

POWER RELATIONS IN COURTROOM LANGUAGE

(A CASE STUDY OF SOKOTO STATE MAGISTRATE COURT)

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**A PROJECT SUBMITTED TO THE DEPARTMENT OF MODERN
EUROPEAN LANGUAGES AND LINGUISTICS, FACULTY OF ARTS
AND ISLAMIC STUDIES, USMANU DANFODIYO UNIVERSITY
SOKOTO. IN PARTIAL FULFILMENT OF THE REQUIREMENTS
FOR THE AWARD OF BACHELOR OF ARTS, IN ENGLISH**

JULY, 2014

CERTIFICATION

This work has been supervised and approved as having met part of the requirements for the award of the Degree of Bachelor of Arts (B.A) in the Department of Modern European Languages and Linguistics, Faculty of Arts and Islamic studies, Usmanu Danfodiyo University, Sokoto – Nigeria

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DEDICATION

This project is dedicated to the almighty God, My late mother HAJARA ISA YERIMA and to the man who has inspired me from the early years of my life till this very moment in my life. He is no other than Late DIG JOHN HAMZA AHMADU.

ACKNOWLEDGMENTS

My gratitude goes to God almighty who has been my strength and provider throughout my period of learning up to this level. He has showed me love and care that I do not deserve. And I am forever in his debt.

I also owe so many people gratitude for their help. This project would not have been possible without the constant motivation, support, and guidance from other people. My most heartfelt gratitude goes to Mallam Mansur Isah Buhari who supervised this project. His patience and guidance motivated me to complete this project with much ease.

My special appreciation goes to my former Head of Department (HOD) Dr. Asabe Kabir Usman, the present Head of Department Dr. Muhammad Aminu Mode and all the lecturers in the department including Dr. Shehu Sidi Ibrahim, Dr. Tahir Mallam, Malam Mika'il Ibrahim through whom I gathered much knowledge and inspiration through my four years stay in this prestigious institution.

Finally my warmest appreciation goes to my family; My lovely mother Mrs. Mary Amina Ahmadu, Valkamiya Ahmadu, Shepuya

Ahmadu, Sankena Ahmadu, Jay-jay Ahmadu, Alpha, Jitmiya Ahmadu and also to Mohammed Shehu, Marwan Abi Habib, Hussaina Nuhu Mohammad, Hassana Nuhu Mohammad and also Abdulmalik Suileman, Emmanuel Zitta, Junaid Muhammad,Zaharadeen Fakai, for always being there for me be it rain or sunshine. I love you all.May the almighty bless you with joy and peace, Amen.

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CHAPTER ONE

1.0 INTRODUCTION

This project is on the power relation in courtroom language. Chapter one covers the general overview of the subject matter. It comprises the background to study, statement of research problems, aim and objective of the study, purpose of the study, significance of the study and scope and limitations.

1.1 Background of the Study

Language has been identified as the “primary medium of social control and power” Fairclough (1989) most notable in legal settings where language is used in away to facilitate control through the exercise of power. A person that wields power or influence anyone does it by the potency of language.

Language is central to human existence because human language is distinct and remarkable .The uniqueness of language which is ability to communicate is what Hickerson(1980)says makes possible most of the other behavior which we think of as uniquely human.

There have been many speculations as to the origin of language. There are three (3) sources that point to the origin of language. According to Yule (2003) they are; the divine sources, the natural source and the oral source.

The divine source is of the view that language came when Adam in the Bible was given the authority to name all living things. The theory also posits that there is a divine source that provides human beings with language. Few experiments have been carried out in an attempt to prove this with conflicting results. A quite different view on the beginning of human speech is based on the concept of the natural source. Scholars who hold this view are of the opinion that language came as a result of the imitation of the sounds around human. Sounds referred to the object associated with them. The oral gesture theory is yet another. It involves a link between physical gesture and orally produced sounds. It claims that originally, a set of physical gestures was developed as a means of communication.

All these are speculations that have not been proven. Language serves as the vehicle with which man dominates his environment. Man has the ability to use system of sounds in which symbols are related to each other i.e. Language and it is this language that man uses to carry out various activities. According to Edward Sapir (1921) language is a “purely human and non-instinctive method of communicating ideas, emotions and desires by means of a system of a system of voluntarily produced symbol”. By this definition, only humans possess language.

They make use of symbol; these symbols are auditory and are produced by some Speech organs.

Hall (1969) defines language as the institution whereby humans communicate and interact with each other by means of habitually used oral-auditory symbols.

This is similar to Gimson(1980) who defines language as ‘‘a system of conventional signals for communicating by a whole community’’. Language therefore is a means by which humans communicate in the society.

