

**A GENRE ANALYSIS OF LINGUISTIC, RHETORIC AND MOVE FEATURES IN
THE KENYAN JUDICIAL SERVICE COMMISSION JOB INTERVIEWS**

BY

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DECLARATION

Declaration by the Candidate

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ABSTRACT

The government of Kenya has made tremendous efforts to initiate reforms in different sectors, including the judiciary, with the aim of meeting the requirements of the new constitution promulgated in 2010. One of the components of the reforms that has received a lot of emphasis is the vetting of public office holders, that is mostly done through public interviews. The present research carried out a genre analysis of common linguistic, rhetoric and move features in the Kenyan Judicial Service Commission (JSC) interviews, conducted in 2011. Genre analysis is a subdiscipline of Applied Linguistics, which plays a major role of solving language related problems or real life problems in general. Several researches that have been carried out using Genre Analysis theory have tended to analyse different types of written and spoken texts including speeches, application letters, weblog job interviews and many others. No information is found on genre analysis of linguistic, rhetoric and move features of job interviews done publicly and is open to all stakeholders from a judicial context in Kenya. The present study therefore established a gap on genre analysis of public job interviews, especially the analysis of linguistic, rhetoric and move features. The Kenyan judiciary is one sector that has been experiencing many challenges including corruption, unfairness, injustices, incompetence and many other problems. By making the vetting process public, the government of Kenya has been making an attempt to build public confidence in the judiciary hence solve the problems that have rocked the institution of justice for decades. It is expected that the linguistic, rhetoric and move features used in the interviews by the JSC would express, promote or enhance positive values such as integrity, fairness, competence, justice, transparency and accountability among others. However, there are instances when some terms or expressions used by the participants in interview sessions tend to contravene, contradict or violate some of these positive values. The present study therefore set to investigate whether the linguistic, rhetoric and move features used in the JSC job interviews in 2011 expressed, enhanced or promoted positive values as enshrined in the 2010 constitution or some of these features contradicted, contravened or violated the same values. The objectives of the study were: to describe the linguistic, rhetoric and move features used in JSC 2011 job interviews to achieve communicative purposes; to analyze how the linguistic, rhetoric and move features used in JSC job interviews expressed, enhanced or promoted positive values and; to establish whether the linguistic, rhetoric and move features used in JSC job interviews contradicted, contravened or violated the constitutional values. The study adopted the Genre Analysis theory as proposed by Swales' (1990) and as developed by Bhatia (1993). The theory highlights the move structure of any written or spoken text, the linguistic and rhetoric aspects, the communicative purposes, the discourse community, the communicative events among other concepts. Some of the tenets of the theory include: establishing a territory, that is, the context or situation, establishing a niche, that is, creating a research space by surveying the existing literature to establish a gap, occupying the niche, that is, selecting the corpus and investigating the lexicogrammatical features and text patterning. The population of the study was 10 interview texts for Chief Justice position obtained from the JSC website, of which three texts were purposively sampled for analysis. The area of study was Applied Linguistics under Discourse Analysis and the method of data collection included retrieval from website (that is the JSC website). The instrument of data collection was an extraction guide/check list. A coding sheet was used to label the features and data was analyzed qualitatively using conceptual content analysis. The research is an important linguistic endeavour that would create an awareness among members of the public, linguistic scholars and those concerned with the vetting process. The findings in the present research revealed that some of the linguistic, rhetoric and move features used in job interviews carried out by the JSC attempted to express or enhance positive values. However, some features tended to violate, contravene and contradict the same values. The recommendations made emphasised the need to analyse other linguistic components in order to discover whether language is an appropriate tool that could be used to improve the Kenyan judiciary.

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LIST OF ACRONYMS AND ABBREVIATIONS

JSC Judicial Service Commission

CJ Chief Justice

DCJ Deputy Chief Justice

CARS Creating A Research Space

CV Curriculum Vitae

ESP English for Specific purposes

EAP English for Academic purposes

OPERATIONAL DEFINITION OF TERMS

Genre- It is a kind, class or a style or category of art of writing or speaking used by members of a given community who share some set of communicative purposes which are recognized by members of the community and thereby constitute the rationale for the genre.

Genre analysis- It is an approach to discourse and text analysis in ESP that involves looking at several samples of a particular genre to analyze their similarities and differences of the purpose, macro-structure and language choice, certain aspects of spoken or written texts. In this research, genre analysis is defined as the study of linguistic features in institutionalized academic or professional settings that shows genuine interest in the use of language to achieve communicative goals.

Coding sheets: It is an analytical process in which data in both quantitative and qualitative forms such as interview transcripts are categorized to facilitate analysis.

Linguistic features: These are broad phrases that encompass those terms as used in translating, register, a variety of language used for a particular purpose or in a particular social setting. In the present research, the linguistic features are condensed formulas communicating universal wisdom whose occurrence in the discourse confers argumentative authority.

Rhetorical features: These are devices that use words in a certain way to convey meaning or to persuade. In the study context, rhetoric features are the structures such as metaphors, irony, comparison, hyperbole, euphemism and many others that are used in discourse studies

to make the written or spoken texts attractive and persuasive. They are techniques used to evoke emotions on the part of readers or audience.

Communicative purposes: These are the primary goals and intentions of those involved in acts of communication on a given occasion. These purposes are viewed as the fundamental properties of genres that are used in communities to accomplish socially recognized purposes.

Communicative events: It is the communicative episode that involves significant communication activity such as planning meetings, social interactions, conferences, public speech and many others.

Democracy: It refers to the rule by the people, for the people and of the people or a system of government where citizens exercise power by voting in direct democracy.

Democratic values: The principles, rules or laws that are used as yardstick to gauge the moral behaviours of a person.

Human rights: These are fundamental rights that are contained in the bill of rights and they protect every person against discrimination or any form of harassment.

CHAPTER ONE

INTRODUCTION

1.1 Introduction

The present research analyzed the linguistic, rhetoric and move features used in the job interviews conducted by the Judicial Service Commission (JSC) of Kenya in 2011. This chapter gives the background of the study and explains the notions of genre, interviews, the linguistic, rhetoric, move items and the vetting process. The background generally highlights the importance of language as a tool used in transmitting, expressing or contradicting the expected values in any society. It also includes the statement of the problem, the research questions, the objectives of the study, the significance of the study, the scope and limitations of the study, theoretical framework and the conclusion.

1.2 Background to the study

The present study investigated how the linguistic rhetoric and move features of job interviews conducted by the Judicial Service Commission of Kenya expressed, enhance and promoted constitutional values of integrity, competence, fairness, transparency and accountability among other values or whether these features contradicted, contravened or violated the same values. Since the promulgation of the new constitution in 2010, the government of Kenya has made tremendous efforts to initiate reforms in different sectors that have been faced with challenges, especially the judiciary among other institutions. Some of these challenges include: corruption, incompetence, lack of transparency and accountability, violation of human rights, and many other challenges ((Info Track, 2012:2). One of the components of the reforms that has received a lot of emphasis is the vetting of public office holders that is

mostly done through public interviews. Interviews are genres in the sense that they have distinct structure, style or format that make them differ from letters, memos or speeches among other written or spoken texts. Candler, (1994) defines genre as a French (and originally Latin) word which means kind or class. For a long time, genre has been a common term in literature. For instance, during the classical times, literary works were classified into poetry, prose (novel, short story or narrative) and plays among others.

Genre Analysis is a sub-discipline under Applied Linguistics, an interdisciplinary field under Discourse Analysis, which identifies, investigates and offers solution to language related problems in real life situations. A linguistic study can either solve a linguistic problem or it can solve real life problems or language related problems. The problems in the Kenyan judiciary can partially be addressed through language use given the fact that interviews are conducted publicly to gauge members of the public and make them build confidence in the judiciary after viewing the way the candidates are asked questions and how they respond to those questions. The present study set to address language related problems that featured in the interviews conducted by the JSC in 2011 to recruit the Chief Justice. According to the Constitution of Kenyan (2010, Article 31.P.25) each person has a right to privacy, that is, to keep the details of his/her private life from becoming public information. For example, publicizing facts about a person's health, sexual conduct, or financial trouble is likely to be perceived as an invasion of privacy. This can be done through publicizing a matter regarding the private life of a person. If the publicized matter would be highly offensive to a reasonable person and if it is not of legitimate concern to the public, then the law allows a person who suffers invasion to seek out the help of a qualified lawyer or fill legal claim which protects

one's rights and can compensate one for the emotional and mental distress the invasion caused as well as for any financial or reputational harm the person suffered as a result.

During the vetting by JSC, some interviewers could have used linguistic features that may have invaded the candidates' privacy and if this happened, it could be a clear case of a linguistic problem that this study set to solve. The features are categorized into three main areas, that is, linguistic features, the rhetoric strategies and the move features. Linguistic features cover a broad phrase including translating, register, a variety of language used for a particular purpose or in a particular social setting (Bazerman, 1998).

Linguistic features also cover rhetoric and even move features but in the current study, they are categorized into simple, common usage linguistic features, rhetoric and move features. The simple features include: modal auxiliary verbs (such as *could, can, will, would, may, might, shall, should, ought to, have, have to, has* among others), pronouns (such as *he, she, we, I, you, us, them, they, our* and others), conjunctions (such as *and, but, yet, because, consequently* and others), phrases (such as *nouns, verbs, adverbs, adjectives* and *prepositional* phrases), clauses (such as *noun, adverb and adjectival* clauses), rhetoric. Rhetoric features on the other hand refers to the eloquence of arts of speaking and it involves using words in a certain way to evoke the emotion on the part of the reader or the audience. They also connote devices or techniques such as use of cohesion, imagery, intertextuality and interdiscursivity among others.

Finally, the move features refer to a text segment that consist of a package of various linguistic features such as lexicon, syntax, illocutionary propositions which are responsible for providing the given segment a unified orientation and signal the context of the discourse. A move show the steps or stages of interview genre including the introduction, the main

body and the concluding parts which are identifiable in most job interviews. The features overlap considerably and in this study, they are treated separately to help draw the line between them.

The problem that prompted this study is that the linguistic, rhetoric and move features used in the JSC interviews were meant to express promote or enhance positive values of integrity, competence, ability or capability, transparency and accountability among others. However, some of the features could have had the tendency of violating the same values. For instance, in sentences such as: *'We are looking for someone who can reform the judiciary'. We are looking for a Chief Justice, who can lead by example, has great depth of legal integrity and who has ability to write judgments which can inspire'* (Appendix 5, line 1). The phrases *'can reform the judiciary, lead by example, has great depth of legal integrity, has ability to write judgments among others* express positive values of reformation, integrity, competence or ability among others. On the other hand, a sentence such as *'The public thought is that you are eccentric, temperamental, uncooperative, dictatorial, egoistic and unreasonable'* (Appendix 6, line 7), express strong negative values of eccentricity, dictatorship, egoism among others. The same interviews are used by the participants to show their attitude towards those who would work in the judiciary in the position of Chief Justice..

Rhetoric features include use of cohesion (such as *connectors, repetition, synonyms, references, collocation and many others*), use of figurative language or imagery(*like metaphor, simile, personification, oxymoron, paradox and many other devices*), intertextuality (such as *allusion, quotation, calques, plagiarism, translation, pastiche and parody*),(Kristeva,1966) and interdiscursivity including: *academic, legal, historical, political or religious discourses* among others. Finally, the move features include segments or units of

any written or spoken text. For instance, a job interview is normally divided into the confirmation stage, warm up stage, the information exchange stage and the wrap up stage (Canavor & Meirowitz, 2010). It can also be divided into introduction, main body and conclusion (Adelsward, 1988).

Genre Analysis as a sub discipline of Applied Linguistic in the field of Discourse Studies has become extremely popular in the last few years, especially in the analysis of linguistic items. The interest in Genre theory and its application is no longer restricted to specific set of researchers in any one field or in any particular section of the globe, the way it has been in the past, when genre as a term was associated with the literary works (Candlin, 1993).

Genre Analysis theory now covers under one terminological umbrella different professionals, be they literary scholars, rhetoricians, sociologists, cognitive scientists, machine translators, computational linguists, discourse analysts, English for Specific Purpose specialists and language teachers (Candlin, 1993). On the same note, advertisers, interviewers, journalists and other specialists have been applying genre knowledge in their areas of specializations. The importance of genre knowledge in helping language learners to understand and master academic, professional or educational discourse has widely been acknowledged for over two decades (Swales, 1990). Genre is a class of communicative events in which language plays a primary role. Genre Analysis explores discourse features in the broad context of the communicative event and attempts to provide the rationale of the discourse features in terms of author's intentions and institutional conventions (Swales, 1990).

There are three approaches that have been identified in contemporary genre studies which are generally seen as complementary rather than competing approaches: English for Specific Purposes (ESP) genre analysis, New Rhetoric studies, and a distinctive Australian approach

that draws extensively from Systemic Functional Linguistics (SFL). Among these approaches to genre studies, ESP and Australian genre scholars have shown more tendency than the New Rhetoric Studies to teaching different genres explicitly and have thus been more interested in construction of models and materials for teaching genres (Hyon, 1996).

Specifically, genre studies carried out within ESP tradition have proven to be of great assistance to those interested in writing and developing academic discourse in today's rapidly growing multidisciplinary fields. Within ESP, English for Academic Purposes (EAP) has shown a great capacity of research for scholars who have a desire to demystify the seemingly complicated task of dealing with academic texts. The applied nature of ESP has been a defining feature of the field from its inception (Swales, 1990). ESP approach to genre study is associated with Swales (1990) whose great works on genre analysis have proved to be very useful in the field of genre studies. This approach to genre analysis is characterized by identifying a set of moves and steps, embedded in spoken or written discourse, which realizes the communicative purpose(s) of a member of a discourse community. Scholars have tried to describe texts of different Genre Analysis disciplines through analyzing the moves or types of information presented in each text. Swales (1990) defined a move in genre analysis as 'a rhetorical unit that performs a coherent communicative function in a written or spoken discourse' (p. 29). According to Skelton, (1994), moves are consistent conventional patterns not learned by the users but are parts of their unconscious knowledge which can be recognized by means of move structure analysis.

Swales (1990) proposed his 'Create A Research Space' (CARS) model, in an attempt to discover the rhetorical structure of research article introductions. Swales' (1990) work has provided a benchmark for many ESP oriented genre studies. In fact, following Swales'

seminal (1990) work on article introductions, different types of genres in academic written English textbooks, different sections of research articles and papers (especially their introductions), abstracts, theses and dissertations and their titles have been analyzed in various EAP fields of study. From this perspective, other authors have analyzed different types of written or spoken texts including job interviews. For instance, Sakran (2015) has carried out a genre based analysis of job interview presentations and he has used Swales' (1990) theory to present a schematic structure based on actual job interview presentations. He noticed that the structure of presentations include different moves such as introducing the candidate and giving him/her the floor, the candidate capitalizes on pertinent experiences to the vacancy (knowledge transfer, filling the gap knowledge application, questions and answer) and finally the candidate is asked to give a comment or ask a question after which he is told to collect all his documents and leave the room. He is also asked to wait for further communication from the panelists or any other authorized person. In general, following these steps can hopefully help an analyst to present an organized structure of how interviews can be ordered.

There has also been genre analysis of weblog (Herring, Scheldt, Bonus & Hawai, 2004), rhetorical promotion in academic texts (Pedro, Isabel, Leon & Perez ESP 34, 1-13; 2014), which examines how writers present their research studies in moves (Swales, 2004), with special focus on those steps that add promotional value to ones' research. All these researches show that there have been numerous attempts to investigate research articles introductions, letters, promotional writings, weblogs, speeches, theses, abstracts and many others. For instance, according to Sandal, Vijer, Caleor and Frank (2011: p.161), the employment interview is a much researched topic in the field of Applied Psychology and a common tool

for evaluating job applicants in many countries yet no information is found on Genre analysis of an open job interview, that is interview done publicly and is open to all stakeholders from the institution the candidate is applying for work. However, no information is found on genre analysis of linguistic rhetoric and move features in interviews conducted by the JSC in Kenya. The present study therefore established a gap that could be filled by Genre Analysis of linguistic, rhetoric and move features in job interviews by JSC in a Kenyan context.

Bhatia (1993), who builds on Swale's theory, looks at genre in terms of consistency of communicative purposes. He talks about the socio-cognitive perspective which shows how expert members of a discourse community exploit generic conventions and rhetoric resources across genres to achieve the desired communicative purposes. He is concerned with corpus studies, textual analysis, critical and ethnographic studies among others. There has also been extensive research on the analysis of different types of interviews by various scholars using Bhatia's (1993; 2002) views. For instance, Klanicova' (2013) has analyzed TV interviews based on gender differences in language use, in a specific environment. The interviews involve four characters presented in two shows. The first is between Ellen DeGeneres and Barack Obama and the second is between David Letterman with Hillary Clinton as a guest. Klanicova' (2013) explores the differences that normally exist in language especially when a male interviewer interviews a female or a female interviewer interviews a male. It comes out that women are better speakers and more polite than men.

In Canavor and Meirowitz's (2010) views, a job interview can be analyzed in terms of moves (both optional and obligatory moves) such as the confirmation stage, the warm up stage, the information exchange stage and the wrap up stage. The confirmation stage is considered optional as it can involve an interviewee checking whether it is alright for him to step into the

interview room, telling the interviewers his name and the purpose of his visit. The information exchange stage on the other hand is considered obligatory as it can reveal the interviewee's personal particulars, previous job, professional knowledge, his expectations and obligations at the target position. This finding is relevant for the present study that analyses the move structures of job interviews. There is no clear information on genre analysis of linguistic, rhetoric and move features of job interviews in a judicial context in Kenya, and there is a total gap in this respect. The present study therefore set to describe and analyze the linguistic, rhetoric and move features in JSC interviews.

Considering genre analysis of different interviews, the works carried out on genre analysis of public job interviews are pertinent to the present study. For instance, Scheuer (2001) discusses and analyses data from a Danish empirical study of authentic job interviews. The author explores the relationship between success in job interviews and communicative style and demonstrates that certain communicative styles are products of general processes of socialization rather than products of formal education hence some candidates who are brought up in certain contexts may have an upper hand compared to others from different contexts and this is a violation of common values through the use of language (Scheuer, 2001). As much as genre analysis has been done on different types of public interviews, the linguistic, rhetoric and move features of job interviews in a judicial context in Kenya have not been investigated yet and there is a total gap of research in this regard. The present research therefore used Genre Analysis Theory to analyze the linguistic, rhetoric and move features of job interviews by the Judicial Service Commission of Kenya.

The current situation in Kenya, especially in the judiciary, in which the vetting process is considered one of the best methods for recruiting public officials should therefore lead to a

better situation in which linguistic, rhetoric and move features used in an interview are free from any negative aspect that can undermine the set objectives of making some of the public institutions free from such challenges like corruption, incompetence, incredibility, lack of integrity among other challenges. The language used in the interviews was analysed to show how the linguistic features like modality, cohesion, vocabulary among other features were reused and how the rhetoric elements (including use of figurative language like metaphors, similes, symbolism, personification or use of words that appeal to emotions, the use of intertextuality, interdiscursivity among others) were employed to achieve communicative purposes. The move structures were also analysed to show the general and specific steps used in interview genres and to connect all these to the values that are meant to be incorporated to ensure some reforms in the judiciary.

1.3 Statement of the problem

The need for positive vetting of public office holders is presently a constitutional requirement in Kenya. In line with this, an act of parliament created mechanisms for the vetting of judges to determine their suitability to work in the judiciary. The Judicial Service Commission used public job interviews during the vetting process, in 2011, for purposes of openness, transparency and accountability. This method of recruiting or maintaining public office holders is slightly different from what has been a common practice in Kenya that interviews are conducted inside closed doors and no media is allowed to cover the proceedings. The vetting process is meant to create a strong and independent judiciary that would be able to decide disputes between people, honestly and fairly as well as to restore public confidence in the judicial system of Kenya that had been marred with corruption and other evils for decades. The linguistic, rhetoric and move features used by the JSC during the interviews

were therefore meant to promote positive values of integrity, fairness, transparency and accountability among others. However, despite their knowledge of the new constitution, wealth of experience and expertise, the JSC officials tended to use some linguistic, rhetoric and move features that could have played the double role of promoting positive values but at the same time, contravening, contradicting or violating some of the core values as enshrined in the Kenyan constitution and this may have had some potential to deprive the Kenyan citizens of their civil rights and invade their privacy. The situation is worsened by the fact that the interviews are captured live on television and other media channels. The present study therefore set to describe the linguistic, rhetoric and move features used in the Kenyan JSC interviews and to analyse how these features express or enhance positive values that are enshrined in the new constitution or how some of these features contradict, contravene or violate the same values.

1.4 Research questions

- i. What are the linguistic, rhetoric and move features used in the JSC's job interviews to achieve communicative purpose?
- ii. How are the linguistic, rhetoric and move features used in the JSC's job interviews to express, enhance or promote the positive values enshrined in the Kenyan constitution?
- iii. How do the linguistic, rhetoric and move features used in JSC job interviews contradict, contravene, or violate the constitutional values?

1.5 Objectives of the study

- i. To describe the linguistic rhetoric and move features used in JSC job interviews to achieve communicative purposes.

- ii. To analyze how the linguistic, rhetoric and move features used in JSC job interviews express, enhance or promote constitutional values.
- iii. To establish whether the linguistic, rhetoric and move features used in JSC job interviews contradict, contravene or violate the constitutional values.

1.6 Significance of the study

The focus of the present study is on the analysis of linguistic, rhetoric and move features of job interviews conducted by the JSC of Kenya when retaining or recruiting judicial officers using the vetting process. The study follows the theoretical approach by Swales, (1990). According to Swales (1990), Move 2 can involve studying and analysing the linguistic features (including use of lexis, syntax and discourses), rhetoric strategies (including use of metaphors, similes and symbolism) and the use of specific–generic patterns in interviews (including use of active/passive voice, paraphrasing, question answer, modality hedging, use of personal pronouns and many others). The present study used Genre Analysis theory by Swales (1990) to analyse the linguistic, rhetoric and move features in job interviews with the view of making available detailed information and descriptions of the linguistic, rhetoric and move structures in job interviews, how they unfold and their content.

The study is significant because it equips scholars with useful rhetoric structures and linguistic conventions for understanding and analysing job interviews thus helping them to meet the needs of other scholars who are looking for reliable, concise knowledge that can be used in their scholarly work, especially in the analysis of job interviews. The same scholars are able to identify challenges of different sectors that are related to language use and create

more educational opportunities for those who may have problems of language use across the many different disciplines (Bazerman, 1994; Paltridge, 2004).

According to Dudley & Evans (1993), genre analysis is significant because it emphasises the crucial importance of rhetorical text structure. It helps in establishing a common rhetorical text patterns in academic writing. Dudley & Evans (1993) claim that the principal aim of genre studies is pedagogical as it provides a flexible prescription based on analysis that makes suggestions about the lay out, ordering and language appropriate to a particular writing of speaking task. Many theorists and practitioners who have analysed different texts using Genre Analysis have expressed the usefulness of their analyses for the teaching of multiple genres (Swales, 1990, Bhatia, 1993, Martin, 1992, Bloor, 1995 & De Oliveira, 2010).

The credibility of Swale's model and its practicality to pedagogy are the main reasons why this study was conducted within this framework. The outcome of this study is expected to benefit the novice, including the inexperienced, beginners, learners, recruits, new members, scholars or high ranking job candidates, through giving them detailed guidelines about how to prepare for job interviews. It highlights what can be covered, questions to expect and how to respond to such questions.

According to Nwogu (1997) and Fryer, 2012, genre analysis of linguistic, rhetoric and move features has been scarcely explored. They analysed medical research articles and found out that there are similarities in four moves and taxonomical differences in classifying moves and steps. Nwogu (1991) however may not reflect the clear patterns of this genre because the number of articles was small and data sources were from different science magazines. Moreover, there was no account on the text length or distinct criteria for move categorization. These factors could have obscured findings. The current study on the other hand examines

the linguistic, rhetoric and move features following Swale's model to gain insights into moves of interview texts, their patterns, and the linguistic features in the hope that the findings empower learners by preparing them linguistically before being exposed to the real world of international experts. This makes Genre analysis of interviews a worthy subject for investigation.

Considering the fact that public vetting process has become a preferred way of recruiting, proposing and electing public officers, the present research is significant because it acts as an eye opener to the would be participants in an interview process, who should see language use as an important element that can be used to get suitable candidates who also need to be experts in applying the linguistic rules during the interviews. In the case of the present study, the interviews analysed show how people can use language to violate, contravene or undermine other people's rights. The findings of this study adds value to the existing body of knowledge concerning the use of Genre Analysis theory in analyzing linguistic, rhetoric and move structures in job interviews.

1.7 Scope and limitations of the study

The study analysed only three interviews out of the ten interview texts that were used by the JSC for the short listing of candidates in Kenya in 2011. The interview texts were chosen on the basis of their structures and contents, including the linguistic features, rhetoric and move structures that were appropriate for the study. The inclusion criteria involved looking for and identifying interview texts that also contained certain styles like flashback, foreshadow, allusion or allegory, intertextuality and interdiscursivity among other features. The researcher also selected the interview texts based on the balancing between males and female, those who succeeded and those who did not get a chance to serve in the Kenyan judiciary as

chief justice. The exclusion criteria involved identifying interview texts that had fewer linguistic features, especially those that did not clearly express the constitutional values. There were also interview texts that had incomplete sentences, phrases and words hence analysing them would not capture fully what the study set to achieve. In the analysis process, the researcher extracted different words, phrases and sentences for purposes of analysis but only included part of the pre-interview stage including the introductions and the post interview stage that covered the comments and judgements by the interviewers. This was a limitation to the study because the pre-interview phase did not have the complete data meant for the analysis, meaning that some parts were not recorded during the interviews.

The research is a relatively small scale study and what is presented is only suggestive of what should be seen as a representative of all interviews done through public vetting to recruit judicial officials in Kenya. It therefore means that the analysis only yielded generalized results. The job interviews conducted by JSC of Kenya in 2011 and not any other forms of interview were analysed. The interviewee, interviewers and the public were not interviewed during the collection of data.

1.8 Theoretical framework

The present research used Genre Analysis Theory as proposed by Swales (1990) and as developed by Bhatia (1993). According to Swales (1990), Genre Analysis is a linguistic approach that uses the notion of schematic structure in mapping the macro-structure of discourse. This type of analysis seeks to identify the introduction ‘*move*’ or a text unit that has a communicative function. Swales (1990) examined four articles in the natural and social sciences, and found out that most of them contained a sequence of three rhetorical moves through which a scientist creates a research space for his work. Within a move, there may be

one or more steps which are lower level text units. Swales (1990) argues that there is a regular pattern of ‘*moves*’ and ‘*steps*’ that appear in certain order in the majority of the corpus he analysed. A move is defined as a unit that incorporates both purposes and content that the writer intentionally communicates to the reader. Steps, on the other hand, refer to the lower level of text units that provide detailed perspectives on the options open to the writer in setting out moves in any corpus (Swales, 1993). Genre-based research using move analysis attempts to account for regularities of language use within a discourse community. The theory is relevant as it can be used to survey certain aspects in a spoken or written text. It generally involves the identification of the communicative purposes and the overall schematic structure of target text. It is used to analyze the lexico-grammatical features which involve quantitative or qualitative corpus studies. It focuses on lexical, syntactic and discourse patterns in relation to certain conventions. The structural interpretation of a text genre, the rules that govern the writing of the genre in question, the communicative purpose, the content of the genre, the language use, the tone and many other aspects are the main focus of the Genre Analysis theory.

An interview is an example of a genre that can be analyzed using Genre Analysis Theory. Certain features, be they linguistics, rhetoric or move features are unique to interviews in relation to other genres like letters, curriculum vitae and memorandum. Scholars (including Klanicova, 2013, Sakran, 2015, Scheur, 2001) who have used Swales’ (1990) genre analysis theory or Bhatia’s approach have always defended their choice as interviews can also be divided into moves or steps and they also contain linguistic features that can be analyzed using certain parts of the theory.

