordinarily, expected to expose the agent to any harm. But, since prisons are places that limit individual freedoms, they naturally cannot be expected to be places where people make personal choices to go. So, this inmate’s decision to use the active-voice verb *came* may be interpreted as a sign of her resilience and power to accommodate tough prison life, which would project her as a strong woman. It is quite interesting how she juxtaposed *I came here* with “*after [being] arrested*”, thus avoiding to say something like *I was brought here after being arrested*. Obviously, *I was brought here* would have sounded more humiliating.

4. THE INMATES’ USE OF STYLISTIC DEVICES TO CONSTRUCT A POSITIVE IDENTITY OF THEMSELVES

The preceding section discusses the linguistic devices used by inmates to distance themselves from their criminal acts. This one will look at two stylistic devices they used to achieve the same goal: one, describing their own lives and their skills; two, identifying themselves with their benefactor through language.

4.1. Describing their skills and positive aspects of their lives

In describing their own lives and their skills, the inmates were keen to show that before they were jailed they were creative, skilful, hardworking, financially stable, generous, and useful members of the society. Below are illustrative examples.

In L2, the inmate seeks to have her songs produced for sale so that she can use the proceeds not only to hire a lawyer but also to support her mother and children. She writes:

Reverend, I am a singer, I sings gospel songs with my own composition. I think you've hears it singing in the church, and it has been a blessing to the madam's⁴ and also to capital and ordinary⁵. It has also changed many, because God has blessed me with this talent. Reverend, I now plead to you, to help me to produce these songs, and sell them, so that I can afford to hire a lawyer, and also help my mother and my children.

The underlying argument here is that she is a person of her own means but who is forced by circumstances to seek assistance.

In L13, the inmate also describes herself as a worthy person. She is seeking funds which will help her to put her skills to good use and therefore fend for herself and her family. She writes:

I have got good skills in making sweaters with the machine, and I am sure that if I am given that machine with little funds to buy the wool and rent a room, I will be able to support myself with my children.

In L16, the inmate portrays himself as a generous, caring, focused, financially stable, and entrepreneurial person. He writes:

I hereby would like to express my personal problem. Regard, I was very focused and hardworking, capable of taking care of my siblings affectionately and financially. I was in the vegetable business and able to educate my children. I built a latrine pit for my village community of which I volunteered to do with own funds. I was generous and gave out debts which I have not been paid back to date.

This inmate constructs a positive identity of himself by focusing on his magnanimous contribution to his community: obviously, a man who sinks a pit latrine out of his own resources for the benefit of his community, "gives out debts", financially supports his siblings and is hardworking, is a person worthy of great admiration. So, such a man's present predicament should be viewed as a "little failing", rather than as something having to do with a fundamentally evil personality.

⁴ The term *madam* is used here to refer to female prison warders.

⁵ The words *capital* and *ordinary* refer to inmates on death penalty and those inmates serving various jail terms, respectively.

4.2. Using the register associated with the benefactor

As already stated, the letters under analysis in this paper were written to Rev. Francis primarily to make requests for assistance. Conscious that the assistance was not guaranteed, and being equally conscious of their benefactor's Christian faith, the inmates accommodated to his language as a strategy to win his favour. They did so by choosing to use a religious register characterized by collocational idiosyncrasies, formulaic expressions and paraphrases and own creations of biblical verses.

4.2.1. *Use of collocational idiosyncrasies*

The words in bold type in the following quotations are examples of collocational idiosyncrasies in the letters.

- (i) I greet you in the name of Jesus Christ our Saviour; I hope you are doing well through **God's mercies**. (from L2)
- (ii) ... through **God's will** he was released last year by court of appeal. (from L24)
- (iii) **Servant of God**, I have no word more, but only to pray that God continue to give you long ... life to serve **the poor and the sick**. (from L20)

In these examples, the expressions *God's mercies*, *God's will*, *Servant of God* and *the poor and the sick*, can be said to be constitute collocational idiosyncrasies as they tend to be used together among the Christian faithful, especially the born-again Christians. They identify the members as sharing similar Christian beliefs about salvation; they thus serve as identity markers.

4.2.2. *Use of formulaic expressions*

To create a bond, a sense of brotherhood between themselves and the reverend, the inmates also used certain formulaic expressions. Consider the expressions in bold type in the following extracts.

- (i) I salute you **in the name of Jesus Christ**. I am happy to write to you this letter and I know that God will bless you. (from L4)

- (ii) Much greeting in the name of Jesus Christ for staying with us during Easter.... (from L6)
- (iii) Kindly accept my humble Christian greetings in the almighty Precious Name of our Lord and Saviour Jesus Christ. (from L7)
- (iv) May God bless the work of your hands. (from L28)
- (v) And God bless you. (from L31)

These formulaic expressions, marked in salutations and conclusions, are apostrophic and lend a sense of immediacy to the letters. They were meant to narrow the distance between the inmates and the benefactor, with the inmates being in jail and the benefactor in some church office away from their prisons.

