

A Critical Discourse Analysis of Gendered Language in Selected Sexual Violence Court Proceedings in Northern Nigeria

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Abstract

This study examines and analyses gendered discourse in the articulation, negotiation and representation of the phenomenon of sexual violence in selected high court proceedings in Kaduna State. The study takes as its starting point the view that sexual violence is a global problem that affects a large number of people on everyday basis; hence, its study has become a global imperative. Previous studies on sexual violence have been influenced mainly by cultural and religious factors. Data for the study were collected via recording of live court proceedings and via documentations. Judgemental sampling technique was used to arrive at the 10 selected court proceedings. Critical discourse analysis approach was deployed as the main theoretical and analytical framework for the study. Some of the cohesive devices used in the narrativization observed in the study at the micro level include, interface of consent and coercion in both male and female speeches, status manipulation and nailing down. Question formats prevail in the court discourses. The study concludes that courtroom gendered discourse is a kind of institutional discourse that is goal-oriented, which is also characterized by inequalities and power dominance among the discourse participants.

Introduction

Sexual violence is a global problem that affects a large number of people on an everyday basis hence, its study has become a global imperative. As of 15th June 2020, the Nigerian police recorded 717 rape cases between January and May 2020, 799 suspects had so far been arrested while 631 cases had been conclusively investigated and charged to court. 52 cases were still being investigated. (15 June 2020 Premium Times Abuja). The pattern of the vast majority of women being victims of rape has been established in a range of research and the #MeToo movement. This movement and many more are introduced to redress the sexual violence particularly of rape across the globe. It is against this background that this study is premised.

The study also takes as its starting point the view that there are differences between the utterances of men and women and that they behave differently when they communicate (many texts provide detailed lists of such differences (e.g. Sani, 2016; Adejoke, 2010; Lakoff, 2004; Tannen, 1993; etc.). The argument here is how do these differences affect the discourse of the court proceedings on sexual violence? Consequently, this study aims at examining and analysing the gendered discourse in the narrativisation, negotiation and representation of the phenomenon of sexual violence in selected Nigerian court proceedings. Through empirical evidence, the study seeks to comprehensively answer the following questions: How does gendered language affect the ideology and power relation of the discourse of the court proceedings on sexual violence? How is gendered language (de)constructed in the discourse of the complainant/defendant? What are the persuasive strategies utilised by both genders to attract law sympathy and gain listeners' support? And how are cases of assault and power abuse that have been revealed handled in the court proceedings? The study deploys the theoretical and analytical framework of Norman Fairclough (1995) and van Dijk's (2001) model of Critical Discourse Analysis. This is to enable us establish the relationship between language, ideology, gender institution, sexual violence and power in a legal system. The study also draws insight from the social constructionist model and a feminist post-structural perspective to capture the researcher's epistemological point of entry to the subject of sexual violence and gendered language in Nigeria.

Nigerian scholars, gender activists in particular, have found themselves in a historical movement of increased interest in and awareness of sexual assault. Each year seems to carry with it a flood of news reports involving social assaults and scandals in many parts of the country. This is in part due to changes in technology that have enabled survivor stories to spread swiftly through the media and the changes in the conservative ideologies and behavioural patterns of people particularly in Northern Nigeria in which the victims no longer remain silent. Cases of rape are revised and taken to courts while this increased attention to the reality of rape and sexual assault is a major step in the right direction. Court proceedings, judgements, responses, and discourses of highly publicised incidents of sexual violence remain widely varied, under studied and under reported; hence the rationale for this study. Moreover, previous studies on sexual violence have been influenced mainly by cultural and

religious factors. There, however, have not been many sustained epistemic efforts to examine and reinvestigate the gendered discourse critically on sexual violence and within the field of legal/court proceedings in Nigeria using the framework of CDA.

This study, therefore, provides a move to holistic understanding of the gendered language in sexual violence court proceedings. However, it goes beyond merely highlighting the gendered language, but it investigates how gendered language in court proceedings dramatically altered what is known about rape and sexual assault in the Northern Nigerian socio-cultural context. It is an analyses of how gendered language affects the ideology and power relation of the discourse of court proceedings, shapes individual and collective identities, legitimises actions, and informs and persuades the audience.