Human society cannot exist without language since language is purely a human activity and communication in itself is the essence of humanity.

Every language exists in a number of varieties. According to Hudson (1980; 24)

A variety is ‘‘a set of linguistics items with similar distributions’’. Going by this definition, we can say that languages have varieties. We have language of politics, language of science, language of law, language of sports, language of technology, etc. For the purpose of this study, we will focus on the language of legalese and how it wields power. The law society has established norms and values that govern and pattern the behavior of its members and machinery

for enforcing these is language. Language therefore plays an important role in law making, preservation and enforcement. Language of law connotes power and influence. Power as related to language is the measurement or the ability of an entity to control his environment, including the behavior of other entities. The exercise of power is accepted as endemic to human as social beings. It is a form of social control.

According to Wikipedia, the free Encyclopedia, word 'court' comes from the French word 'cour' an enclosed yard, which derives from the Latin form 'cortem' which also means an enclosed yard.

The meaning of a judiciary assembly is first attested to in the 12th century and derives from the earlier usage to designate a sovereign and his entourage, which meant to settle dispute in an enclosed yard. A court therefore is a form of tribunal, often a government institution, with the authority to adjudicate legal disputes between parties and carry out the administrative matters in accordance with the rule of law.

Courtrooms are thus, the central means for dispute resolution and it is generally understood that all persons have the ability to bring their claims before a court. English is the most widely used language in the world. It has

become the most acceptable medium of communication among diverse tribes without a common language.

1.2 STATEMENT OF RESEARCH PROBLEM

A lot of researches have been carried out on the language of law but not much has been done on its power relation. This research work is aimed at analyzing power relations in courtroom language and how this power is used between authorities in courtroom conversation. Courtroom conventions do not give room for the style and the form of language used by lay persons and this has an effect on their use of language and makes it difficult for understanding and comprehension of conversation. There is also power inequality among the legal professions themselves. The magistrate seems to wield more power and has the final say in the courtroom proceedings.

1.3 AIM AND OBJECTIVE

The aim of this study is to analyze how language is used as a symbol of power in courtroom interactions.

The objective is to describe the power relations that exist between the courtroom Participants, the lawyers and the accused for effective communication.

1.4 SIGNIFICANT OF THE STUDY

The significance of this research work is to show how power relations determine language use within the context of a courtroom and also how the contributions of the participants in the court proceedings show how much power they wield.

1.5 PURPOSE OF THE STUDY

The purpose of this research is to look at how figures in authority (judges) use language to express their dominance and also to request obedience and respect from those subordinate to them. To examine how power relations involved in the courtroom discuss.

1.6 SCOPE AND LIMITATION OF THE STUDY

This research work seeks to add to the knowledge that probes into the peculiarity of language as used by the courtroom participants. This gives us an insight and interpretation of the linguistic utterance, the uses and abuses as used by the judges, lawyers and the commoners, who will in effect contribute to the changing needs of institutionally anchored function like those of the judges, lawyers, legislators or citizens.

CHAPTER TWO

LITERATURE REVIEW

2.0 INTRODUCTION

This section reviews literature related to legal language. This section begins by defining the concept of language, and the functions of language

2.1 CONCEPT OF LANGUAGE

Language is a phenomenon that cuts across various shades of human existence and spheres of life. There is no society in this world without a language of its own. Therefore, every society needs language to communicate, express thoughts, feelings and needs. Thus, Wardhaugh (1972) defines language “as a system of arbitrary vocal symbols used for human communication.”

The central idea in the issue of language is communication, the passing of information from one person to another. According to Crystal (1987: 10) “*communication is the widely recognized function*”

Some linguists have identified several other functions of language with no or less consideration to communication.

2.0-1 SOCIAL INTERACTION

According to Ogunbameru and Rotimi (2006: 143) “social interaction as a concept may be defined as the process that constitutes the very core of social life and human behavior.” Is it therefore the interplay between the action of one individual and the expected actual reactions of others. Social interaction involves a conversation between two persons or a group, a football match, leisure, dancing, etc., interestingly, language is used to foster and maintain a comfortable relationship between the people involved.

2.0.2 EMOTION

Language is also used to express emotion is a characteristic or feature of humans. Human have the tendency to express or show how they feel with the use with the use of language. For instance, when someone hits her leg against a stone, she could say “ouch”, with this word she has express her emotion.

Language is used for recording of facts, keeping accounts of some outstanding events for historic and referential purposes. Every society has a past, present events and they are documented for future use every purpose. Sector of human endeavor keeps records and language is chiefly used for that

this fosters both social and economic growth in that such past knowledge are preserved for future development.

Language is used for identity and solidarity. It serves as a symbol of oneness and kinship. Language serves as a vehicle of people's culture, customs and values. It is used to identify people using common natural codes like the same language. Language is used to show who we are and where we belong.

