

POWER DYNAMICS AND DISCOURSE STRATEGIES IN SELECTED NIGERIAN COURTS' JUDGEMENTS ON MURDER CASES

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Abstract

This study critically examines the relationship between discourse and power in selected Nigerian High Court judgements on murder cases. Anchored in Fairclough's three-dimensional model of Critical Discourse Analysis (CDA), the research investigates how textual features, discursive practices, and socio-cultural contexts interact to construct judicial authority and shape legal outcomes. Data were purposively selected from the Nigerian Weekly Law Reports (2023), with a focus on two High Court judgements involving homicide. The analysis reveals that discourse strategies such as legal argumentation, intertextuality, specialised lexical choices (e.g., "culpable homicide", "prima facie"), passive constructions, performative declaratives, and rhetorical questioning function as mechanisms for legitimizing institutional authority and controlling legal narratives. Judges dominate meaning-making through institutionalised and performative language, while lawyers operate within highly constrained discursive spaces. The findings further demonstrate that judicial discourse reflects broader socio-political realities in Nigeria, including hierarchical judicial structures, inequalities in legal representation, and the dominance of state power in criminal adjudication. The study concludes that judicial language is central to the reproduction of power and recommends reforms in legal communication, judicial training, and legal education to promote transparency, accessibility, and equity.

Keywords: Discourse strategies, power dynamics, judicial discourse, murder cases, Nigeria, CDA

1. Introduction

Judicial discourse in criminal trials is far more than a neutral record of legal proceedings; it is a powerful site where institutional authority is constructed, contested, and reproduced through language. In Nigeria's adversarial criminal justice system, court judgements—particularly those involving serious offences such as murder—serve as authoritative texts that not only resolve individual cases but also reflect and reinforce broader power relations within society. Judges, as final arbiters, wield significant discursive power to define reality, assign guilt or innocence, and legitimise state-sanctioned outcomes, often through highly formalised and institutionalised language.

Murder cases occupy a unique position in this landscape. They involve the ultimate exercise of state power—the potential deprivation of life through the death penalty or long-term imprisonment—and therefore bring into sharp focus issues of evidentiary interpretation, procedural fairness, socio-economic disparities in legal representation, and the interplay between statutory law and local socio-cultural norms. Despite the centrality of language in these processes, scholarly attention to the **discursive construction of power** in Nigerian High Court murder judgements remains limited. While previous studies have examined structural features of legal language, courtroom interaction, or generic structures of judgements in Nigeria, few have adopted a critical perspective to unpack how linguistic choices actively shape and sustain institutional dominance and ideological assumptions.

This study addresses that gap by critically examining power dynamics and discourse strategies in two selected Nigerian High

Court judgements on murder cases. Anchored in Norman Fairclough's (1995, 2001) three-dimensional model of Critical Discourse Analysis (CDA), the research investigates the interplay between textual features (vocabulary, grammar, and rhetorical structures), discursive practices (processes of text production and interpretation), and socio-cultural contexts (broader institutional and ideological realities in Nigeria). By doing so, it reveals how judicial language functions not merely as a medium of communication but as a mechanism for legitimising authority, controlling narratives, and reproducing existing power asymmetries.

The remainder of the paper is structured as follows: Section 2 provides the background to the study, while Section 3 articulates the statement of the problem. Subsequent sections present the aim and objectives, research questions, significance, scope, theoretical framework, methodology, literature review, analysis and findings, and conclusion with practical implications.

2. Background to the study

Language is a central mechanism through which institutional power is constructed and exercised. In legal contexts, it serves not only as a medium of communication but as a tool for interpreting, legitimizing, and enforcing authority. Court judgements, therefore, are not neutral texts; they are discursive constructs embedded within institutional and socio-political power relations (Fairclough, 1995).

In Nigeria, judicial discourse reflects a complex interaction between law, society, and power. The pluralistic legal system—comprising statutory, customary, and Islamic law—creates a unique context in which judicial language must negotiate multiple normative frameworks. While previous studies have examined structural and pragmatic features of legal discourse (Mazzi, 2010; Opeibi, 2012), there remains limited attention to how such discourse

reproduces institutional authority and broader socio-political inequalities.

This study addresses this gap by applying Critical Discourse Analysis (CDA) to selected Nigerian High Court judgements on murder cases, with the aim of uncovering how language functions as a site of power construction and ideological reproduction.

3. Statement of the Problem

“Judgements, in a common law system, are authoritative texts”, (Vazquez-Orta, 2013:94). They are described as the final part of a lawsuit where all contested issues are resolved. As such, they are structured in a way that all information necessary for proper adjudication of cases is included in them.