Literature and Sources

There is a plethora of works dealing with how feminist research has approached sexual violence from different perspectives some of which include (Stanko, 1995; Crenshaw, 1991, 2000; Marcus, 1992; Hooks, 2000; Chasteen, 2001; Akpoghome, 2016; Sothill & Walby, in Newburn, 2017; Gunnarsson, 2018; and Calvic, 2019). But much less has been written about the role of gendered language in court proceedings of sexual violence in developing strategies for mitigating sexual violence or how it shapes or fails to shape responses to incidents of rape and sexual assault prevention. This study also argues that feminist research needs to have a wider understanding of how power is being exercised and manifested through gendered language and through critical evaluations and not to get stuck in the sexist ideology we are trying to break free from as realised in most of the above researches. Here lies the distinctiveness of this study because it breaks through from the sexist ideology and widens its scope to establish the relationship between language, ideology, gender institution, sexual violence and power in a legal system through CDA.

Furthermore, the present study exits the usual focus of CDA on the media, political discourse and other institutional discourses to another field; language used in the legal context.

Sexual violence in feminist research

Matters of sexual violence have a long tradition of being present in feminist research and activism – from the personal, it is political to the

development of intersectionality and in strands of post-colonialism and queer studies and many more. In this section, the researcher provides an overview of how sexual violence has been, and still are discussed in feminist research. This should not be seen as a linear overview that claims to cover everything and to speak for one truth and one version of feminist understandings of sexual violence. The researcher also finds it especially important to highlight that this should be understood as a western feminist history of sexual violence and not a universal history in any way. The author has chosen to include the research that contributes to the aim of this paper that also gives insight into where the struggles have been within feminist research dating as far back as 1975.

The imaginaries about offenders and victims is a matter that is a large part of feminist criticism of sexual violence. Some examples include Susan Brownmiller's (1975) *Against Our Will* in which she is critical of the prevailing perception that rape was often performed by strangers. Reflecting on Brownmiller's book, Davis (1983) made an important contribution to the literature about rape at that time which unfortunately fuels a racist ideology. According to Davis (1983), Brownmiller and other contemporary scholars such as Jean MacKellar and Diana Russel fall into a trap of racist perception of black male offenders even when they try to explain the existence of sexual violence as, for example, an environmental matter. Despite the just critique against Brownmiller, many of her ideas has continued to develop and live on in many different forms. For example, Elisabeth Stanko (1995), 20 years later continues to elaborate on it as a paradoxical situation that the fear of sexual violence is strongly connected to places and spaces and the imagination of the offender as a stranger. This, however, does not correspond with research about women's experiences of domestic violence.

Stranger-danger is still a popular notion in the news, and considered in relation to statistics of crime rate; such events have been over-reported in local newspapers. These representations of crimes are problematic, for example, the reinforcement of which places and spaces that are dangerous, also have consequences for how fundings and resources are distributed (Greer, 2003; Jewkes, 2015). In their 1991 study of rape coverage in British news, Sothill and Walby, in Newburn (2017), discuss the notion that while sexual crimes are common, the cases that are considered “newsworthy” are highly selected (see also Gilchrist, 2010 about missing/murdered aboriginal women in Canada). The idea of some

bodies and events being more newsworthy than others have been explored by several scholars from different directions; in the iconic text *Mapping the margins*, Crenshaw (1991) points out the use of an intersectional perspective to examine how both racialised and patriarchal structures have framed the conceptualisations of rape.