4.2.3. Use of paraphrases and own creations of biblical verses⁶

To further exploit this sense of shared religious beliefs, some inmates resorted to paraphrasing biblical verses in a bid to emphasize the bond of Christian brotherhood. Consider the paraphrases below, all quoted from L26.

- (i) The bible says that, there's no condemnation to those who are in Christ Jesus, who do not walk according to the flesh, but according to the spirit Rom 8:1

The actual verse reads: "If you belong to Christ Jesus, you won't be punished" (Holy Bible: 977). This is definitely an attempt by the inmate to appear conversant with the content of the Holy Bible.

- (ii) Wise man says in Swahili, *Ada ya mja hunena muungwana ni kitendo, au akufaaye kwa dhiki ndiye rafiki*. Prov 17:17.

The first proverb, *Ada ya mja hunena muungwana ni kitendo*, which is the equivalent of 'Actions speak louder than words', and the second one, *Akufaaye kwa dhiki ndiye rafiki*, which is the equivalent of 'A friend in need is a friend in deed'⁷, underscore the importance of friendship. By citing a verse on friendship, the inmate seems to indirectly state that he is

⁶ The quotations are given here as they appear in the letters.

⁷ The verse that the inmate refers to reads: 'A friend is always a friend, and relatives are born to share our troubles.' (Holy Bible, p.552)

conversant with the scriptures. Although the Swahili proverbs cannot be substituted for the verse, they reflect a thematic semblance to the verse.

- (iii) Why? Coz “U” have frontiled [volunteered] to help me personally without expecting fame from people or nobody else. Mathew 25:39-40 Hebrews 13:3.

In these words, the inmate equates the preacher’s visit and assistance to what the scriptures say. He seems to be saying that Rev. Francis’s visit is similar to that which is envisioned in the verses that he alludes to. The actual verses read as follows: Matthew 25:39-40: “When did we welcome you as a stranger or give you clothes to wear or visit you while you were sick in jail?” The king will answer, “Whenever you did it for any of my people, no matter how unimportant they seemed, you did it for me” (Holy Bible, p. 853). For its part, Hebrews 13:3 reads like this: “Remember the Lord’s people who are in jail and be concerned for them. Don’t forget those who are suffering, but imagine that you are there with them” (Holy Bible, p. 1050).

- (iv) God has good plans to me, plans of good but not plans to destroy me jeremiah 29:11. Corth 10:13.

This is the inmates’ paraphrase of the two verses which read as follows: Jeremiah 29:11: “I will bless you with a future filled with hope - a future of success, not of suffering” (Holy Bible, p. 673). The verse in Corinthians is not specific since there is 1 Corinthians and 2 Corinthians. However, looking at the two chapters, it appears that the inmate is referring to 1 Corinthians, verse 13, which reads as follows: “But God treated me with undeserved grace! He made me what I am, and his grace wasn’t wasted. I worked much harder than any of the apostles, although it was really God’s grace at work and not me”, (Holy Bible, p. 966). 2 Corinthians 10:13 reads like this: “But I was worried when I didn’t find my friend Titus there. So I left the other followers and went to Macedonia” (Holy Bible, p. 1000). Although the paraphrases above are not accurate, their thematic relevance to the actual verses shows that the inmate is conversant with the content of the Bible.

The strong use of the religious register illustrated in the preceding paragraphs seems to go beyond just reflecting strong Christian convictions on the part of the inmates. It is strategic, very much within Giles and Powesland's (1975) accommodation theory "according to which people make their language more like that of an interlocutor in order to reduce social distance" (quoted in Gibbons 2003, p. 117). And, as if to refer to the case of under study, in which the inmates seem to portray themselves as deeply religious people, presumably because they are addressing their letters to a religious leader, Johnstone (2002) observes that:

Another way in which audience shapes discourse is that people adapt their behaviour to the behaviour of the people they are actually talking to, or to the image of the people for whom they are designing their discourse. (p. 126).

5. CONCLUSION

This paper has shown how a group of inmates in some Kenyan jails carefully chose the "right language" to use while writing letters to a religious personality who was their benefactor. By "right language" I mean that which portrayed them not as the criminals one expected them to be (they had after all been already convicted of crime), but as "ordinary" citizens, who were victims of some "misunderstanding", or "collision", and who "landed" in prison by "accident", some of whom "came" (and not brought) there, as if of their own free will, or who "were brought" there—but without naming the "negative" force that actually arrested them and brought them there. The same language portrayed them as god-fearing and god-praising individuals (like the Reverend they were addressing the letters to) who knew the word of God very well and could prove that by quoting directly from the Bible and paraphrasing biblical verses.

Clearly, this group of inmate cleverly used language to construct a positive identity of themselves, an identity which, as examples from the literature show, will have been argued to be "negative" by the prosecution's lawyers, and accepted by the judges, through finding them guilty and sentencing them to a jail sentence.

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