Swales (1990) has come up with a model that is widely used by many authors called 'Creating a Research Space (CARS) to explain how move analysis could be used in analysing any form of writing. CARS captures the ways in which academic writers justify and highlight their own contribution to the on-going research profile of the field by first establishing a topic for the research, summarizing the key features of the previous research then establishing the gap or possible extension of that work that will form the basis of the writer's claims. These moves include:

Move 1: Establishing a territory

Step 1: Claiming Centrality

and/or Step 2: Making Topic Generalizations

and/or Step 3: Reviewing items of Previous Research

Move 2: Establishing a Niche

Step 1 A: Counter-claiming

or Step 1 B: Indicating a Gap

or Step 1C: Question Raising

or Step 1D: Continuing a Tradition

Move 3: Occupying the Niche

Step 1A: Outlining Purposes

or Step 1B: Announcing Present Research

Step 1C: Announcing Principal Findings

Genre Moves Structure (Swales, 1990)

Swales' (1990) C.A.R.S Model was designed journal to analyze articles representing a variety of discipline-based writing practices. His model attempts to explain and describe the organizational pattern used in writing the introductory parts of scholarly research studies. The model proposes that writers follow some general pattern in response to certain types of challenges, relating to establishing a presence within a particular domain of research, that is, the competition to create a rhetorical space and the competition to attract readers into that space. The model proposes three actions, which Swales calls moves accompanied by specific steps that reflect the development of an effective introduction for a research paper. These moves and steps can be used as a template for writing the introduction to one's own social sciences research papers. This is generally accomplished in two ways, that is, by demonstrating that a general area of research is important, critical, interesting, problematic, relevant, or otherwise worthy of investigation and by introducing and reviewing key sources of prior research in that area to show where gaps exist or where prior research has been inadequate in addressing the research problem.

Move 1, *Establishing a territory*, involves establishing the field which an author is working in. The author gets the context for the research and provides necessary background on the topic. It includes step 1, *claiming centrality*, which implies claiming importance of and the writing action involves describing the research problem and providing evidence to support why the topic is important to study, that is, asking the audience of the paper to accept that the research to be reported is part of lively, significant as well as established research area. The author does this by introducing the general topic within the field, defining the scope of

the particular topic, summarising related research in an area of concern, introducing research parameters and finally summarising the previous research. Move 1, step 2, *making topic generalizations*, involves providing statements about the current state of knowledge, consensus, practice or description of phenomena. Move 1, step 3, *Reviewing items of previous research*, means the writer synthesizes prior research that further supports the need to study the research problem.

According to Swales, (1990), the moves and steps may include the identification of the communicative purposes, the identification of corpus, reviewing the literature and establishing the gap. Following the CARS model is useful because it can help a researcher to begin a research process, understand the way in which an introduction sets the stage for the rest of the paper and assess how the introduction fits within the larger scope of one's study.

Move 1 with its three steps relates well with what is found in Move 1 of most interviews.

In interviews, Move 1, step 1 focuses on introducing the candidate and giving him or her the floor. The candidate capitalizes on pertinent experience to the vacancy and expresses knowledge transfer. This move can include greetings, asking general questions, clarifying certain terms or issues. The candidate is given an opportunity to explain briefly why he has come to the interview, that is, to state the importance of the interview. The candidate does this by providing evidence from the documents to support why he is appearing before the interviewers. For Move1, the candidate is expected to demonstrate knowledge on the context of the interview, the position applied for and the reason for his interest on the position. Finally, in step 3 of Move 1, the candidate demonstrates knowledge of the problems that have necessitated the process in general and the interview session in particular. The candidate can

briefly explain what is happening in the surrounding; be it political, economic, social occurrence.

For the JSC interviews, the researcher used the first move to identify the communicative purposes of the interviewers whose aim was to get suitable candidates for the position of the chief justice and for the interviewees whose aim was to get the job advertised. Move 1 and the three steps were therefore relevant for purposes of definition of genre, genre analysis and communicative purposes.

Move 2, '*Establishing a niche*', means creating a comfortable or suitable position in life or employment and it may be built by evaluating, rejecting or indicating gaps in previous related work. The purpose of '*establishing a niche*' is to emphasize the current research project presented by the researcher. Move2, step 1 A, *counter claiming*, involves looking at what the previous research suggests (for instance, refuting or challenging earlier research). This action refers to making a clear argument that your particular piece of research is important and possesses value. This can be done by indicating a specific gap in previous research that one believes has weakened or undermined the prevailing argument, by challenging a broadly accepted assumption, by raising a question, a hypothesis, or need, or by extending previous knowledge in some way.

Move 2, Step 1 B, *Indicating a gap*,' involves developing the research problem around a gap or understanding the area of the literature. Move 2, Step 1C, *question-raising*, is similar to gap identification in Swale's framework. This involves presenting key questions about the consequences of gaps in prior research that will be addressed by the study in question. Move 2, Step 1D, *continuing a tradition*, involves extending prior research to expand upon or clarify a research problem. This is often signaled with logical connecting terminology, such

as, 'hence,' 'therefore' 'consequently' 'thus' or language that indicates a need. For example, one could state, 'Consequently, these factors need to be examined in more detail...' or 'evidence suggests an interesting correlation, therefore, it is desirable to survey different respondents...' According to Swales (1990), Move 2 can involve studying and analysing the linguistic features (including use of lexis, syntax and discourses), rhetoric strategies (including use of metaphors, similes and symbolism) and the use of specific-generic patterns in interviews (including use of active/passive voice, paraphrasing, question answer, modality hedging, use of personal pronouns and many others). Lastly, it should explain the findings, draw conclusions, make recommendations, suggest areas for further research and finally compile the report.

The present study found Move 2 relevant as it involved analysing the linguistic and rhetoric features used in job interviews by the Judicial Service Commission. Move 2 also relates to Phase 2 of interviews which focuses on relating a candidate's experience to requirements of the vacancy and elaborating on future vision for the institution. The candidate is expected to demonstrate to the panelists his/her full knowledge of the institutions strength and particular areas that need improvements. The candidate also demonstrates the various steps to be undertaken to ensure the proposed improvements are achieved and how this can benefit the institution that has planned to recruit employees for certain posts. The second move of interviews is similar to Swales (1990: 140) move of establishing a niche.

Move 3, '*Occupying a niche*', involves introducing the study by indicating what the investigation being reported will accomplish for the field. This move also involves stating the aim of the research or describing briefly the work carried out. It justifies the research being

carried out. This is also where one describes the remaining organizational structure of the paper.

The steps taken to achieve this includes step 1A, *Outlining purposes*, involves answering a question and explaining in clear language the objectives of the study. Move 3, Step 1B, *Announcing present research*, involves describing the purpose of the study in terms of what the research is going to do or accomplish. Move 3, Step 2 *Announcing principal findings*, involves presenting a brief, general summary of key findings written, such as the suggestions given or the solutions provided for the problem. Finally, Move 3, step 3, *indicating article structure*, involves stating how the remainder of the paper is organized. Move 3 of CARS model also relates to job interviews as in it, the candidate for the vacant position advertised delineates exactly what he or she wants to accomplish for the institution and how he is to do it. Such detailed delineations help create a better impression on the interview panelists and assures them that the candidate is worthy of their attention and discussions.

Swales (1990) move analysis helps in the interpretation of corpus identified in the interviews collected. The normal structure of a public job interview may include the introduction by the chair, setting the interviewee at ease, asking the interviewee introductory questions, getting responses from the interviewee, asking more detailed questions (including those touching on experience, educational background, attitudes and personal feelings) then the responses by the interviewee in relation to the questions asked, inviting the interviewee to ask the interviewing panel any question or give any comment, and finally the concluding remarks by the chair. These are steps that cut across most job interviews hence they are described as moves or move patterns.

In interviews, each stage is meant to be accompanied by the aspects of linguistic features, rhetoric strategies, content-based structures and the possible cultural aspects that might be hidden or implicit. For instance, Swales (1990) Move1, namely, Establishing *a territory* may share similar functions with Phase 1 of the JSC interviews in which introduction is done by the chair. Move 2 of CARS, may also correspond to Phase 2 of the JSC job interviews which also includes asking detailed questions and getting responses from the candidates. Phase 3 or Move 3 of JSC interviews may also relate to Move 3 of the CAR Model with its steps acting as the lower levels including finalising the interviews of an individual by thanking the interviewee, making judgements and other formalities.

The present study used the Genre Analysis Theory, including the move structures as designed by Swales (1990) and as developed by Bhatia (1993) to make a definition of genre in general, and to analyse the linguistic, rhetoric and move features in job interviews conducted by the Judicial Service Commission of Kenya. Swales' CARS model was considered a relevant theory for the present study and the move structures designed by Swales (1990) were the guiding factors in analysing job interviews. Swale's CARS model helped in the analysis of JSC job interviews, especially when it came to the analysis of the moves and steps involved in an interview process. The research used this theory in the definition of interview genre and the analysis of the different moves. Swales' (1990) theory however could not account for all the data collected as it was designed to analyse introductions of research articles. There was need to have an approach that could cater for a genre which is written in dialogue form, like an interview. Bhatia's approach was therefore important as it covered what Swale theory could not cover.

Bhatia (1993) also built on Swales (1990) theory and developed it further. He proposed seven steps or stages involved in carrying out a genre analysis. They include, firstly, placing the genre-text in a situational context; secondly, surveying the existing literature; thirdly refining the situational and contextual analysis to obtain the whole image; fourthly, selecting corpus; fifthly, studying the institutional context and levels of linguistic analysis such as investigating the lexico-grammatical features and text-patterning. The sixth one involves the structural interpretation and finally, the seventh one involves checking specialist information with experts in genre analysis to avoid some mistakes. Bhatia (1993) however suggests that it does not mean that all the stages should be used in a study. The stages should be flexible and purpose-oriented. More precisely, they should depend upon the expectation of the analyst, the type of the genre and the background knowledge one has already acquired to decide which method should be employed. Some of the steps relevant for this project were examined with the purpose of analyzing the interviews by Judicial Service Commission of Kenya.

The first step, *placing the text in a situational context*, involves identifying the particular context that the research covers. The context can be the physical location and it may focus on the political, economic or social situation. The researcher must apply his or her experience and knowledge of the world in order that facts can be presented in the findings. Prior experience and background knowledge stem from communicative conventions that the analyst comes across within similar texts or from community which he or she belongs to. The analyst therefore has an idea of which communicative means can and cannot be used in a given area. The present research applied the first step of genre analysis as described in the move structures by Bhatia (1993). For instance, phase 1 of job interviews usually contain the invitation to the interview, the welcoming speech and the introduction of the panelists, the

setting of the interviewee free and other formalities. These are conventions that are common in the initial stages of job interviews and therefore the study considered them whenever they appeared in the interviews or, at times, the researcher assumed they must have been used even when they were not included in the interviews by the JSC. The researcher found step 1 important as it was also used, at the very initial stages of the interviews to identify and analyze the linguistic features, rhetoric patterns and move structures of job interviews in relation to the JSC interviews. The second step, *surveying the existing literature*, involves reviewing the literature that has been written on a particular topic. The third step (refining the situational/contextual analysis to obtain the whole image) serves the purpose of elaborating on the situation in which the text was placed in the first step. In the analysis of this step, the following points are taken into consideration:

- i) defining the speakers or the participants in the interviewing process, their relationship, and their goals;
- ii) defining the purpose of the text;
- iii) defining the historical, socio-cultural, philosophic, and occupational situation of the community where the text takes place;
- iv) identifying the reality which the text represents, wants to change, or uses;
- v) identifying the texts forming the background of the genre being analyzed.

The present study used the third step in describing the communicative purposes that determined the kind of data used. This also involved examining the move structure of the texts within a given genre. Writers of particular genres structure their overall message in specific ways which show their preferred ways of communicating in certain contexts. Furthermore, each move in a text serves a typical communicative purpose which is always

subordinate to the overall communicative purpose of the genre (Bhatia, 1993). This means that each move supports and clarifies the communicative purpose of the genre. However, most texts within a given genre contain both compulsory and optional moves. Certain moves must be present for a text to be defined as belonging to a certain genre whereas other moves just serve the purpose of complementing or elaborating the genre, that is, their presence or absence does not lead to genre change. This step was used to explain the communicative purposes of the interviews by the Judicial Service Commission of Kenya.

The fourth step, *selecting corpus*, in genre analysis, according to Bhatia (1993), was applied in the process of analysis. The interview texts selected were relevant as they contained different linguistic, rhetoric and move features that were appropriate for the study. The next step in Bhatia's (1993) theory (studying the institutional context) involves investigating the lexico-grammatical features and text-patterning. Bhatia (1993) suggests that a genre analyst should perform the linguistic analysis of a genre text on one or more of the linguistic realization levels of analysis, including the lexico-grammatical features, analysis of text-patterning or textualisation, and structural interpretation of the text-genre. By making such an analysis, the genre analyst takes into consideration the specific linguistic features dominating given texts. This is usually done by making an analysis of a representative sample of the texts in question within a genre. Steps five and six were therefore merged and employed in the process of the analysis of linguistic, rhetoric and move features. However in the present research, the researcher focused on identifying qualitatively some of the linguistic features that are considered to be typical of interview genres such as use of modals, pronouns, connectors or conjunctions, phrases, clauses and sentences and other linguistic and rhetoric elements. By making such an analysis, the genre analyst takes into consideration the specific

linguistic features dominating a given text. This is usually done by making an analysis of a representative sample of the texts in question within a genre.

Both Swales' (1990) and Bhatia's (1993) approaches were used to account for the data used in the study. This is because Swales' approach alone could not account for the data given the fact that Swales' (1990) theory has been applied in the analysis of introduction of research articles and therefore could practically only be used in the definition of the terms and the analysis of data in the initial stages of introduction section. In conclusion, the theoretical framework described above shows that, either of the approaches by Swales or Bhatia could not account for the data selected. Swales' (1990) CARS model could only account for data meant to illustrate the communicative purposes of job interviews, the definition and the analysis of linguistics, rhetoric and move structures. However, Swales theory of genre analysis could not account for some data collected to describe the use of dialogue format in job interviews. The study therefore employed some of the ideas expressed by Bhatia (1993), especially when it came to the analysis of the interviews in terms of stages or steps. Bhatia's views were generally used to clarify the communicative purposes of the interviews and to analyze the lexico-grammatical features, including the linguistic features and rhetoric strategies employed during the interviews by the JSC of Kenya. The two approaches however merge at the point of the analysis of linguistic features and the move structures. They also complement one another especially where some data cannot be accounted for by either Swales' or Bhatia's approach. For instance, Swales' approach applies to an analysis of introduction to research articles, while Bhatia's approach is general and can be used to analyze any other type of genre.

1.9 Conclusion

This chapter has clearly brought out the background of the study from which certain concepts have been explained, including the meaning of genre, genre analysis, interviews, the communicative purpose and the various linguistic, rhetoric and move structures that are used in interviews. The chapter has also presented the statement of the problem, the research questions and the objectives of the study, the significance of the study and the scope and limitations of the study. The theoretical framework has been described and Swales (1990) theory of genre analysis has been explained in details. Bhatia's (1993) expansion on genre analysis as a development from Swale's views has also been explained and the relevant steps that were used in the study have been exemplified to achieve the communicative purposes.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter presents a review of literature regarding genre analysis of written and spoken texts by different researchers. The review was guided by the research objectives as stated in chapter one. The first objective this study set to achieve was to describe the linguistic, rhetoric and move features in JSC, 2011 interviews. Secondly, the study set to analyse how the linguistic, rhetoric and move features used in the JSC interviews expressed, enhanced or promoted positive values enshrined in the Kenyan constitution and lastly, it set to establish whether the linguistic, rhetoric and move features used in JSC interviews contradicted, contravened or violated the constitutional values. It also explains how the different linguistic, rhetoric and move features in job interviews are used to achieve communicative purposes.

2.2 The description of linguistic, rhetoric and move features in interviews

In addressing objective one, the researcher reviewed work by different authors on genre analysis of linguistic features. According to Swales' (1990), Genre analysis is an approach used within ESP that studies the relationship between a particular type of text and its context by dividing the text into small semantic units called moves. Each move has different communicative purposes that are shared among members of a particular discourse community and this is reflected by the language use to serve a specific function. A particular written or spoken text, like job interviews may have different linguistic items such as modals, pronouns, conjunctions, vocabulary, phrases, clauses and sentences that serve different functions in each move. The combination of different moves reveals structural patterns of the

rhetoric discourses and their sequence based on the author's communicative goals. In analyzing any text using genre analysis approach, one needs to identify the linguistic items and the rhetoric strategies used to build the different moves identifiable in any written or spoken text. This literature was relevant for the present study as it highlights the needs to capture the linguistic features, rhetoric patterns and moves of any text. The current study however analyzed the linguistic, rhetoric and move features of three interview texts conducted by the JSC in 2011. The study did not capture the rhetoric patterns, but it identified and described the features with the aim of achieving the communicative purposes.

According to Bazerman (1988), a genre is associated with a pattern of regularity that includes not only repeated patterns in multiple texts but also regularity in the production and interpretation of those texts and in the social relations of writers and readers. Linguistic features are condensed formulas communicating universal wisdom whose occurrence in the discourse confers argumentative authority. The linguistic patterns are created when a set of linguistic features such as modals, vocabularies, conjunctions, pronouns and others are repeated regularly in a text (Bazerman, 1998).

According to Bhatia (1993), a genre analyst must perform the linguistic analysis of a genre text on one or more of the linguistic realizations including the different levels of grammatical analysis (that is at word, phrase, clause and sentence levels), analysis of lexico-grammatical features, text patterning and structural interpretation of the text genre. Some linguistic features are considered to be common in interview texts while others are general and can be used in any text of one's choice. For instance, the use of modal auxiliary verbs that include modals of politeness such as *may*, *could* or *would* is common in most written or spoken texts. The move features of interviews also differ considerably from other types of genres such as

letters, speeches, introduction articles, abstracts, theses, weblogs and others. The interview extracts used for this research are described in terms of linguistic features that are considered to be common in job interviews such as the use of modals indicating politeness, ability, possibility, certainty, futurity and other moods. The use of lexical items or vocabulary usage, including the different word classes –(like nouns, pronouns, adverbs, adjectives, verbs, prepositions, conjunctions, pronouns, auxiliary verbs, articles, determiners, particles and many others), phrases (including the use of noun phrases, verb phrases, prepositional phrases, adjectival phrases and adverbial phrases), clauses (including: main clauses, coordinating and subordinating clauses), sentence types (such as simple-declarative, interrogative, imperative, exclamatory- compound and complex sentences) are areas of concern in this research. This literature is relevant for the present study as it helps in the description of the linguistic, rhetoric and move features of interviews in a judicial setting. The reviewed literature however does not explain how the same features can express positive values such as integrity, transparency and accountability and others, or negative values such as corruption, incredibility and others. In addressing objective one, the researcher reviewed work that has been written on the different linguistic features including modals, pronouns, conjunction vocabulary, phrases, clauses and sentences.

2.2.1 Use of modal auxiliary verbs as linguistic features in interviews

According to Palmer (2001), modality is treated as a valid cross language grammatical category, along with tense and aspect and it is concerned with the event that is reported by the utterance. It is also concerned with the status of the proposition that describes the event. Palmer(2001) has come up with propositional and event modality. The propositional modality or epistemic modality has speakers express their judgment about the factual status of the

proposition. Speculative speakers express uncertainty while deductive speakers express inferences from observable data. Assumptive modals express inferences from what is already known. Evidential speakers give evidence for factual status of the proposition. Sensory evidence is also gathered through sense perception like seeing, hearing, touching, tasting and others. Event modality is used to express conditioning factors that are external to the relevant individuals while permissive modality gives permission on the basis of some authority.

A ‘*commissive*’ speaker commits himself to do something and the expression may be a promise or a threat. Dynamic speakers express conditioning factors that are internal to the relevant individual. ‘*Abilitive*’ speakers express the ability to do something while ‘*volitive*’ speakers express the willingness to do something. Out of all these categories, Palmer, (2001) gives examples of modal verbs including *should*, which indicates advice, while *could* indicates request, ability, politeness and others. *Can* also indicate ability, request or probability. *Might* expresses weak probability while *may* express polite request, permission or probability. *Must* expresses personal obligation while *mustn’t* expresses prohibition. *Have to* or *has to* also express external obligation or necessity.

Literature on modality was relevant for the present study as it was used to identify, describe, and analyze the modals as linguistic features in JSC interviews. Modal verbs are among the linguistic features that are used in interviews and they usually appear in sentences which express different moods like those of certainty, obligations, ability, possibility, probability and others. This literature was therefore useful for the present study, especially when it was necessary to give the explanation of how modal verbs are used to enhance or promote positive values in any society, that is, when they express the different moods and therefore promote such values like politeness, ability and competence. The reviewed literature on

modality however, left a knowledge gap that the present research addressed, that is, it did not clearly specify how modal auxiliary verbs can be used in an interview to violate certain values.

Deuber (2012) has also investigated the use of modals of possibility, ability and permission in six 'New Englishes' (Fiji, Indian, Singapore, Trinidadian, Jamaican and Bahamian English), with British English considered for comparison. The data used by Deuber, (2012) are drawn from the text category 'private conversations' in the respective corpora. Based on the framework developed by Deuber (2012), the study has analyzed the quantitative distribution of *can/could* as well as these modals' uses and meanings and also contrasted them with other forms expressing possibility, ability and permission, such as *be able to* and *may/might*. In general, varieties of English spoken as a second language or dialect appear to show greater variability in the usage of *can/could* than native varieties of English. Whereas in Trinidadian and Bahamian English, *could* occurs considerably more often than *can*, Jamaican English most closely resembles British English, and the Asian English which strongly prefers *can*. In order to explain the modals found, they have taken into consideration not only influence from the local Creole languages but also socio-cultural phenomena, topic constraints, the idiomatic usage of *can* in Singapore English and finally, but possibly marginally, learner errors in the case of Fiji English.

This literature was relevant in the present study that used it to explain how different modal verbs are used in interview genres depending on their functions in sentences. It was also relevant for explaining the meaning of each modal auxiliary used in the JSC interviews. The present study however, used qualitative approach to analyze different modal auxiliary verbs

in the JSC interviews unlike Deuber (2012) that has used quantitative approach, especially when the modals were literary and statistically counted.

The present study also reviewed work by Chartrand (2016). The research investigates a method used to extract modal auxiliaries in two consecutive clauses from the British National Corpus 2007 XML edition. It is assumed that some combinations of modal verbs are more commonly used than others, and these pairs of modal verbs are used to express a specific meaning. Modal auxiliaries are examined since they are among the most difficult structures to teach to students of English as a second or foreign language. Because other languages often use different structures to convey the ideas expressed by modal use in English, learners of English frequently make mistakes with modals.

Although there are a large number of grammar books that explain the form and meaning of the English modals, there are few resources that provide examples as to what modals could be used, and in which cases, when referring to successive phrases. It is with this objective that the author began to look for ways to provide examples, and using a corpus was found to be a viable tool for this purpose. The reasons for analyzing this particular aspect of the English language, and the statistical analysis conducted to determine the more frequent uses are discussed. A system was implemented by using computational linguistic techniques for extracting, parsing and simplifying sentences for learners to study the use of modal auxiliaries.

The present research reviewed this literature and it proved useful for the identification of sentences from the interviews with modal verbs. It was also necessary for purposes of examining how the use of modal verbs can be made simple for learning purposes and how it contributes to the understanding of the use of linguistic features in job interviews. The

present study however did not use the same method for extracting the modal verbs but it resolved to use retrieval of information from JSC website using extraction guide or check list. The analysis did not involve statistical analysis of the modals used to determine the frequency with which the modal verbs are used. The aspect of learners encountering errors when using modals was not the focus of the study. Instead the study looked at how modal verbs are used in interviews to enhance or promote positive values or how they could be used to violate people's rights.

2.2.2 Use of pronouns as linguistic features in job interviews

A pronoun is described by different scholars (Beard, 2000; Crystal, 1995; Fairclough, 1989) as a word that takes the place of a noun in a sentence. In grammar, a pronoun is a word or phrase that may be substituted for a noun or noun phrase (Beard, 2000). Crystal (1995) on the other hand gives the simplest definition of the personal pronouns as a grammatical form referring directly to the speaker (first person), addressee (second person) or others involved in an interaction (third person). Fairclough (1989: 81) also describes pronouns as certain values that are encoded in different formal aspects of language. Different types of pronouns are common in interviews including personal, possessive, demonstrative, relative, indefinite, emphatic and reflexive pronouns. Whenever a person is being interviewed for a job, either for a permanent position or temporary, it is important to know how frequent the candidate uses the words or pronouns like '*I*' '*we*' and '*they*' (Pennebaker, 1990)

Pennebaker (1990) helped develop a computer-program that counted and categorized words. He made a distinction between 'content' words, words which convey meaning, and 'function' words, that have little real meaning on their own, but merely serve to express grammatical relationships with other words within a sentence. Pennebaker(1990) analyzed

400,000 different pieces of texts, from essays by college students to online chat, room discussions and press conference transcripts. He concluded that function words are important keys to someone's psychological state and reveal much more than content words do. Pennebaker says there are about 500 function words, and about 150 are really common. Content words which include nouns, verbs, adjectives, and most adverbs convey the communication needed. They refer to how we express ideas. Function words help shape and shorten language. Pennebaker (1990) says these words can in fact tell us the state of a person's emotions, as well as their personality, age and social class. For instance, he wrote: 'If someone uses the pronoun *I*, it's a sign of self-focus. Say someone asks '*What's the weather outside?*' You could answer '*It's hot*' or '*I think it's hot.*' The clause '*I think*' may seem insignificant, but it's quite meaningful. It shows you're more focused on yourself.

Depressed people use the personal pronoun *I* much more often than emotionally stable people. People who are lower in status also use *I* much more frequently (Pennebaker, 1990). In an interview situation, Pennebaker (1990) says, he might consider how the candidate talks about their co-workers at their last job. Do they refer to them as 'we' or '*they*'? That gives us a sense of their relationship to the group. According to him, if we want someone who's really decisive in a position, a person who says '*It's hot*' rather than '*I think it's hot*' may be a better person for a particular position. It would be interesting to know whether the results of a similar study would be any different if conducted today.

The present research used this literature in the identification, description and analysis of pronouns and how they are used in interviews to express or reveal the attitude and perception of the participants. It is worth noting that some of the interviewees and interviewees used the pronouns '*I*' '*we*' and '*they*' although they did not portray any selfish or defensive aspects.

The literature reviewed on pronouns however, does not show how pronouns can be used to contradict or contravene certain sections of the Kenyan constitution, especially the sections that deal with how one's privacy may be invaded through the language used. The focus was on how linguistic features may be used to reveal certain secret things about someone's sex life, marital status, financial stability and many others. Some of these features could have violated human rights of some people who may seek legal procedures. This study therefore attempted to fill this gap as shown in the analysis of chapter 4 of the research which addresses objective three.

According to Fisher (2015), there are so many qualified job applicants but so little time. So, how can one be sure he is picking the right people to join the working team? Fisher (2015) goes ahead to explain how a Chief Executive Officer (CEO) by the name Pogorzelski spent 25 years vetting hundreds of candidates for leadership jobs, notably as group president of Monster.Com Worldwide, where he helped the career site more than triple its revenues to \$1.4 billion. When he stepped in as the CEO at sales and marketing data analytics firm, he replaced six out of eight of the company's C-suite executives. He would ask the candidates the following questions:

'What has been your biggest professional success so far, and why?'

It may sound like the same question every other interviewer asks, but Pogorzelski would be listening for something different. After all, most people's biggest successes are already obvious from their resumes, cover letters, and social media profiles. *'What I want to hear is the word 'we,'* he would say. *'The way someone describes how they achieved their biggest goals speaks volumes about them as potential leaders.'*

Pogorzelski believed that, candidates who say “I” more than “we” are used to grabbing all the credit and won’t be strong team players. He interviewed a CEO one time but he said ‘I’ so many times and ‘we’ so few that he cut the conversation short about halfway through. The other question was:

“What has been your biggest failure, and why?”

Many candidates would take this question to be just a walk over. What they may not realize is that Pogorzelski would be listening to hear where they put the blame. The word he would want to hear when people answer this would be: ‘I,’ he says. “If someone tells me they failed at something because someone else messed up, or the economy was bad, or for any other reason that was not their fault, that’s a big red flag.”

Of course, he adds, sometimes factors beyond one’s control really can derail the best-laid plans, but “you want people on your team who will be accountable for their own mistakes, without trying to shift the blame to others” — and who can describe what they’ve learned along the way. The next question was:

“What could the company be doing better than we do now, or how could I do my job better?”

Very few people expect this question, so an interviewer can get a glimpse of how a candidate thinks on his or her feet. And it’s a good way to find out how much research and thought someone has put in before the interview. Any response that shows a thorough knowledge of the company, the industry, and the competition is okay, and may even reveal some useful insights.