2.2 VARIETIES OF LANGUAGE/REGISTERS

Language has different varieties which are a result of differential change. Crystal, (1987: 24) states that no two people are identical in the way they use language or react to the usages of others. It is therefore common to find minor differences in their grammar and vocabularies.

Hudson, (1980: 20) defines varieties as a set of linguistic items with similar distribution. According to him, the same way that one might take "music" as a general phenomenon and then distinguish between the different varieties of music, the same with language. Language therefore has different varieties because of their usage. There are occupational and social varieties of language each with a unique style and register. No wonder linguistics and scholars have been able to identify the following as occupational varieties;

Bureaucratize (language of medicine), Journalese (language of journalism), legalese (language of law), Medicaese (language of medicine), etc. Each of these varieties has its own unique characteristics.

Registers are terms widely used in the sociolinguistics to refer to varieties according to use. Kujore et al (1961: 94) defines register as a list of words, expression or terms that are regularly and sometimes peculiarly used in relation to a particular area of human activity and development. While Ronald (1986: 48) defines it as a set of vocabulary items associated with discrete occupation or social groups. Boardi et al (1968: 36) further explains:

The variety of a particular language which is used on any occasion is determined by the use being made of it and by the users own linguistic habits. Variety determined by the use as to do with lexis and grammatical structures, sometimes in such of variety the sounds system used in everyday discuss, such variety are called "register" or "styles".

Invariably, we could say that every field of endeavor has its peculiar use of language which makes it different from the others and it cannot be used interchangeably. For example, a medical doctor cannot use a legal language to talk to his patient; the same applies to a lawyer. A lawyer cannot use medical

term to present their case in the court. Thus, every speaker adjusts his linguistic repertoire based on the occasion that permits his speech.

2.3 DESCRIPTION OF LEGAL LANGUAGE

The term ‘language of law’ or ‘legalese’ encompasses a number ‘usefully distinguishable genres’ having communicative purposes they tend to fulfill in different academic, professional and specific social context

The linguistic status of legalese is open to dispute among persons within the field of law and language. It is considered by some scholars (Charrow and Crandall 1978; Barrn.d) to be a dialect in its own right. It can alternatively be viewed as a register in English, a form of jargon –that is, a speech variety restricted to an occupational group, or a form of diglossia, as Danet (1980) has suggested, diglossia being a distinct speech variety restricted to use on formal, public occasions, contrasting with speech varieties used for everyday purposes. Berk-Seligson (2002:295)

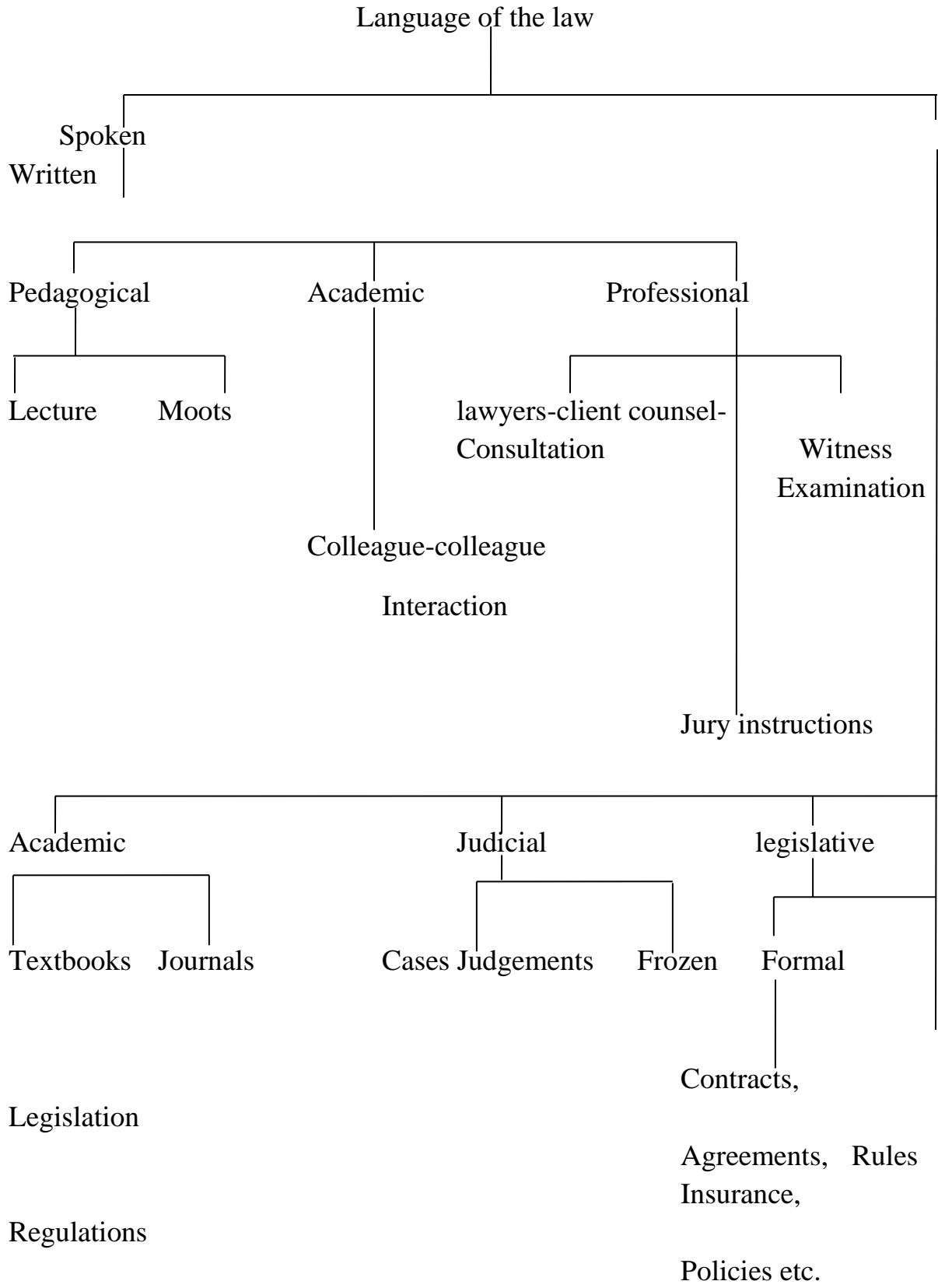
Over the past three decades, there has been a dramatic expansion of interest in studying the language of law. Bhatia (1987:227) indicates that the interesting language of law is due to developments in at least three disciplines:

1. The inclusion of pragmatics in the study of language has encouraged linguistics to look for the use of language in real life settings.

2. In applied linguistics, where the main concern has to design and teach language.

Support courses for academic as well as professional legal purposes.

3. In social science disciplines, where legal language has become the subject of sociological inquiry because it is increasingly being reco-gnized as the vehicle for social action.



2.4 CHARACTERISTICS OF THE WRITTEN LANGUAGE OF LAW

One way out describing the legal language is to point out the linguistic features of the legal language at different levels: Lexical, syntactical and discursal etc. Berk-Seligson (2002:15) indicates that Danet (1980:447-81) ‘in her review of literature of language in language in legal process, provides an excellent synthesis of the linguistic features that have been found by other scholars to be characteristics of legal English’.

This synthesis, as quoted by Berk-Seligson, has three levels: lexical, syntactical and discourse. She quotes the synthesis in the following manner.

At lexical level, nine features are characteristics of legal English:

1. Technical terms(‘distinct, default’);
2. Common terms with an uncommon meaning(‘assignment’ meaning the transference of a right, interest, interest or tittle,’ rather than its general meaning, ‘something assigned, a task or duty’);
3. Words whose origin is Latin (‘insolvent’),French (‘property’),or Old English (‘hereafter’);
4. Polysyllabic words (‘collateral’);

5. Unusual prepositional phrases ('in the event of default', meaning 'if');
6. Double lets-that is, combination of a word of Anglo-Saxon origin with a word derived from either French or Latin ('will and testament');
7. Formality (the use of 'shall' in place of will');
8. Vagueness (lack of specificity, such as 'all the rights and remedies available')
9. Over precision (the use of absolute terms such as 'all' and 'none').

At syntactical level, legal English has the following features:

1. Nominalizations, or the formation of nouns or noun phrases from verbs('make assignments')in place of 'assign');
2. Passive construction(may be provided by law')
3. Conditional('in the event of default')
4. Unusual anaphora, specifically, referring back to previously mentioned nouns by use of the same noun rather than pronoun(the repetition of 'borrow' in two consecutive phrases of a sentence:' any collateral on the borrower's part to be performed or observed; or undersigned borrower shall die in standard written English the subject of the second phrase would be 'he' or 'she')