Matters of violence have been at the core of intersectional theories since Kimberlé Crenshaw introduced the concept to highlight African-American women's experiences to violence in America. Similar to Crenshaw, hooks (2000) describes violence against women as intertwined, linked and connected to all sorts of violence. The violence happens between the dominant and the dominated, between the powerful and the powerless. hooks argues that it is a western philosophy of hierarchy and (coercive) authority that lays the foundation for a sexist ideology. According to hooks, feminist movements have focused on male violence and have therefore often overlooked how women can be a part of a dominating group. That also creates sexist stereotypes about who can be violent – men are violent, women are not. Women are victims, men are not. hooks continues to point out that statistically speaking, women do not exercise abuse and/or battery on men. But women can still exercise power and authority in groups they are involved with, for example on children in family organisations:

While it in no way diminishes the severity of the problem of male violence against women to emphasize that women are likely to use coercive authority when they are in power positions, recognizing this reminds us that women, like men, must work to unlearn socialization that teaches us it is acceptable to maintain power by coercion or force. By concentrating solely on ending male violence against women, feminist activist may overlook the severity of the problem. They may encourage women to resist male coercive domination without encouraging them to oppose all forms of coercive domination (hooks, 2000, p.119)

Another aspect of feminist interest in sexual violence, is the narrative of sexual violence, and perhaps the narrative of rape in particular. Chasteen's (2001) starting point is that cultural understandings of sexual violence are constructed in narratives and can be challenged through feminist

interpretations. In a study of ninety women in the US context, it is shown that there exists different understanding and interpretations of rape. The study shows differences between how black and white women understood and interpreted rape, but also age was a large part of how the violence was interpreted. The women who had grown up with the media narrative of “rape trauma syndrome” were more likely to describe themselves as victims and to speak of “personal destruction”, while older women described the violence in terms of social consequences rather than trauma. This is one example on how historical context, discourses and norms are important to understand how narratives of rape are being constructed.

One example of a scholar that have further investigated that notion is Sielke (2002) who studied rape rhetoric in American literature between the years 1790-1990. Sielke sees sexual violence as a story, and in the US the stories of rape historically are strongly connected to racial discourses, and therefore need critical counter-discourses. The narrative of rape is not only connected to racial discourses, but also closely connected to constructions of sexuality and gender. Sielke asserts that the feminist anti-rape discourse is influenced by established representations of sexuality and sexual violence. This established perception is both a product of, and also a part of the creation of the narratives. According to Sielke, the concept of 'rape culture' says more about rape as a figure of speech in American culture imaginary than the actual rape.

Another perspective within feminist research about sexual violence is also a critique against the tendency to focus on discourses. One example is Mardorossian (2002) *Toward a New Feminist Theory of Rape*. The article is critical towards the postmodern focus on discourse about violence and instead sought an increased focus on the body. Mardorossian, however, does not want to go back to radical feminist focus on solely the experiences. Edgren (2011) is critical of Mardossian's view on postmodern feminism as unpolitical. Edgren instead raises the question of what stories of rape does with the understanding of violence in a societal context, more like Amy Chasteen and Sabine Sielke. Edgren does also wonder what the historical situatedness and discursive frames mean for opportunities to tell about experiences, and also what that does to researcher's representations. In the text *Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention*, Marcus (1992) meets arguments that poststructural theory and feminist knowledge about sexual violence does not work together, similar to Carine Mardorossian's critique.

Marcus does, however, dismiss this critique and claims that language is an important part of feminist work and argues that it is just to look at rape trials to see that it is always being a matter of whose words that are given more meaning. Therefore, feminist politics need to have a language for rape and should not ignore the importance of language. In connection to that, Marcus suggests that rape also should be considered as a language itself, and to be able to work preventively, we must stop seeing rape as an absolute part of women's lives. When one thinks about rape as a linguistic fact instead of a fixed reality, the possibility of change rises. Marcus argues that with the focus on that rape has always already occurred there is no political efficacy achieved and that the focus instead should be on prevention. Marcus does also argue that it is necessary to recognise that sexual violence does something to structural positions – a rape is a way of feminising women and feminising the victim.

The struggle between material and discursive perspective on sexual violence is also visible in Gunnarsson's (2018) article "*Excuse me, but are you raping me now?*" *Discourse and experience in (the Grey Areas of) Sexual Violence*. Gunnarsson examines the tensions that can be found in the relation between the experiences (expressed in the narratives) and the discourse of sexual violence. The article shows a need for a language that better describes the experiences of events and actions that falls between sex and sexual violence.