The only wrong answer according to Pogorzelski is, 'Nothing! You're doing just great,' which should make one doubt that this person can add value. This is because, it's a clear sign that the candidate either hasn't done enough homework, or isn't brave enough to work there.' This literature was reviewed and it was relevant in the analysis of certain pronouns such as the use of subjective pronoun '*I*'. Sometimes the interviewers and interviewees used I with verbs like think, believe hence they could focus on self or individual and not on others. This reviewed literature however does not contain how features can express positive features on one hand and violate the same values on the other hand hence the gap that needed to be filled.

In interviews, the characteristic uses of language, the use of grammar and linguistic forms can be analyzed by a linguistic analyst who may thus study an interviewee's use of active and passive voice, personal and impersonal pronouns, temporal and spatial references, the implied speaker and listener positions, and the use of metaphors. For example, Jensen (1989) carried out research on pupils statements. The analysis did not follow from any linguistic competence of the researcher, but arose as a practical problem of categorizing the pupils' statements. While most grading experiences and behaviours were commonly in a first-person form, such as "I find the grades unfair" and "I told the teacher," a few activities, such as wheedling, were always described in a third-person form, such as in 'They wheedled' or 'One wheedled'. Attention to the linguistic features of an interview may contribute to both generating and verifying the meaning of statements. While understanding the significance of the different uses of grammatical forms, such as the example of personal pronouns, may follow from common sense, a linguistically trained reader would immediately look for the linguistic expressions and be able to bring out nuances, which may be important for interpreting the meaning of a statement. Arguments in favour of applying the techniques of linguistics as

statistics of qualitative research have even been put forward (Jensen, 1989). With more attention to the linguistic medium of interview research, we may perhaps see social researchers use linguists as consultants when faced with interview texts, corresponding to the common place use of statistical consultants when analyzing quantitative data.

Attention to linguistic form may improve the preciseness of interview questions, and further sensitivity in listening to the subjects' use of language. To carry out systematic linguistic analyses of the interview interaction, detailed verbatim transcription and also linguistic training is necessary. This is a clue that drives us to conclude that having linguistic knowledge during job interviews may place an individual at a better position, and therefore increase his chances of securing the job in question even if he is not the most qualified person for a particular post. That now leaves us pondering whether public job interviews are the best methods in selecting individuals who are to occupy sensitive offices like those in the judiciary. This literature review was relevant for the present study which used it to explain the uses of different pronouns in interviews. The study also used this literature review to explain how different types of pronouns used during interviews can help a candidate get a job or lose it depending on how the interviewers judge the same candidates. The present study used the literature review to analyze different rhetoric strategies employed by the interviewers and the interviewees during job interviews to achieve their communicative purposes. It also examined the structural and the cultural interpretations of the interviews to see how they determine the choice of words used by the participants. This literature however differs from the present study as it explains how the use of pronouns can determine whether a person gets a job or not.

2.2.3 Use of vocabulary/ word choice or diction

Vocabulary refers to ‘all the words that a person knows or uses’, or ‘all the words in a particular language’, or ‘the words that people use when they are talking about a particular subject’, or ‘a list of words with their meanings’. Diction also means the choice and use of words and phrases in speech or writing. Vocabulary, or wording of a text gives an indication of how the speaker or writer sees the world through his or her wording. Fairclough (2006) argues that different groups of people see the world differently in different times and places as they use their wordings differently to describe the world. One way to make an analysis of vocabulary is to look upon alternative wordings and their political and ideological significance. For instance, using the term ‘freedom fighters’ instead of the word ‘terrorists’ ‘connotes different views on ideology which is also referred to as rewording. Rewording occurs when one existing, dominant, and naturalized wording is systematically replaced by an opposing wording (Fairclough, 2006). The words one uses in interviews are often viewed as related to one’s level of education and general aptitude. It is one of the reasons why an individual gets hired or not. For example, the use of powerful expression in passive vocabulary or a pool of words that people know but rarely use can be used comfortably and confidently. Words that describe a person’s personality such as easy-going (easy to get along with), hardworking, focused, methodological, proactive or those describing strength such as organized, having ability to multitask, perform to a deadline, solve problems, communicate well, among others, usually impress interviewers. There are also those words or expressions that describe one’s experience such as ‘*I have five years experience in...*’, ‘*I worked as...*’, ‘*I studied at...*’, or ‘*I worked for....*’. Other words and expressions can be those that describe goals for the future such as ‘*I’m looking forward to further my skills, career,*’ or ‘*I believe*

your company is an important player in its industry, or *I can contribute by....*’ According to Erin (2016) a person’s vocabulary serves as a barometer of that person’s intelligence. The more educated one is the better constructed the sentences one makes or the more descriptive the word one uses and the less verbal crutches he uses like *‘you know’*, *‘um’*, and others. People with a wide range of words can find right words at the right time and can succinctly make their arguments, hence impress the interviewers. This literature review was useful for the present study that used it in explaining how linguistic features, especially vocabulary, can help a person stand a better chance as compared to others during an interview. The literature on vocabulary is also relevant for the present study as it was used in defining terms and also in the analysis of sentences that had certain vocabularies used for emphasis. The reviewed literature however, has left a gap on how vocabulary can be used to express, enhance or promote positive values of integrity, transparency and accountability among other core values that can help improve the judiciary.

2.2.4 Conjunctions as linguistic features in interviews

Conjunctions are used to express a connection between words. They can also connect longer units like phrases, clauses and sentences (Ringjohn, 1996). Bloor & Bloor (1995) describe conjunction as a cohesive device that ties clauses or sentences of texts to demonstrate meaningful patterns. Conjunctions are classified into three different types, including coordinating conjunctions, subordinating and correlative conjunctions (Bloor & Bloor). There are seven coordinating conjunctions including but, or, and, yet, for, so, nor (Freeman,1999). The most common subordinating conjunctions include after, although, as if, as, though, because, before, even if, even though, unless, until, where, when and while (Robin, 2008).

A study by Bloor & Bloor (1995) also investigated the distribution pattern of conjunctions and their ranking in two different corpora namely the Malaysian School of English Language text book corpus and the British National Corpus (BNC). The findings indicate that coordinating conjunctions are the most frequent features that occurred in the texts followed by subordinating conjunctions. The results showed that the text books failed to present conjunctions effectively. This research was relevant to the present study which used it to analyse the different types of conjunctions. Conjunctions are linguistic features that are easily identifiable in interviews and they are used to join phrases, clauses and even sentences. The present study used this reviewed literature to describe the linguistic features (including conjunctions) of job interviews by the JSC of Kenya, 2011. The study by Bloor & Bloor (1995) however does not use the interview genre that the present research uses for purposes of analysis of linguistic features.

2.2.5 Rhetoric features in interviews

The present study analyzed the rhetoric features within Swales' (1990) genre analysis theory. According to Swales (1990), Move 2 can involve studying and analysing the linguistic features (including use of lexis, syntax and discourses), rhetoric strategies (including use of metaphors, similes and symbolism) and the use of specific–generic patterns in interviews (including use of active/passive voice, paraphrasing, question answer, modality hedging, use of personal pronouns and many others). Rhetoric refers to eloquence or art of speaking and is the theory about shaping language that both the person speaking and the cause spoken for will add sympathy on the part of the listener. According to Sloane (2001), discourse studies have often been defined as the contemporary discipline of what used to be called rhetoric

since antiquity, that is, the practice and study of ‘good’ public speaking and writing, for instance in parliament, in court or in literature.

As is the case for stylistics, rhetoric is often associated with the study of literature, rather than with the study of discourse more generally among a vast amount of studies of rhetoric, (Sloane, 2001). In order to avoid collapsing rhetoric with discourse studies in general, Sloane (2001) defines rhetoric as the sub discipline of discourse studies focusing on the use of special ‘rhetorical’ structures of text and talk, such as metaphors, comparisons, irony, hyperboles, euphemisms, and many others, that is, the kind of structures that were traditionally called ‘figures of style’ in classical rhetoric. Unlike other structures of text and talk, these ‘rhetorical’ structures are optional, and are used especially to convey or produce specific effects, for instance as part of strategies of persuasion. Van Dijk’s (1993) states that these ‘figures’ emphasize or de-emphasize meaning and thus, draw special attention of recipients, which may lead to less or better memory of the meanings. For instance, if politicians or newspapers want to diminish the negative associations of the word ‘racism’, they may use the less harsh term such as ‘popular discontent’ instead. Also when, they want to emphasize the negative aspect of the arrival of many new immigrants, they might typically use the expressions ‘wave’ or ‘invasion’, which are at the same time metaphors and hyperboles (Van Dijk, 1993). The present study used previous research for purposes of definition and identification of rhetoric features in the JSC interviews. Other rhetoric expressions like ‘sitting on a hot seat’ making ‘landmark rulings’ among others enriched the language use and created deeper understanding of the conversations by the participants. The studies by Sloane (2001) and Van Dijk (1993), however have not described fully the rhetoric

features of job interviews by the JSC of Kenya, 2011. The reviewed literature also does not emphasise how the term genre fits into linguistic studies or its analysis.

2.2.5.1 Rhetoric structures and genre theory

The notion of genre has been used in a number of disciplines and arts since the times of Aristotle and Cicero (Zimmerman, 1994). It developed alongside the classical rhetoric which arose in the 5th Century BC in Athens. Among the views expressed by Aristotle and other scholars at that time was that the content and the form of any writing or speech cannot be separated. It means that the object of discussion is to unify the content and form of the text in the best possible way. Another important literature reviewed for the present research is the research carried out by Krishnasamy (2011). He has analyzed the rhetorical structure of research article (RA) in educational psychology, environmental psychology and economic psychology in view of the emergent interdisciplinary nature of knowledge which requires genre analyst to move towards analysis of academic genres such as the RA. Krishnasamy (2011) picked ninety RAs, thirty each from each of the disciplines mentioned above, analyzed them to describe the move or step structure of the abstracts and the various sections within these RAs. Further to that, an analysis of how titles are cast and new knowledge proclaimed within these RAs is also undertaken.

This study provides a basic description of the structure of the abstracts and the various sections in these RAs and they are meant to facilitate the dissemination of knowledge among writers in different disciplines for both prospective native and non- native writers in the same disciplines. The present study used the research to analyze the rhetorical structure and linguistic features in interviews by JSC. None of the studies, however, has analyzed any interview related to vetting of judicial officials in any context, especially in a Kenyan context

and therefore a gap is left that the present study aimed at accomplishing thus contributing new knowledge or new understanding in contrast to prior research on genre analysis.

2.2.6 Move features of job interviews

According to Swales (1990), a move is a text segment that consists of a package of various linguistic features such as lexicon, syntax and illocutionary propositions which are responsible for providing the given segment a uniformed orientation and signal the context of the discourse. The moves can be inferred through context but they are mainly examined based on their linguistic clues. Further, a move within a text can be considered as any portion of that text or the stages or steps it has to undergo. However, not all the elements of a text are obligatory and many elements such as certain moves can be considered as optional (Henry & Roseberry, 2001).

Swales' (1990) Create a Research Space (CARS) model comprising three rhetorical moves; namely, Move 1 (establish a research territory), Move 2 (establish a niche), and Move 3 (occupy the niche) describes the rhetorical strategies that researchers utilize in order to claim research space in their disciplines in a highly competitive research environment. The present study uses Swales (1990) model to analyze the linguistic, rhetoric and move structures of job interviews by the JSC. CARS model, with its three moves, is appropriate for the analysis of introductions of research articles, but for the present study, it has been used to define genre and identify and describe the linguistic features and rhetoric strategies used in job interviews by the JSC. Swales (1990) theory however does not fully explain how move structure can fit in an interview genre.

A more recent study by Liu (2012) has used Genre Analysis theory including the move structures to analyse President Obama's inaugural address as president of The United States of America in 2009. The author classifies Obama's inaugural speech as a genre. The thesis examines the extent to which President Obama's speech is typical of its genre. It also explores the rhetorical strategies used in the speech and the way the address evokes inspiration among the American people. Liu's (2012) genre analysis is based on Bhatia's (1993) genre theory and Fairclough's (1994) theories. He uses Bhatia's steps of placing the text in a situational context on the basis of one's earlier experience and knowledge of the world, refining the context by defining the sender/audience relationship and communicative purpose and finally placing the move structure of texts within a given genre. In his views, inaugural addresses are expected to encourage the whole nation and reassure the American people that the president will oversee the nation's interest no matter his political allegiance. The selected areas of genre analysis include grammar, which dwells on the use of modals, cohesion, intertextuality and interdiscursivity. He explores the three areas of vocabulary: over wording, metaphors and rewording. He also employs the move structures as explained by Bhatia (1993).

Liu (2012) also employs Fairclough's (1994) theory of Systemic Functional Linguistics in his rhetoric analysis of Obama's speech. He assesses the vocabulary, grammar, cohesion and metaphors used. These studies were relevant in our approach to genre analysis although it does not address certain areas of interest to the present study like the use of dialogue, conversation, interviews and many others. The present study applied Swales CAR model as a theoretical framework for the study but it also applied Bhatia's views on genre analysis. The genres that were analysed were job interviews conducted by the Judicial Service

Commission. Areas that were used in the analysis included the grammar, vocabulary, cohesion and the rhetoric aspects of the job interviews. These incorporated the distinct linguistic features and rhetoric strategies employed in public job interviews. The present study differs from this research because it analyses interviews by JSC and not a speech, and therefore the methods of data collection and analysis differed considerably.

2.3 Linguistic, rhetoric and move features in interviews

In Jenkins's (1986) view, candidates who possess skills needed in job interviews, which in fact rely upon subjective, culturally informed judgements of candidates' ways of presenting themselves stand better chances of succeeding compared to those who don't (Jenkins, 1986). These, in turn, are dependent on the culturally relative assumptions and communication styles of the candidates and interviewers. The psychological literature on discrimination in the job interview has focused on how the linguistic structures, types of question, and panel composition of the interview impact on the selection. A number of studies have argued that structured interviews tend to reduce bias and increase validity (Palmer & Campion, 1997). However, these findings have been disputed by research which suggests that the unstructured format produce more accurate perceptions of the candidates' job-related personality traits (Blackman, 2002).

Research on interview questions has focused on the relative benefits of the situational (hypothetical) and behavioral (experience-based) question. Some researchers have found out that, the situational question produces less racial bias (Latham, Saari, Pursell & Campion, 1980). However, Huffcutt & Roth (1998) found that Black and Hispanic candidates perform better on behavioral questions. Several recent studies found that having an ethnically mixed panel reduces the impact on interview outcomes of shared ethnicity among interviewers and

interviewees (McFarland, 2004), although this was disputed by some studies (Huffcutt & Roth 1998). ‘The findings of occupational psychology literature indicate some of the complexity of job interview interaction, and suggest that the social dynamics of the interview need to be researched in detail’ (Posthuma, Morgeson & Campion, 2002:13). This is where the literature on the job interview from discourse analysis including genre analysis, conversational analysis and interactional sociolinguistics can make a useful contribution. This literature has tended to focus not on the statistical effect of fixed variables, such as question types on interview outcomes. Instead, it looks at the varied processes which make up the social dynamics of a job interview, and how these produce particular outcomes. In other words, sociolinguists treat the discourse processes which constitute the job interview as a topic to be studied in its own right and not merely as an unproblematic resource through which decisions are made.

Discourse analysis studies of the interview have, in some cases, highlighted the impact of western cultural discourses concerning the institution and the individual on the relationship between the job interviewer and candidate (Auer & Kern, 2000; Adelsward, 1988; Gee, 1992). They argue that in the interview, certain salient features, such as linguistic, rhetoric and move features, social status, ethnicity and the institutional hierarchy between candidate and interviewer become ‘unmentionable’ according to the unwritten rules of the interaction. The successful negotiation of the interview, therefore, depends on the interviewer and candidate already sharing definition of the interview situation, which is implicitly referred to and marked by indirect linguistic cues (Linell & Thunquist, 2003). This shared definition guides the participants on how formal or informal to be, when and how to take turns, how to move between phases of the interview, and how to repair misunderstandings. Where such a

shared definition is lacking, often as a result of cultural or social divisions between candidate and interviewer, the management of all these aspects of the interview becomes more problematic.

The fact that candidates who have cultural communicative styles which are at variance with that of their interviewers are more likely to encounter interactional problems demonstrates how the apparently neutral process of the job interview might disadvantage certain groups. This shows that there is a communicative element to discrimination (Gumperz, 1982b) and therefore a sign of violation of certain constitutional values. By analogy to the ethnic penalty, this might be termed the linguistic penalty. Different ethnic groups, whether they use English as their first or second language or not, may use culturally specific styles of communication which are different from local or Standard English, as a result of belonging to a particular communicative culture. Differences may include a range of rhetorical and self-presentational features: how personal or impersonal to be, what to stress and what to play down, how direct to be in self presentation, how to structure and sequence responses, choice of words and idioms and a range of paralinguistic features, such as intonation and rhythm (Longmire, 1992; Akinnaso & Ajrotutu, 1982, Michaels, 1981).

Furthermore, a number of studies of the ways in which narration and rhetorical practices are used by different cultures to construct the teller's identity have drawn attention to the culturally specific nature of narrative techniques (Chafe, 1980; 1989; Zimmerman, 1998; Holland et al. 1998). Since both sides interpret and judge the other according to their own conventions, wrong judgements about a speaker's intention, personality, ability and attitude can routinely be made (Gumperz, 1982a, 1999; Birkner 2004). Many of these misunderstandings and misevaluations arise from the fact that differences in communicative

style are processed unconsciously and so uncomfortable moments and apparently irrelevant or incoherent responses are treated as failures in competence or attitude. However, while some correlation has clearly been found between certain ethnic groups and the employment of particular communicative styles, many researchers considered in this study have been at pains to avoid the kind of essentialist categorisation which would equate one ethnic group with one style of speaking (Auer & Kern, 2000).

The present study was concerned with the analysis of linguistic features, rhetoric strategies and move structures in the job interviews conducted by the Judicial Service Commission of Kenya. These linguistic features, rhetoric pattern and move structures used during the interviews may have influenced the judgements if the linguistic penalty and cultural aspects in a Kenyan situation are taken into consideration. The study used genre analysis by (Auer & Kern, 2000) in the process of analysis. The literature reviewed deals with gender differences in language use. The authors chose the topic of gender in linguistics as they found it increasingly fascinating during their studies and she aimed at learning more about various approaches and research in this area of linguistics. According to Auer & Kern, (2000), gender differences in linguistic behaviour have been discussed widely even in non-professional circles of society for as long as one remembers. One of the first 'professional' attempts to describe those differences appeared in Otto Jespersen's (1922) book. Although Otto Jespersen was a linguist, the author puts the word '*profession*' into the quotation marks as the findings presented in this book were not supported by any empirical evidence and they were rather a collection of stereotypical views on women.

Since 1960s when sociolinguistics started to receive more attention in Western academic circles, the issue of gender in linguistics became even more pressing. At the beginning,

mostly notions of female greater use of standard forms appeared and later even a discussion about their different speech practices and strategies could be emphasized. Various explanations emerged over the time; some were favourable to women (e.g. those women who have greater speech abilities). However, those appeared merely in the last three decades. Most of the previous explanations were more or less derogatory to women (e.g. that women in their speech compensate for their shortcomings in other areas). It is worth noticing that it was always the female behaviour that was considered as the behaviour that needs explanation. In this thesis the author attempts to observe gender differences in language use in a specific environment of TV interviews. The corpus consists of four interviews that appeared in two shows, the Ellen DeGeneres Show and the late Show with David Letterman, with Barack Obama and Hillary Clinton as guests. This choice reflects the need to have one female and one male interviewer as well as one male and one female interviewee. The author decided to choose these shows because they have a relaxed atmosphere that resembles everyday conversations; their attempt is to present their guests in a non-political, friendly environment. The choice of the two politicians, Barack Obama and Hillary Clinton was due to their similar social positions and the fact that they are well-known figures not only in the USA but in the whole world. In the analysis, the author focuses on the observation of three socio pragmatic categories, namely topic selection and development, cooperative features and politeness strategies. In each section, four individual interview analyses are presented, which are then followed by a comparison and partial conclusion. The current research has reviewed the article to highlight some concepts that are usually used in the interview especially when the interviews are televised with the purpose of involving the audience. The present study however , covers generally the language use in a vetting process to recruit judicial officials

and look at how terms are used to express positive values and at the same time violate some articles or clauses of the new constitution.

2.4 Public job interviews

According to Huffcut& Roth (1998), a job interview is a process in which a potential employee is evaluated by an employer for prospective employment in their company, organization, or firm. During this process, the employer hopes to determine whether or not the applicant is suitable for the role. Interviews exist in all spheres of our lives. There are many kinds of interviews in the modern societies including news interviews, talk-show conversations, job interviews, medical consultations among others. Standardized interviews normally have some guidelines that give participants directions on what to do or say and what to avoid. They are based on a rather strict script, specifying both questions and alternative answer possibilities.

According to Huffcut& Roth (1998), an interview is divided into three related phases, namely: the pre-interview phase, which occurs before the interviewers and candidate meet; the interview phase where the interview is conducted; and the post-interview phase, where the interviewers make judgments of candidate qualifications and state their final decisions. The phases are normally related because the impressions interviewers form early on may affect how they view the person in a later phase. Huffcut & Roth (1998) explain that in the pre-interview phase the interviewers look at the information available to them beforehand (for instance, resumes or CV, application letter, academic and professional certificates, the testimonials of the interviewee, social networking site information) and the perceptions interviewers form about applicants from this information prior to the actual face-to-face

interaction between the two parties. In this phase, interviewers are likely to already have ideas about the characteristics that would make a person ideal or qualified for the position. Interviewers then often integrate information that they have on an applicant with their ideas about the ideal employee to form a pre-interview evaluation of the candidate. In this way, interviewers typically have an impression of the interviewee even before the actual face-to-face interview interaction.

Nowadays, with recent technological advancements, we must be aware that interviewers have an even larger amount of information available on some candidates. For example, interviewers can obtain information from search engines (e.g. Google, Bing, Yahoo, blogs), and even social networks (for instance, LinkedIn, Face book, Twitter, WhatsApps and other forms of social media). While some of this information may be job-related, some of it may not be. Despite the relevance of the information, any information interviewers obtain about the applicant before the interview is likely to influence their pre-interview impression of the candidate. This is important because what interviewers think about you before they meet you, can have an effect on how they might treat you in the interview and what they remember about you. Furthermore, researchers have found that what interviewers think about the applicant before the interview (pre-interview phase) is related to how they evaluate the candidate after the interview, despite how the candidate may have performed during the interview.

The interview phase entails the actual conduct of the interview, the interaction between the interviewers and the applicant. Initial interviewer impressions about the applicant before the interview may influence the amount of time an interviewer spends in the interview with the applicant, the interviewer's behaviour and questioning of the applicant, and the interviewer's

post-interview evaluations. Pre-interview impressions also can affect what the interviewer notices about the interviewee, recalls from the interview, and how an interviewer interprets what the applicant says and does in the interview.

According to Huffcut& Roth (1998), questions that are asked touch on various issues including past actions of the interviewee, his or her behaviour, attitude and feelings towards the particular job applied for, knowledge about the job to be done and any other relevant questions. Public job interviews are typically conducted face-to-face, they are social interactions between at least two individuals or two parties. Thus, the behaviour of the interviewer during the interview likely "leaks" information to the interviewee. That is, you can sometimes tell during the interview whether the interviewer thinks positively or negatively about you. Knowing this information can actually affect how the applicant behaves, resulting in a self-fulfilling prophecy effect. For example, interviewees who feel the interviewer does not think they are qualified may be more anxious and feel they need to prove they are qualified. Such anxiety may hamper how well they actually perform and present themselves during the interview, fulfilling the original thoughts of the interviewer. Alternatively, interviewees who perceive that an interviewer believes they are qualified for the job may feel more at ease and comfortable during the exchange, and consequently actually perform better in the interview. It should be noted again, that because of the dynamic nature of the interview, the interaction between the behaviours and thoughts of both parties is a continuous process whereby information is processed and informs subsequent behaviour, thoughts, and evaluations.

In Huffcut& Roth (1998) views, the post interview stage is the third and last one, and it includes among other things, the comments by the panel and the judgment. After the

interview is conducted, the interviewer must form an evaluation of the interviewee's qualifications for the position. The interviewer most likely takes into consideration all the information, even from the pre-interview phase, and integrates it to form a post-interview evaluation of the applicant.

In the final stage of the interview process, the interviewers use their evaluation of the candidate (i.e., in the form of interview ratings or judgment) to make a final decision. Sometimes other selection tools (e.g., work samples, cognitive ability tests, personality tests) are used in combination with the interview to make final hiring decisions. Public job interviews are said to be typical of interview genres as they have the normal phases that any other form of interview must have. This literature reviewed was used to identify and describe the moves in JSC interviews. The moves identified include move one which partly gives the introduction, move two containing the body or the main content of the information given by the interviewee and finally move three which contain the winding up and concluding remarks. This literature review however gives full details of what is contained in move one, move two and move three. The present study gives full details of what is contained in move two but not every information in move one is captured or all the details in move three. Some parts of move one and three are missing. The present study mainly looked at the content of the interviews, especially the use of diction or choice of words and not so much of the structures.

2.4.1 Job interview as a communicative genre

A job interview is said to be a communicative genre when it has similar characteristic with other types of job interviews. Communicative genre is a form or type of communication that is adopted by a formal or informal community. It is defined generally as the accepted types of

communication sharing common form, content or purposes (Luckman,1987; Guinther & Knoblauch, 1991). For example, a letter, minutes, memos, meeting and others. In many job interviews, highly reutilized interviewer questions are commonly answered with comparable set of responses. Adelsward, (1998) compared the weakness of questions in Swedish and Israel job interviews and found cross-cultural preferences to answer with impatience. The candidates' knowledge about such a preference may assist them to perform successfully in a job interview. According to the genre theory, such and similar questions- and- answers pairs are specific communicative problems and their respective solutions.

According to Adelsward (1988), job interviews are important in gate keeping situations as they promote social participation or marginalization, especially in terms of economic crisis. Impression management and positive self-presentation will usually be the applicant's main goal in a job interview, whereas the interviewers obviously want to find out whether the applicant is suitable (Adesward, 1988). Indeed job interviews as genres can be described in terms of underlying rules that participants follow in order to achieve their respective communicative goals. 'The participants are engaged in conversational activities only to display their orientation towards genre specific goals as part of highly ritualized game'(Robert & Sayers, 1987: P: 12). Moreover, job interviews are one of the most culture specific events we all have to face (Robert & Sayers, 1987). It has been shown that lack of knowledge of genre specific rules may contribute to discrimination against minority members (Gumperz, 1982a; Sarangi, 1994). Because of the above mentioned underlying rules and goals, conversational activities such as specific-questions-answers pairs (that is communicative problems and their respective solutions) may not only be products of the proceeding interaction but may also show evidence of the participants orientation to more

global constraints to job interviews. This becomes obvious in the so-called 'hidden agenda' (Adelsward, 1988). In job interviews, two levels of meaning can be distinguished. On the surface level the participants talk about facts and dates whereas on a deeper level all questions and answers can always be related to the job in question. For example, on the deeper level, the question 'What is your wife's job?' can be interpreted as a question about the candidate's potential mobility and readiness to change place of residence (Birkner & Kern, 2000). Besides, interviewers and candidates alike may have a variety of linguistics styles at their disposal to solve such genre specific communicative problems.

This literature reviewed gives more emphasis on the knowledge some candidates may have which may make them have an advantage over the other competitors. It was relevant to the present study which analysed the linguistic features that the candidates may have used to impress the interviewers that they are the best in respect to positions applied for. The present study attempted to determine on what grounds the participants used different styles as resource to organize their verbal performance. The study however differs from the reviewed literature in that it does not show that the candidates for certain posts were selected on grounds of their knowledge of the rules of interviews, informed knowledge about how interviews are conducted or the status of the candidate.

2.5 Genre analysis

Swales (1990) argue that, the complete genre analysis involves a survey of certain aspects. The first aspect involves the identification of the communicative purpose and overall schematic structure of the target texts. Secondly, there is the analysis of lexico-grammatical features which involves quantitative corpus studies. The third aspect involves the analysis of text-patterning and at this stage of the analysis conventionalized patterns of language use at

the lexical, syntactic and discourse levels are studied to find out about the pragmatic and tactic reasons underpinning such conventions. The fourth and last aspect of analysis involves the structural interpretation of the text-genre. This level denotes the analysis of content-based organization conventionally described as substance-specific moves.

Based on Swales' definition, there are particular rules for communication, and these rules are settled based on communicative purposes. For example, the rules for writing social letters are different from rules which are essential for writing novels or theses. Swales (1990) has, however, left out a clear guideline on how certain aspects should be incorporated, especially when Genre Analysis Theory is used to analyse different types of writings including interviews which are written in dialogue form.