5. Whizdeletion: the deletion of a relative pronoun, such as ‘who’, ‘which’, or ‘that, and a form of verb ‘be ‘in relative clause (‘all the rights and remedied{which are} available to a secured party’);
6. Highly frequency of prepositional phrases and their unusual placement between the subject and predicate of a sentence (the prepositional phrase ‘without demand or notice of any kind, to declare....’ normally the phrase would go in a position following the verb, as in ‘a right to declare without demand or notice (at its option....)’ ;
7. Lengthy sentence(the Citibank loan from sentence analyzed by Danet [1980]contains 243 word, and is punctuated by five semicolons-this is contrast to the twenty – five –word mean length of sentences in government documents and business publications);
8. Unique determiners: the use of ‘such’ and ‘said’ preceding nouns in phrases where normally other determiners (‘this’, ‘that’) are used(‘in any such events , rather than ‘in this event’);
9. Impersonality: A preference for the third over the first or second person(reference to ‘the party,’ the borrower’ and ‘the lessesee’, as opposed to ‘I’ or ‘you’);

10. A wide variety of semantically negative words, beyond the grammatical negative 'not' ('never', 'unless', 'except', and words containing the prefix 'un-');

Parallel structure in the linking of words and phrases by means of conjunction 'or' and 'and' (now or hereafter', to be immediately due and payable')

It has been pointed out that at the level of discourse, legal language is characterized

By two general features. First, legal English has lack of cohesion. Because of the limited

Use of anaphora, it is characterized by what would need a list of sentences strung together,

Similar to the style of writing found in reading primers. Second, legal English is overly

Compact. Each sentence contains a great deal of information, and this information is not restated

afterwards in a different manner to help the reader absorb it. This is marked contrast to ordinary

written English; which strives to aid reader comprehension through rephrasing.

(Berk-Seligson 2002:17)

It is important to mention that syntactic and discourse features are, in many ways. The following quote is also worth mentioning at this point:

It had been claimed that syntactic and discursive features of legislative

Writing are, in various ways, interconnected, in the sense that the sense that

Apparent legal requirement of expressions and a variety of qualifications would

Bring in syntactic discontinuities, thus making the discursive structure of the sentence

2.5 TYPES OF LEGAL LANGUAGE

The major types of legal language would be listed with a detailed explanation.

1) Statutes

2) Wills

1. Statutes; A statute is a formal set of rules or rules of conduct which have to be observed. The government makes policies that establish general principles for guidance and then legislation makes them into law:

Offence Against the person Act 1968. The tone is formal and each word is important because a statute has to convey its meaning precisely so that it can be upheld in law. Words used loosely in ordinary conversation take on special significance. Modal auxiliaries, for instance, each have a specific meaning which will dictate the way in which a statute is interpreted and enforced; may

denotes that you can do something, while shall denotes that you must do something. Statutes have distinctive structures, they are named formally.

2. WILLS; A will is a declaration of a person's intentions concerning the allocation of property after death. It can be altered at any point up to death. It must be a written document and it must be signed at foot or end. Two or more witnesses must authenticate a signature of the TESTATOR (the person making the will). A will or testament is a legal declaration by which a person, the testator, names one or more persons to manage his/her estate and provides for the transfer of his/her property at death.

In the strictest sense, a "will" has historically been limited to real property while "testament" applies only to disposition of personal property (thus giving rise to the popular title of the document as "last will and testament"), though this distinction is seldom observed today. A will may also create a testamentary trust that is effective only after the death of the testator.

Types of wills generally include;

1. Nuncupative (non-culpatory) will –oral or dictated; often limited to sailors or military personnel.

2. Holographic will – written in the hand of the testator; in many jurisdiction, the signature and the material terms of the holographic will must be in the hand writing of the testator.
3. Self-proved will – In solemn form with affidavits of subscribing witnesses to avoid probate.
4. Notarial will – Will in public form and prepared by a civil-law notary (civil-law jurisdiction and Louisiana, United States).
5. Mystic will – sealed until death.
6. Service man’s will – Will of person in active-duty military service and usually lacking certain formalities, particularly under English law.
7. Reciprocal/mirror/mutual/husband and wife wills – Wills made by two or more parties (typically spouses) that make similar or identical provisions in favor of each other.
8. Unsolemn will – Will in which the executor is unnamed.
9. Will in solemn form – Signed by testator and witnesses.

Examples of a will;

I Maryam ValkenaAhmadu, of 4A Wasagu Road, Runjin Sambo,
 HEREBY REVOKE all will and testamentary document here fore made by me
 AND DECLARE this to be my LAST WILL and TESTAMENT.