Relationship between Language and Law

Studies on the interrelationship between the fields of linguistics and law began in the 1970s. Such studies were part of the wider shift, by linguists and sociologists, from the traditional approaches to linguistics that focused more on abstract and idealized structures of language to new approaches that focused more on language in context (Fillmore, 1973; Gumperz & Hymes, 1972; Shuy & Shnukal, 1980). This decade also saw increased attack on the professionals from different fields whom, it was felt, intentionally used arcane and complex jargon to mystify the public and thus discourage debate on their work (Danet, 1980; Edelman, 1977; Gusfield, 1980). In the legal profession, this attack was initially focused on the written language of the law. Legal scholar, Mellinkoff (1963), comprehensively identified the morphological and syntactic features of legal language that made it incomprehensible to a lay person.

Courtroom discourse is a sub-genre of professional discourse, and

it is distinct from common place verbal exchanges that occur in day to day human interaction (Santos, 2004). This distinctiveness can be attributed to a number of factors that range from the explicit rules of evidence that govern verbal interaction in the courtroom to issues of concern to Critical Discourse Analysis theory such as the way language manifests power, control and discrimination among discourse participants in the courtroom (Blommaert & Bulcaen, 2000). In addition, because courtroom discourse involves speech acts that are goal oriented, as distinct from casual conversation, there is emphasis on testimony that is sequential and that deals explicitly with cause and effect as well as an identification of the agent to bear blame for certain commissions or omissions. This is in contrast to informal disputing that emphasises more on general rules of conduct in which parties are free to elaborate on details on their personal life that would be deemed irrelevant in the legal setting (Conley & O'Barr, 2005). This study attempts to establish the relationship between language, ideology, gender institution, sexual violence and power in a legal system using the tools of CDA.

Theoretical Framework Critical Discourse Analysis (CDA)

Critical Discourse Analysis (hereafter CDA) is the main theory adopted for the present study as it is in light of its tenets that the findings from analysis of data are interpreted. As a distinct framework for analysing discourse, CDA was spearheaded in early 1990s by a small group of scholars meeting at the University of Amsterdam. These included Norman Fairclough, Ruth Wodak, Gunther Kress, Theo van Leeuwen and Teun van Dijk. The roots of CDA are, however, diverse and old with some of the concepts central to CDA being traceable to sociology, ethnography, philosophy, applied linguistics and pragmatics.

Van Dijk (2001) defines CDA as 'a type of discourse analytical research that primarily studies the way social power abuse, dominance and inequality are enacted, reproduced and resisted by text and talk in the social and political context' (p. 1). CDA views 'dominance, discrimination, power and control' as social concepts that are manifest in language (Wodak, 1995, p. 204) and the work of the critical discourse analyst is to reveal how language is an 'instrument of power and control' (Caldas-Coulthard & Coulthard, 1996, p. xi). Borrowing from Habermas' (cited in Harris, 1995 and Fairclough, 1989) expositions on the relationship between language and power relations in society, CDA defines its goal as

being to show 'social inequality as it is expressed, signaled, constituted, legitimized and so on, by language use (or in discourse)' (Wodak, 2001 p. 2). This, explicitly stated and vigorously pursued goals to show cause and effect relationships in day-to-day human affairs through research, is what makes the approach 'critical' a term which is not just confined to research in linguistics. For the critical analyst, the purpose of undertaking research is to expose a social problem by shedding light on the structures and practices that constitute and perpetuate the problem (van Dijk, 1986).

Jørgensen and Philips (2002) note that CDA can also be viewed as a label of a broader movement in discourse analysis. In this view, CDA encompasses several approaches that are distinct in their techniques for linguistic analysis, but they all share some common views to discourse which are the central tenets of CDA. Some of these include the view that discourse constitutes and is constituted by society and culture. There is also the principle that CDA addresses social problems and its approach is both interpretative and explanatory. Another tenet is that discourse functions ideologically and thus a critical analysis of discourse can show the role of discursive practices in the creation, maintenance and challenge of unequal relations of power in society (Fairclough & Wodak, 1997).