The present research is an attempt to use Genre Analysis theory by Swales (1990) and Bhatia (1993) to analyse interviews conducted in a Kenyan context. In the interview texts, there are several purposes. The interviewing body (JSC) used various rhetoric strategies, including persuasion and logical reasoning in order to get qualified and competent personalities for the advertised positions. The questions of transparency and fairness were meant to be addressed during the interviews. The rules and conventions were to be considered and aspects of culture, especially those dealing with ethical issues were addressed and were also used to respond to people's critical opinion concerning the appointment of the Chief Justice. The JSC used strategies that were meant to encourage and motivate members of the public to build trust in the Judiciary.

In the present study, the analysis involved, among other things, the identification of communicative purposes and the general structures of job interviews conducted by the

Judicial Service Commission of Kenyan. At this level the main purpose and the general structures of the interviews in question were explained. There was also the identification and analysis of lexico–grammatical features of the job interviews. The terms used and the grammaticality of certain vocabularies in such interviews were assessed. Identification and analysis of linguistic patterns at the lexis, syntactic, semantic and discourse levels were also considered to establish the pragmatic aspects behind their use. The analysis of the rhetoric organizations of the interviews was done to assess the communicative aspects of the texts in question and finally the structural interpretation of the interview texts which involves the analysis of move structures or content- based organizations of job interviews as conventionally described in the Kenyan context was looked into. Swales’ (1990) genre analysis is majorly concerned with introductions of article, journals and theses but not job interviews that contain various linguistic items which appear to play a double role of promoting positive values and at the same time contradicting the same values. The steps followed by Swales are relevant for the present study as they give guidance on the stages to be used in carrying out a genre analysis of interviews.

According to Bhatia (1993), genre analysis is the study of linguistic features in institutionalized academic or professional settings. It shows a genuine interest in the use of language to achieve communicative goals. It aims at identifying the linguistic features chosen to realize the communicative purpose and to explain these choices in terms of the social and psychological aspects. However, genre analysis does not represent a static description of language use but gives a dynamic explanation of the way expert users of language manipulate generic conventions to achieve a variety of complex goals. In this sense, it combines the advantages of a sociolinguistics perspective, especially the use of ethnographic information,

with those of a cognitive perspective, especially regarding the tactical use of language. It is primarily motivated by applied linguistic concerns, especially language teaching at various levels. It is narrow in focus but wide in vision, focusing on specific differentiation in language use at various levels of generality.

In addition, Genre Analysis examines the structural interpretation of the text genre, the text patterning and the lexico-grammatical features of genres (Bhatia, 1993). It aims at understanding the structural organization of texts by identifying the moves and strategies and how these moves are organized in order to achieve communicative purpose of the genre in question. Moves are the cognitive construct of the genre in question while strategies are steps or stages exploited by the writer of the genre to achieve more effective writing after taking into consideration the special reader's requirements, the medium used or the prerequisite constraints imposed by organizational patterns and other factors (Bhatia, 1993:20).

The present study employed some of the steps as suggested by Bhatia (1993), taking into considerations Swales' (1990) approach to genre analysis. This literature was of great importance, especially in achieving objective one that involves describing the linguistic, rhetoric and move patterns in JSC's job interviews. Bhatia (1993) however does not dwell on how the linguistic, rhetoric and move features employed in job interviews can be analysed to portray double roles of expressing both positive and negative aspects of the interview genre. The study analyzed the linguistic, rhetoric and move features to ascertain whether these features could have played a double role of expressing positive values and at the same time contradicting, the same values enshrined in the new constitution. Swales (1990) and Bhatia

(1993) provide the theoretical framework that guided the present study. The different stages provided helped in the analysis of move features in job interviews by JSC.

Flowerdew (2002) divided genre analysis into two aspects, namely, text, which focuses on the lexis, grammar or structures in the text and context, which pays attention to the situation presented. He suggests that, it depends on the purpose and the audience to decide which stages or steps should be used. The communicative purpose is what Bhatia (1993) recommended as the most important factor in genre classification. It outlines the reasons why communication is done and how it is done at each stage. This literature is important in the study as the interviews conducted by the JSC of Kenya were made public through both print and electronic media and the participants had to adjust their expressions accordingly depending on the context and the questions asked during the interviews. This literature however only covers some selected aspects of linguistic features as used in some context but does not explore in details aspects of intertextuality, interdiscursivity among aspects as employed in an interview genre that is used in a vetting process to recruit qualified public officers. The study used genre analysis to analyse the linguistic, rhetoric and move features in JSC of Kenya and it explored areas like modality, cohesion and other aspects of grammar in general.

Jiang's (2013) article which is based upon the analytical framework of genre analysis as put forward by Bhatia, attempts to study the job interview in terms of genre analysis. Jiang (2010) carried out a study in which the majority of the data were collected through recording the job interviews on the spot. The interviewees in these recordings are undergraduates and adults with work experience and the interviewers represent different companies located in Nanjing, China. The research studies the job interview from the perspective of linguistics,

sociology and psychology. Psycholinguistics pays more attention to the tactical aspects of genre construction. The psycholinguistic aspect of genre analysis reveals the cognitive structuring, typical of particular areas of enquiry, whereas the tactical aspect of genre description highlights the individual strategic choices made by the writer in order to execute his or her intention. These tactical choices are appropriately called strategies (Bhatia, 1993: 19).

As a kind of genre analysis, the research, in conformity with the two broad objectives of genre analysis, aimed at exploring typical or conventional textual, psycholinguistic and sociolinguistic features of this very genre, and explaining why this genre has the above features by putting it in the social context in which it occurs. The research has found that this genre, job interview, has its unique interactional pattern which differs radically from that of ordinary conversation in terms of turn-taking system and topic control. Furthermore, in terms of psychology or sociology, this genre has its unique politeness strategies. In general, the social context in which the job interview occurs explains why the job interview has such features, which makes it a unique genre. In the present research, the social context determines the content and form of the job interview genre, thus the linguistic, rhetoric and move features are analyzed according to the social context.

In the present study, the context of the text goes hand in hand with the purpose or function of that text. The structure of the interview and the choice of words, including the linguistic features and the rhetoric strategies, are dependent on the intention of the participants and the context in which they are. The interviewers' communicative purpose or intention was to select the right candidates for the vacant posts and the interviewees were to get the jobs using questions and answers as the ways of achieving their purposes. The problems in the judiciary

and the expectations of the public created the social contexts in which the job interviews occurred. The study attempted to find out the unique interactional patterns in job interviews which differ from ordinary conversations in terms of turn taking and topic control.

In recent years, Genre Analysis has been regarded as a useful concept in analysing organizational communication (Yates & Orlikowski, 1992). According to Yates & Orlikowski (1992), a genre of organizational communication can be defined as a typified communicative action characterized by similar substance and form. The substance, or communicative purpose, of a genre has to be recognised within a community by more than one human being, referring to social motives, themes and topics expressed. Also the form of a genre – including structural features, communication medium and symbol system to represent information – has to be identified within the community (Orlikowski, & Yates, 1994; Berkenkotter & Huckin, 1995). The range of a community within which a genre is comprehended is referred to as the normative scope of the genre (Yates & Orlikowski, 1992). A normative scope can extend to anything in between genres specific to a certain intra-organizational group or subculture like the internationally recognized genres such as 'memo', 'business letter' (Yates & Orlikowski, 1992) or 'scientific journal article' (Berkenkotter & Huckin, 1995). A communicative genre should be distinguished from a medium – for instance a 'fax' or an 'email' are not representatives of communicative genres (in their general meaning), but a 'business letter' or a 'hotel reservation' sent by fax or electronic mail are. However, media may play an important role in the form of a genre and the introduction of new media may occasionally change genres (Yates & Orlikowski, 1992). Changes in a genre may also emerge along with institutionalization of organizational practices and with individual actions taken to change the norms and rules for using the genre in communication,

either explicit or implicit (Yates &Orlikowski, 1992; Berkenkotter &Huckin, 1995; Yates, Orlikowski, 1992).

Kress (1988) defines a genre as 'a kind of text that derives its form from the structure of a (frequently repeated) social occasion, with its characteristic participants and their purposes'. An interpretative emphasis on genre as opposed to individual texts can help to remind us of the social nature of the production and interpretation of texts. In relation to interviews, many modern writers refer to the social significance of genres. In most cases, certain terms, statements or even questions are expressed in a way that they reveal certain cultural values in a given context. The present study aimed at examining the structural and cultural interpretations of interviews in the Kenyan society. The language used in the interview texts is culture bound hence must apply certain linguistic aspects that are relevant in such contexts. This literature was relevant for explaining why interviews conducted in Kenya have certain unique characteristics as the cultural issues are taken into consideration. The social context, the communicative purposes and the participants' characteristics and purposes are some of the aspects that proved relevant to this study and they were assessed in the present study. It is however, general hence does not single out job interviews as a specific genre with its unique features in a Kenyan context.

The study analysed the linguistic, rhetoric and move features as used in different interview texts. Some parts of the texts are similar but others differ depending on the individuals interviewed, their past activities, their qualifications, among other aspects. The literature reviewed on the concept of genre helped in achieving the stated objectives that aimed at examining the structural and cultural interpretations of public job interviews in a Kenyan

context and at the same time establishing the gap that the researcher intended to fill in the process of the investigation.

2.6 Conclusion

This section has been used to review the literature that exists concerning genre analysis of interviews. Various definitions of genre, genre analyses, interviews and other concepts have been presented. A lot of materials associated with genre analysis like, the linguistic, rhetoric and move patterns, have been looked at and a good number of them included in the present study. The reviewed literature was used by the present study which set to describe and analyze the linguistic rhetoric and move features in JSC interviews. A lot of research has been done on genre analysis and many scholars have analyzed various texts, both written and spoken. Some of these texts include letters, speeches, weblogs, articles and others. Some have even analyzed job interviews and a lot of concepts emerged that guided the present research. The reviewed literature has revealed some gaps that the present study attempted to fill. For instance, no information was found on genre analysis of linguistic features in a judicial context. The section therefore offers some backing for the statement of the problem, the research questions and the objectives.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter highlights the aspects of research methodology used in the study. It includes, research design, the study area or the location of the study, the study population, the sampling procedure and sample size, the study highlights the methods of data collection, reliability and validity, and data analysis. Finally this chapter has also explained the ethical considerations in the study.

3.2 Research design

The present study used descriptive research design. This design was found suitable because it involved describing the behaviour of subjects without influencing or affecting their normal behaviour in any way. Qualitative approach to data analysis was used in the present study. The transcripts in a video clip of job interview conversations between the interviewers (JSC) and the interviewees were retrieved from the JSC website and then transcribed into words. The transcription was then coded using a coding sheet. The interview texts were organized and presented in hard copy for easy analysis.

3.3 The study area

The study area for this research is Applied Linguistics under Discourse Analysis. The interviews that were used for the analysis were conducted by JSC of Kenya, in 2011, at the Kenyatta International Convention Centre, Nairobi.

3.4 Study population

The population for the present study included ten interview texts for the CJ position.

The texts were extracted from a video clip of interview conversations recorded during the vetting process when the JSC conducted interviews for the chief justice position in 2011, in Kenya.

3.5 Sampling procedure and sample size

The present study used purposive sampling technique. It is used when subjects are heavily weighted towards a certain characteristic. Three interview texts for the CJ position were selected because of some unique linguistic features such as personal pronouns, modals, simple or compound sentences, syntactic structures, and rhetoric strategies like metaphors, symbolism, and irony among others. These special features dominated some of the interviews as compared to others because of the communicative purposes they served. Some of these features were exclusive to the CJ only.

3.6 Methods of data collection

The methods of data collection employed in this research included retrieval from website. An extraction guide was used as an instrument to collect selected interview texts from the JSC archives and to extract certain features including linguistic, rhetoric and move features for purposes of analysis. Objective one was achieved when the linguistic, rhetoric and move features were described through the use of retrieval from website. It simply means searching the internet by looking for the relevant websites where the data can be extracted and analysed. The transcripts in the video clips from JSC website were transcribed into words

after which they were coded for purposes of analysis. These methods of data collection were used to get the relevant data that was used in the identification, description and analysis of the linguistic, rhetoric and move features in the interview texts. The data collection methods were used to characterize the interviews in terms of the content-based organizations, linguistic and rhetorical structures.

3.7 Reliability of the instrument

Reliability is the extent to which results are consistent over time and it is an accurate representation of the total population. It is the degree to which the instrument, measurement, calculation, or specification can be depended on to be accurate and the results of the study can be reproduced under similar methodology (Kothari, 2003). The instrument for the present research was an extraction guide, a tool used to extract paragraphs, sentences, clauses, phrases and words from written texts. It is a list of items that are required for purposes of data collection and analysis in research. The key items for data extraction in any research are normally specified in advance in a data extraction template based on the theoretical framework, literature review, research questions and the research objectives.

According to Yin (2003), qualitative researchers need to document as many steps of their procedures as possible, if they have to ensure that their approaches are consistent and reliable. In the present research, the researcher checked the job interview transcripts, downloaded from the JSC website, to ensure the reliability of the instrument used. This was done to make sure the data did not contain errors or mistakes that could have been transferred from the transcription process. The researcher then began the coding process of the transcripts for purposes of data analysis.

According to Rossman and Ralls (1998), coding is the process of organizing the materials into chunks or segments of text before bringing any meaning to the information. It involves segmenting texts into different categories (sentences, clauses, phrases, words) and labeling them with terms, symbols, alphabetical letters or numbers. The researcher read the downloaded transcripts carefully and wrote down brief notes on the margin using alphabetical letters, abbreviations and numbers assigned to the linguistic features, rhetoric structures and move segments which were then arranged according to the research objective. Finally, the researcher cross checked the coded categories and singled them out for the headings and subheadings for the discussions and the findings sections of the research. The researcher also continued to observe the ethical guidelines and made constant reference to the study objectives to ensure consistency in the study results.

3.8 Validity

The validation of the results was determined throughout the steps of the research process. The researcher checked for the accuracy of the findings by employing certain steps or procedures and these included, organizing and preparing data for analysis (a process that involved downloading and transcribing the interviews from the JSC website), reading carefully the data and writing brief notes on the margin to ensure credibility of the information. The coding of the JSC interview transcripts was then done and it involved segmenting the sentences into categories (that is clauses, phrases and word classes including modal verbs, pronouns, vocabulary, conjunctions and others) and labeling or assigning them alphabetical letters, symbols and numbers. The coding assisted in the assessment of the setting, the context of the interviews and the participants in the interview process (their attitude, interest, communication skills and others). This revealed the credibility, dependability or

trustworthiness of the findings. The researcher finally interpreted and analyzed the data accordingly.

According to Creswell and Miller (2000), validity can also be achieved through employment of participant language verbatim account in which the researcher can obtain literal statements of participants and quotations from documents, including video clips and others that contain texts meant for analysis. The present study ensured accuracy, trustworthiness or credibility of the results after extracting the linguistic, rhetoric and move features direct from the JSC website, the daily newspapers, YouTube and other sources and using the same for purposes of analysis and final interpretation.

3.9 Data Analysis

The analysis of data is a process of transforming the data with the intention of discovering useful information, suggesting solutions and supporting decision making. In analysing the JSC interviews, the analyst applied the linguistic and structural techniques to extract and classify information from the textual sources. The present study used Conceptual Content Analysis to analyse data. In a conceptual content analysis, a concept may be chosen for examination and the number of its occurrences recorded. Content analysis involves the development and use of coding frames, often to make comparisons between different texts. For example the analyst might focus on comparing the frequencies of certain features in an interview text. This is a qualitative approach and it was used to identify the linguistic and rhetoric features which can be analysed at the word, phrase, clause, sentence or paragraph levels. It is used mostly in cases where texts are meant to provide the targeted corpus.

The researcher searched the internet, opened the JSC website, viewed and observed the videos and the transcripts that go with them, transcribed the interview texts and retyped them for purposes of analysis. The first step involved getting familiar with the texts. The researcher read and re-read the interview texts to select the relevant texts for the study. The second step involved coding, that is, labelling the whole text. The third step involved searching for the linguistic, rhetoric and move features in the interview texts. The fourth step involved searching for the patterns formed through the use of linguistic rhetoric and move features in job interviews. The fifth step involved defining and naming the linguistic, rhetoric and move features and the last step involved writing up the features, presenting the results supported by secondary data and quotes from the developed codes. The linguistic, rhetoric and move features were then identified described and analysed during the data analysis process.

3.10 Ethical considerations

The present study was conducted after obtaining permission from the Maseno University Ethical Review. The permit from the said body has been appended as appendix 12. The present study involved human participants since the data was publicly available, that is, interview texts from the Judicial Service Commission archive. The permission for further use and analysis was therefore implied and the ownership of the original data was acknowledged. The data collected was for research purposes only and not for any financial gain. The researcher used numbers to represent the subjects who had been interviewed publicly.

3.11 Conclusion

This section on methodology has highlighted the various aspects of research, including research design (the descriptive research design), the location of the study or study area, the

study population and research sample, sampling procedure, sample size, methods of data collection, reliability and validity of the instruments, ethical considerations and the data analysis methods.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND DISCUSSIONS

4.1 Introduction

This chapter deals with data presentation, analysis and discussions and this was done in line with the stated objectives in Chapter One, that is, to identify and describe the linguistic, rhetoric and move features used in JSC interviews; to analyze how the linguistic, rhetoric and move structures of the job by JSC interviews enhanced, promoted or expressed positive values; and to establish whether the linguistic, rhetoric and move features used in the public job interviews by the JSC contradicted, contravened or violated the positive values as enshrined in the Kenyan constitution. The objectives were discussed in relation to the theory and the reviewed literature in chapter two. The chapter elaborates on issues concerning the use of different linguistic items including the common usage of modal auxiliary verbs, use of pronouns, vocabulary, conjunctions, phrases, clauses, sentences, rhetoric structures, and move features. The chapter also discusses how some of these features enhance, promote or just express constitutional values or how the same values contradict the same values.

4.2 The linguistic, rhetoric and move features used in JSC Interviews.

The analysis was carried out in line with Genre Analysis theory as proposed by Swale's and as developed by Bhatia (1993). According to Swales (1990), Move 2 can involve studying and analysing the linguistic features (including use of lexis, syntax and discourses), rhetoric strategies (including use of metaphors, similes and symbolism) and the use of specific-generic patterns in interviews (including use of active/passive voice, paraphrasing, question answer, modality hedging, use of personal pronouns and many others). According to Bhatia (1993), lexico-grammatical features analysis usually involves a large-scale statistical corpus

analysis of a sample of texts that is representative of the variety in question. The sixth step of Bhatia's (1993) genre analysis suggests that a genre analyst should perform the linguistic analysis of a genre text on one or more of the linguistic realizations, the different levels of analysis of lexico-grammatical features (including the analysis of common usage of linguistic features, such as modal auxiliary verbs, pronouns and others), analysis of text patterning or textualization and structural interpretation of the text genre.

The analysis focused on qualifying some of the linguistic features that are considered to be common in interview genres such as use of modal auxiliary verbs, pronouns, conjunctions, vocabularies, phrases, clauses and sentences, rhetoric and move features. The examples of linguistic, rhetoric and move features were extracted from the sampled interview transcripts using extraction guide and they differ considerably depending on the different personalities interviewing or being interviewed at the time. The results showed the outcome of the in-depth analysis and interpretation of the interviews in terms of linguistic features, rhetoric strategies and move structures.

According to Bazerman (1988), a genre is associated with a pattern of regularity that includes not only repeated patterns in multiple texts but also regularity in the production and interpretation of those texts and in the social relations of writers and readers. The linguistic patterns are created when a set of linguistic features such as modals, vocabularies, conjunctions, pronouns and others are repeated regularly in a text. In order to evaluate the existence of linguistic, rhetoric and move features in the JSC interviews, qualitative content analysis was used to identify the features which were to be analyzed at the word, phrase, clause, sentence and paragraph levels. Ten interview texts were extracted from the transcripts in the JSC website through retrieval from JSC website. Three interview texts were

then purposively sampled out of ten interviews for the position of Chief Justice. The linguistic, rhetoric and move features were further analyzed as shown in the subsequent subsections below.

4.2.1 Use of modal auxiliary verbs

Objective one of the present research set to identify and describe the linguistic, rhetoric and move features. The linguistic features were extracted and labeled accordingly using the coding sheet. The extracted features were analyzed within the framework of Genre analysis theory as developed by Bhatia (1993). It involves the analysis of lexico-grammatical features, including the analysis of different linguistic features like modal auxiliary verbs, pronouns, conjunctions and others.

A modal auxiliary verb is a type of auxiliary that is used to indicate modality. ‘Modals have a wide variety of communicative functions, but these functions can generally be related to a scale ranging from possibility, necessity, ability, certainty, likelihood to permission’ (Palmer, 2001: 33). Modal auxiliaries include: *may/might, can/could/be able to, will/would, must/have to, shall/should/ ought to* and others (Palmer, 2001). Modal auxiliary verbs are used together with a main verb to show the verb’s tense or form a negative or question. Modal verbs however, have no meaning of their own but they have varying functions (Palmer, 2001). For instance, they can be used to help verbs express ideas about the present or future. A few basic grammatical rules that apply to modal verbs include: modal verbs are never used with other auxiliary verbs such as do, does, did, has, have, be, are and other auxiliary verbs. The negative is formed by simply adding ‘not’ after the verb and questions are formed by inversion of the verb and the subject. For example, one can say ‘*You should not do that to me*’ or ‘*Could you come to my office immediately.*’ Modal verbs never change form, like

taking the plural form by adding *-s* or change to past form by adding *-ed, -d* or continuous form *-ng*. Finally, modal verbs are never followed by ‘to’ with the exception of the semi-modals such as *ought to, have to or used to* (Leech, 2002). The meanings of modal verbs are usually connected with ideas of doubt, certainty, possibility and probability, obligation and permission (or lack of these). These meanings are sometimes divided into two groups: degree of certainty, including *certainly, probably, possibly and impossibly* and degree of obligation/freedom to act including *permission or lack of permission, ability, obligation and suggestion* (Palmer, 2001). Modal verbs often highlight power inequalities or ideology. For instance, *deontic* modality can be used to express authority whereas *epistemic* modality can construct different representations of the world (Baker & Ellece, 2011: 71). In the interviews conducted by the Judicial Service Commission of Kenya, the interviewers used modal auxiliary verbs including ‘*could*’, ‘*can*’ ‘*may*’, ‘*would*’ ‘*will*’ ‘*should*’, ‘*have to*’ or ‘*have got to*, ‘*must*’ ‘*will*’ ‘*would*’ among others.

In the data presented in example 1 below, the speaker is referring to a judgment that was made by the interviewee over twenty five years earlier and it involved a widow of a former prominent lawyer who struggled to bury her husband in the land they bought together and they were residing in as a family against the wish of the husband’s clan who insisted that according to their culture, no son of their clan is supposed to be buried away from their ancestral land.

1. *Could* you say that you were not too harsh on the plaintiff particularly on the issue of gender?(Extract 1, line 1)
2. I *could* have shouted when I felt that the advocates were wasting the court’s time. (Extract 2 line 16)

In example 1 above, the speaker uses *could* to express politeness and past probability because she wants to know if the judge probably handled the plaintiff harshly in the past and if this is true, then the judge is not fit to occupy the seat of a Chief Justice. This is because the new constitution does not allow people, especially judges to treat people harshly because of their gender as this may result in a violation of human rights. According to Palmer (2001), modals are not used to talk about things that definitely exist or events that definitely happened, so the best the participants could do in the above extracts was to use auxiliary verbs that indicate probability or possibility. *Could* is therefore used to achieve a communicative purpose of promoting the positive values including human rights, human dignity and respect, especially when the modal verb *could* is used to express politeness. This is in line with what Bhatia's (1993) Genre analysis theory that states that an analysis of any text must involve checking on lexico-grammatical features including the linguistic features.

Example 2 above is a response by a female candidate who was a judge and had served for over thirty years in the same judiciary and was asked questions about her character as the interviewer felt that she proved to be impatient and shouted at people during her judgments. The interviewee uses '*could*' to indicate probability or possibility that is; it was possible or probable that she shouted when she felt that the client was wasting the court's time. *Could* is therefore a linguistic feature used to express the speakers' concerns especially when they are not sure of the intention behind a negative act demonstrated by a judge who wanted to be selected as a Chief Justice. This is in line with what Palmer, (2001) says concerning some modal auxiliaries. He gives examples of modal verbs including *could* which indicates possibility, probability, request, ability, politeness and others. According to Genre Analysis

theory by Bhatia, a genre analysis must involve studying context and levels of linguistic analysis such as investigating the lexico-grammatical features and text patterning. This includes analysis of features like modal verbs and others.

Can is another modal auxiliary verb that is common in interviews (Palmer,2001). It is usually used to say that somebody knows how to do something or has the ability to do something: *Can you play the flute?* *Can* is also used to say that something is possible or somebody has the opportunity to do something: *Can you come this afternoon?* (Palmer, 2001). *Can* is used in examples 3 and 4 below to ask the candidate whether she can share any case she argued that has been reported in the law reports and she says she can't remember which one was reported in the law reports. The use of *can/can't* is therefore evident in the examples below:

3. *You have professional experience of three decades. Can you share one case you argued that has been reported in the law reports? (Extract 2, line 5)*
4. *I can't remember which one was reported.(Extract 2,line 6)*

In example 3, the speaker uses *can* to express both possibility and ability, that is, the interviewee is asked whether it is possible for her to share one case she argued that had been reported in the law reports or whether she has the ability to remember and share her experience. In response the interviewee uses *can't* the negative form of *can* to express her inability to remember which of the cases was reported. The modal *can* was therefore used consciously by the participants to express their feelings and understanding of the communicative purposes for which the interviews were organized. That is, they would want to get somebody who has the ability or competence to serve as a chief justice in the Kenyan judiciary.

Another modal that has been used in the extracts is *may*. According to Palmer (2001), *may* express polite request, permission or probability. *May* is used when talking about things that can happen in certain situations like: '*It may rain today*'. *May* is also used to request for permission such as: *May I borrow your pen?* *May* is also used to say that something is possible, that is, it may be true or untrue. *May* appears in sentences when one is admitting that something is true before introducing another point or argument, for example, '*He may be a good father but he is a terrible husband.*' *May* is also used as a polite way of making a comment, asking question, or it can be used to express wishes and hopes, or say what the purpose of something is. For example; *May I go out please!* or *May you live long to see your great grandchildren.* *May* has been used in the following examples from the interviews:

5. *I may not be having paper qualification but I have the experience and fundamentally, the exposure. (Extract 1 line 6).*
6. *And is there a possibility that you may have become a very narrow minded person as a result of just working in through one institution all your life.(Extract 1 line 7)*
7. *It is double-edged sword where you may chart into new waters and help people but sometimes it may cause a lot of damage depending on the ruling.(Extract 1 line 19)*
8. *If they are organized properly, they may run like the grand coalition government.(Extract 3, line 6).*

In examples 5, *may* has been used to express possibility, that is, something is possible, true or not true: '*I may not be having paper qualification*', meaning it may be true that the

interviewee's academic qualification may not merit the standards expected, but on the other hand, it may just be the qualification required depending on the guidelines used during the interview and the person looking at it or judging it. It means that the speaker is aware of what is needed in terms of competence but because the interviewer feels the qualification he has does not match the requirements, the interviewee, gives other qualifications like experience and exposure. It also means that both the interviewers and the interviewee are aware of and are really willing to use terms that can promote the positive values expected in the judiciary, especially those of competence, experience, exposure and many other aspects.

In example 6, *may* has also been used to express possibility when the interviewer says that it is possible that the interviewee may have become a narrow minded person given the fact that he had been working in one institution throughout his life. The question was asked purposely to find out whether the applicant had competence and experience in matters to do with court proceedings and if he didn't have, then he would not qualify to be the country's Chief Justice.

In example 7, the applicant was asked about his views of judicial activism and in his response, he said that it is a double-edged sword because it could be of benefit especially when new ideas are accommodated or it could cause a lot of damage if not approached with a lot of caution. The first *may* in example 7 therefore was used to express possibility or probability, that is, judicial activism may possibly be of benefit to people. On the other hand, it may possibly cause a lot of damage. According to Palmer (2001), *may* as a modal verb can express permission, politeness, possibility, probability, ability and others. The linguistic patterns are created when certain features are repeated regularly to express a common idea.

May as a modal verb was therefore used by the participants to express such moods like possibility, probability, permission, politeness and others.

