Forensic linguistics: Power and asymmetries in the Nigerian courtroom discourse

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Abstract
There is power asymmetry in courtroom discourse. Courtroom professional such as judges, magistrates, lawyers and prosecutors have power over the defendants and witnesses. This paper attempts to provide an explanatory account of linguistic communication between legal professionals such as lawyers and prosecutors, and the witnesses, with a view to showing the power prevalent in the courtroom discourse. To this end, various forms of questions such as WH-questions, alternative questions, yes/no questions and declarative questions are analysed to account for the discursive practices between the lawyers/prosecutors and witnesses. One of the key suggestions of this paper is that narrative mode is indispensable in the fact-finding process, which explains why it is favoured during direct examination. Also, questions that contain propositions and presuppositions are strong weapons for the lawyers in controlling, convincing and persuading the witnesses to endorse their ideas. The analyses carried out in the paper suggest the fact that lawyers maintain tight control of courtroom discourse.

KEY WORDS: power; asymmetry; cross-examination: question, answer; direct-examination, defendants; witness; barrister

1.0 Introduction

Historical background of forensic linguistics/language and law

It is evident that linguists have been directing their attention to the realities and complexities of interactions in the other professional fields of enquiry. At the initial stages of forensic linguistics/language and the law, linguists who offer expert opinions on language in legal settings just did so without being aware of the analytical procedures being used by his/her colleagues. Then, there were no organised

bodies or journals and books to qualify for a subject area or field. Also there was no official documentation of such consultations.

However, the situation afterwards improved. French and Coulthard (1994) in their editorial introduction of the birth of the journal *Forensic Linguistics* report that several linguists and phoneticians have become involved in forensic case-work, which has resulted in the formation of two professional organizations. One, the International Association of Forensic Linguistics (IAFL) was founded in 1992. Among its objectives is to provide a forum for the interchange of ideas and information about forensic applications of linguistic analysis generally. Also, it organises annual conferences, prints newsletters and the journal Forensic Linguistics etc. Furthermore, it engages in compiling an international register of qualified linguists who are prepared to act as expert witnesses. The second organization, the International Association for Forensic Phonetics (IAFP) was founded in 1991.

IAFP, in addition to organizing conferences and seminars, serves as the registered professional body for phoneticians involve in forensic work. Through its professional conduct committee, IAFP has formulated a code of conduct which is binding on the activities of its members.

Shuy (2001) traces the progress of forensic linguistics/language and the law in the United States of America from the 1970's to the present and reports that by 1970's due to vast improvements in electronics and the passage of new laws related to electronic surveillance, the government had begun to increase its use of taped evidence in matters of white-collar and organized crime. Also, coincidentally, it was during this same period, linguistics was expanding its domain to include the systematic analysis of language beyond the level of sentence and its study of meaning beyond the levels of words. "Discourse analysis", "Pragmatics", "Speech acts", "Intentionality", "Inferencing", and other such terms began to find their way into common academic use. The advent of these two developments made it possible to merge them in the use of discourse analysis to analyze the tape recorded conversation gathered by law enforcement agencies as evidence against suspects (Shuy, 2001).

Discourse analysis is further used in the stylistic identification of authors of written documents, in the patterned language use, of voice identification, in the discovery of systematic language patterns that serves as profiles of suspects, and in

the identification of crucial passages in civil cases such as disputes over contracts, product warning labels, and identification (Shuy, 2001).

In addition to these bodies, there are a lot of publications and articles on forensic linguistics which had been published in the 1990s. For example, articles on language and the law (Gibbons, 1994; Levi and Walker, 1990; Rieber and Stewart, 1990;), books on the language of courtroom (Solan, 1993; Stygall, 1994) bilingualism in the courtroom (Berk-Seligson, 1990; Mocketsi, 1999) and aircraft communication breakdown (Cushing, 1994) Shuy, 2001).According to French and Coulthard (1994) among others, Forensic Linguistics areas include:

- Forensic speaker identification undertaking from audio recordings by phoneticians: methodologies, reliability, practice in different countries;
- Reliability of speaker recognition evidence provided by witnesses;
- Organization of speaker identification parades and voice live-ups for lay witnesses;
- Uses of auditory phonetic and acoustic analysis in determining the content of noisy and difficult audio recordings;
- Speaker profiling: uses of Phonetic, Sociolinguistic and Dialectical data in determining e.g. regional and social background of unknown speakers in criminal recordings;
- Forensic comparison of handwritten samples
- Uses of lexico-grammatical analysis in resolving authorship of disputed texts;
- Lexico-grammatical and semantic methodologies for the determination of bias in judicial summaries; and
- Semantic analysis and the use of data from psycholinguistic studies in the resolution of copyright and patenting disputes over brand names, slogans and advertising texts.