The present study adopts Fairclough's (1992) approach to CDA. This approach holds that discourse manifests at two levels, namely, the macro and micro levels. At the macro level of discourse are social concepts like social order, power, dominance and inequality. These social realities are abstract and they find expression at the micro level of discourse which deals with linguistic concepts like grammar, speech acts, style and rhetoric (Conley & O' Barr, 2005; Jørgensen & Philips, 2002; van Dijk, 2001). Thus the discourse analyst's aim under this theory is revealing how linguistic micro discourse structures reproduce, challenge or perpetuate social macro discourse realities. The present study collected courtroom proceedings, and their analysis helped us to study how the macro concepts of dominance and control were evidenced in the gendered verbal interaction in courts.

Fairclough (1992) approaches the analysis of verbal interaction from three dimensions. The first, discourse-as-text, is concerned with choices interlocutors make about vocabulary, grammar and cohesive devices. The second dimension, discourse-as-discursive-practice, analyses how the choices made in vocabulary, grammar and cohesive device are a means of grounding a given verbal exchange in a particular

social context. The third dimension, discourse-as-social-practice, views discourse as a product and determinant of ideology (Fairclough, 1992; Jørgensen & Philips, 2002). Thus, the ideology at play in a given society is articulated and challenged through discourse (Blommaert & Bulcean, 2000). This was the approach taken during the analysis of data collected in this study. The linguistic choices made by the interlocutors were identified and then discussed with reference to whether the gendered language has effect in the narrativization of the interlocutors. Finally, an evaluation was made on how power asymmetry in the courtroom was produced and or challenged through the language choices of the discourse of the male and female participants.

Methodology

The study is qualitative thence, descriptive in nature. Judgemental sampling technique was used to arrive at the ten selected court proceedings on the cases of rape in the four selected high courts in Kaduna State. These comprise Court 1 and 3 of the high court complex, Dogarawa Zaria, High court 2 GRA Zaria and High Court number 7 Ibrahim Taiwo Road Complex, Kaduna. The justification for choosing the high court is that it is the only court that has the requisite jurisdiction to try the alleged offense of rape. Ethical clearance was obtained from the courts. The corpus for this study was also drawn from interviews and observation of the selected hearings. Data were collected primarily from participant observation method, and also from obtaining audio and video recordings of all the selected live court proceedings over a period of three months and via documentations. These methods are to ensure that there is full documentation of gendered language and extra-linguistic genres also conveyed in the course of the hearings. It also assists us in documenting a wide range of variables, while the participant observation grants us access to taking observational notes, video and audio recording assists us in filling the gap encountered in the course of observations. The corpus was subjected to a critical analysis with a view to establish the link between the gendered linguistics indices and the legal structure in which they exist and looking beyond the words to the power and ideologies that underlie the utterances.

Data Analysis

The analyses seek to show and account for power asymmetry in the high

court settings in line with the tenet of CDA at both macro and micro levels which holds that power relations in society are discursive; meaning it is through discourse that such relations are manifested and negotiated (Fairclough & Wodak, 1997).

Analysis of Narrativisation of the Nominal Complainant and the Defendant (Macro Level)

1. Heteronormative script of the problem: It means that while women are the only represented group of victims, it is simultaneously a narrative of men as the only offenders, and men are the offenders because of heterosexual desires. This has implications for how it is possible to discuss matters of sexual violence on both a structural and intrapersonal levels.

2. Interface of consent and coercion in both male and female discourse:

It means being penetrated forcefully and being penetrated willingly phrases from the female like

*Da karfin cin tuwo...da karfin tsiya ya fi karfina ne, ya yaudareni
[I try to protest, I feel anger and Fear I feel helpless etc,]*

Interface of consent is from the male:

Karya ta keyi my lord

One aspect of the rape and victim discourses is the all-too-evident gendered nature: men rape, women are raped. It is the experience that shapes the discourse. And it is the study of the micro-discourse structures such as the following lexical choices and syntactic form that lead to an understanding of the macro-discourse social structures such as power dominance of the judges and prosecutors.