In example 8, the candidate responded to a question he was asked concerning his service as a chief justice during the first one hundred days in office. To him the constitution changed and an operational plan on how structures formed were going to be harmonized and how all could read from the same script would be the work of the new chief justice. He therefore meant that he would involve all stake holders in judicial matters and he would accommodate different views from different people but they must work in harmony, and in accordance to the new constitution, thus there was a possibility that they may run like the grand coalition that was formed after Kenya experienced post-election violence and the ruling party and the opposition agreed to work together despite their differences in terms of principles or ideologies. *May* is therefore used to express probability or possibility. The mood expressed imply that team work, unity and peaceful coexistence can help enhance democracy in the Kenyan judiciary.

The use of modal auxiliary verb *will* is also evident in the extracts from the interviews. According to Palmer (2001), *will* is used to indicate future intention or future actions, that is, to say what we believe will happen, to talk about what people want to do or are willing to do. We also talk about *will* when we want to make promises and offers or for showing that somebody is willing to do something. For instance, '*I will visit you tomorrow*'. *Will* is used for asking somebody to do something: '*Will you send this letter for me?*' *Will* is also used for ordering somebody to do something: '*Will you be quiet!*' *Will* is also used for stating what you think is probably true: '*You will have had dinner already, I suppose*'. *Will* can also be used for stating what is generally true or possible in a particular case.

In the examples below, ‘will’ has been used for different purposes:

9. *I want to change the image of the judiciary and revamp it. I will begin with having training for the judicial officers (Extract 1, line 12).*
10. *I will lead by example because in my history as a judge, I have never deferred a date of a judgment (Extract 2, line 18).*
11. *As an outsider, I think I will enter and say what do you want us to do? (Extract 3, line 4)*
12. *What will you do within the first one hundred days of your service as the CJ if given a chance?(Extract 3, line 5)*
13. *You know the constitution changed and came up with operational plan on how structures formed will be harmonized and how all will read from the same scripts.(Extract 3, line 6)*
14. *I will try to balance between that and my work, and use the law as the basis. The law will not be used to serve the whims of the ruling class and I will ensure complete independence of the judiciary from the other arms of the Government if I am appointed as the chief justice. (Extract 3, line 14)*

In examples 9, the speaker uses *will* to indicate future intention of actions like changing the image of the judiciary and revamping it in order to save the face of the judiciary. For instance, the interviewee promised to begin with having training for the judicial officers, something that would ensure the officers are well trained and competent enough to perform their duties efficiently and effectively when given the chance to work in the judiciary. *Will* was therefore used to express future intention. In example 10, the interviewee was responding to a question asking her what she would do to ensure there are no delayed

judgments. It was like a promise or an assurance that what was said would be done as the person in question had never deferred a date of judgment and she had never said she was not ready. *Will* therefore was used to express willingness and future predictions or intention. In example 11, the interviewee was asked what he would bring in as an outsider and he said he would enter and ask what the stake holders would want to be done for so that they work together. *Will* is therefore used to express willingness to do something or future intentions. In example 12, the speaker asks a question to find out what the interviewee will do within the first one hundred days as the Chief Justice. *Will* is therefore used to ask questions or to inquire about somebody's intention.

According to Palmer (2001), modal verb *will* falls under event modality in which deontic speakers express conditioning factors that are external to the relevant individual or *volitive* speakers who express willingness to do something. The interviewers use *will* to evoke and understand the future intentions of the interviewee. In example 13, the speaker responds to the question posed in example 12. He talks about how structure formed will be harmonized and how all will read from the same script. *Will* is therefore used to express futurity. According to Palmer (2001), *will* is used for willingness to do something or for future intentions. The interviewee was therefore expressing his willingness to work with others and he was also using *will* to reveal his future predictions or his future intentions of ensuring that the structures are harmonized.

In example 14, the first *will* has been used to express future intention of the interviewee, that is, balancing between being a judicial activist (appendix 3, line 13) and being competent in his work as the chief justice in case he was elected. The second *will* was used to say what the law would not do, that is, it would not be used to serve the whims of the ruling class, so *will*

was again used to express future predictions. The third *will* expressed future promise, that is, he *would* ensure complete independence of the judiciary from the other arms of the government. These are what Palmer(2001) maintains are the *commissive* speakers who commit themselves to do something, and the expression may be a promise or a threat. So in the case of example 14, the speaker used the third *will* to state a promise of what he intended to do if given a chance to be the CJ. Generally, *will* has been used to show future intention, promise or action, willingness or to form questions and in all sentences where *will* has been used, it shows the willingness of speakers to express positive values like independence, cooperation and others.

Would is another auxiliary verb used in the JSC interviews. *Would* can be used as past tense of *will*. It is also used as a polite request and offer. In conditional clauses, *would* is used to indicate unfulfilled conditions. *Would* is also used before or after *wish* or when talking about past habit or future in the past (Palmer, 2001).

In the following examples, *would* has been used to express or indicate different moods.

15. *And if this case came back to you today, and if you were to set a way forward for every other judge as head of the judiciary, how would you handle it?*

(Extract 1, line3)

16. *To be sincere we would wish to clarify that when we interrogate you, on the judicial position, we are aware that we are not the supreme court*

(Extract1, line9)

17. *What would you achieve in the judiciary within the first one hundred days if given a chance to be the Chief Justice? (Extract 1, line 11).*

18. I would want to be considered for my ability and not because I come from a minority group.

19. Would you get rid of that earring when elected as the CJ?

Would has been used in different sentences cited above. For instance, in example 15, an interviewer asked the applicant ‘...how would you handle it? *Would* in this case was used as a conditional tense to express a possible scenario, that is, a case of the same nature being replicated. The interviewer in this case is trying to find out if the candidate would do the right thing if he finds himself making a judgment in a similar situation. It was also used as a conditional tense to indicate distant reality because there was no way the same case could come back to be dealt with as the person who was the centre of controversy had died and had been buried or unless a similar case came up but with different subjects. In example 16, *would* is used to express politeness by one of the interviewers, meaning s/he is aware that politeness is a positive value that can help cool down a person whose emotions are aroused due to what s/he considers a hurting question.

In example 17, one of the interviewers has used the modal ‘*would*’ as a conditional tense to express a possible reality, meaning it is possible the candidate may be selected as the chief justice and if that happens, s/he would be in a position to improve or transform the judiciary within 100 days. In example 18, the speaker has again used *would* to express polite request while in example 19, *would* is used as a past tense of *will*. The use of *would* in the above data is therefore in line with what other scholars (Dooly & Evans, 1999; Palmer, 2001; Leech, 2002) have indicated in their research. For instance, Palmer (2001) indicates that deontic speakers express conditioning factors that are external to the relevant individual while Leech (2002) argues that, certain aspects of modality are sometimes focused on in Critical

Discourse Analysis, particularly those that highlight power inequalities or ideology. Those that are used to express authority are grouped under deontic modality, whereas those that can construct different representations of the world are grouped under epistemic modality. *Would* as a modal verb has been used in the interviews to express willingness, politeness, and conditions and as past tense of *will* or to ask questions. In the above examples, *would* has been used to promote positive values of respect, politeness and other values.

Have to is another modal auxiliary that is commonly used in interviews. *Have to* can be used to express certainty, necessity, and obligation, (Palmer, 2001). For example, the case *has to* be finalized, the breakages *have to* be dealt with immediately or the students *have to* be suspended for misbehaving. According to Leech (2002), *have to*, is categorized as one of the semi-modals just like *need to*, *used to* or *want to*.

In the examples below, the use of ‘*have to*’ is evident and it indicates an obligation, necessity and certainty.

20. *Burials have to be dealt with under the customary law that is the constitutional position. ‘There was no other law to deal with issues of burials’ (Extract 1 line 2).*

21. *People have got to update themselves. You are attacking me on personal liking or personal disliking. Extract 1 line 3).*

In example 20, the speaker seems to be very much aware of what the constitution says about customary laws thus using the semi-modal, *have to*, to demonstrate his understanding of the constitution, whose position is that, burials have to be dealt with under the customary law. In example 21, the candidate is using the semi modal *have to* to express personal obligation. It

means that those who are selected to serve as public officers are obliged to update themselves for them to remain relevant, and to demonstrate that they are competent to serve the public efficiently and effectively. Have to in this case has been used to promote positive values of competence, efficiency and others. According to Leech (2002), semi-modals such as *have to*, *need to*, *want to* and *used to* are increasingly used to express modality, hence they can be used alongside other modal verbs.

Since the other modals occurred too infrequently, in our data, we focused on the more frequent ones, including *can* and *could*, *will* and *would*, *may* and *have to*. The observed patterns of frequent use of *could*, *will*, *would*, *may* and *have to* indicate possibility, ability, politeness, permission, request, obligation, probability and necessity seem to play certain roles in the interview genre. The modal verbs are used to achieve some communication purposes and therefore they carry the values with which certain communities' decision on acceptance or prohibition may be expressed. Communicative purpose is viewed as a fundamental property of genres (Yates & Orlikowski, 2002).

A genre is a template for action enacted within a community to accomplish a socially recognized purpose. For instance, a company's promotional advertisement genre is meant to market the company in question or the call-for papers genres are understood by the research community as an invitation to submit manuscripts intended for a scientific conference. In the interviews by the Judicial Service Commission of Kenya, the communicative purposes included using language to recruit candidates who are able to clean up the judiciary, and get rid of such challenges like corruption, incompetence, inefficiency, injustice and many others. For the candidates to be recruited, the communicative purposes could be achieved

through the use of language that could persuade the interviewers that they have what it takes to improve the judiciary. Thus, the linguistic features, including modal auxiliary verbs (such as *can, could, may, would* and *have to* in the JSC interviews) are aimed at achieving different communicative purposes.

The linguistic features used by the participants therefore demonstrate their knowledge of what is expected to make the judiciary an institution that can be relied upon by the public, hence build their confidence in the institution of justice. Linguistic features like modal auxiliary verbs are therefore used to achieve communication purposes in the JSC interviews.

4.2.2 Use of pronouns as linguistic features in JSC interviews

The linguistic features were analyzed within the framework of Swale's (1990) Genre analysis theory. According to Swales (1990), Move 2 can involve studying and analysing the linguistic features (including use of lexis, syntax and discourses), rhetoric strategies (including use of metaphors, similes and symbolism) and the use of specific-generic patterns in interviews (including use of active/passive voice, paraphrasing, question answer, modality hedging, use of personal pronouns and many others). Pronouns are words that are used in grammar in place of nouns that is they can be substituted for nouns or noun phrases (They include: *I, he, she, we, himself, herself, you, it, that, each, few, many, several, who, whoever, whose, someone, everybody* and many others. Pronouns are classified into different types including: personal pronouns (subject and object pronouns), possessive, demonstrative, relative, indefinite, reflexive, and reciprocal and other types of pronouns (Beard, 2000).

In the JSC interviews, different types of pronouns have been used. For instance, the personal pronouns, including subject and object pronouns have been used extensively by different

speakers. A subject pronoun is used when the pronoun is the subject of the sentence and an object pronoun is used when the pronoun is the object of the sentence. The use of personal pronouns *I, me, you we, us, he, she, them* and many others is common in interview genres (Beard, 2000). According to Beard (2000), pronouns must be thought of in the context of interaction and in terms of the identity work that it accomplishes. Pronouns can actually be used to construct favourable images of people. The pronouns *I, we you* and *they* have dominated the JSC interviews.

For example, in the following examples, the use of personal pronouns ‘I’ is clear:

22. *And now ,Isee you have a Bachelor’s degree with 2nd lower, and at second lower you have not conceptualized, you know, and an average Kenyan is like somebody with a 3rd division or a C-.(Extract 1, line 5).*

23. *Imay not be having the paper qualification but Ihave the experience and Fundamentally ,the exposure. By that time, when I was being engaged in the third arm of Government in 1976, the grades were among the best and I was among the cream at that time. (Extract 1, line 6).*

24. *I offer no apologies myself and why should a commissioner apologize on my behalf?(Extract 1, line 10).*

25. *I want to change the image of the judiciary and revamp it. Iwill begin with having training for the judicial officers. (Extract 1, line 12).*

The subjective personal pronoun *I* is used in example 24 to show that the interviewer is expressing his feelings and not that of the panelists. Personal pronoun *I* is not necessarily a substitute of a noun but mostly the speaker uses it for his own reference (Halliday & Hasan, 1976).In example 25, the personal pronoun *I* is used by the applicant to defend himself

against the claims by the interviewer, that his academic qualification does not merit the position he is looking for, that is, a Bachelors degree with second lower which is like division 3 or C-. According to the interviewee's own understanding, the grades were among the best at the time he got them. In this case, the understanding is personal and therefore he is speaking as an individual. The same first person singular pronoun *I* is used by one of the interviewers to express personal feelings. In example 26, the pronoun *I* is again used by an interviewer and he says that he has no apologies to make and he does not expect anybody to apologize on his behalf. In example 27, the personal pronoun *I* is used to express personal determination or strong convictions, especially when the interviewee said that he wanted to change image of the judiciary and revamp it. He then explains how he would do this, that is, by training the judicial officers. The answer given in response to the question asked is personal because others were asked the same question but they responded differently, without necessarily using the pronoun *I*. The personal pronoun *I* is therefore used specifically to express personal feelings, experience and involvement.

The personal pronoun *you* is used when addressing someone (direct address), especially when the interviewer is addressing the interviewee. Some linguists (Haliday & Hasan, 1976; Lyons, 1977) describe *you* as a personal pronoun that is used to specify the participant's role as hearer, addressee or recipient. 'It helps the speakers to talk about everyone' (Sacks, 1992:1:163). *You* can also be used when a speaker has moved out of the question and answer framework in a context such as when there is a disagreement, avoidance of question or when an interviewee is confronting the interviewer (Sacks, 1992; Watson, 1987).

In the examples below, *you* has been used by both the interviewer and the interviewee.

26. *And is there a possibility that you may have become a very narrow minded person as a result of just working in through one institution all your life?(Extract 1, line 7).*
27. *People have got to update themselves. You are attacking me on personal liking or a personal disliking (Extract 1, line 8).*
28. *Considering the returns on your declaration of wealth, under what circumstances did you acquire land in Nairobi and the Rift Valley?*
29. *You are harassing me with the aim of projecting me in bad light.(Extract 1, line).*
30. *Why did the commission of inquiry into the Goldenberg scandal, which you chaired fail to prosecute those behind the Ksh 5.8 billion and Ksh 13.5 billion scandals?*

In example 26 above, the pronoun *you* is used to refer to the addressee whom the speaker doubts whether he is competent enough given the fact that he has been working in the same institution all his life, meaning he might have become a very narrow minded person. In example 27 the second person singular pronoun, *you*, is used by the interviewee to address the interviewer who has asked a question and the rest of the panelists. To him the interviewer has a personal liking or disliking for him and he detests this. It is for this reason that the interviewee seems to be disagreeing with or confronting the interviewer who has asked him a question.

In example 28, one of the interviewers uses *you* to ask the interviewee a question that suggests that the interviewee must have acquired some land under some unclear circumstances. *You* is therefore used as a direct address to the interviewee who is called upon

to give some clarification on the issue of land that he had acquired. In response to the question, in example 29, the interviewee again feels he is being harassed through the questions he is asked. He therefore uses the pronoun *you* in singular form as he is directing his claim to the person who has asked him the question. For a person to feel harassed, we may conclude that his rights have been violated through the use of language. In example 30, *you* is used to directly address the interviewee and to specify his role as the addressee. It is meant to indicate the role the interviewee played as an individual when he failed to persecute the culprits in the Goldenberg scandal and if this happened, he is not capable of upholding the democratic values as enshrined in the Kenyan constitution, especially those of integrity, transparency and accountability among other values.

Another personal pronoun used in interviews is *we*. The core meaning of *we* is collective identity or group membership (Pennebaker, 1990). *We*s used by interviewers and interviewees to achieve different purposes. For instance, when an interviewer says that the whole team of interviewers is working collectively to ensure fairness for the victim.

Consider the following example:

31. To be sincere, we would wish to clarify that when we interrogate you on the judicial position, we are aware that we are not the Supreme Court.

(Extract 1, line 9).

In example 31, the personal pronoun *we* has been used to express oneness or solidarity. This is what Beard (2000) calls the inclusive *we*, which means that the other participants are also included in the thought and are in agreement with what is said. The pronoun is used to show

unity in purpose, thus using language to achieve the communicative purpose for which the interview is conducted.

The first person singular '*I*' and the second person singular '*you*' are used alternately in interviews and therefore they form a pattern in interview texts. The plural personal pronoun *we* is normally used when the speaker in an interview wants to include the other panelists.

In interviews, personal pronouns *I*, *you* and *we* are used repeatedly to specify the speaker or the recipient and at the same time to emphasize moral values (Beard, 2000) that fulfill the demand of the communicative purpose, that a person of good morals is being recruited.

Personal pronouns express elements of collective responsibility, unity and other values hence help in achieving communicative purposes for which the interview genres are meant. It allows the speakers in an organization to express their personal thoughts that reveal their attitude, emotion, personality, age, social class among others, hence the audience is able to judge whether they can bring reform in the judiciary or not.

Consider the following examples:

32. *I think as a judge my track record fits the requirements.*

33. *I would want to be considered for my ability and not because I come from a minority group.*

In example 32 above, the interviewee says, '*I think as judge*' instead of saying, '*as a judge*'. According to Pennebaker (1990), such a person who starts his or her statement with the clause '*I think....*' is said to be indecisive and therefore cannot be put in a leadership position that requires proper judgment. In example 33, the interviewee again uses the

pronoun *I* to express personal stand and Pennebaker(1990) argues that, if someone uses the pronoun *I* repeatedly, it is a sign of self-focus or someone is more focused on himself. People who are lower in status use *I* much more frequently (Pennebaker, 1990).

This shows that the interviewers are trying to promote the expected values that should help improve the judiciary. However, the way some questions are presented could also possibly hurt the interviewee who may take certain expressions as a personal attack on their personality hence feel their rights have been violated thus undermining the whole purpose of vetting as a constitutional requirement. For instance, an interviewer says:

34. And is there a possibility that you may have become a very narrow minded person as a result of just working in one institution all your life? (Extract 1, line 7).

35. People have got to update themselves. You are attacking me on personal liking or a personal disliking (Extract 1, line 8.)

*36. You are harassing me with the aim of projecting me in bad light.
(Extr.1line18)*

In example 34, the pronoun *you* is used to indicate that the interviewer is trying to demonstrate how an interview can be used to achieve a communicative purpose and this is evident when the addressee is asked whether he has become *narrow minded* and in response, the same addressee says that he can still be relevant when he updates himself hence the presumption that he cannot perform due to lack of competence cannot count once things are normalized. The statement can be interpreted as derogative and offensive and this can lower the dignity of human beings thus violating human rights of a person. In example 35, the

interviewee in response feels that he is being attacked on personal liking or disliking. He uses the pronoun *you* to show that the addressee does not just aim at achieving communicative purposes but has a personal dislike for him. In example 35, the interviewee again feels that he is being harassed so as to project him in bad light.

The examples above show the extent to which people may offend others in the name of trying to get qualified people for institutions like the judiciary. The terms used by the interviewees in the above examples are taken by the interviewee to be belittling, discouraging or demoralizing. The interviewee interprets the statements as personal attacks on his personality and therefore closer to what is called character assassination. This is not what is expected in an institution of justice like the judiciary where justice should dominate in speech and in action if they have to win the confidence of the public. From the reaction of the interviewee in the above examples, we can deduce that his rights have been violated and this is going against the constitutional expectations. Every human being needs to be dignified, respected and valued even if they are not considered for the positions they applied for. Sometimes the speakers would not want to show their stand or personal feelings. Consider the following examples:

37. There's a view that you are not fit to be a chief justice because you have a problem with grasping the law, you are temperamental and not the right person to reform the judiciary. (Extract 2, line 13)

38. There is also a view that as much as you have good judicial career, you are impatient and you shout. (Extract 2 line 15)

39. *The impression is that this is a person who is coming from outside(Extract 3,line1)*

The speaker, instead of using personal pronouns *I* or *we* uses the phrase 'There is a view' to mean that it is not a personal feeling but a general one. The speaker who says the statements in examples 37 and 38 do not specify whose views are presented, thus diverting the possible resentment to others. These are different ways of showing whether one has a personal feeling or a general feeling as expressed by the speakers in the above examples and these are indicators that the participants in the interviews are, in a way, trying to express their individual thoughts in line with the new constitution or they are trying to bring in what others should express.

In example 39, the interviewer does not ask a direct question and does not use the personal pronouns like *I*, but he uses demonstrative pronoun *this*. It is like the interviewer is introducing somebody whom people do not know his background well. In the same example 39, the use of relative pronoun *who is* to introduce the adjectival clause '*who is coming from outside*' helps in the identification of the person and this is a further clarification that the interviewee is an outsider. This is in a way done to prove that the candidate is new and a stranger to matters of the judiciary. The expression in line 39 therefore allows the candidate to express how he is going to work independently when he has no experience working in the judiciary. The intention of the interviewer in asking this question is to let the interviewee demonstrate whether he is competent enough to clean the judiciary of its shortfalls. This implies that the interviewer is aware of the challenges in the judiciary hence s/he is trying to ensure that the judiciary gets a competent person to carry out the work effectively and efficiently thus promoting the positive values of competence and independence.

4.2.3 Use of conjunctions/connectors

The linguistic features including conjunctions were analyzed in line with the Bhatia's (1993) framework of Genre analysis. According to Bhatia (1993), lexico-grammatical features analysis usually involves a large-scale statistical corpus analysis of a sample of texts that is representative of the variety in question. The sixth step of Bhatia's (1993) genre analysis suggests that a genre analyst should perform the linguistic analysis of a genre text on one or more of the linguistic realizations, the different levels of analysis of lexico-grammatical features (including the analysis of common usage of linguistic features, such as modal auxiliary verbs, pronouns, conjunction and others), analysis of text patterning or textualization and structural interpretation of the text genre.

A conjunction is the part of speech that is used as a link that connects words, phrases, clauses in particular sentences. It links these words or groups of words together, in such a way that certain relationships among these different parts of the sentences are established and the thought they convey are connected. We normally use it in speech without realizing it. It allows for more natural flow of ideas in speech and writings. In conversations like interviews, it is used to combine ideas and compare clauses, phrases or words (Scribendi, 1997).

Types of conjunctions include: coordinating, subordinating and correlative conjunctions. Coordinating conjunctions are seven in total and they include: *for, and, nor, but, or, yet* and *so*. These conjunctions connect two or more items of equal syntactic importance. Subordinating conjunctions on the other hand are used to connect dependent or subordinate clauses to independent ones. They include: *because, however, before, after, nevertheless, although* and many others. Correlative conjunctions are pairs of conjunctions that are joined

together to combine two relative parts of speech. They are mostly used as comparative devices (Scribendi, 1997). They include: *either...or*, *neither...nor*, *not only... but also*, *both...and*, *whether... or* and *finally not...but*. The data below contain some conjunctions that are used to link words, phrases, clauses and sentences:

40. And *are you a homosexual...? (Extract 3 line 10)*

41. *And on judicial activism, what will you do about it? (Extract 3, line 13)*

42. And *share with us what resourcefulness you have brought to the judiciary.(Extract2,line 21)*

43. And *as an outsider...! (Extract 3, line 21)*

The conjunction *and* is used in example 40 to relate what the participants think about the interviewee and the role he is to play as the chief justice. The morality of the interviewee is being tested and his attitude towards the gay community is also questioned when he is asked: *And are you a homosexual?* The interviewers would not recruit somebody whose morals are questionable so they have to rely on the response they get from the interviewee to judge whether he can uplift morality or not. In example 41, the interviewer uses *and* to get clarification from the interviewee about his stand on judicial activism which is also a controversial term. This is done after a serious and rigorous questioning on the interviewee's earring stud that portrays him as a homosexual which is also a controversial concept. Thus, the use of *and* is to show that the two terms, *homosexual* and *activism*, are of great interest to the interviewers because they are concerned about the morality of the interviewee.

In example 42, the interviewer uses the conjunction *and* to relate the idea of being resourceful to any improvement expected in the judiciary. From the expression by one of the interviewers asking the interviewee to share with them: *'resourcefulness you have brought to*

the judiciary', it is clear that the interviewee is an insider, meaning s/he has been working in the same institution, the judiciary for some time. That is why s/he is asked what resourcefulness s/he has ever brought to the judiciary. The idea is to get a person who is creative and who can work independently to transform the judiciary. The interviewer is interested in getting information on any creativity or resourcefulness that can help improve the judiciary. This is indirectly asking if the interviewee will bring in any reform in the judiciary if selected as the chief justice. The connotation that this question implies is whether there is competence or independence on the side of the interviewee.

Conjunction *and* is also used in example 43 and the interviewee in this case is referred to as an '*outsider*' and this contrasts what is asked in example 42 where the interviewee is referred to as an '*insider*'. Thus the interviewer asks this question to get any clue whether a person from outside can transform an institution like the judiciary which he has never been part of. The use of conjunctions therefore helps in promoting positive values expected in an institution like the judiciary. This is realized when sentences about homosexuality, judicial activism and resourcefulness are linked through conjunction *and*. The conjunction *and* is extensively used in the JSC job interviews to link the ideas the participants have in mind (what is called the ideal situation and what they pre-empt about the interviewees-the reality of things or the real situation). The rest of the conjunctions are included in appendix 2.

4.2.4 Use of vocabulary/ word choice or dictions as linguistic features

The linguistic features were analyzed within the framework of Bhatia's (1993) Genre analysis theory. In Bhatia's (1993) view, lexico-grammatical features analysis usually involves a large-scale statistical corpus analysis of a sample of texts that is representative of the variety

in question. Genre analysis theory suggests that a genre analyst should perform the linguistic analysis of a genre text on one or more of the linguistic realizations, the different levels of analysis of lexico-grammatical features (including the analysis of common usage of linguistic features, such as lexis, modal auxiliary verbs, pronouns and others), analysis of text patterning or textualization and structural interpretation of the text genre. Vocabulary refers to ‘all the words that a person knows or uses’, or ‘all the words in a particular language’, or ‘the words that people use when they are talking about a particular subject’, or ‘a list of words with their meanings’- Dictionary.com (Oxford Advance Learners’ Dictionary p.1662). Diction also refers to the choice or use of words in literature. Vocabulary or wording of a text gives an indication of how the speaker or writer sees the world through his or her wording.

Fairclough (2006) argues that different groups of people see the world differently in different times and places as they use their wordings differently to describe the world. One way to make an analysis of vocabulary is to look upon alternative wordings and their political and ideological significance. For instance, using the term ‘freedom *fighters*’ instead of the word ‘*terrorists*’ connotes different views on ideology which is also referred to as *rewording*. Rewording occurs when one existing, dominant, and naturalized wording is systematically replaced by an opposing wording, Fairclough(2006). The lines below give the examples of how certain words are used in certain contexts:

The interviews by JSC contained vocabularies that were used by the different participants including the interviewers and interviewee. The underlined words and phrases below give the examples of how certain words are used in certain contexts:

44. *Could you say that you were not too harsh on the plaintiff particularly on issue of gender? (Extract 1, line 1).*

45. Burials have to be dealt with under the customary law that is the constitutional position. There was no other law to deal with issues of burials.(Extract 1, line 2)
46. And if this case came back to you today, and if you were to set a way forward for every other judge as head of the judiciary, how would you handle it?(Extract1,line3)
47. Those customary practices which run contrary to human rights are not to supersede the position of human rights.(Extract 1, line 4).
48. Your CV paints the picture of a great judge. You say you have given landmark rulings. What are landmark decisions? (Extract 2, line 2)
49. There's a view that you are not fit to be a chief justice because you have a problem with grasping the law, you are temperamental and not the right person to reform the judiciary. (Extract 2, line 13)
50. There is also a view that as much as you have good judicial career, you are Impatient and you shout.(Extract 2, line 15)
51. Questions about what I see as the judiciary in the transition, I talked about that collective intellect, you know, which in a supreme court, for example, you are going to have judges who have different philosophies.(Extract 3, line 2).
52. And are you a homosexual...? (Extract 3, line 7).
53. I am not a homosexual and having said that, let me say I don't discriminate Against people who are homosexuals. (Extract 3, line 8).

In example 44, the interviewer uses the expression '*too harsh*'. *Harsh* can mean a condition or a place that is an unpleasant and difficult to live in. *Harsh* can also refer to actions, words, judgements, or laws that are strict, unkind and often unfair like '*the judge was known for his harsh sentences.*' *Harsh* can also be used for sounds or lights that are not soft, gentle or smooth. *Harsh* can be used for facts that are unpleasant but true. *Harsh* can also refer to substances that are powerful and damaging (Oxford Advance Learner's Dictionary p.1689).