2.1 Questions in court

As this study focuses on the questions used in the court, this section is going to be devoted to courtroom questions. It is also apposite to devote this section to courtroom questions because much of courtroom conversation dwells on the question/answer sequence.

Questions in court are different from questions in other contexts. This is so because in the courtroom, questions can only be asked by the judges, lawyers and prosecutors. The witnesses' and defendants' role is just to answer these questions. This is unlike in other contexts such as conversation between two colleagues whereby any of the two can ask questions and is not reserved for one person alone. Thus, questioning procedure in court is reserved primarily for those who form a part of the court system e.g. judges, magistrates, lawyers, clerks (Harris 1980; 1984; 1989; 1994).

In the courtroom, the witnesses must answer the questions put to them by the judges, lawyers and prosecutors. The force of questions in court has been compared to the force of summons (Scheglof, 1972). This is because like a summons which the witnesses must respond to, witnesses must also respond to questions in court without which they can be charged with contempt of court.

Questions compel a response. The most general thing we can say about questions is that they compel, require, and may even demand a response (Goody 1978). For example, by asking the following questions, the questioner is waiting for answers:

1 What is your name?
2 What happened there?

Luchjenbroers (1997:481) corroborates this by explaining that questions in court are fundamentally defined as a summons to reply; the speaker compels, requires or demands that the addressee responds, and functions as elicitation for information, requests, suggestions and ironical assertions. The force of questions can be compared to the force of commands, as discussed above. When asking questions, the questioner is asking the addressee to answer just like in a command where somebody who commands expects the addressee to do something. For example:

3 Close the door. (command)
4 Where are you going? (question)

As the speaker expects the addressee to perform an action by closing the door, the questioner also expects his/her listener to reply by giving him/her an answer.

2.2 Questions and power

In courtroom discourse, questions and power are closely interwoven. As the study is devoted to power as it manifests in courtroom discourse, it is necessary to discuss the relationship between questions and power here. In court, a question is a source of power. As only the judge, magistrate, lawyer and prosecutor can ask questions in court, this gives them power over the witnesses and defendants.

In court, the power that the courtroom officials (judges, magistrates, lawyers, prosecutors) have rests on the power inherent in questions. As much of the discourse in court is based on question and answer sequences, questions are the weapons that lawyers have to control the witnesses' and defendants' testimonies (Rigney 1999). Using question, a lawyer can challenge, blame, suggest and direct the testimonyof the witness (Rigney 1999: 85). Stygall (1994:120) also supports this by explaining that courtroom questions are a powerful tool for attorneys, who use them to control the flow of discourse, requesting particular information in a certain fashion, presenting the story in the order they decide to impose, which does not necessarily follow the temporal succession of the actual events. In other words, this means that the lawyers can ask any questions at any time. With their questions they can jump from topic to topic which is to their benefit e.g.:

5 *Lawyer:* *Who actually measured the land for you?*
Witness: *I don't know. But we met many people there.*
Lawyer: *Any document given to you on the land?*
Witness: *We were not given any document.*
Lawyer: *When did the killing of Ijesha people stop?*
Witness: *When the Owu people came*

In the example above, the lawyer has been asking questions about the land the witness is farming on before jumping to the question about racial war between two tribes which has no bearing on the preceding question. This shows the lawyers' power and freedom in choosing any topic they like. The power that the judges, lawyers, and prosecutors have over the defendants and witness is very enormous. The defendants and the witnesses must answer any type of questions put to them

either by the judge or the lawyers. This is in itself a reflection of power. The defendants and witnesses are compelled to answer questions even about personal or sensitive matters, no matter how degrading they may be. Walker (1987:59) sees this as the result of the unequal distribution of power in the courtroom. For example, in part of the data used for this study, the defence lawyer asks a personal question of the witness. The witness initially refuses to answer until the judge prevails on him that he must answer all questions posed to him e.g.