Coercion in Questioning (Micro Level)

The argument behind the classification of questions in terms of their coerciveness is that an analysis of question type can lead us to the logically expected response in terms of both form and content. Thus, whereas WH-questions invites a narrative response with little degree of restriction, a

declarative plus tag question provides a proposition and then demands the respondent to either agree or disagree with it (Danet, 1980).

The form of this agreement or disagreement could vary from a yes/no response to an elaboration but essentially these questions do not request for information because they have supplied it and the response only reacts to it.

Overview of Question Types in the Direct and Cross Examination Phases

The classification of question types in the courtroom setting has over the years been along the continuum of coerciveness (Danet, 1980; Harris, 1984; Woodbury, 1984). These earlier typologies have been adopted with changes by various scholars whose studies have involved classifying questions in the courtroom set up (Berk-Seligson, 1999; Farinde, 2009; Luchjenbroers, 1993; Tkačuková, 2010). The present study takes the same approach in classifying the questions found in use by the male and female participants in the study.

The classification of questions for the present study involved placing questions into four broad categories namely; *WH- Questions, Polar and Alternative Questions, Declarative Questions and Tag Questions*. This ordering was meant to reflect the degree of coerciveness of the questions as suggested by various scholars (e.g. Berk-Seligson, 1999; Tkačuková, 2010; Woodbury, 1984). This would mean that WH-Questions are the least coercive while Tag Questions are typically taken to be the most coercive. Within each broad category are subtypes which were also arranged in order of coerciveness. The general guiding principle in this arrangement was that where a positive and a negative pair of a subtype occurred, the negative member was more coercive (Luchjenbroers, 1993).

Wh-Questions

Among the WH- Questions, the subtypes observed in use in the study sample included:

- a) Requestion without an Embedded WH- Trigger (*Can you introduce yourself to the court?*)
- b) Requestion with an Embedded WH- Trigger (*Can you remember what he said before he assaulted you?*). Other questions grouped under the WH- Questions included

- c) Non-Sentence Questions (*Then?*),
- d) Routine WH- Questions (*What do you do for a living?*) and the
- e) Open WH- Questions (*So, what did you do next?*).

Polar and Alternative Questions

Polar Questions (grammatical yes-no questions) achieve control by forcing a witness to make a commitment and give information in the form dictated by the questioner, and the same can be said of Alternative Questions.

The broad category of Polar and Alternative Questions had four subtypes. These were Positive Yes/No Question (Did you see him doing it?) and *Negative Yes/No Question* (*Wasn't it after she called you?*). The other two pairs were either/*Or Question with a Vacant Slot* (*You saw him or what?*) and *Either/Or Question* (*You saw him it or you heard him?*).

Declarative Questions

The trap in Declarative Questions lies in the fact that a skillful examiner utters them with 'a rather casual tone, which suggests that the speaker takes the yes or no as a foregone conclusion' (Quirk and Greenbaum, 1973, p.195). The counsel in this case was observed to ask such questions in a casual way while even perusing her files. Such an offhand manner might obscure the real import of the proposition expressed in the declarative and make a witness who is not keen to agree to damaging propositions.

Moving to the Declarative Questions, five subtypes were found in use by discourse participants in the study sample. The subtypes were:

Positive Declarative Question (*He was wearing only trousers as he left the house?*) and
Negative Declarative Question (*He was not wearing shirt as he left the house?*).

There were also:

Project Statement (Witness) (*You are saying you saw him assaulting her?*),
Agreement Statement (*You accept there is no way he could have entered that house?*) and
Memory/Knowledge Statement (*You know what the law requires in such a case?*).

The Tag Questions, deemed to be the most coercive, had the following subtypes:

There was the pair of

Positive Confirmatory Tag Question (*You called that number, right?*) and
 Negative Confirmatory Tag Question (*You never called that number, correct?*).