The expression '*too harsh*' may mean the judge might have made an earlier ruling without being considerate, that is, strictly, unfairly or unkindly. This is from one of his judgments and it portrays some elements of one's attitude towards something or somebody. If the speaker wanted to portray the action that was done positively, then he or she would have used terms like '*firm*' instead of '*harsh*' which portrays the negative aspect of the action. *Harsh* in this case would imply that the candidate violated the rights of the plaintiff, especially human rights thus contradicting the intention of having a clean judiciary where positive values are meant to be promoted or enhanced. The interviewer asks to find out if the interviewee was unfair to the plaintiff and if this would be the case then the interviewee was not fit to serve as a chief justice. The interviewer therefore used certain terms to achieve the communicative purposes, the intention being, to recruit a person who is fair to all.

The issue of gender has also featured in example 43 and it actually shows that discrimination against people because of their gender should not feature when a judge is making his judgment and this is a constitutional requirement. The interviewer is aware that the constitution does not allow people to be discriminated against because of their gender. The Kenyan constitution states that: '*Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.*' (The

Constitution of Kenya, Chapter 4, article 27, clause 3). The interviewee in example 43 is therefore taken to task to prove that he never discriminated against anybody because of gender and this in away proves that they are using language to express their concern about the constitution that upholds the value of equality.

In example 45, the interviewee refers to constitutional position concerning burials and *customary laws*. The phrase *customary laws* refer to laws that are usual in a particular society or situation (Oxford Advance Learner's Dictionary p. 363). Examples 45, 46 and 47 are emphasizing the role of *customary law* in the presence of a more superior law (the new constitution) and what it has concerning human rights. The choice of words like *harsh*, *plaintiff*, or phrases like *customary law* and others by the interviewer in examples 45 and 46, shows that the interviewers and interviewees are concerned about the context in which the interview is carried out and their main concern is how to get a CJ who can protect and uphold the Kenya's constitution. In example 48, the interviewee talks of *landmark* ruling. The term *landmark* itself is a vocabulary that is used to create a lasting image in the mind of the listener or reader. It implies uniqueness, competence and independence on the side of the interviewee and these are positive attributes hence are meant to promote positive values in the mind of the listeners or readers including members of the public.

In examples 49 and 50, the interviewers are portraying the interviewee as temperamental, impatient and proud without proper evidence which can hurt the interviewee. If such words must be used, they should be accompanied with concrete evidence before damaging one's reputation in public. However, such expressions are indicators that the participants are serious about solving the problems and challenges in the judiciary and that is why they are promoting

positive values such as patience, humility and soberness through their expressions. Thus the linguistic features, such as vocabulary, can be used to promote, enhance and express positive values meant to improve the judiciary. On the other hand, such features can also violate certain articles in the new constitution, especially when the users of language are not experts. It is therefore clear that the participants in the interview are aware of the positive values of respect, competence, independence, obedience to the laws of the land, being gender sensitive in making judgment among other values enshrined in the Kenyan constitution. On the other hand they are aware that harshness on a plaintiff, discrimination against people on the basis of gender, incompetence, disrespect and many other negative values should not be encouraged in a democratic society.

In example 51, the interviewee also responds indirectly to the questions asked by the interviewee. From his choice of words or diction, he uses expressions such as ‘...*judiciary in transition*’ which implies that the institution of justice is in the process of changing from one state or condition to another. He goes further and talks about ‘*collective intellect*’ which is a digital communication analytic platform addressing the needs of the marketers and researchers to help surface consumer opinion, measure impact, identify customer sentiment and manage corporate firm. It is used by marketing professionals to assist with marketing efforts at the industry, company, brand campaign and messaging levels. The intellectuals involve those that are also expected to be having different philosophies and this implies that they should be people who think deeply and independently before they act or speak. It is for these reasons that he feels some people can as well come from outside and initiate changes in the judiciary. To this end, he is seen as a promoter of positive values of competence, independence and integrity through his choice of words.

The use of selective pronouns such as *I, you, who* and others and diction or choice of words or phrases such as *judiciary in transition, collective intellect, philosophies* and others is intentionally driven to gain the confidence of the public through language use and this is one of the reasons why open and public vetting was introduced in Kenya. For instance, in example 52, the applicant is asked to give clarification on an issue that was featuring in social media and was touching on his sexuality but could not be proved from the documents he presented. It is true that the personality who was being interviewed was at one point thought of by the public as belonging to the gay community because of his ear stud. In the context of the interview and in the wider context, which is the Kenyan society, lesbians and the gay communities are seen to be people who are out to degrade the moral standards of the society and therefore introduce a culture that is seen to be alien or foreign to the citizens. Thus, the interviewers felt that it would be right to get clarification on the issue of homosexuality. It means that the interviewers are concerned with the morality of the Kenyan people and therefore whoever takes charge of the judiciary must be one who can uphold the moral practices as designed in the new constitution. In response to the question on homosexuality, in example 53, the interviewee does not want to be associated with the homosexuals but he does believe that their rights should not be violated by discriminating against them. This means that the participants are aware of the positive values that should be promoted in the judiciary, such as values of respect, dignity, uprightness and many others. However, according to the views expressed in Modern Language Association (2012), interviewees in an interview should not be asked questions about age, socio-economic status, marital status, children, medical or disability status, sexual orientation or nationality. To this end an interviewee could claim that his rights were violated in the process, through the choice of

words and this could mean that some articles of the new constitution were contravened or violated through the use of language.

4.2.5 Use of phrases in JSC interviews

The phrases were analyzed within the framework of Swales' (1990) Genre Analysis theory which involves the identification of communicative purposes and the overall schematic structure of a target text. It is used to analyze the lexico-grammatical features which involve quantitative and qualitative corpus studies. It focuses on lexical, syntactic and discourse patterns in relation to certain conventions. Phrases are syntactic units that are used frequently in interviews to achieve different communicative purposes. That is, the interviewers use language, especially phrases to identify suitable candidates for their advertised positions and the candidates use expressions including phrases to persuade the interviewers that they are the most suitable candidates for the positions advertised. The theory however does not focus on linguistic phrases in a job interview targeting judicial officials in a judicial context. The current study therefore found a gap in literature that prompted the investigation.

According to Baker and Ellece (2011), a phrase is a grammatical structure which functions as a single unit in a sentence and it can contain one or more words. It is a part of a sentence that does not give full meaning and it usually lacks a finite verb. Phrases can be classified according to a central word called a head word such as a noun, a verb, an adjective or an adverb. The small groups of words stand together as conceptual units, typically forming, and components of a clause. Phrase analysis is an important step in the study of English language as phrases play a very important role in packing information. The analysis of phrases is important in understanding of long sentences as those found in the JSC interviews. In

interviews, different phrases are normally used by the participants to achieve different communicative purposes. The interviewer tries to know whether the interviewee is suitable for a particular position and the interviewee also tries to respond to any question asked using appropriate words and phrases in order to impress the interviewers who would in turn select him for the vacant position. An informed knowledgeable candidate chooses words and phrases carefully to make great impression though s/he may not consciously realize that they are reflecting or demonstrating his or her abilities or strengths. Phrases can easily be identified in sentences within interview texts once they are classified into types or classes. Other scholars have used the same framework to analyze different types of phrases, including: noun, adjectival, adverbial, verbal, prepositional, gerund, infinitive and participle phrases (Baker & Ellece, 2011).

A noun phrase as one of the phrases is made up of a noun and its accompanying modifiers like determiners, adjectives and other modifiers. It is the one that is most frequently used to pass information. A noun phrase structure contains determiners (optional), pre-modifiers (optional), noun (basic) plus post-modifiers (optional) (Ramakrishna, 2011). In the JSC interviews, different types of phrases were used by both the interviewers and interviewees. For instance, the sentence below contains some examples of noun phrases.

54. *Those customary practices, which run contrary to human rights, are not to supersede the position of human rights.*(Extract 1, line 3).

The noun phrases used in example 54 above include: *Those customary practices (NP) human rights (NP) and the position (NP)*. Each of the noun phrases is not complete on its own and does not give full meaning. A simple noun can be heavily modified with adjective and post

modification clauses. The first phrase in example 54, *those customary practices*, for instance, is a noun phrase made up of a determiner (those), an adjective modifier (customary) and a noun (practices) and it is followed by a post modification clause (which run contrary to human rights). The second phrase *human rights* is made up of two words, the noun *human* which acts as an adjective modifying the noun *rights*. The phrase is used by an interviewee to state clearly that he is aware that there are practices or laws, such as customary laws, that are usual in this particular society or situation and they should not take prominence when there are more superior laws, that is, the country's constitutional laws. The response comes after the interviewee is asked what he would do if the case in which he favoured a clan over a widow came back to him to make a judgment. The phrases contain the jargons that are familiar in the context they are used, in this case the judiciary as an institution that must uphold the constitutional laws, including customary laws and human rights. A candidate can use phrases that convey an impression of his abilities to understand and speak the language of the institution is seeking to work in and this can show that he is able to carry out his duties and responsibilities well if he is recruited as the chief justice. The phrases are used by the interviewee to achieve communicative purposes, that is to persuade the interviewers that he is the most suitable person to be recruited as the chief justice.

Adjective phrases have also been used in the JSC interviews. An adjective phrase does the work of an adjective thus it describes a noun, a quality or an attitude in order to give additional information. An adjective phrase can be evaluative and thus can be important in discursive representation. It can thus reveal the author's stance (Leech, 1966:151). The structure of an adjective phrase includes a pre-modifier which is optional, an adjective which

is compulsory and a post-modifier which is also optional. The underlined phrase, in the following sentence, is an example of an adjective phrase extracted from the JSC interviews.

55. *Could you say that you were not too harsh on the plaintiff particularly on issue of gender? (Extract 1, line 1).*

In example 55 above, the underlined adjective phrase *too harsh* is used and it includes an intensifier *too* and an adjective *harsh*. The interviewer tries to add a punch, to emphasize or amplify a proposition (i.e. the use of *too*). The term carries a strong evaluative load or evokes emotions. If one wants to strengthen a discourse or argument, he can use intensifying strategies to achieve his goal. In the above example, the interviewer tries to portray the interviewee as one who cannot be trusted with an office like that of the chief justice position because he is too harsh and therefore can intimidate people or easily violate people's rights thus promote negative values of intimidation, inhumanity or oppression. The interviewer uses very strong descriptive phrase or a powerful adjective phrase to find out if the candidate qualifies to work as chief justice in the Kenyan judiciary. the phrase is therefore used to achieve communicative purposes, that is, to get a person who can improve the judiciary. The candidate must prove through language that he is not too harsh to work as a chief justice in the Kenyan judiciary.

Another phrase that has been used extensively is the verb phrase. A verb phrase is also important in sentences as it is from it that actions, occurrences or states of being are described. It is the predicate of a sentence and it is always made up of a main verb which can take on several auxiliary verbs and other components to form a verb phrase (Leech, 1966).

The structure of a verb phrase therefore includes a helping verb which is optional, and a main verb plus a noun phrase which is also optional.

Consider the following example of a verb phrase used in the JSC interviews:

56. *The way you have always treated(VP) lawyers shows a lot of contempt and you were too harsh especially to lawyers appearing before you.*

In example 56 above, the underlined phrase is the verb phrase and the interviewer wants to find out if the interviewee will or wants to fit in well with the existing team, so he expects the interviewee to describe his personality when it is clear that he has always treated lawyers unfairly. The interviewer is seemingly looking for an experienced candidate who knows how to deal with lawyers. He therefore uses the active verb phrase *have always treated lawyers* to emphasize his perception of the personality before him, that is, the interviewee. The verb phrases can be used to describe goals, experience and one's personality among other roles.

Another phrase used in the JSC interviews is the adverbial phrase. An adverbial phrase functions as an adverb meaning it can modify an adverb, an adjective or a verb. It is made up of a single adverb or a group of words that function as adverbs. An adverbial phrase can be constructed with prepositions as well as an infinitive form of a verb. The different types of adverbial clauses include those of time, place, purpose, reason, manner, frequency, condition, contrast, comparison and others. The phrases can tell how, where, when or why something is done.

Some of the examples of adverbial phrases can be noted in the underlined phrases in the sentences below:

57. *You are attacking me on personal liking or disliking*

58. *Kenya's Chief Justice must lead by example.*

59. *I would want to be considered for my ability.*

In example 57 above, the adverbial phrase *on personal liking* explains the reason why the action word *attacking* is being done. The phrase modifies the verb *attacking* and it gives an impression that the language used by the interviewer is not friendly towards the interviewee and that sends a signal that certain words and phrases are used to undermine or belittle others.

In example 58, the phrase *by example* is used to explain how a Chief Justice must lead, that is *by example* and not through dictatorship or violence. In example 59, the phrase *for my ability* is used to explain the purpose for consideration, that is, the interviewee would want to be considered because she is competent and not because she is a woman from a minority group. This means that the interviewee wants to portray herself as one who has the ability to perform duties assigned to her and not one who is looking for favours.

Thus, the adverbial phrases are used to express and emphasize competence, experience, good role models and others. However, some phrases such as the one used in example 57 express dissatisfaction or disagreement on the side of the interviewee.

Prepositional phrases were also used *in* the JSC interviews. A prepositional phrase is made up of a preposition, a noun or a pronoun (that is the object of the preposition) and usually an adjective that modifies the noun or pronoun (Baker & Ellece, 2011). The following examples contain prepositional phrases which have been underlined:

60. *What would you achieve in the judiciary within the first one hundred
days if given a chance to be the chief justice?*

61. *These are unprecedented decisions in new cases.*

In example 60, the first preposition is made up of the preposition *in* and the noun phrase *the judiciary* which act as the object or the complement of the preposition. The function of the first prepositional phrase is to indicate the place or the position or the location where something is or where an action takes place. In the case of JSC interviews the prepositional phrase *in the judiciary* is used to state the particular position in which the achievement is to be made. The second prepositional phrase *within the first one hundred days* in example 60 is used to indicate duration or time within which the achievement would be made. In example 61, the prepositional phrase *in new cases* is used to indicate the position in which the unprecedented decisions are made. The jargons used such as *judiciary* and *new cases*, are mostly associated with the judicial contexts, hence the interviewer and the interviewee are keen to use them to achieve different communicative purposes. That is, the interviewer wants to recruit qualified candidates for the advertised job, while the interviewee wanted to convince the panelist that he is the most qualified person for the job. The judiciary as an important institution needs to be improved in terms of its function, so any person who becomes the chief justice must be ready to bring positive changes that will transform the institution of justice. The phrases contain the information that directs the interviewee to explain his priorities if given a chance to lead as the chief justice in the judiciary, thus leadership as values is strongly emphasized.

The JSC interviews also contained gerund phrases. In a gerund phrase, gerund verbs ending in -ing and acting as nouns are usually associated with complements and modifiers. These phrases act as units and can in every way be like a noun (Baker & Ellece, 2011). Prepositional phrases are usually parts of the gerund phrase. Consider the following example:

62. *And also my crusading for the bill of rights*

In example 62, the gerund phrase *my crusading* acts as the subject of the sentence and therefore acts as a noun in the sentence. The gerund phrase is loaded with information as the interviewee considers his effort that yielded reforms in the judiciary as a positive move meant to improve the institution of justice in Kenya.

The interview texts also contained. Present participles, verbs that end in *-ing*, and past participles, verbs ending in *-ed* are joined with complements and modifiers to form phrasal structures. Participial phrases function only as adjectives. When they start a sentence, they are set off by a comma which makes them an introductory modifier. In other cases, participial phrases are set off by commas if they are parenthetical parts (Baker & Ellece). Examples from the interview text include:

63. *Considering the returns on your declaration of wealth, under what
circumstance did you acquire land in Nairobi and the rift valley?*

In example 63 the underlined word makes up a participle phrase, that is present participle. It is used as an adjective modifier to the question asked. It implies that the return on wealth declaration is what has made the interviewer to question the circumstances under which he acquired wealth in Nairobi and the Rift Valley. The participial phrase is therefore used to give more information concerning the acquisition of land which is questionable and which signals an act of corruption.

Phrases are therefore linguistic features that are used frequently in interviews and they need to be analyzed in terms of their communicative purposes, hence they were analyzed within the framework of Swale's (1990) genre analysis theory. The analysis addressed the gap that has not been filled by many scholars who have analyzed different texts using genre analysis theory.

4.2.6 Use of clauses

The different clauses in the JSC interviews were analyzed in line with Genre Analysis theory as proposed by Swales (1990) and as developed by Bhatia. Move 2 of this theory involves studying and analyzing linguistic features including lexis, syntax and discourses. In Bhatia's (1993) view, a genre analyst should perform the linguistic analysis of a genre text on one of the following realization levels of analysis including the lexico-grammatical features analysis, analysis of text patterning or textualization and structural interpretation of the text genre. The analyst also takes into consideration the specific linguistic features dominating a given text. Clauses are syntactic constructions used in sentences and discourses hence they form part of linguistic features that can be analyzed in interviews. A clause is a set of words or a unit of grammatical organization consisting of a subject and a predicate and expressing a position. It can make sense on its own like a sentence, that is, a main clause or independent clause or it may depend on another clause, that is, subordinate or an dependent clause (Scribendi, 1997).

4.2.6.1 Independent clauses

The independent clauses were analyzed in accordance with Genre analysis theory as proposed by Swales (1990) and as developed by Bhatia (1993). An independent clause or a

main clause is one that contains a subject and a verb or a verb phrase and can stand on its own without depending on another clause. Independent clauses are usually joined together using coordinating conjunctions like *or, and, but, yet,* or correlative conjunctions like *neither nor, either or. not only...but also* among others (Scribendi, 1997). Consider the following examples:

64. *You are attacking me on personal liking or personal disliking.*

65. *I want to change the image of the judiciary and revamp it.*

66. *I may not be having paper qualification but I have the experience and fundamentally the exposure.*

The independent clause in the example above (example 64) is used to achieve communicative purposes. The sentence is meant to express personal dissatisfaction and disagreement with the wording used by the interviewer. According to the interviewee, the interviewer uses certain expressions because he has personal liking or disliking but he is not recruiting the most qualified person for the judiciary. He feels the interviewer has a personal liking or disliking. This beats the sense why the interviews are carried out publicly and it paints a picture that the participants in the JSC interview process are not so determined to reclaim the judiciary that has been marred with corruption, incompetence and other evils.

In example 65, the first independent clause, '*I want to change the image of the judiciary*' is used by the interviewee to express his future intentions with regard to the judicial reforms and that is in line with the requirements of the new constitution thus promoting the values that are enshrined in the constitution. In the second independent clause in example 65, *I want to revamp it*; the interviewee means that he intends to make changes to the form of the

judiciary by improving its appearance. The independent clause is therefore used to express the willingness of the interviewee to make the judiciary a better institution that will attract the public who had lost confidence in the judiciary.

In example 66, there are three independent clauses joined by two conjunctions *but* and *and*. In the first clause *I may not be having paper qualification* , the interviewee responds to a question from an interviewer who wants to know whether he qualifies for the job, that is, the chief justice position. The interviewee agrees that there is a possibility that he may not be having the academic qualification required but in his second clause after the conjunction *but* which is a conjunction of contrast, he states that he has the experience needed for the job. In the third clause, the interviewee adds through the use of conjunction *and* that he has the exposure, meaning that he has what it takes to be a chief justice even though he may not be having paper qualification. The independent clauses therefore reveal that the interviewers as well as interviewees are using language to achieve different communicative purposes. The interviewers use clauses to recruit competent, experienced qualified person for the position of chief justice. The interviewee on the other hand aims at persuading the interviewers that he is the most suitable person for the post as he has the values expected in an institution of justice like the judiciary. These values touch on academic ability, competence, experience and the exposure.

4.2.6.2 Dependent clauses/Subordinate clauses

Dependent Clauses or Subordinate Clauses cannot stand by themselves as they do not make complete sense. Therefore, they have to be combined with independent clauses in order to form sentences. The dependent or subordinate clauses are usually introduced by subordinate

conjunctions (like however, because, although, since, for, so and others). There are different types of subordinate clauses including: noun clauses, adjectival clauses (defining and non-defining), adverbial clauses (including conditional clauses), and others (Baker & Ellece, 2011).

A noun clause as one of the types of dependent clauses consists of a subject and a verb and it functions as a noun in a sentence. It can be used as a subject, object, complement or object of a preposition in a sentence. Most noun clauses are introduced by the word *that*. Examples of noun clauses in the JSC interviews are shown in the underlined words below:

67. *Could you say that you were not too harsh on the plaintiff particularly on the issue of gender?*

68. *And is there a possibility that you have become a very narrow minded person as a result of just working in through one institution all your life?*

69. *What else goes for you apart from the fact that you are a woman from a minority group?*

70. *There is a view that you are not fit to be a chief justice because you have a problem with grasping the law.*

In example 67, the underlined words are what make up the noun clause which acts as an object within the sentence. The interviewer uses the noun clause to achieve communicative purposes for which the interviews were carried out, that is, to ensure that the person being interviewed is suitable to work in the judiciary as a chief justice. In example 68, the underlined clause acts as a complement and is used by the interviewer to find out whether the

interviewee had become a very narrow minded person and if that is true then he could not be competent enough to work in the judiciary as the chief justice.

In example 69, the underlined clause is used as an object of a preposition and the interviewer uses it to tell the interviewee that she does not qualify to be a chief justice since she just wants the job because she is a woman. The statement could be taken to be derogatory and belittling because when people apply for a job, the sex or gender of a person may not be a determinant factor. However the question is relevant as it seeks to find out the level of competency on the side of the interviewee, thus using it to achieve communicative purposes.

In example 70, the underlined noun clause is used as a complement of the sentence and it is said by an interviewer who wants to know whether the interviewee is fit to be a chief justice since she has a problem with grasping the law. Thus in the interviewer's view, the interviewee is not competent to work as a chief justice in the judiciary.

A good number of adjectival clauses were also evident in the JSC interviews. Adjectival clauses are used as adjectives in sentences, that is, they modify nouns. Consider the following examples:

71. *Those customary practices, which run contrary to human rights, are not to supersede the position of human rights.*

72. *As a judge or a chief justice, who will be supervising other judges, what would you say about according parties the right to a fair trial?*

73. *It therefore means whoever asked me to do it knew that I prescribed to the best conduct and values.*

74. *The impression that this is a man who is coming from outside...*

In example 71, the underlined subordinate clause, *which runs contrary to human rights*, is an adjectival clause used to modify the noun phrase, *customary practices*. The clause is used by the interviewee to emphasize the quality and importance of a superior law contained in the country's constitution which should be given priority over and above the customary practices. The interviewee therefore uses the adjectival clause to approve of the application and use of terms that promote values which are required in an institution of justice like the judiciary. In example 72, the underlined clause is used to modify the noun phrase chief justice. The description is used to show that the position of a chief justice is not a simple one as the one who holds it is meant to be supervising the judges under him. In example 73, the adjectival clause, *whoever asked me to do it knew*, is used to describe an anonymous person who is not identified but did something that had an impact on the interviewee. The clause is used to respond to a question that requires the interviewee to explain why he was given a responsibility that he was not qualified to perform. The interviewee knows his ability to perform is being doubted so he has to use the features that could save him from the blame. Both the interviewee and the interviewers use adverbial clauses to achieve communicative purposes.

In example 74, the adjectival phrase, *who is coming from outside*, is used to identify the noun *man* and it describes the type of man, that is, one who has not been working inside the judiciary. This is used to discredit the interviewee on the ground of experience because if the person to be recruited as the chief justice does not know how the institution of justice is managed or is run, then he cannot be competent enough to deliver as one who has been working from within the judiciary.

The use of adverbial clauses is also evident in the JSC interviews. An adverbial clause is a subordinate clause that functions like an adverb, that is, it modifies verbs, adjectives and other adverbs. It answers questions like where, when, why, under what conditions and with what results. Different types of adverbs are noted in the interviews including those of time, place, cause, condition, supposition, consequence, comparison and others (Sribendi, 1997). The following examples contain different types of adverbial clauses which have been underlined.

75. And if this case came back to you today, and if you were to set a way forward for every other judge as head of the judiciary, how would you handle it?

76. I could have shouted when I felt that the advocates were wasting the court's time.

77. You should not be given the position of the chief justice because you are too close to the president.

In example 75, the first subordinate clause is a conditional clause: *if this case came back to you today*. The interviewer uses a conditional clause 'if clause' to remind the interviewee that the case of a widow struggling to bury her husband against the wish of the husband's clan may recur, that is, may happen again a number of times, as a case for him to make a ruling on when he becomes the new chief justice. The question is meant to test the experience and the competence of the interviewee in relation to the new constitution, thus it is used to achieve communicative purposes. The second subordinate clause in the same example 75 is also a conditional clause *if you were to set a way forward for every other judge as head of the judiciary*. This clause is said by the interviewer to test the interviewee whether he can be

a good role model and dependable in case he becomes the chief justice. The interviewers are using conditional clauses to help them gauge the suitability of the interviewee for the position of chief justice, thus they are using these clauses to get a qualified person and this will help them achieve the communicative purposes for which the interviews are meant, that is to get a person who can bring changes in the judiciary. The interviewer is asking the question to find out if the interviewee has the competence, knowledge and experience to handle certain cases that he did not handle well when the new constitution had not been promulgated.

In example 76, the underlined adverbial clause is used to indicate the time when the interviewee felt that the advocates were wasting the court's time.

In example 77, the clause type is that of cause or reason. A person should not be given the position of chief justice because he is close to the president. It implies that in a democratic society or institution, favouritism should not be given a chance even if one is related or a friend to the president. The language portrayed by the interviewee through the adverbial clause is meant to achieve different communicative purposes such as persuading the interviewers that he is the best candidate so far and these help in promoting the positive values that are expected in the judiciary. These are values of fairness, integrity, transparency and accountability among other values enshrined in Kenya's constitution.

The use of linguistic features including the use of modal auxiliary verbs, vocabulary, conjunctions, phrases and clauses is meant to help the participants express their thoughts in accordance with the institution. In their expressions, they were able to state and explain why violation of human rights, harassing people without proper reasons, being incompetent in performing their duties among other aspects should not be given any chance to ruin our

institutions like the judiciary. On the other hand in their discussion or expression, they used linguistic features that promote the positive values like transparency and accountability, integrity, competence and many other values. The participants were however not aware whether they were doing it for any impact purposes. The interviews, like any other discourse can be analyzed by any researcher for different purposes.

4.2.7 Rhetorical strategies

This sub-section addresses objective one of the current study. According to Sloane (2001), rhetoric strategy involves using words in a certain way to convey meaning or to persuade. It can also be a technique to evoke an emotion on the part of the reader or audience. Genre Analysis theory as proposed by Swales (1990) and as developed by Bhatia (1993) was used as the framework for analysis. Swale's move 2 of the theory involves studying and analyzing linguistic features including lexis, syntax and discourses, rhetoric strategies, including metaphors, similes, symbolism, cohesion, intertextuality and interdiscursivity among other devices. In Bhatia' (1993) view, a genre analyst should perform the linguistic analysis of a genre text on one of the following realization levels of analysis including the lexico-grammatical features analysis, analysis of text patterning or textualization and structural interpretation of the text genre. The analyst also takes into consideration the specific linguistic features dominating a given texts. Swales' (1990) genre analysis states that, rhetoric strategies are revealed when texts belonging to the same genre often deploy identical or at least very similar rhetoric features. The lexico-grammatical choices are usually extremely genre-specific. For instance, when the interviewee is asked '*What is your view of judicial activism?*' his response is:

78. It is a double-edged sword where you may chart into new waters and help people but sometimes it may come with a lot of damage depending on the ruling. It should be approached with a lot of caution.