Numerous studies have been conducted on the relationship between language and law to address a range of concerns unique to Nigerian legal systems. For instance, Onadeko (1998) examined the discourse patterns of magistrate courts in Nigeria. The study analysed the tactics employed by discourse participants to exert control and dominance inside the discourse. It emphasised the significance of turn-taking and demonstrated that the practice of turn-taking is rigorously followed, architecturally.

Agangan (2007), which on the other hand is a speech act study of lawyer-witness courtroom interactions in high courts, using Searle's speech Acts theory, was focused on the discourse features and the types of speech acts used in courtroom interaction. The study conducted by Opeibi (2012) was directed at examining the characteristics and discourse patterns evident in some Nigerian courts. The findings account for how legal cases within a specific L2 sociolinguistic context can reveal certain unique traits of a non-native speaker, an English speaker in this context.

While these studies have usefully described structural, generic, and pragmatic features of Nigerian legal discourse, they

have largely remained descriptive or focused on statutory interpretation and precedent. Very few have applied a critical lens to uncover how language actively constructs and reproduces institutional power, especially in high-stakes murder trials where state authority, evidentiary asymmetry, and socio-economic inequalities intersect most visibly. This study fills that critical gap by employing Fairclough's three-dimensional CDA framework to examine power dynamics in two selected Nigerian High Court murder judgements.

Daniel (2021) examines the generic structure of substance-based judgements of Nigerian Supreme Court lead judges. The result provided evidence that the analyzed judgments have thirteen macro-structural elements, comprising nine obligatory and four optional elements, realized through major and minor process clauses. Furthermore, many existing studies have rather explored argumentative patterns (Mazzi, 2010; Farinde, 2020), and discourse moves in judgments. Others have investigated pragmatic acts (Mazzi, 2014) in the judgments. In sum, existing studies on Nigerian legal discourse primarily focus on statutory interpretations, case law precedents, and judicial decisions. Little attention has been paid to the linguistic and rhetorical strategies used by courtroom actors to assert power and control case narratives. This study, therefore, fills a crucial gap by examining how power operates through language in Nigerian High Court murder trial judgements, an area largely unexplored in legal and linguistic research.

4. Aim and objectives of the study

The study is aimed at investigating power dynamics and discourse strategies in selected Nigerian court judgement on selected murder cases. The specific objectives are to:

- i. analyse the discourse techniques in selected Nigerian criminal judgements

- ii. explain the communicative purposes these techniques serve
- iii. explore the ways these techniques shape power relations in the selected judgments.

5. Research questions

- i. What are the discourse techniques applied in selected Nigerian criminal judgements?
- ii. What are the communicative purposes of the identified discourse techniques?
- iii. How are power relations enacted or shaped through the discourse techniques employed in the selected judgements?

6. Significance of the study

This study provides insights into how language is used to construct legal authority, establish credibility, and influence judicial decisions. It highlights the linguistic patterns that shape legal reasoning and the administration of justice. The study also helps to uncover any implicit biases, persuasive techniques, or rhetorical strategies used in judicial decision. Understanding these can contribute to legal reforms by promoting transparency, fairness and consistency in the interpretation of laws and sentencing in murder cases. Also, by identifying key discourse strategies in court's judgements, the study equips lawyers, judges, and legal scholars with a better understanding of persuasive legal language. It may also assist in legal education by providing examples of how discourse strategies can shape courtroom narratives and judicial reasoning.

7. Scope of study

The study is limited to two court judgements which serve as case studies for understanding how judicial discourse constructs, reinforces, or challenges judicial decisions within the courtroom. The study does not aim to assess the legal correctness of the

judgements but rather investigates the linguistic and discourse strategies that shape the administration of justice in murder cases.

8. Theoretical framework

This study adopts Fairclough's (1995, 2001) three-dimensional model of Critical Discourse Analysis, which conceptualizes discourse as:

1. **Text** – linguistic features such as vocabulary, grammar, and rhetorical structures
2. **Discursive Practice** – processes of text production, distribution, and interpretation
3. **Socio-Cultural Practice** – broader social, institutional, and ideological contexts

This framework is particularly suitable for analysing judicial discourse because it enables a multi-level interpretation of how language both reflects and constructs power relations.

9. Methodology

9.1 Research Design

The study adopts a qualitative research design grounded in Critical Discourse Analysis.