6 ***Lawyer:*** *Do you like the accused woman as a woman?*
Witness: *Why should I like her like a woman?*
Judge: *You must answer straight!*
Lawyer: *Do you like the accused like a woman?*
Witness: *It is because I like her that I lend her money.*

In the example above, the witness is reluctant to answer the lawyer's personal questions about his love for the accused person because he knows where the question is leading to. But the judge intervenes, stating that he must answer straight and that is why he answers the question by force. The following are given as their source of power by Walker (1987:58-59):

a) *A sociocultural base of power – the court is an institution where disputes are settled formally and this vests power on the court officials.*
b) *A legal base of power- in court, there are bodies of law which govern procedures for discovering what the evidence is and for presenting it later at trial. These terms give attorneys and judges power over defendants and witnesses.*
c) A linguistic base of power- In addition to the sociocultural and legal bases of power from which attorneys operate, there is also the linguistic which rests on the power of questions (Walker 1987:58-59).

2.3 Courtroom Answers

Courtroom discourse comprises questions and answers (in court). Questions in court are impossible to ignore. Though in everyday conversation, speakers feel obliged to answer questions posed to them, in courtroom discourse, it is imperative for the witnesses to answer the questions posed to them. Moeketzi (1999) explains that a witness, who refuses to answer a question in the courtroom without a valid reason, may be charged with contempt of court, and the law goes as far as providing sanctions and even punishment for such misdemeanour. He/she could be imprisoned for a period of up to five years, depending on the seriousness of the offence (Moeketzi, 1999:67).

Courtroom answers must be accurate and precise. The most important requirement for courtroom answers is that they will be truthful. Moeketsi (1999:71) explains that in order to secure the truth in evidence, trial procedure requires that all participants who present testimony take an oath that they will tell the truth, and nothing but the truth. These participants are invariably the accused and the witnesses. Moeketsi explains further that lawyers who conduct cross-examination may not take the oath because, first, the law does not allow them to lead any evidence, and second, questions do not have any truth value; i.e. a question can never be true or false. Magistrates do not need to take the oath either, because their function in the court is mainly to advise and to adjudicate.

Questions in court usually contain (as is the nature of declarative questions, yes/no questions, alternative questions) propositions of the lawyers especially during cross-examination and this will influence the type of answers given. Loftus (1975, 1977) has revealed in her studies of simulated court proceedings, how the manipulation of semantic presupposition of question can (i)significantly alter the truth value of the answers to those questions; (ii) affect the content of the following questions; and (iii) affect the verdict. Loftus identified the following phenomena as having an effect on witness testimonies:

a) the severity of question verbs affects answers
b) the choice of a definite or indefinite article can alter the response
c) implicating false information in a question can lead a witness to report it as a fact.

d) When subjects are exposed to delayed, misleading information, they are less confident of their correct responses than of their incorrect ones.
e) When people are asked questions in an aggressive, aggravating and active manner, they will report an incident they have witnessed as being noisier and more violent than those asked in a more neutral manner.
f) Substantively leading questions encourage (stimulated) jurors to give a guilty verdict, more so than neutral questions.
g) When a witness has seen a number of people committing different acts, leading questions make him/her more likely to identify the wrong person as being responsible for a given act.

(Luchjenbroers 1993:152)

In addition, Loftus found, in her 1975 research on eyewitness reports, that if witnesses have been asked leading questions immediately after the event witnessed, their memory of that event is influenced. Loftus found that the suggestion of false presuppositions (e.g., existence of an object that did not exist in the event scene) will increase the likelihood that subjects will later report having witnessed the presupposed objects. This is particularly important for the Nigerian judicial system, where trials are heard several times before judgements are actually delivered. Therefore, suggestions made in earlier trials may be remembered as crime related facts in subsequent trials (Luchjenbroers 1993:153)

The focus of Loftus work is that answers are usually determined by the question asked. For example; questions loaded with presuppositions can influence the answers given as well as influence memory of the events being questioned.

3.0 The data

The analysis of the courtroom discourse which will be shown in this paper is derived from 20 hours of audio-taped cases recorded at the High Court of Nigeria and the Magistrate Court of Nigeria over a period of 4 months. The cases collected include initial appearances, examinations, cross examinations, postponements, and full trials. Among the cases covered were cases of assault, assault and battery, rape, theft, house breaking, land mutiny, rental, and law breaking.

3.1 Collection

The cases collected at the High Court of Nigeria were collected at the High Court of Justice in Okitipupa, while those of the Magistrate's Court were collected at the Magistrate Court, Ondo. The help of the justice and the magistrate were enlisted for the collection which they granted with the approval of the Chief Justice of the state. During the recording process, the researcher of this study was arrested by a policeman at the High Court of Justice, Okitipupa with the support of the lawyers in the court who had complained that the recording was against the ethics of the profession.