1. I DESIRE my body to be buried in my family house in Taraba state.

2. I appoint my Auntie Aisha Muhammad to be my soul executrix of this my will but if foregoing appointment shall fail for any reason, then appoint my siblings John of No.1 Wasagu Road, and Sankena Ahmadu of 13th Avenue Abuja Road (hereinafter together called 'my trustees' which expression were the context admit shall include the trustees or trustee hereof for the time being) to be the executors and trustees of this my will.
3. I BEQUEATH to my son all my will and personal property whatsoever and whosoever for his own use and benefit absolutely if he shall survive me by thirty days but if he does not survive me by thirty days then
4. I DIVIDE and BEQUEATH all my real and personal property whatsoever and whosoever on to my trustees UPON TRUST that my trustees shall sell all and convert into money the same and shall therefore pay my funeral and testamentary expenses and debts and inheritance tax due and shall stand possessed of the residue of such moneys (hereinafter called 'my residuary estate') upon trust for my siblings John Ahmadu and Sankena Ahmadu in equal shares absolutely PROVIDED ALWAYS that if any shall have predeceased me leaving a child or children who attained the age of eighteen years, such child or children shall stand in place of such deceased and shall take my substitution and equally between them. If more than one, the share of my residual estate which such a deceased child of mine would have taken if he

or she had survived me IN WITNESS whereof I the said Maryam Valkena Ahmadu the testator have to this my LAST WILL set my hand this sixteenth day of June 2014. SIGNED AND ACKNOWLEDGED by the above named Maryam Valkena Ahmadu and the testator as and for her LAST WILL in the presence of us both present at the same time who at her request in her presence and in the presence of each other have hereunto subscribe our names as witnesses.

2.6 COURTROOM DISCOURSE

Many books and articles have been written on the language of courtroom. This work focuses on the power relation in the courtroom language. It has been argued that the language has become the “primary medium of social control and power” Fairclough (1983:3). This to a large extent determines why people or scholars have taken time to study the various concept of language wherever it may be found. Often time, the term authority has been used for power which is received as legitimate by the social structure. It is in these auspices of the above therefore that power relation in courtroom language shall be analyzed paying attention to various works of language of the courtroom by several authors. The following authors work will be reviewed in relation to courtroom

discourse. Crystal and Davy (1969), Goodrich (1987), Ibileye (1993), Hart (1952) and Fairclough (1995)

Crystal and Davey (1969) contain a section that deals with the language of law the lay emphasis on the vocabularies of language of law and how their words are arranged. Their work argues that the law includes different activities each in some ways connected with the imposition and conferring of rights. Thus, they posit;

“Whoever composes a legal document must take the greatest pains to ensure that it says exactly what he wants it to say and the same time gives no opportunity for misinterpretation”

They trace the structure of legal registers to historical reasons. They also focused on the grammatical aspect of legal writing which they observe is made more grammatically complete through the use of subordinating devices. Crystal and Davy’s work dwells on the structure of written legal materials ; it tells us why the vocabulary of law is fixed and why legal languages are not personalize because it uses perceive construction in Goodrich’s (1987) work, we can see and attempt into the legal discuss through a drive into various disciplines ranging from rhetoric, politics, linguistics and philosophy.

A great sequent of his work accounts for the review and development which gives us idea of the legal language and provide an account of law as social and political discourse. In recognition of legal language which tends to organize socially and institutionalize.

Goodrich posits that;

“the legal vocabulary as a dictionary of apparently precise generic and symbolic word is closely tied to syntax of generalization no-agentive perceives nomination, (frequently post-modified or lexicalized), the mechanism and automatic figurative registers, whose overall tendencies is that off establishing distance impersonality and the possibility of rapid generalization or exist from a concrete and unique instance of material conflict or dispute to the universals or a normative rhetoric”

The vocabulary of legal discourse is very archaic and highly technical.

Ibleye (1993) is a discourse analyst of courtroom conversation; he uses the speech act theory of J.L. Austin (1962) and the cooperative principles of H.P. Grice (1972) to analysis the structure and organization of courtroom interactions. According to him courtroom discourses is highly structured and

organized and as such participants are able to conform to the laid down procedures governing legal discourse.

The Austinian speech act theory and the Gricean Cooperative principles have been used to throw light on the structural and organizational features of courtroom discourse. The analysis shows that the courtroom proceedings are structured and hierarchical. The judge is said to be the arbiter. In other words, he presides over disputes and influences what happens in the courtroom. The judge has the overall authority to grant or deny requests made by counsels. He has the right to adjourn a case or deliver a judgment.

Hart (1952: 76) believes that legal language is central to the rule and law which the legal system bears. He is of the opinion that legal language should be able to carry everyone along. He says thus;

“If we are to communicate with each other at all, and if, as in the most elementary form of law we are to express our intentions that a certain type of behavior be regulated by rule, and then the general words we use must have some standard instance in which no doubts are felt about their application. There must be a core of settled meaning.....”

2.7 LANGUAGE AND POWER

Power as related to language is the measurement or the ability of a person to control his environment and the behavior of other persons. Power in language according to Davies (2005) means saying things in forceful ways, for instance “I demand an immediate reply rather than I hope to hear from you soon”.