9.2 Data Selection and Sampling

Two Nigerian High Court judgements on murder cases were purposively selected from the Nigerian Weekly Law Reports (2023). The High Court was chosen because it serves as the primary trial court with jurisdiction over criminal cases, making it a critical site for examining discourse construction.

The purposive sampling is justified on the basis that:

- i. Murder cases involve high-stakes legal reasoning
- ii. They reveal clear institutional power asymmetries
- iii. Judgements are rich in discursive and rhetorical features

Specifically, the two judgements were selected because they (a) represent typical urban High Court homicide trials with full adversarial proceedings, (b) involve common evidentiary and procedural challenges in Nigerian criminal justice, and (c) were delivered in different judicial divisions (Federal Capital Territory and Oyo State), thereby offering some geographic and stylistic variation while remaining comparable in legal gravity. Full texts were obtained from the Nigerian Weekly Law Reports (2023) and analysed manually using Fairclough's framework.

9.3 Analytical Procedure

The analysis followed Fairclough's three stages:

- i. **Textual Analysis:** Identification of linguistic and rhetorical features (e.g., argumentation, intertextuality, lexical choices)
- ii. **Discursive Practice Analysis:** Examination of how legal actors construct and interpret meaning
- iii. **Socio-Cultural Analysis:** Interpretation of how discourse reflects broader socio-political realities in Nigeria

10. Literature Review

Research on legal discourse has established that courtroom language is highly structured and functionally oriented toward persuasion, authority, and legitimacy. Kurzon (2001) demonstrates that judicial discourse reflects institutional norms of politeness and authority, while Agangan (2007) shows that speech acts in courtroom interactions perform both communicative and institutional functions.

Mazzi (2008, 2010) highlights the centrality of argumentation in judicial texts, emphasizing how reasoning is constructed through linguistic strategies. Similarly, Adebayo (2021) reveals that power asymmetries in Nigerian courts are often shaped by disparities in legal representation and access to resources.

More recent scholarship has begun to situate legal discourse within broader socio-political contexts, emphasizing the role of language in reproducing inequality and institutional dominance (Cheng, 2008; Kalejaiye & Osisanwo, 2022). However, many of these studies remain either descriptive or limited in their engagement with critical theory.

This study contributes to existing literature by integrating these perspectives within Fairclough's CDA framework, thereby linking micro-level linguistic features to macro-level socio-political structures. It specifically advances research by focusing on murder case judgements, where issues of power, control, and state authority are most pronounced.

11. Analysis and findings

This section presents a critical analysis of discourse strategies in selected Nigerian High Court judgements on murder cases, drawing on Fairclough's three-dimensional framework of discourse as text, discursive practice, and socio-cultural practice. The analysis demonstrates that judicial language is not merely descriptive but functions as a mechanism for constructing authority, shaping legal meaning, and reproducing institutional power.

11.1 Discourse as Text

At the textual level, the analysis reveals that discourse strategies such as legal argumentation, intertextuality, formal lexicon, and syntactic structures function as key resources for constructing judicial authority.

Argumentation and Legal Justification

Judicial argumentation is structured through systematic reference to statutory provisions, legal doctrines, and evidentiary narratives. For instance, the detailed charge in *Text 1* (p. 2) establishes the

defendant's alleged actions with precision, embedding legal terminology such as "culpable homicide" within a formal narrative structure. This form of argumentation does not merely describe events; it constructs a legally recognizable reality that aligns with institutional expectations.

Similarly, procedural details such as dates, witness counts, and trial sequences (*Text 1*, p. 3) function to legitimize the judicial process by presenting it as orderly, transparent, and procedurally sound. However, this apparent objectivity masks the interpretive nature of legal reasoning, as judges selectively foreground certain facts while backgrounding others.

Intertextuality and Institutional Legitimacy

The frequent citation of precedents and statutory provisions (e.g., *DICKSON v. THE STATE* and constitutional references in *Text 1*, p. 26, 31) situates the judgement within a broader legal framework. This intertextuality functions ideologically by presenting judicial decisions as continuous with established legal authority, thereby limiting opportunities for contestation.

Rather than simply supporting legal reasoning, these references reinforce the perception that judicial outcomes are predetermined by law, obscuring the discretionary power exercised by judges.

Lexical Choices and Formal Register

The use of specialized legal vocabulary such as "prima facie," "beyond reasonable doubt," and "culpable homicide" (*Text 1*, p. 33) enhances precision but also restricts accessibility. This linguistic exclusivity reinforces the authority of legal professionals while marginalizing lay audiences, thereby reproducing knowledge asymmetries within the justice system.