However, after he was sighted by the judge, he was released and permitted to continue the recording. -Because this type of scene occurred many times during the recording of this data, extract of one of such scenes is given below:

7 *Lawyer:* *Why are you recording the proceedings? My lord, it is not allowed. Why is he recording the proceedings?*

Magistrate: *It is for academic purpose*

Lawyer: *Has he taken permission from the court because you just don't come and start recording the proceedings?*

Magistrate: *He has taken permission*

Lawyer: *Why is he pointing it to me? (Court laughs). That is another dimension to this proceeding*

Researcher: *It is for the sake of clear recording.*

Many scenes such as the one above also occurred during the recordings of the courtroom discourse, but the researcher was able to overcome all these due to the permission already granted for the recording by the judge and magistrate.

4.0 Methodology

4.1 Unit of Analysis

The analysis of question and contributions are done in terms of main clauses. This is done in order to separate an instruction from a question or statement, or barristers'

opinions from the facts of the trial. The sentence would be too large for the unit of analysis because it will contain some contributions that are non-finite and which must be separated from the main clause e.g.

8 *Lawyer:* *Cool down. Don't be nervous. It is normal in Ondo Kingdom alone. Don't worry about that again. But tell the court madam, what day of the week did this happen? Answer me! You went to school, you are a teacher!*

In the example above, only the underlined clause is the part that the witness is expected to answer. Other bits are instructions, commands, barrister's opinions and information.

4.2 Question types

The first variable concerns the lawyers' and prosecutors' questions which are coded according to their specific type.

0) *No Question* (NQ) refers to lawyers' contributions that do not add to the crime narrative being constructed. That is speech act types other than questions or statements such as instructions (as given above) or encouragements.

Go on

1) *WH-Questions* (WHQ) refers to questions that request an informative answer

After that, what happened?

2) *Alternative questions* (ALTQ) these limit the required response to a choice between two or more options. Consider:

Do you prefer English or Yoruba?

3) *Positive Yes/No Questions* (PYN) these include only positively biased questions that demand Yes/No answer-e.g.

Is there any agreement between you and the accused?

4) *Negative Yes/No Questions* (NYN) are negatively biased questions that demand Yes/No answer –e.g.

Is there not an agreement between you and the accused person?

5) *Positive declarative* (PDC) these are positively biased statements that contain the propositions of the questioner. e.g.

You will know if anybody was around when your wife was counting the money

6) *Negative declaratives* (NDC) refers to negatively biased statements e.g.

You will not know if anybody was around when your wife was counting the money

4.3 Answer type

The second variable shows the distribution of witness answer types. This includes minimal, elaborated and evasive answers to questions, as well as those occasions when witnesses give no response at all –whether given an opportunity to answer or not.

0) *Backgrounded* (BGR). refers to those occasions when the witness gives no response and also when s/he gives a response that is not an answer or even when s/he gives an answer that forms the immediate context for the following question e.g.

I don't know

While the above example is a response, it doesn't constitute an answer.

1) *Positive minimal Responses* (MR-Y) refers to only yes answers or answers that are semantically synonymous with a yes answer e.g.

Yes, I am not happy

2) *Negative Minimal Responses* (MR-N) include only no and other answers that mean no e.g.

No, I don't know him

3) *Context: Response-x* (CTR-X) refers the answer to closed WH-questions which by nature specify a required element to be answered by the witness, e.g.

Lawyer: how many rooms are there in your house

Witness: Ten rooms

4) *Content Responses* (CTR-ELAB) refer to responses that do not provide the required element in the witness's response.

I don't know

5) *Positive content Response-elaborated* (CTR-Y-ELAB). These provide additional information to the answers required-e.g

Lawyer: *if he pays your money, you are not going to continue with the case?*

Witness: *yes I have told him before to pay my money and will forgive him. God's judgement is the most powerful*

6) *Negative content Response-elaborated* (CTR-N-ELAB) refers to elaborated negative answers to a yes/no question e.g.

Lawyer: *Did somebody assist her in running away?*

Witness: *No, after she had finished beating me, she then ran away*

7) *Content Responses-X-elaborated* (CTR-X-ELAB) include elaborated responses to WH-questions-i.e. the answers provide the requested element plus additional information. e.g.

Lawyer: *Who removed your bucket that day?*

Witness: *On that morning, I was fetching water from my tap after I had removed their already full bucket. When she arrived, she started beating me*

Generally speaking, the above answer values are closely related to the preceding question types.