In this context, Our words and expressions instantly signal forcefulness, resistance and all sorts of other strong attitudes are reflected in languages.

Davies also made a second assumption in defining power in language as “essentially the speech or writing of powerful people”. By powerful people, he meant government, ministers or those who head large organizations and are assumed to have an important say in the way the economy is run or we might include people in positions of authority like the police officers, teachers and the judges. He also posits that any speaker can potentially be a powerful speaker in particular contexts and that power is something that speakers negotiate within actual interactions.

Some varieties do exert power over us in that they lay down more or less exactly how we should use language. The contextual variations on language

relate features of language use to speaker's roles and relationships, to the functions of interaction, as well as to any communicative or cultural norms that may apply in particular situation. Negotiations are not considered to play a part in these varieties; they simply employ particular established conventions, as doing so would invalidate the performance of speech act in those varieties.

2.8 THEORETICAL FRAMEWORK

Power in discourse has to do with powerful participants controlling and constraining the contributions of non-powerful participants Fairclough (1989: 49).

Fairclough divides discourse and power into two, power in discourse and power behind discourse. In the former, he talks about "face to face" discourse; the discourse is led by a participant in order to control the contributions of theco-interlocutors. For examples, the kind of exchange between a student and the teacher, here the teacher tends to have an edge in determining and controlling the exchange.

The second aspect of power in discourse relates to cross-cultural encounters. It is an unequal encounter where the non-powerful people have cultural and linguistic backgrounds different from those of powerful

participants. The possibility of miscommunication because of differences in discourse conventions usually suggests misconceptions based on cultural insensitivity and dominance. For instance, a job interview between a driver and the boss in an establishment, the driver applicant is seen as low class and therefore any irrelevant or poor response to questions may be termed as lack of requisite knowledge or experience. The third aspect of power in discourse according to Fairclough is the hidden power. The obvious difference between face to face, cross-culture encounters and the hidden power is the one-sidedness of the latter. It involves participants who are separated in place and time which are manifested in written language and the mass media whose power relations are not clear.

The second division, power behind discourse shifts the focus to how orders of discourse, as dimensions of the social order of social institutions or societies are themselves shaped and constituted by relations of power. It highlights the effects of power, the conventions associated with a particular discourse type, the discourse of gynecological examinations and constraints on access to discourse within an order of discourse.

This work relies on the face to face spoken discourse. The participants in this discourse wield unequal power and it is applicable to the study of

courtroom exchanges between the juries and the court participants. Fairclough establishes that powerful participants control and constrain the contributions of non-powerful participants in a discourse. Therefore three types of such constraints are, contents (what is said or done) relations (the social relations people enter into in discourse) and subject (the subject positions people can occupy)

CHAPTER THREE

RESEARCH METHODOLOGY

3:0 INTRODUCTION

This chapter presents the method adopted for this research work. It comprises of the sources of data collected, the method of data collection and the analytical procedure.

3.1 SOURCES OF DATA

The sources of data for this work are primarily through non-participant Observation and some documented court proceedings. Some books were also consulted which were obtained from the library, and other materials related to the courtroom language were used as a secondary source to enrich this research.

3.2 METHOD OF DATA COLLECTION

The method employed in collecting data used is non-participant observation.

A book and biro was used to write down some important points were taken down as the proceedings were going on. Some documents were also obtained

from the court which contained complete court proceedings with the magistrate ruling.

3.3 THE POPULATION SAMPLING

The population sampling is the legal professionals of Sokoto State magistrate court.

3.4 SAMPLE AND SAMPLING

The sampling method adopted is the probability sampling method, whereby each participating members in the courtroom discourse has an equal chance of being selected. The selection of respondent at random from the sampling frame, having decided the sample size.

3.5 ANALYTICAL PROCEDURES

The descriptive method was employed for analyzing the data collected for this study. The use of tables was also adopted so that information could be passed with much ease and for a better comprehension of how power is wielded in a courtroom discourse.

CHAPTER FOUR

DATA ANALYSIS

4.0 INTRODUCTION

The analysis of the face to face spoken discourse in which power in discourse comes into play in the structure of the conversation in a magistrate court ranges from the magistrate to the counsel (active participants) while the audience in the gallery and often times the accused and the plaintiffs are dormant participants in the court proceedings, a situation which manifests language control through hierarchical power condition.

A case heard in the chief magistrate court of Sokoto held at the Abdulrahman Alzaid road Sokoto State on 21/03/2013 on a criminal trespass, and criminal intimidation between Mr. A and Mrs. B as the 1st and

2nd complaints respectively and Mr.T and Miss F as the 1st and 2nd accused respectively.

The case was ruled by Chief Magistrate A.B, Y.A counsel for the complainants and O.C counsel for the accused. The language used in the court and how power is manifested are extracted and analyzed with some linguistic tools.