Judicial activism is a legal term that refers to court rulings that are partially or fully based on judge's political or personal considerations, opinions or ideas rather than existing laws (<https://www.merriam-webster.com>) In this context, it is used to test the candidate on what he feels or think of when he encounters cases of judicial activism during his judgment when he becomes the chief justice. In example 78, the candidate compares judicial activism to '*double edge sword*' which literary refers to a blade with two cutting edges that are both sharp and can cut both ways. The phrase '*double edge*' sword refers to something that has or can have both favourable and unfavourable consequences, that is, something that can be both beneficial and problematic at the same time. Rhetorically it can mean having two possible meanings or having two parts or uses. To refer to judicial activism as a *double edge sword* is to do a direct comparison that leaves a lasting image on the mind of the reader and that is the use of imagery, specifically the use of metaphor. The interviewee believes that judicial activism has both advantages and disadvantages. A job interview as a genre usually employs metaphorical expressions which are rhetorical strategies. Rhetorical strategies include among other things the use of intertextuality and interdiscursivity, cohesion, use of imagery (metaphor, irony, paradox symbolism, simile and others), alliteration, allusion, analogy, anaphora, antithesis and many others (Sloane, 2001). Some of these rhetorical strategies are discussed below:

4.2.7.1 Intertextuality and Interdiscursivity

Intertextuality is the transformation of texts from the past into the present, incorporating pieces of old texts into the new ones. It involves the interrelationship between texts, especially works of literature, the way that similar or related texts influence, neglect or differ from each other (Kristeva, 1966). It considers the wider (historical and social) context of a text under analysis. Fairclough (1992:117) makes distinction between manifest intertextuality which involves using actual content from one text in another and constitutive intertextuality which involves using structures from existing texts in another. It is the shaping of a text's meaning by another text. Intertextuality figures include allusion, quotation, calques, plagiarism, translation, pastiche and parody (Kristeva, 1966). In the interviews by the JSC, some texts that were used earlier are drawn upon hence creating intertextuality within the text. Intertextuality is used to draw parallels to the current situation. For example, the extracts below show the use of intertextuality:

79. Why did the commission of inquiry into the Goldenberg scandal, which you chaired, fail to prosecute those behind the Ksh.5.8 billion and 13.5 billion scandals?

80. A commission does not make the verdicts. We were required to make the findings and present the same to the appointing authority, which we did. It was not our mandate to see that the findings were implemented.

81. The way you have always treated lawyers shows a lot of contempt and you were too harsh especially to lawyers appearing before you. It is ironical that with these poor attitudes you authored a good paper titled: 'The best

conduct of judges'. This was a very good paper but unfortunately by the wrong person. It is an antithesis of the manner of your conduct in court.

Example 79 is a question asked by one of the interviewers who wants to know why the commission of inquiry that the candidate chaired failed to prosecute the culprits. It reveals that there was a scandal (Goldenberg scandal) that featured earlier before the candidate who did the inquiry into the matter and came up with the findings but failed to prosecute those behind the scandal. The question asked in example 79 is a form of intertextual expression because a text is taken from a past event and incorporated into the present event in order to achieve communicative purposes, that is the interviewer wants to get a person whose integrity is not in doubt if he becomes the chief justice. In example 80, the interviewee recalls the case and defends himself against the claims as his work was not to make verdict or implement the findings as claimed by the interviewer. This case is used in the interview texts by the JSC to find out if the interviewee would fight corruption when he becomes the chief justice in Kenya. 'Intertextuality is therefore realized when the participants use the actual content of one text, in another' (Fairclough, 1992:117). It is only possible to make sense of a text by fully understanding how it refers to other texts. It is a wider (historical and social) context of a text under analysis. By using intertextuality as a strategy to elicit information from the interviewee, the interviewers were able to understand better the personality they were dealing with.

In example 81, the case of a paper that the candidate had written is recalled in order to reveal his weak points that can be related to what he did earlier. The fact that the interviewer claims the paper was good but the candidate had poor attitudes makes him portray the candidate as one with unpredictable behaviour, something that is not good for a person who is meant to

work in the judiciary as an institution of justice. Vetting in itself involves digging into a person's past life in order to find out if the mistakes he did earlier could still influence his actions in case he becomes the head of an institution like the judiciary. It is closer to what is normally described as the use of narrative in dialogue writing, which is a common device in interviews.

Interdiscursivity on the other hand is a term used by Foucault (1972) to refer to the 'constitution of a text from diverse discourses of genres' (Fairclough, 1995:134-135). It is the use of prior genres and order of discourses to create a new text. The new text can be drawn from the academic discourse, legal discourse, history, politics and many other forms of discourses. In the interviews by the JSC, the participants in the interviews have drawn from academic discourses, especially when they are referring to the Bachelor's degree with 2nd class lower division in Law like in the examples below:

82. And now, I see you have a Bachelor's degree with 2nd lower and at 2nd lower you have not conceptualized, you know, and an average Kenyan is like somebody with a 3rd division or a C-.(Extract 1, line 5)

83. I may not be having the paper qualification but I have the experience and fundamentally, the exposure. By that time, when I was being engaged in the third arm of Government in 1976, the grades were among the best and I was among the cream at that time.(Extract 1, line 6)

84. And is there a possibility that you may have become a very narrow minded person as a result of just working in through one institution all your life?(Extract 1, line 7)

85. The way you have always treated lawyers shows a lot of contempt and you were too harsh especially to lawyers appearing before you. It is ironical that

with these poor attitudes you authored a good paper titled: The best conduct of judges. This was a very good paper but unfortunately by the wrong person. It is an antithesis of the manner of your conduct in court.(Extract 1, line 9)

In example 82 above, the idea generally is to tell the interviewee that he lacks the qualification to head the judiciary. This is done by referring to the candidate's qualification which according to the interviewer is equivalent to 3rd division. The participants are using texts drawn from academic discourses to promote different values especially the values of competence, efficiency and effectiveness. The use of interdiscursivity is therefore realized when the interview texts are drawn from an academic discourses or legal discourses and they are meant to find out if the candidate can work competently, effectively and efficiently. In example 83, the interviewee is defending himself against claims that he does not have a good academic qualification. He recalls through history that at the time he got his degree, the grade he got was among the best and he was the cream of the society by then. This is said to make the interviewers believe that the candidate is ready to promote the democratic values hence make his argument stronger so that he is given a chance to be the chief justice. Example 83 is an interdiscursive expression as it draws from history, that is, the candidate claims that by the time he was being engaged in the third arm of Government in 1976, the grades were among the best and he was among the cream at that time. He is emphasizing the fact that his qualification is not just average or below average to convince the interviewers that he is knowledgeable and competent enough to uphold democratic values in the judiciary incase he becomes the chief justice.

In example 84, the interviewee is again asked if there is a possibility that he has become a very narrow minded person as a result of just working in one institution throughout his life. This is also taken from an earlier discourse and it implies that the interviewee may not add any value or bring any change in the judiciary given the fact that he has been in one institution all his life and this is assigned that he has no experience that can enable him to work in the judiciary. The interdiscursivity is therefore used to achieve communicative purposes. In example 85 above, one of the interviewers refers to a paper that was done earlier by the candidate. In this paper, the candidate wrote about *the best conduct of judges*, hence by referring to it, the interviewer draws from a past event to expose the irony of the situation at hand. That is, a person who was harsh to lawyers and who had poor attitudes could author such a good paper. These are statements that reveal the weakness of a person and they could easily hurt a person who may claim that his rights have been violated through such statements. On the other hand the wordings are used to highlight the negative values that are never accepted in any institution, especially the institution of justice.

Intertextuality and interdiscursivity are therefore usually used by speakers and writers to distance themselves from the discourses and thus diverting the possible reference to others, or to convince others to comply with the request they made, or to emphasize, select and strategize the various roles they play. The use of both intertextuality and interdiscursivity helps the participants to anticipate changes that can bring reforms in the judiciary and this is done by drawing from other discourses. This is realized in examples 81 and 82, when the interviewers tell the interviewee that his academic qualification is wanting and the interviewee responds by saying that there is no problem as he has the experience, exposure and even his academic qualification is not so bad given the time when it was obtained. Both

parties aimed at achieving their communicative purposes through the use of intertextuality and interdiscursivity. According to Fairclough, (1992), the enactment of intertextuality and interdiscursivity can significantly affect the outcome of an interview.

4.2.7.2 Cohesion

Cohesion is a type of rhetoric strategy that is used to link clauses together into sentences to form sentences into texts. In other words cohesion refers to the way that a text makes sense syntactically. Cohesion differs from simple conjunctions to create an impact on the reader. Halliday & Hasan (1976) state that cohesive devices include forms of references like, lexical cohesion (repetition, synonyms, collocation among others), grammatical cohesion (reference, substitution and ellipsis) and lexico-grammatical cohesions (connectors and conjunctions). Cohesion connects phrases, clauses, sentences, larger discourses and even other pieces of information which make a text meaningful to the reader or audience (Halliday & Hassan, 1976). According to Halliday & Hassan, (1976), there are five general categories of cohesive devices that create coherence in texts and they include: references, ellipsis, substitution, repetition and conjunction or transition. Reference can be anaphoric (refers back to someone or something) or cataphoric (reference forward). Reference can be used to show relationship between a word and a phrase and any entity in the external world, like the relationship between a word or a phrase and object or between a noun and a pronoun. A substitution is a relation on the lexico-grammatical level, the level of grammar and vocabulary on the linguistic form. Ellipsis refers to the omission of certain elements from a sentence or a clause (Halliday & Hasan, 1976). Repetition is the recurrence of words, phrases, clauses or sentences in a text while conjunction refers to a word or phrase which explicitly draws attention to the type of relationship between one clause or sentence and another (Cook,

1989).Some of these devices are used in the interviews. For example, the following extracts from the interviews illustrate the use of cohesion.

86. *And if this case came back to you today and if you were to set a way forward for every other judge as head of the judiciary, how would you handle it?(Extract line 2).*

87. *And now, I see you have a Bachelor's degree with 2nd lower, and at second lower you have not conceptualized, you know, and an average Kenyan is like somebody with a 3rd division or a C-. (Extract 1, line 5)*

88. *And is there a possibility that you may have become a very narrow minded person as a result of just working in through one institution all your life?(Extract 1, line 7)*

89. *And share with us what resourcefulness you have brought to the judiciary.(Extract1,line 21).*

Cohesion plays an important role in conversations, be they formal, like in job interviews, or informal, like in normal conversation between friends. Cohesion has been created in the JSC interview texts through the use of different means or devices. For instance, there is the use of conjunction as a form of cohesion in example 86. The additive *and* is one common conjunction that is used in job interviews as it helps the interviewers to connect the pieces of information they get from the interviewees with other pieces of information from other texts. The first *and* in example 86 is used by the interviewer to find out more about the way the interviewee would handle a case that he dealt with earlier in his career as a judge when the

new constitution had not been promulgated. The conjunction *and* in this case acts as a link between the previous statement which does not feature in the same example 86.

The second conjunction in example 87 is also *and* which is used at the beginning of the sentence to get more information from the interviewee concerning his academic qualification. The interviewer who makes the statement in example 87 seemingly uses *and* to link what he knows about the interviewee or what he is able to observe from the documents presented and what the interviewee has to say about the academic qualification. The conjunction *and* is also repeated in example 88 to link the idea that the candidate has become a very narrow minded person as a result of just working in through one institution all his life to what the interviewer says in example 87, that a person who has a Bachelor's degree with 2nd lower has not conceptualized and is like an average Kenyan with a 3rd division or a C-. The two ideas are linked with a conjunction *and* to show that in addition to poor qualification, the candidate lacks experience and exposure because he has been working in one institution all his life. Conjunction as an element of cohesion is therefore used to elicit more information from the interviewee so as to prove that the interviewee is competent enough to work in the judiciary as a chief justice and this would help the interviewers achieve the communicative purpose of recruiting a suitable person for the position of chief justice in the Kenyan judiciary.

4.2.7.3 Use of imagery

Imagery is a term commonly used in literary work to mean creating an image of what is known to represent what is not known so that the audience has a mental picture of what is said. According to Nigel (2011), text analysis which includes the analysis of rhetorical strategies, involves the analysis of imagery, vocabulary, grammar, cohesion and other

elements. Imagery is often built on other literary devices including metaphors, similes, irony, personification and other devices. In linguistics, it is considered as a style used in passing information through vivid description of objects, actions or ideas. Metaphor as one of the forms of imagery is a way of representing something in terms of something else. The identification and analysis of metaphors are often used in the description stage of critical discourse analysis as a way of revealing ideologies or discourses surrounding a subject (Baker & Eliece). The following underlined phrases contain some elements that show the use of imagery, especially use of metaphor.

90. *Your CV paints a picture of a great judge. You say you have given land mark rulings. What are land mark rulings?*

91. *Together with your husband and son, you masterminded an investment scam and used your husband and son to cover up.*

92. *The way you have always treated lawyers shows a lot of contempt and you were too harsh especially to lawyers appearing before you. It is ironical that with these poor attitudes you authored a good paper titled: The best conduct of judges. This was a very good paper but unfortunately by the wrong person, it is an antithesis of the manner of your conduct in court. (Extract 1, line 9)*

In example 90, the candidate is said to have given land mark ruling. This is a metaphorical usage, suggesting that the candidate made a decision that is notable and often cited because it significantly changes, consolidates, updates or effectively summarizes the law on a particular topic. The ruling was believed to have set a precedent for law suits over the case at hand at that time. The ruling is compared to land mark which is a recognizable natural or artificial

feature used for navigation. It is a feature that stands out from its nearest environment and is often visible from long distances. The phrase *land mark ruling* is therefore used to describe the ruling as famous, controversial, influential or admirable. The use of metaphor to create a lasting image in the minds of the listener reveals a rhetoric strategy employed by both the interviewers and the interviewees. The phrase, *landmark ruling*, implies that there was an event, a discovery or an invention that marked an important stage in something. It is a milestone sort of a ruling and it is associated with the candidate being interviewed. In using the metaphor, the interviewer is trying to find out if the candidate understands the phrase which she used and whether she can creatively make any ruling that can promote democracy. It means that the participants are aware that being creative and resourceful is good for the judiciary hence they are using metaphors and other styles to promote the positive values (such as independence, innovation or creativity, resourcefulness and others) expected in the judiciary.

In example 91, the interviewer says, '*you masterminded an investment scam... to cover up*'. If somebody masterminds something, he plans a complicated activity. Such a person acts as the leader of some complex scheme and it is like having a master mind that sees things before they come or having an outstanding intellect. A person who masterminds something must be a very brilliant thinker with original ideas. To master mind an investment scam implies that the person engineered a dishonest scheme, so he is portrayed as a fraudster or a con artist in her dealings. The metaphor is realized here when the act of scheming is associated with some high level plan that involves the master mind. It is like the candidate got involved in corruption and later on prevented it from reaching the public. We talk about the act of investing, saving and at the same time coning, cheating, tricking or deceiving somebody for personal gains. The picture created is that of the visible activity of planning an investment

scam. It therefore means that, the candidate cannot help in promoting positive values (including integrity, transparency and accountability etc.) in the judiciary and hence cannot head the judiciary as a chief justice. The statement therefore could make the candidate lose the chance of becoming a chief justice and when this happens, she could easily feel that her rights have been violated without first investigating and finding out the facts before blocking her from getting the job, especially when the allegations could later prove to be untrue.

Irony is also as a rhetoric device refers to opposites and can be situational, dramatic or verbal irony. In example 92, the speaker uses verbal irony when he says, ‘a *very good paper but unfortunately by the wrong person*’. In a normal situation, a good paper is associated with a good person yet that is not the case here. The idea that a good paper is done by a wrong person is ironical. The interviewer makes the statement to paint a picture of a person who is described as a wrong one most probably because of his poor attitude considering what he did in the past, that is he treated lawyers with a lot of contempt and he was harsh toward the same lawyers who appeared before him. It paints a picture of how the judicial officials can say or write the right things but practice the wrong things. In essence these officials lack integrity to lead or hold offices like that of the chief justice. The statement is also paradoxical as the first phrase contradicts the second phrase ‘*very good paper but unfortunately by a wrong person*. These are elements of imagery and through their use, the speakers or writers are able to express their feelings more concretely as they use images that leave a mental mark on the mind of the listener or reader.

4.2.8 Move structures in JSC's job interviews

This section describes the move features of JSC interviews as stated in objective one of the research. According to Swales (1981), a move is a text segment that consists of a package of various linguistic features such as lexicon, syntax and illocutionary propositions which are responsible for providing the given segment a uniformed orientation and signal the context of the discourse. The moves can be inferred through context but they are mainly examined based on their linguistic clues. Further, a move within a text can be considered as any portion of that text or the stages or steps it has to undergo. However, not all the elements of a text are obligatory and many elements such as certain moves can be considered as optional (Henry & Roseberry, 2001). Job interview genres can be analysed in terms of moves or steps they contain. The JSC job interviews were carried out in accordance with the procedures that should be followed during a formal interview. According to Modern Language Association (2012) interview format, phase 1 involves the introduction and the general information usually done by the chairman of the interview session. Phase 2 involves asking questions, narration, conversation, discussion and finally asking detailed questions for purposes of getting detailed information. Lastly, phase 3 is the ending or conclusion of the interview. The move structure of any job interview therefore include: introduction (introducing the candidate and giving him/her the floor), filling gaps (relating the candidate's experience to requirements of vacancy), asking and answering questions and then concluding the interview session.

According to Sakran (2014), a job interview contains three phases representing moves and they include, the introduction, question answer session and finally concluding the interview. At the introduction stage, the candidate is introduced to the other members participating in

the interview and is given the floor of which he states his qualification, leadership skills, personal skills, knowledge about the institution and many others.

The second phase, which is Move 2 of an interview focuses on relating the candidate's experiences to the requirements of the vacancy and elaborating on future vision for the institution. This move is similar to Swales' (1990, p.14) Move of 'establishing a niche' found in academic research papers. The speaker demonstrates his full knowledge of the institution, the strength and particular area of improvement. The interviewee states what exactly what he wants to accomplish for the institution. Lastly, phase three correspond to Swales' (1990) Move and it involves concluding the interviews by making general remarks, asking candidate to give any comment, suggestions or asking questions.

Consider the following examples:

93. The impression that this is a man who is coming from outside...

94. Questions about what I see as the judiciary in transition, I talked about that collective intellect, you know, which in a supreme court, for example, you are going to have judges who have different philosophies

95. And as an outsider...!

96. As an outsider in the judiciary, although I know a lot of judges, I think I will enter and say what do you want us to do? And also my crusading for the bill of rights which is now part of the new constitution is evidence of what radical reforms I will bring on board.

97. What will you do within the first one hundred days of your service as the chief justice if given a chance?

98. *You know the constitution changed and came up with operational plan on how structures formed will be harmonized and how all will read from the same scripts; if they are organized properly, they will run like the grand coalition government.*

99. *And are you a homosexual...?*

100. *I am not a homosexual and having said that, let me say I don't discriminate against people who are homosexuals.*

In examples 93- 94 the interviewer starts by saying: '*...the impression that this is a man who is coming from outside...*' and the candidate responds by saying that the judiciary itself is undergoing transition, meaning there are changes taking place and there are judges who have different philosophies, so as an outsider, he can still effect changes because in the bill of rights, which is in the constitution, he is the one who introduced and brought radical reforms. This is similar to Swales' (1990) Move of '*establishing a niche*' found in academic research. The Move aims at achieving the communicative purposes for which the interview is carried out.

In example 96, the candidate says he plans to engage those who have been working in the judiciary (the insiders) and at the same time he plans to bring some radical reforms given the fact that he had been crusading for the bill of rights which became part of the new constitution. The candidate's experience therefore matches with the requirements of the advertised vacancy. His future vision for the constitution is also evident when he says he is able to bring radical reforms in the judiciary. According to Sakran (2015), Move 2 of a presentation in a job interview involves filling a gap which focuses on relating candidate's

experience to requirements of the vacancy and elaborating on future vision for the institution. . This Move is similar to Swale's (1990:140) Move of '*establishing a niche*' which involves identifying and indicating a gap in academic research.

In example 97, the candidate is asked what he would do within the first one hundred days of his service as a chief justice if given a chance to be one. According to Sakran (2015), a candidate in a job interview is expected to demonstrate to the audience his full knowledge of the institution's strengths and particular areas of improvements. The candidate should therefore underscore steps for undertaking the proposed improvements and their significance and the benefit of the changes.

In example 98, the candidate states that the constitution changed and came up with an operational plan on how structures formed would be harmonized and how all would read from the same scripts, that is, how they could work together just like the grand coalition that was formed in Kenya in 2008 when the opposition and the government of the day agreed to work together after the country experienced post-election violence. This move is similar to Swales' (1990) Move which is *occupying the niche*. In this move, he candidate delineates exactly what he wants to accomplish for the institution and how. Such expressions normally impress the interviewers as it assures them that the candidate is worthy of their attention. The interview therefore corresponds to the theory of Genre Analysis by Swales (1990) and as developed by Bhatia (1993). In examples 99 and 100, more detailed information is required and the candidate is expected to respond accordingly and that is what we get in example 100 onwards.

Finally, phase 3, includes questions about the candidates sexuality, that is whether he is a homosexual or not. All these examples show that formal interviews done publicly can still

maintain the structure of introduction, main body and the conclusion. However, the choice of words or diction depends on an individual candidate. In this phase, the candidate is asked questions that show the final bit of the interview has been reached and after the candidate has responded to the questions, the chairman makes the concluding remarks and finally ends the interview session for the candidate.

The second interview text analyzed in terms of moves in this study is attached as appendix 2. Part of the extract is included in the examples below; the applicant is described as an insider meaning she was a judge who had served for over thirty years in the same judiciary. She is asked a question in reference to an earlier self-praise that saw her comparing herself with a former chief justice who was known to be a constitutional guru. In the second phase which is seen as Move 2, the applicant is asked questions concerning the documents presented like the CV, past ruling she made, professional experience, her removal from constitutional courts and many other touchy questions. The final move contains the concluding part and the general remarks by the interviewers. The following data shows how the moves come out:

101. I have heard you comparing yourself to former chief justice C. B.

Madan who was a constitutional guru, and had a great legal brain.

Judge, I put it to you that you are not justice C.B. Madan.

102. I agree I am not.

103. Your CV paints the picture of a great judge. You say you have given landmark rulings. What are landmark decisions?

104. These are unprecedented decisions in new cases.

105. You have professional experience of three decades. Can you share one case you argued that has been reported in the law reports?

106. I can't remember which one was reported.

107. Kenya's new chief justice must lead by example, have ability to write judgment that inspires and have integrity. Do you think as a lawyer who practiced for three decades with no single case reported, you fit the requirements for the office of the chief justice?

108. I think as a judge my track record fits the requirements.

The move structure of the above examples has the same characteristic of job interview genres as explained in Modern Language Association, (2012). Move 1, which is the introduction usually contains welcome speech including, greetings, introduction of the panelists, setting the interviewee free and other formalities. In example 101, the candidate is asked to clarify what has been claimed in the past that she likes comparing herself with a senior judge who was known to be a constitutional guru. It is a way of asking her to introduce herself by saying who she is and by declaring that she is not former chief justice C.B Madan. This is in line with Bhatia's (1993) theory of genre analysis which includes placing the given text in a situational context, drawing on internal clues in the text, previous experience with similar texts and with the professional community and encyclopedic knowledge. The chairman of the team leading the interview knows so well what to do during introduction.\

Move 2, which includes examples 103-108, covers the body of the interview and it contains general questions concerning the general activities in the judiciary, the challenges faced by the country and the judicial institutions among other concerns. The more detailed questions follow and they concern the individual being interviewed. For instance, in example 105, the candidate is asked to share a case she argued that had been reported in the law reports given

the fact that she has professional experience of three decades. This move matches with Bhatia's (1993) move 3 which involves refining the situational contextual analysis, including defining the speaker or the participants in the interviewing process, their relationship, and their goals. It also includes defining the purpose of the text; defining the historical, socio-cultural, philosophic and occupational situation of the community where the text takes place; identifying the reality which the text represents, wants to change or uses; and identifying the texts forming the background of the genre being analyzed. Objective one of the present study was set to identify and describe the linguistic, rhetoric and move features in JSC job interviews to achieve communicative purposes. Move 2 which is the body of the interview text has been used to achieve communicative purposes as the questions are asked concerning the candidate's performance in example 103 (that is, the CV content), example 105 (that is, the experience), and example 107 (that is, the report captured in a law report). All these examples reveal how move 2 of the above extract was used to achieve communicative purposes. This is clear as the questions were intended to find out if the candidate would be competent, experienced and is knowledgeable on law matters. The candidate also wanted the job and her communicative purpose was to respond relevantly to questions asked and that she did in examples 104 and 108 of the above extract. Move 3 is the final part of an interview genre and it gives conclusion of the interview including asking the interviewee to comment on anything, ask any question, collect documents and finally leave the room, awaiting the outcome of the interview which might not be immediate. Move 3 was, however, not fully captured in the present study as the extracted transcripts did not have a complete version of phase 3 of the interview texts.

4.3 The linguistic, rhetoric and move features used to enhance positive values

The analysis involved the identification and description of the linguistic, rhetoric and move features used to promote those values that would make the judiciary a better institution, free from corruption and other evils. Consider the following.

109. You have professional experience of three decades. Can you share one case you argued that has been reported in the law reports?

110. Kenya's new chief justice must lead by example, have ability to write judgments that inspire and have integrity. Do you think as a lawyer who practiced for three decades with no single case reported, you fit the requirements for the office of the Chief Justice?

111. I think as a judge my track record fits the requirements.

112. If appointed chief justice, what would you do to ensure there are no delayed judgments?

113. As a judge or a chief justice who will be supervising other judges, what would you say about according parties the right to fair trial?

114. Fair trial means reasonable hearing. You should be in control of your court. If there are irrelevant things said, you should stand firm. The judge should be open minded until the final submissions have been made.

115. And share with us what resourcefulness you have brought to the judiciary.

In example 109, one of the interviewers uses the phrase *professional experience*, which to him is a requirement for one to become a chief justice. Professional experience is the specialized knowledge or mastery of an event or subject gained through involvement in or exposure to it. It is usually a core requirement when one is applying for a more specialized

position in an organization and it is the central component of all the pre-service programmes (Sakran, 2015). In the JSC interviews, the interviewer feels that the candidate should have something better to prove that she has professional experience of three decades, for instance having reports that have been presented in the law courts. Language has therefore been used to express and enhance values of competence and other core values expected in the judiciary. In example 110, an interviewer states that they want a person who leads by examples, writes judgments that inspire and have integrity. The words used show that the participants would want a judiciary clean. For instance the use of the word *integrity*, which refers to the quality of being honest and having moral principles of uprightness, is an indicator that the participants in the interview want reforms in the judiciary. Integrity is a term that is used when transparency and accountability are called for or required.

To have a judiciary that is clean, the chief justice must be one who has integrity and one who is able to enhance such values of integrity, transparency, accountability, honesty and other core values. In example 111, the underlined words *track record* literary refer to the best recorded performance in a particular track. It is usually used to refer to a record of the past achievement, performance or failure often taken as an indicator of likely future performance. We can therefore talk of good or bad track record. In the JSC interviews, the term was meant to refer to good track records as the candidate tries to claim that it fits the requirements of the chief justice position.

In example 112, the use of the phrase *no delayed judgment* simply means that justice should be considered first because it is normally said that justice delayed is justice denied. This is a legal maxim that states clearly that if legal redress is available for a party that has suffered

some injury but is not forthcoming in a timely fashion, then that is like having no redress at all. The interviewer therefore uses the phrase *no delayed judgment* as a way of finding out what the candidate can do to ensure justice is not denied to the person who deserves it. In example 113, the phrase *right to fair trial* means having to be heard by a competent, independent and impartial tribunal. It is fundamental to the rule of law and to democracy itself. The candidate is asked to explain how he would accord different parties the right to fair trial if he becomes the chief justice. In response, the candidate says that the phrase *fair trial* means *reasonable hearing*. In using these phrases (*right to fair trial* and *reasonable hearing*), the participants demonstrate that ensuring fair trial in the judiciary is a way of enhancing democracy in the society in general and the judiciary in particular. In example 114 the candidate talks of the judge being *open minded*, meaning being willing to consider new ideas unprejudiced. That is, being receptive to new ideas or opinions of others. It means that the candidate is aware of the terms that can express such values of open mindedness, independence and fairness. Finally, the term *resourcefulness* used in example 115 refers to the ability to find quick and clever ways to overcome difficulties. It means being imaginative, creative or talented, and this is used to find out if the candidate can find solutions to any problem that may crop up any time during any ruling process.

In general, the terms and phrases including *track records*, *qualification in constitutional law*, *competence*, *being firm*, *no delayed judgment*, *fair trials*, *reasonable hearing*, *standing firm*, *open mindedness*, *resourcefulness*, *crusading for the Bill of Rights*, *ensuring complete independence of the judiciary* and many other words, phrases, clauses, sentences and discourses that demonstrated the impression of creating a better judiciary have been contextualized in the excerpts to show the main objectives of the interviewers and the

interviewees. It means that all the participants wanted to be associated with positive things, while the negative attributes were condemned.

4.4 The linguistic, rhetoric and move features that contradicted the positive values

The process of building a democratic institution is normally challenging. Some people may assume that through their actions or even wordings, they are enhancing the expected values meant to demonstrate that their effort is to create a peaceful co-existence in the society. The different linguistic, rhetoric and move structures used in the interviews by the Judicial Service Commission were therefore meant to promote the positive values expected in the judiciary. However, in the process of the interviews, some of three utterances or expressions contradicted or contravened certain articles in the new constitution. For instance, the following underlined words, phrases, clauses and sentences in the examples below may have contradicted the expected positive values in the judiciary.