5.0 Analysis

Courtroom discourse has been branded as very asymmetrical in nature. Many writers have written about the power that the judges and prosecutors have over the witnesses. The present writer is of the belief that in Nigeria, where English is not the first language, this power will be much more pervasive. It is hypothesized that lawyers have power over the witnesses through questioning, and in this section; the analysis of data will be used to test this hypothesis.

5.1 Question Types

Table 1 below shows the distribution of question types used in both the examination and cross-examination. The analysis identifies questions in their various forms ranging from WH-questions to the declarative questions.

The first glaring fact to be noted about table 1 is the sharp contrast in the distribution of WH-questions which is greater in percentage during examination stage (62%) but by contrast is lower in cross-examination stage (18%). This finding conforms to those existing literature in legal discourse about the contrast between direct examination and cross-examination. The direct examination stage is very supportive and cooperative as opposed to the cross-examination stage which is hostile and unfriendly. The prosecutors use WH-questions to elicit maximal response and more facts from the witnesses during examination. Since they are acting on behalf of the witnesses, they are sympathetic towards them. Many of the WH-questions that they use are non-restricted ones that enable them to get the real information about the witness' version of reality from the witnesses. On the other hand the defence lawyers use WH-questions sparingly at the cross-examination stage. They make sure that they use restricted questions that require only naming a specific thing. This reveals the power that lawyers have over the witnesses.

Table 1 Question Types

	Exam			Cross exam			Total	
QT	N0	R%	C%	N0	R%	C%	N0	C%
NQ	40	20.9	21.0	151	79.1	28.2	191	26.3
WHQ	119	54.8	62.6	98	45.2	18.3	217	29.9
ALTG	4	26.7	2.1	11	73.3	2.0	15	2.1
PYN	24	27.9	12.6	62	72.1	11.6	86	11.8
NYN	-	-	-	3	100	0.5	3	0.4
PDC	3	1.5	1.6	194	98.5	36.2	197	27.1
NDC	-	-	-	17	100	3.1	17	2.3
TOTAL	190	26.2%	100%	536	73.8%	100%	726	100%

Key: WHQ = WH-Question NYN = Negative Yes/No QN
ALTG = Alternative QN NDC=Negative Declarative
PDC = Positive Declarative QT = Question types
PYN = Positive Yes/No QN NQ = No question

Another notable feature about this table is that nearly all the positive declaratives used are in cross-examination. Out of the 197 positive declaratives in the data 197, 36% occurs during cross-examination, contrasting sharply with 1% at the direct examination stage. This is hardly surprising however, since the aim of the defence lawyer is to impose his proposition and his own version of reality on the witness. This is why the defence lawyers are always using positive declaratives to project their propositions and to limit the responses of the witnesses to a bare acknowledgement of their own propositions. This also reveals the power that the lawyers and prosecutors have over the witnesses, stemming from the form of questions they ask. On the other hand; prosecutors during the direct examination stage always ask questions that generate narrative and maximal responses from the witnesses. Hence, they hardly make use of positive declarative questions, which explains why there are so few in the direct examination stages 1%.

One other thing that is evident from this table is the little use of negative questions throughout the data. Those that occur are used in cross-examination which reveals the powerful nature of negative questions and the oppressing nature of the cross- examination stage. For example, negative yes/no is 0.5% in cross examination while it is nil in direct examination. Also negative declarative constitutes 3% in cross- examination while it is nil in direct examination. This could be due to the fact that Nigeria is not a native English speaking country.

5.2 Answer Types

This first analysis will also consider various forms of answers given in the data. These include analysing those contributions of the lawyers that require an answer and those that do not, and also recognising the type of answers given. This is shown in table 2. The table shows that 28% of the responses do not elicit answers. That is they

are the backgrounded type. Backgrounded are those expressions that witnesses are not expected to respond to, and which precede the final contribution of the lawyer. Also, almost half of the answers constitute minimal responses (40%). Minimal responses indicate that the witnesses are just required to answer either yes/or no, or just to mention the name of something. If the percentage of backgrounded questions is added to that of minimal responses, then this means that 68% of all testimonies are made up of the lawyers' questions. Therefore, only 25% are just the witnesses' responses that supply highly informative answers. This finding shows that the witnesses are not allowed to narrate their own story. During cross-examination, the lawyers do not want the witnesses to present their own ideas and arguments. This is because they already have their own prepared ideas and arguments that they want to present to the court. In this regard, they always want to prevent the witnesses presenting narrative and factual details about their ideas and arguments. Instead, the lawyers prefer them to be giving minimal responses which will suit their purposes.