4.1 DATA ANALYSIS

Participants	Text	Significant	Interpretation
Court clerk	I humbly affirm to interpret from Hausa to English or versa	The court clerk has to observe the decorum and ethics of the court	He made a request to interpret in a polite manner using the word ‘I humbly’
Magistrate	Compliant of defamation of character and injurious falsehood under section 392 and 393 penal code read and interpret to accused in Hausa which he understands... do you	The judge invokes power in discourse by making an assertion that the accused understands the charges before him in the language use.	The judge assumes that the accused understands the charges before he sought for the accused opinion if he sought for the

	understand? Is it true or not true?	And it is imperative on the accused to answer	opinion for the accused if he actually does and if the charges read are true or false.
Accused	I understand, it is not true lordship	The accused uses a cautionary note and tone to address the magistrate because he is familiar with the position he occupies	Relevant and accepted in law
Complainant	I want a date for hearing my worship	The complainant observed the same courtesy in	The accused has the right to make request in

		addressing the magistrate	the court and that has to be done respectfully.
Accused counsel	My worship, with all due respect, we ask for bail for the accused. The offences are all bail able. He is ready to provide a reliable surety and will comply with all conditions as imposed	The counsel uses “my worship” to address the magistrate because he is higher than him and he makes his request with all “due respect”	The respect accorded the magistrate is not basically to influence or persuade the magistrate rather it is a convention in legalese profession and this emphasizes the stronghold of court injunctions.

Magistrate	An order is hereby made granting bail to the accused under section 340 (1) CPC and section 36 (5) of 1999 CFRN. The accused will be admitted to bail in the sum of 30,000 with two sureties' residents in Sokoto State in the like sum. The sureties shall each present two recent passports, government	The magistrate carries out a performative act which immediately transforms into action by giving an order of release if some conditions are met. And with the power vested on him, he could decide not to grant bail to the accused and nobody will ask him why?	The illocutionary force is declarative and in active force, it is relevant and orderly because the magistrate has the right to do so by power vested on him by the law.
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	<p>issued ID cards and proof of means of living in lieu of sureties, the accused shall be kept in remand at central prisons, Marina Sokoto State.</p>		
	<p>case is concluded under section 353 (b) CPC Adjourned to 30/7/2013 for hearing</p>		

4.2 INTERPRETATION OF DATA

A courtroom proceeding language is usually initiated by the court clerk with the use of rising tone in announcing the presence of the magistrate and everybody rises to their feet until the magistrate takes his seat.

There are certain ethics and courtesies that are being observed during court Proceedings. These ranges from the passive participants in the gallery to the most Powerful (magistrate) as can be seen from the analysis above.

It is also observed that the language use and the language use and the social relation that exist between the participants in the courtroom are determined by the role and position each occupies. For example, the counsel addresses the magistrate as “your worship” and they give their submissions in a polite way with words like “respectfully”, “I humbly” as can be seen in the table above and this is due to the position the magistrate occupies, the counsel on the other hand addresses one another “my learned senior colleagues and my learned junior colleague” as the case may be.

The law institution is institutionalized, these brings about smooth running of the Court proceedings .It makes everyone involved to know his or her place, When to talk and when not to. Many of the operations of the court are

organized by Seniority of the judges; the chief magistrate is the most senior member of the court regardless of the length of his or her service.

The magistrate has the final say in the court, he gives the ruling and it is based on the rulings of the counsel. And the magistrate decides to adjourn or not to be adjourned a case.

The language of the court is formal; the magistrate exerts and wields more Power in court. He uses imperative (command), active and declarative utterances to control the direction of the conversation between him and the other participants in the courtroom and he tends to compel obedience of others in the court.

4.3 SUMMARY

This chapter comprises of the summary of work, findings or the result of the research and conclusion. This research work focused on the power relations in courtroom language. The forms of language used in the courtroom and the power each participants wields.

The analytical basis for this research work obtained through non-participant observation and written court proceedings.

In chapter one, language is said to be the primary medium of social control and power especially in legal setting, because they tend to use language in a way to facilitate control through the exercise of power. This research observes that every language exist in a number of varieties have its own unique characteristic. Every field of endeavor has its peculiar use of language which makes it different from the others and it cannot be used interchangeably. The language of law according to this work governed by established norms and values that govern and pattern the behavior of its members.

4.4 CONCLUSION

At the end of this research work it was gathered that courtroom conventions constrain the content, form and style of the language used by lay persons. Also, the courtroom conventions impose a degree of politeness to be observed in the court and this has a direct effect on language use. Among the legal professionals themselves, power imbalances exist and the magistrate has the final say in all court proceedings.

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