116. *And now, I see you have a Bachelor's degree with 2nd lower, and at second lower, you have not conceptualized, you know, and an average Kenyan is like somebody with a 3rd division or a C-*

(Extract 1, line 5).

117. *And is there a possibility that you may have become a very narrow minded person as a result of just working in through one institution all your life?(Extract 1, line 7)*

118. *People have got to update themselves. You are attacking me on personal liking or a personal disliking. (Extract 1, line 8)*

119. *I offer no apologies myself and why should a commissioner apologize*

on my behalf ? The judge is opposed to my manner of asking questions because he has never attended any other interview. (Extract 1, line 10)

120. *The way you have always treated lawyers shows a lot of contempt and you were too harsh especially to lawyers appearing before you. It is ironical that with these poor attitudes you authored a good paper titled: The best conduct of judges. This was a very good paper but unfortunately by the wrong person, it is an antithesis of the manner of your conduct in court. (Extract, 1 line 15)*

121. *I was asked to do the paper; I did not give myself the responsibility. It therefore means whoever asked me to do it knew that I prescribed to the best conduct and values.*

122. *What goes for you apart from the fact that you are a woman from a minority group.(Extract 2, line 7)*

123. *And are you a homosexual? (Extract 3 line 8).*

According to Mayer, (1993), creating a democratic society means avoiding violence, division and fear of any kind. It means our language should be refined and more so when we are looking for people who should bring sanity to an institution like the judiciary.

In example 116, one of the interviewers disqualifies the candidate's academic certificate claiming it is a weak grade, meaning the candidate does not have what it takes to be a chief justice. By claiming that the applicant got a second class honours, lower division and at second lower, he has not conceptualized, and that is like an average Kenyan or somebody with a 3rd division or a C-, the interviewer wants to express the idea that the candidate does

not qualify academically, hence not competent to work as a chief justice of the supreme court. These expressions are meant to belittle the applicant and make him feel that he does not have what it takes to head the judiciary. Such statements may make the would be good candidates shy away from applying for a job that requires public vetting.

In example 117, the interviewer feels that the candidate has become a very narrow minded person as a result of working in one institution all his life. This is touching on experience and exposure as the speaker feels that the candidate may not know how to counter challenges that may arise in case the context and situation or condition of work changes. In example 118, the applicant does not take the words of the speaker kindly claiming the speaker is attacking him on personal liking or disliking. In example 119, the interviewer claims that the candidate has never attended any interview that is why he does not like the way the interviewer asks questions. These are indicators that the line of questioning on the side of some interviewers was not a friendly one but instead it makes the applicant feel intimidated, undignified, disrespected and harassed. The expressions therefore contradict the said values that are meant to be promoted, especially those concerning human rights.

In example 120, the interviewer claims that the applicant had always treated lawyers with a lot of contempt and he was too harsh especially to lawyers appearing before him. He goes ahead and says that it is ironical that with those poor attitudes the applicant authored a good paper titled: *'The best conduct of judges.'* According to the interviewer, that was a very good paper but unfortunately by the wrong person meaning it was an antithesis of the manner of his conduct in court. These are claims that can taint somebody's name especially if he is a public figure like a judge. Some of the claims are not genuine and the speaker seemingly has an intention of embarrassing the candidate for that matter.

In example 121, the applicant is asked to explain how he acquired some land, but this should be a question that should be asked in a court of law especially when an investigation is being carried out to determine whether somebody has committed a crime. In example 122 an interviewee is asked to explain what goes for her apart from her being a woman from a minority group. This is derogative, considering the fact that the male counterparts have not been asked such questions that touch on their gender negatively. This is being gender biased and it contravenes certain articles in the new constitution. Also in example 123, an interviewee is asked to state publicly whether he is homosexual or not. The context, in which this question is asked, makes it a relevant question, because in Kenya, the culture does not allow any body to practice any form of homosexuality, and if any person has to practice it, it has to remain a secret. However, from the views of Modern Language Association (2012), a person being interviewed should not be asked about his or her sexual orientation and therefore it is wrong to ask someone whether he/she is homosexual. The applicant may opt to lie, in order to gain public confidence, even though he may be a homosexual.

The use of intertextuality is also contradicting or contravening certain articles of the new constitution. For instance, a discourse is taken from a past event that may have shown that the applicant had contempt or harassed some lawyers in the past and this was used to taint the applicant as one who cannot serve as a chief justice in Kenya. If the applicant had learnt from the mistake and changed or transformed his life style, he may still not be recruited because of those past events, even though he may be the right candidate for the advertised position. This may not be fair to the person. On the other hand, the accusation may not be true hence the person offended may take a legal action against the interviewers for damaging his name.

Many people may have feared this kind of intimidation hence shied off from tendering their application.

4.5 Conclusion

The main aim of this section was to analyze the linguistic, rhetoric and move features in job interviews conducted by the JSC of Kenya in 2011. The section was therefore used to highlight the main objectives of the research as cited in chapter one of this thesis. The data collected have been analyzed and the various features or linguistic patterns have been described, analyzed and evaluated accordingly. For instance, objective 1 of the study set to identify and describe the linguistic rhetoric and move features used in JSC interviews to achieve communicative purposes. The research concluded that there are myriads of linguistics, rhetoric and move features used by the JSC during the interviews process to achieve communicative purposes. The interviewers used these feature to prove to the public that they were set to recruit people with integrity, competency and other core values. The interviewees also tried their best to prove to the interviewers and the public that they had the qualifications needed for one to be the chief justice.

The second objective set to analyze how the linguistic, rhetoric and move features used in n the JSC interviews enhanced or contradicted the democratic values enshrined in the Kenyan constitution. The current research revealed that a good of the linguistic rhetoric and move features used in JSC interviews tended to enhance, promote or express the democratic values such as integrity, transparency, accountability and others. However, some of these features contradicted, violated or contravened certain clauses or articles in the Kenyan constitution.

The third and last objective set to establish the extent to which public job interviews conducted by JSC are typical of interview genres. The research concluded that the JSC

interviews followed the procedures usually used in conducting interviews. However certain parts were either left out or added due to the fact that the interviews were aired live on televisions and other channels of communication.

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter presents the summary of the findings in relation to the stated objectives, research questions, statement of the problem and the theoretical framework. The chapter also includes the conclusion of the whole thesis, the recommendations and areas for further research.

5.2 Summary of findings

In Bhatia's (1993) view, different levels of linguistic analysis should be considered during the analysis of any genre. One of the levels of analysis involves analyzing the lexico-grammatical features, which is basically, a statistical analysis of frequency of syntactic properties that provide empirical evidence to confirm or disprove intuitive statements that one makes. In the interviews conducted by the JSC, different linguistic, rhetoric and move structures were employed to achieve different communicative purposes. The research therefore came up with the different findings based on the study objectives.

The first objective of the study set to describe the linguistic, rhetoric and move features used in JSC's job interviews to achieve communicative purposes. In the findings, the present study identified the use of different linguistic features in the JSC interviews. They include modal auxiliary verbs, pronouns, conjunctions, vocabularies, phrases and clauses, rhetoric and move features. The features were employed carefully by the interviewers and interviewees to achieve their communicative purposes. The interviewers used language to express their willingness to promote the constitutional values which are also Kenyan national values. Some of these values include: patriotism, unity, sharing and devolution of power, the

rule of law, democracy, human rights, human dignity and equity, social justice, inclusiveness, equality, non-discrimination, non-racism, protection of the marginalized and many others (the Constitution of Kenya (2010)). Certain terms used during the interviews such as integrity, respect, unity, competence, justice, resourcefulness, equality and many other terms were employed to get the most qualified candidates who would improve the Kenyan judiciary. The candidates also used the terms to express the same values hence prove to the interviewers that they qualified to work in the judiciary in the position of the Country's chief justice.

The second objective that the present study set to achieve was to analyze how the linguistic, rhetoric and move features are used in the JSC interviews to express, enhance or promote positive values enshrined in the Kenyan constitution. The various linguistic features (including pronouns, conjunctions, modal verbs, vocabulary, phrases, clauses), rhetoric and move structures were used by the interviewers and interviewees to show their willingness to promote values of integrity, unity, justice, transparency and accountability among other positive values with the hope of improving the judiciary as an institution.

The third and last objective that the present study set to achieve was to establish whether the linguistic, rhetoric and move features used in JSC job interviews contradict, contravene or violate the constitutional values. The study found out that the interviews that were conducted by the JSC contained some linguistic, rhetoric and move features that tended to contradict, contravene and violate certain articles of the 2010 constitution. Some of the features used tended to expose the candidates' personal affairs hence invaded their privacy and this was seen as an indicator that some people's dignity may have been undermined hence they may not be willing to apply for jobs that involve public vetting, like those organized and

conducted by the JSC in Kenya. This implies that very good candidates may not feel like working in the judiciary because they may feel they would be embarrassed during the interview process even though they qualify to do the jobs advertised.

5.3 Conclusion

In conclusion, the study achieved what was stated in the objectives set before the commencement of the research. Objective one set to describe the linguistic rhetoric and move features used in JSC interviews to achieve communicative purposes. The study has shown that different linguistic, rhetoric and move features were used in the interviews conducted by the Judicial Service Commission of Kenya. The use of such features like conjunctions, modal auxiliary verbs, pronouns, choice of words, diction or vocabulary, phrases, clauses, sentences, rhetorical and move features in job interviews conducted by the judicial service commission of Kenya to achieve communicative purposes was established in line with objective one. The positive values of integrity, fairness, justice, unity, freedom and many other values were expressed through the use of the stated linguistic, rhetoric and move features.

The second objective of the study set to analyze how the linguistic, rhetoric and move features used in JSC job interviews express, enhance or promote the positive values expected in the judiciary. The study revealed that some of the linguistic, rhetoric and move features used expressed, enhanced and promoted the positive values enshrined in the Kenyan constitution. The use of features like modals, vocabulary, conjunctions, pronouns phrases and clauses expressed the democratic values enshrined in the Kenyan 2010 constitution.

The last objective of the research set to establish whether the linguistic, rhetoric and move features used in JSC job interviews contradict, contravene or violate the constitutional values. Some candidates were asked to clarify certain views perceived by the public concerning their past life, their family affairs, their status in the society and even their sex life, whether they practice homosexuality or not. The study revealed that some of these features contradicted certain values as expressed in Kenya 2010 constitution. It is possible that the participants in the interview process were not aware of the contradictions because they are not language experts or professionals. Language is therefore seen as a powerful tool that can cause changes in institutions that have varied challenges. Through language use, the panelists in an interview session can gauge the knowledge, the personality, the courage and other traits of a candidate.

5.4 Recommendations

The study attempted to come up with some recommendations with the aim of showing how linguistic, rhetoric and move features of job interviews by the Judicial Service Commission of Kenya expressed and promoted the positive values expected in an institution of justice like the judiciary or how some of these features also contradicted and contravened the Kenyan constitution. The study suggests that the language should be seen as a tool that can be used to address challenges affecting different institutions including institutions of justice like the judiciary. This should be demonstrated during the vetting process of public officers when language is used by the participants to express their feelings and attitude towards the said positive values.

In addressing objective one, the researcher proposes that other linguistic components should also be captured when analyzing job interviews. The features like those of semantics and pragmatic, phonetics and phonology, morphology and others should also be included in the

study. The language experts should be engaged in all public interviews so as to give the right information or use the right terms that might help promote the main objectives of interviews.

For objective two the researcher recommends that, when analyzing interviews in terms of Linguistic, rhetoric and move features, the features that enhance the positive values should be explained in accordance with the constitution so that the point of convergent or divergent is clear. Whenever interviews are conducted, the different linguistic, rhetoric and move patterns should also be given attention so that appropriate or suitable terms are used for purposes of future references. Those who violate or use features that contradict the values of integrity, transparency and accountability among others should be advised on the need to respect others' dignity.

In addressing objective three, the researcher recommends that the linguistic, rhetoric and move features identified in job interviews should be analyzed statistically and the frequencies of their occurrence determined. This is in line with Bhatia's (1993) view, that different levels of linguistic analysis should be considered during the analysis of any genre and this involves a statistical analysis of frequency of syntactic properties that provide empirical evidence to confirm or disprove intuitive statements that one makes.

5.5 Areas for further research

For objective one, more research should be done to ensure that each feature, be it linguistic, rhetoric or move features are analyzed separately and elaborately. Genre analysis is limiting the research hence the other linguistic features like those of semantic and pragmatic, phonetics and phonology, among others, should be researched on.

For objective two, a comparative study should be carried out to determine whether some interviewees are discriminated against through the terms used and the questions they are asked to respond to, meaning some are asked simple questions while others are asked very challenging questions. A comparative analysis is also necessary as this can ensure that interviews are compared and analyzed to determine the different approaches used by the participants.

For objective three, the research suggests that the linguistic and rhetoric features that contradict or violate constitutional values should be analyzed alongside the constitutional articles and clauses to find out the point of convergence or divergence .

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APPENDICES

APPENDIX 1

1. *Could you say that you were not too harsh on the plaintiff particularly on issue of gender?*
2. *Burials have to be dealt with under the customary law that is the constitutional position. There was no other law to deal with issues of burials.*
3. *And if this case came back to you today, and if you were to set a way forward for every other judge as head of the judiciary, how would you handle it?*
4. *Customary practices which run contrary to human rights are not to supersede the position of human rights.*
5. *And now, I see you have a Bachelor's degree with 2nd lower, and at second lower, you have not conceptualized, you know, and an average Kenyan is like somebody with a 3rd division or a C-.*
6. *I may not be having the paper qualification but I have the experience and fundamentally, the exposure. By that time, when I was being engaged in the third arm of Government in 1976, the grades were among the best and I was among the cream at that time.*
7. *And is there a possibility that you may have become a very narrow minded person as a result of just working in through one institution all your life?*
8. *People have got to update themselves. You are attacking me on personal liking or a personal disliking.*
9. *To be sincere we would wish to clarify that when we interrogate you on the judicial position we are aware that we are not the Supreme Court.*

10. *I offer no apologies myself and why should a commissioner apologize on my behalf?*

The judge is opposed to my manner of asking questions because he has never attended any other interview.

11. *What would you achieve in the judiciary within the first one hundred days if given a chance to be the chief justice?*

12. *I want to change the image of the judiciary and revamp it. I will begin with having training for the judicial officers.*

13. *Why did the commission of inquiry into the Goldenberg scandal, which you chaired fail to prosecute those behind the Ksh 5.8 billion and Ksh 13.5 billion scandals?*

14. *A commission does not make verdicts. We were required to make findings And present the same to the appointing authority, which we did. It was not our mandate to see that the findings were implemented.*

15. *The way you have always treated lawyers shows a lot of contempt and you were too harsh especially to lawyers appearing before you. It is ironical that with these poor attitudes you authored a good paper titled: The best conduct of judges. This was a very good paper but unfortunately by the wrong person, it is an antithesis of the manner of your conduct in court.*

16. *I was asked to do the paper; I did not give myself the responsibility. It therefore means whoever asked me to do it knew that I prescribed to the best conduct and values.*

17. *Considering the returns on your declaration of wealth, under what a statistical analysis of frequency of syntactic properties that provide empirical evidence to confirm or disprove intuitive statements that one makes. circumstances did you acquire land in Nairobi and the Rift Valley?*

18. *You are harassing me with the aim of projecting me in bad light.*

19. *What is your view of judicial activism?*

20. *It is double-edged sword where you may chart into new waters and help people but sometimes it may cause a lot of damage depending on the ruling. It should be approached with caution.*

APPENDIX 2

1. *have heard you comparing yourself to former chief justice C. B. Madan who was a Constitutional guru, and had a great legal brain. Judge, I put it to you that you are not justice C.B. Madan.*
2. *I agree I am not.*
3. *Your CV paints the picture of a great judge. You say you have given landmark rulings. What are landmark decisions?*
4. *These are unprecedented decisions in new cases.*
5. *You have professional experience of three decades. Can you share one case you argued that has been reported in the law reports?*
6. *I can't remember which one was reported.*
7. *Kenya's new chief justice must lead by example; have ability to write judgments that inspire and have integrity. Do you think as a lawyer who practiced for three decades with no single case reported, you fit the requirements for the office of the chief Justice?*
8. *I think as a judge my track record fits the requirements.*
9. *What else goes for you apart from the fact that you are a woman from a minority group?*
10. *I would want to be considered for my ability and not because I come from a minority group.*
11. *Despite having qualifications in constitutional law, why were you removed from the constitutional courts?*
12. *it's not for my competence. It is within the discretion of the chief justice to do so. I was informed that the criminal division was in some kind of crisis. I don't begrudge anyone but my passion is in constitutional law.*

13. *There's a view that you are not fit to be a chief justice because you have a problem with grasping the law, you are temperamental and not the right person to reform the Judiciary.*
14. *I am surprised anyone can say I am temperamental. As a judge, I know some times I have to be firm.*
15. *There is also a view that as much as you have good judicial career, you are impatient and you shout.*
16. *I could have shouted when I felt that the advocates were wasting the court's time.*
17. *If appointed chief justice, what would you do to ensure there are no delayed judgments?*
18. *I will lead by example because in my history as a judge, I have never deferred a date of a judgment. I have never said I am not ready whenever I have given a date.*
19. *As a judge or a chief justice, who will be supervising other judges, what would you say about according parties the right to a fair trial.?*
20. *Fair trial means a reasonable hearing. You should be in control of your court. If there are irrelevant things said, you should stand firm. The judge should be open minded until the final submissions have been made.*
21. *And share with us what resourcefulness you have brought to the judiciary.*
22. *You should not be given the position of Chief Justice because you are too close to the president.*
23. *Together with your husband and son, you masterminded an investment scam and you used your husband and son to cover up.*
24. *I am not aware of that....*

APPENDIX 3

1. *The impression that this is a man who is coming from outside...*
2. *Questions about what I see as the judiciary in the transition, I talked about that Collective intellect, you know, which in a supreme court, for example, you are going to have judges who have different philosophies.*
3. *And as an outsider...!*
4. *As an outsider in the judiciary, although I know a lot of judges, I think I will enter and say what do you want us to do? And also my crusading for the Bill of Rights, which is now part of the new constitution, is evidence of what radical reforms I will bring on board.*
5. *What will you do within the first one hundred days of your service as the chief justice if given a chance?*
6. *You know the constitution changed and came up with an operational plan on how structures formed will be harmonized and how all will read from the same scripts; if they are organized properly; they may run like the grand coalition government.*
7. *And are you a homosexual...?*
8. *I am not a homosexual and having said that, let me say I don't discriminate against people who are homosexuals.*
9. *Why do you wear your earring?*
10. *I wear my earring not because of my sexuality but spirituality.*
11. *Would you get rid or grow out of that earring when elected as the chief justice?*
12. *There is no way I can remove this earring even if I become the chief justice. If I am told I must remove it to get the job of chief justice, I will say keep your job.*
13. *And on judicial activism, what will you do about it?*

14 I will try to balance between that and my work, and use the law as the basis. The law will not be used to serve the whims of the ruling class and I will ensure complete independence of the judiciary from the other arms of the government if I am appointed as the chief justice.

APPENDIX 4

1. *There are complaints from the High Court and lawyers that you write too much and your judgments are too long. What explanations do you give.*
2. *It depends on the perspective of the case I am handling, like once I had to give a 311-page judgment. I have to set out the fact, go through the inquiry and find out what basis the case has been brought and the direction to give.*
3. *You are involved in so many activities outside the judiciary. How do you manage your time and how does the experience help you in your judicial activities?*
4. *I manage my time well and know when I am on duty and when to engage in other activities which have taught me lessons on management of staff, team work and dealing with court procedures.*
5. *In your CV, you have indicated personal service to community, people you are helping and what you are doing in academics. Considering the time you engage in all these, don't you think you are too pressed for time to handle the office of chief justice?*
6. *The people I handle do not come on board at the same time and I have others helping me in my work. I don't do anything to sacrifice my work as a judge, and any that will compromise my duties if given the job of Chief Justice.*
7. *The public views you as humble and fair tempered, but say you are not vibrant, you are indecisive, you delay judgments, you are poor in time management and*

administration, and lack organization skills,, hence you are not suitable for the post.

What do you say?

- 8. I don't know how I am a poor time manager or administrator because I have run stations outside Nairobi effectively. Delay of judgment is not deliberate, it's because of case overload and if people take my humility to be lack of vibrancy, let them give me a chance and they will see the person that I claim to be.*
- 9. Delayed judgments make lawyers and litigants suffer. If we recommend you to be the chief justice, how will you address the problems?*
- 10. We will have a policy where judges file their returns on a quarterly basis. If a judge has too much to do, we will allow him to of her to apply for leave to go and write the judgments.*
- 11. You stated that when you filed your returns, you didn't know where the Chief Justice took them. What then is the purpose of filing and what will you do with them?*
- 12. I will go for a return of the judgments and rulings and get in touch with the judge or magistrate to ask whether it is the best. I will compare with other judgments from different stations and demand more.*
- 13. Suppose the Chief Justice asks you to make recommendations on how to improve the performance of judges and magistrates. What would you recommend?*
- 14. I will send out questionnaires to the officers on challenges they are facing, where they have gone wrong, do audit of cases they have handled an advise that they take some time to engage in more training.*

APPENDIX 5

1. *We are looking for someone who can reform the judiciary. We are looking for a Chief Justice who can lead by example, has great depth of legal, integrity and who has ability to write judgments which can inspire. Are you such a person?*
2. *Yes I am. I hold a voters card but I don't have any affiliation to any political party. I know once you join the judiciary you have opened yourself to the public. As a judge you live in an open prison so I have always avoided any thing embarrassing.*
3. *Having served judiciary from 1087 up to now you have seen it all. What components of reform can bring to the table?*
4. *We need to address the issue of staffing. This should be a matter of priority to bring justice closer to people.*
5. *Is it right to declare the Judiciary a national disaster so that the country can channel all resources towards improving the institute? Also share with us what you can do in the first 100 days if you were to be given the job of Chief Justice.*
6. *I shall firstly assemble the National Council on Administration of Justice, rope in the in the State Law Office, Law society of Kenya, and prisons department to be able to address the issues limiting administration of justice. Secondly, I'll form an internal committee to implement the recommendations made by the National Council on Administration of Justice. Thirdly, I'll revamp the judicial training institute by setting up a curriculum. On whether it should be declared a national disaster, I'll say yes or no. This is because when we say it should be declared a disaster, it means that the patient won't be healed. Indeed we can heal by increasing dose of medication.*
7. *What kind of system will you put in place to address corruption?*
8. *Judicial officers are paid poorly. I'll address this issue by paying of officers well.*

9. *Share with us areas in which you have demonstrated usefulness to give you head start to pull the judiciary from ICU to a state of full recovery?*
10. *I have come to know the strength and weakness of my colleagues and with that experience I am able to move forward.*
11. *You say you are a team player, other than that what can you bring on board?*
12. *I listen to everyone who appears before me and I will respect their views and tell them how to move forward without prejudicing the Judiciary.*

APPENDIX 6

1. *The frequent transfers of judges are a cause of case delays. Why is it that you have been transferred from one place to another, at one point serving in three different stations in a year.*
2. *In most cases, there was a different Chief Justice and in all stations, I had no pending cases. I won't say it was because am credible, always available and reliable.*
3. *You are accused of not being able to work well with advocates because you are too hard on them and the witnesses. How will you solve this if recommended as the chief justice.*
4. *It is a misconception that needs to be corrected. I have been working closely with the advocates. I will call for a business meeting to discuss the matter.*
5. *Your judgment consists of one line or one paragraph rulings, skeleton in nature and lacking depth. It is evident you have a problem writing in prose. Do you think writing in poetry will help or capture the essence of justice?*
6. *If the way is wanting, then I am surprised. There are prominent judges who give one line rulings, and it is no excuse for quality judgments. What matters is whether I am able to give judgments quickly.*
7. *The public thought is that you are eccentric, temperamental, uncooperative, dictatorial, egoistic and unreasonable. Do you then think you have the qualities to be the Chief Justice?*
8. *I am not dictatorial but it is clear I do not compromise on justice.*
9. *Lawyers say you have the mindset of a kindergarten teacher, you don't follow the cause list, you give priority to lawyers based on rank, leading to some boycotting*

your court sittings. How will you change that attitude if you become the Chief Justice?

10. The problem is that we have been reading from different scripts, and until it is addressed, we will still have the same problem. I have been within the law to give the senior members the preferences. The advocates who boycott my courts are compromising justice and not helping clients.

APPENDIX 7

15. *There are complaints from the High Court and lawyers that you write too much and your judgments are too long. What explanations do you give.*
16. *It depends on the perspective of the case I am handling, like once I had to give a 311-page judgment. I have to set out the facts, go through the inquiry and find out what basis the case has been brought and the direction to give.*
17. *You are involved in so many activities outside the judiciary. How do you manage your time and how does the experience help you in your judicial activities?*
18. *I manage my time well and know when I am on duty and when to engage in other activities which have taught me lessons on management of staff, team work and dealing with court procedures.*
19. *In your CV, you have indicated personal service to community, people you are helping and what you are doing in academics. Considering the time you engage in all these, don't you think you are too pressed for time to handle the office of chief justice?*
20. *The people I handle do not come on board at the same time and I have others helping me in my work. I don't do anything to sacrifice my work as a judge, and any that will compromise my duties if given the job of Chief Justice.*

21. *The public views you as humble and fair tempered, but say you are not vibrant, you are indecisive, you delay judgments, you are poor in time management and administration, and lack organization skills,, hence you are not suitable for the post. What do you say?*
22. *I don't know how I am a poor time manager, or administrator because I have run stations outside Nairobi effectively. Delay of judgment is not deliberate, it's because of case overload and if people take my humility to be lack of vibrancy, let them give me a chance and they will see the person that I claim to be.*
23. *Delayed judgments make lawyers and litigants suffer. If we recommend you to be the chief justice, how will you address the problems?*
24. *We will have a policy where judges file their returns on a quarterly basis. If a judge has too much to do, we will allow him to of her to apply for leave to go and write the judgments.*
25. *You stated that when you filed your returns, you didn't know where the Chief Justice took them. What then is the purpose of filing and what will you do with them?*
26. *I will go for a return of the judgments and rulings and get in touch with the judge or magistrate to ask whether it is the best. I will compare with other judgments from different stations and demand more.*

27. Suppose the Chief Justice asks you to make recommendations on how to improve the performance of judges and magistrates. What would you recommend?

28. I will send out questionnaires to the officers on challenges they are facing, where they have gone wrong, do audit of cases they have handled and advise that they take some time to engage in more training.

APPENDIX 8

13. *We are looking for someone who can reform the judiciary. We are looking for a Chief Justice who can lead by example, has great depth of legal, integrity and who has ability to write judgments which can inspire. Are you such a person?*
14. *Yes I am. I hold a voters card but I don't have any affiliation to any political party. I know once you join the judiciary you have opened yourself to the public. As a judge you live in an open prison so I have always avoided any thing embarrassing.*
15. *Having served judiciary from 1087 up to now you have seen it all. What components of reform can bring to the table?*
16. *We need to address the issue of staffing. This should be a matter of priority to bring justice closer to people.*
17. *Is it right to declare the Judiciary a national disaster so that the country can channel all resources towards improving the institute? Also share with us what you can do in the first 100 days if you were to be given the job of Chief Justice.*

APPENDIX 10

EXTRACTION GUIDE

The linguistic, rhetoric and move features in JSC interviews

Linguistic features to be identified include:

1. Modal auxiliary verbs as linguistic features (e.g. Could, can, may, might, must, be able to, ought to, should, shall, will, would etc)
2. Pronouns as linguistic features in JSC interviews (e.g. I, he, she, we, him, me, you, them, us, it that, who, which, each, many several, anything, anybody, anyone, myself, yourself, itself etc).
3. Conjunctions and connectors (e.g. and, but, or, either or, neither nor, because, however, therefore, consequently, ultimately, since, so, for, as, nevertheless, although, until, though etc)
4. Use of vocabulary word choice or diction
5. Phrases in JSC interviews (e.g. noun, verb, adjectival, adverbial and prepositional phrases)
6. Clauses in JSC interviews (e.g. independent clauses and dependent/ subordinate clauses)

Rhetoric features in JSC interviews

1. Imagery (e.g. metaphor, simile, personification, irony, symbolism etc)
2. Cohesion (e.g. connectors, synonyms, repetition, use of pronouns etc)
3. Intertextuality and interdiscursivity.

Move features in JSC interviews

1. Introduction (phase 1)
2. Main body (phase 2)
3. Conclusion (phase 3)