Table 2 Answer types

	Examination			Cross Exam.			Total	
Answer type	No	R%	C%	No	R%	C%	No	C%
Backgrounded	40	20.7	18.9	153	79.3	32.0	193	28.0
MR-Y	14	14.3	6.6	84	85.7	17.6	98	14.2
MR-N	2	5.0	0.9	38	95.0	8.0	40	5.8
CTR-X	60	43.2	28.3	79	56.8	16.6	139	20.2
Minimal Resp.	**76**	**27.4**	**35.8**	**201**	**72.6**	**42.1**	**277**	**40.2**
CTR-ELAB	2	4.3	0.9	44	95.7	9.2	46	6.7
CTR-Y-ELAB	14	29.8	6.6	33	70.2	6.9	47	6.8
CTR-NELAB	4	10.3	1.9	35	89.7	7.3	39	5.7
CTR-XELAB	76	87.4	35.8	11	12.6	2.3	87	12.6

Elab. Resp	96 45.3	43.8	123 56.2	25.8	219 31.8
"-CTR-ELAB	94 54.3	44.3	79 45.7	16.6	173 5.1
TOTAL	212 30.8	100	477 69.2	100	689 100

Key: MR-Y = Minimal Responses Yes CXTR-ELAB = Content (Evasive)
MR.N = Minimal Responses No CTR-Y-ELAB =Content elaborated, Yes
CTR-X = Content (WH-Q) CTR-N-ELAB= Content elaborated, No
CTR-X-ELAB=Content elaborated Wh-Q

Also evident from the table is the high proportion of elaborate responses (44%) in direct examination, and low proportion of same in cross-examination (16%) (omitting 'CTR-ELAB', evasive responses). This is not surprising as the finding shows that during examination the emphasis is on obtaining maximum and narrative information concerning the facts of the case from the witnesses. During direct examination, WH-questions, especially the non-restricted type that will generate elaborated responses, are more frequently used than during cross-examination.

Still looking at the table in terms of legal procedure; there is a slight difference between minimal responses in cross-examination (42%) and examination (35%). This slight difference is explained by the greater incidence of WH-question (CTR-X) minimal responses during examination. It has already been shown that WH-questions are more frequent in direct examination than in cross-examination, which are in keeping with its friendly nature.

Another glaring finding that is evident from the table is also the small proportion of negative responses which confirms the finding of few questions found in table 2. Much more glaring is the negative responses distribution, which contrasts sharply between cross-examination (15%) and examination (1%). This finding also shows the uncooperative and hostile nature of cross-examination and the friendly nature of direct examination.

The friendly nature of the examination stage is further shown by the distribution of CTR-X (WH-question minimal responses) (28%) which also contrast slightly with

CTR-X-ELAB (WH-question content elaborated) (35%) during direct examination. The higher occurrence of WH-question content elaborated (which generate maximal and narrative response) as compared to WH-question minimal responses during direct examination suggests its friendly nature.

Furthermore, the fact that CTR-ELAB (content responses evasive) is higher in cross-examination (9%) while in examination it is .9% further emphasizes the uncooperative and hostile nature of cross-examination. Since an evasive response is neither positive nor negative, it shows that cross-examination is a challenging and argumentative stage.

Finally, in this section, the greater occurrence of backgrounded in cross-examination (32%) than in examination (18.9%) further gives credence to the unfriendly, uncooperative and hostile nature of cross-examination. During cross-examination, the lawyers use speech act functions more to control and coerce the witnesses to their line of arguments.

6.0 Conclusion

From the analysis above, we have seen how question forms are used by the lawyers to convince, control and coerce the witnesses, and how this reveals the power they have over the witnesses. This is made possible because of the asymmetrical relationship that exists between the judge, lawyers and prosecutors on one hand, and the defendant and the witnesses on the other hand. We have also seen how the forms of these questions can constrain the type of responses given by the witnesses. This work provides further empirical evidence (from the Nigerian perspective) for asymmetries in power relations that often characterize typical courtroom discourses. Perhaps what remain to be explored are the implications of such asymmetrical relationship for equity, fairness and of course speedy dispensation of justice which further studies in the area might provide solution to.

Acknowledgements

The author is indebted to Professor Jenny Thomas and Dr June Luchjenbroers for their comments on earlier drafts of this paper. Also, the author is grateful to the Institute of International Education, New York (IIE) for providing the grant for this study.

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