Then there was the pair of

Positive Checking Tag Question (*You saw him leaving the house, didn't you?*) and
 Negative Checking Tag Question (*You didn't see him leaving the house, did you?*).

Finally there was

Confirmatory Negative Tag Question (*You accepted some money from him, isn't that right?*).

'So' Summarisers

The frequent use of the 'so' summarisers by both prosecutors and counsels during examination in chief was very noticeable in the data. The use of 'so' summarisers in the sample for this study seemed to suggest that even in direct examination, the examiner seeks to ensure that witness testimony conforms to a particular version of facts. 'So' summarisers, as noted by Johnson (2002), recapitulate a witness's testimony in a way that the witness is expected to agree with the questioner's summary. It was also observed in the data that the 'so' summarisers, in making reference to a witness's immediate response to a question, could be used to introduce not just another new question but also the examiner's evaluations and conclusions about what the witness has said. By confirming such evaluations and conclusions, the witness is reduced to the level of just filling in details that fit the version of reality the examiner wishes to portray as example

What were you doing at that time of the night?
So you were molested? By who?

From the foregoing exchange, the prosecutor uses the 'so' prefaced declarative question to arrive at the motive behind the assault that is the subject of the trial. In the 'so' prefaced declarative question the prosecutor concludes that the sexual violence erupted because the accused said the witness, who is also the complainant, was responsible. In response, the witness agrees with the prosecutor's conclusion, and thus, the blame for the sexual violence is wholly laid on the accused person.

Reformulation

Apart from the use of 'so' summarisers, compliance to a summarized view of the examiner was also achieved through reformulation as illustrated below in examples

C: In other words you were molested?

Plaintiff: Yesmy lord.

C: You have said you went to the police to record statement?

*To the police we went- first at that time they were called and they didn't come. Then we went **to record statement, we went to take the watchman-***

In both examples reformulation of what the plaintiff has stated is signaled by the words 'in other words' and 'you have said'. They show that the examiner is just restating the testimony of the plaintiff. But as the above example indicates, a reformulation can be interpreted as an invitation to supply more information.

Nailing Down

It involves the examiner incessantly recycling a topic or repeating questions on a given issue until the witness has no option but give the response the examiner is seeking. It means subtle bullying of the offenders mostly females though the processes of Nailing down through recycling an issue through repetition or reformulation. As in:

Is it a crime because He said he loved you?

Status Manipulation

The lay litigants as cross examiners were also found to favour the use of status manipulation as a person targeted pragmatic strategy. The use of this

strategy was observed to include labeling the prosecution witness as liars, thus reducing their status as in example

Do you not see your lies? You didn't see them and you were there?

The statement highlighted acts as a label showing the witness to be a liar and hence his testimony unbelievable. An interesting attempt at status manipulation is seen in example below where an accused person tries to distance himself from a woman the investigating officer has labelled as his girlfriend by referring to her using distancing expression like 'that woman'. This strategy seems not to work and the message the accused is attempting to convey is not heard because of the quality of interpretation.

Example.

That woman you are saying you found, I don't know her.

You cannot deny knowing her

Other devices include interruption on the part of the counsels and evaluation by using negative words such as:

NO answer my question or

LOOK, kada kiyi wasa da hankalin kotu Don't play with the court's intelligence... etc In the example above, the counsel rejects the plaintiff's attempt at an explanation as marked by the word 'look'. The negative evaluation 'no' is followed by the imperative 'answer my question.' A pointer to the fact that the lawyer considers what the plaintiff was planning to say to be the wrong answer.

Distorting Modality

Both counsel and lay litigants were also observed to use the person targeted pragmatic strategy of distorting the modality with which plaintiff make their utterance. This was mostly done by demanding exactitude in terms of time or other aspects of a witness's testimony where the witness may not be in a position to give it. The goal usually is to bring out inconsistencies in a plaintiff's testimony or mismatch between the testimonies of a plaintiff and witness.

Example

C: Now what time was it when you were molested?

P: Around 12 p.m.

C: You told us earlier it was **12.30 p.m.**?

P: It was around that time.

C: Around what time? **12 or 12.30 p.m.**?

P: Between 12 and 12 thirty.

C: So now **you want to change your statement or you are not sure?** Do you want your statement to be read to you? **Was it 12 or 12.30?**

P: Around 12.30, not exactly.

C: 12 30 p.m. So it was dark you can't see his face clearly??

In the above example, counsel takes the fact that the witness wants to modulate his response concerning the time of the incident as evidence that he is not sure of his testimony or he wants to change his testimony. This could be damaging to the plaintiff's credibility.

Discussion of the Findings

Based on the observation of the researcher on how the phenomenon of sexual violence been negotiated, formulated and represented in the selected court proceedings it may be safe to say that sexual violence has been negotiated and formulated as something that still happens somewhere else, by someone else and the boundaries between violence and "something else" has a direct connection to that. The further away the violence has occurred, the more likely it is to be called violence at all. Sexual violence has been represented as something that is now common, and a part of some societies but not part of the Northern Nigerian culture. Sexual violence is also represented as a matter that happens within the context of heterosexual desire, but once again, someone else's desire.

The experience that facilitates oppositional discourses consists of tensions between experience and Language, tensions that are endured subjectively as contradictions within experience. The victims most of the time feel shy to discuss openly about the incidents the reason been the fact that it is considered as taboo to discuss openly on sex issues. Contradictions between ideologically constituted perceptions of the world and reactions to these images endured on multiple psychological and bodily levels. Discomfort with discourse exceeds what is represented in given

discursive categories. This corroborates with Stone's (1988) findings.

The semiotic construction of sexual crimes, perpetrators and victims in the courtrooms as analysed here, could be said to be part of a hegemonic discursive articulation, seemingly semi-objective and semi-neutral, helping to indicate relations of power between men and women within the social world. This is shown by the use of stereotypical identity constructions of male perpetrators and female victims, as well as the construction of the crimes themselves. The blame for the crimes is partly the victims'. Arguably, this would help to sustain relations of sexual power between men and women, and it may also have consequences for individuals subjected to sexual crimes, their well-being, and the individuals committing them, not being fully blamed.

The dominant speech act function in this data is questioning or interrogating, which is not surprising given the overall goals of discovering events that transpired at an earlier time and that led to the trials before the court. However, given the different goals being pursued by the parties to the trial before court, the questioning during the speech event of a trial is not neutral or just aimed at discovering what happened. For the complainant / plaintiff and the prosecutor the overall discourse function in a trial is blaming the defendant; whereas, for the defendant and the defence counsel (if one is present), the overall discourse function in a trial is avoiding blame and /or shifting blame. These macro discourse functions are achieved through specific speech acts such as questioning as discussed above.

Conclusion

The study undertook a critical analysis of gendered discourse in sampled courtrooms in Kaduna State. The present study establishes that, courtroom gendered discourse, is a kind of institutional discourse that is goal oriented, which is also characterized by inequalities among the discourse participants. As discussed in the data questions are the prevalent mode of communication in the court room discuss. Within Critical Discourse Analysis, discourse is regarded as both constitutive and constituted of the social, it is dialectically related to social practices. Therefore, the usage of discourse in this study has ideological effects that helps sustain relations of power and domination, it is partly responsible for sustaining social injustice from the Macro level. Some of the cohesive devices used in the narrativization at the micro level which helped us arrived at the former

interpretation include, Interface of consent and coercion in both male and female, status manipulation and nailing down. Language is, therefore, a means of achieving control in an attempt to build the case theory each party to a dispute wishes to advance and question formats prevail in the court discourses.

The point of departure for CDA is that people's ways of speaking are socially determined and that how we speak, as a society, has social effects. As CDA aims to show the role played by discourse in sustaining power relations within the social, with the explicit goal of social change, choosing CDA as the method for this analysis gives the analysis the opportunity to have as its goal to help to bring about a more nuanced way of understanding the gendered language in sexual crimes, and as a more long-term goal, to help to achieve social change within this particular issue. The study reiterates that discourse on sexuality is connected to systems of power in this way, institutionalised in the juridical system.

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