Syntactic Structures and Objectivity

Passive constructions (e.g., “The case was then transferred...”; *Text 1*, p. 5) and impersonal expressions contribute to the construction of objectivity by removing human agency from judicial actions. Similarly, institutional voice (“Having carefully considered the evidence before the Court...”) replaces personal pronouns, presenting decisions as collective and neutral rather than individually determined.

Critically, these linguistic strategies obscure the interpretive and discretionary role of judges, framing judicial outcomes as inevitable rather than contingent.

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Similarly, procedural details such as dates, witness counts, and trial sequences (*Text 1*, p. 3) function to legitimise the judicial process by presenting it as orderly, transparent, and procedurally sound. However, this apparent objectivity masks the interpretive nature of legal reasoning, as the judge selectively foregrounds certain facts while backgrounding others.

Intertextuality and Institutional Legitimacy

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Lexical Choices and Formal Register Specialised legal vocabulary such as “prima facie,” “beyond reasonable doubt,” and “culpable homicide” (*Text 1*, p. 33) enhances precision but simultaneously restricts accessibility. This linguistic exclusivity reinforces the authority of legal professionals while marginalising lay audiences.

Syntactic Structures and Objectivity Passive constructions (e.g., “The case was then transferred...”; *Text 1*, p. 5) and impersonal expressions (“Having carefully considered the evidence before the Court...”) remove human agency and present decisions as collective and neutral rather than individually determined. These strategies obscure the interpretive role of the judge, framing outcomes as inevitable.

11.2 Discourse as Discursive Practice

At the level of discursive practice, the analysis examines how meaning is produced, controlled, and negotiated among courtroom actors. Judges occupy a dominant position through performative speech acts. For example, the sentencing pronouncement in *Text 2* (p. 44) functions not merely as a description but as an action that enacts legal reality: “[Insert exact sentencing utterance here, e.g., ‘This Honourable Court hereby sentences you to death by hanging’]”. Such declaratives are final and non-negotiable, reinforcing hierarchical courtroom structure.

Judicial Authority and Performative Language

Judges occupy a dominant position in the production of meaning, primarily through performative speech acts. Declarative statements such as sentencing pronouncements (*Text 2, p. 44*) function not merely as descriptions but as actions that enact legal reality. These utterances are final and non-negotiable, reinforcing the hierarchical structure of the courtroom.

Control of Interaction

Judicial control is further evident in the regulation of courtroom interaction. For example, the brief exchange “Court: Granted” (*Text 1, p. 15*) demonstrates how judges exercise authority over procedural decisions, shaping the direction of discourse. This control limits the discursive agency of other participants, particularly witnesses and defendants.

Strategic Framing by Legal Actors

Lawyers employ discourse strategies such as leading questions and evidential framing to influence interpretation. For instance, the question “You did not see the Defendant that night?” (*Text 1, p. 6*) exemplifies how questioning can guide witness responses and shape evidentiary narratives.

However, the influence of lawyers is constrained by institutional hierarchy, as ultimate interpretive authority remains with the judge. This reflects an asymmetrical distribution of discursive power.

Construction of Guilt and Innocence

Judicial discourse actively constructs narratives of guilt and innocence through evaluative language and rhetorical questioning. For example, the rhetorical question in *Text 2 (p. 39)* serves to guide

interpretation toward a particular conclusion, subtly aligning the judgement with prosecutorial logic.

Such strategies demonstrate that legal outcomes are not merely derived from evidence but are discursively constructed through selective interpretation and framing.

11.3 Discourse as Socio-Cultural Practice (Nigerian Context)

At the socio-cultural level, the analysis situates judicial discourse within broader institutional and societal structures in Nigeria.

Judicial Hierarchy and Centralization of Power

The dominance of judges in controlling discourse reflects the hierarchical nature of the Nigerian judiciary, where authority is concentrated within judicial institutions. This centralization mirrors broader governance structures in Nigeria, where institutional power often overrides individual agency.

Inequality in Legal Representation

The analysis highlights disparities in discursive resources between legal actors. Defendants with limited access to skilled legal representation are often disadvantaged in constructing persuasive narratives, reinforcing socio-economic inequalities within the justice system.

State Power and Criminal Justice

Prosecutorial discourse reflects the authority of the state, particularly in criminal cases. The framing of charges using formal and emotive language (*Text 2, p. 1*) positions the defendant within a narrative of culpability, reinforcing the dominance of state power over individuals.

Broader Socio-Political Implications

These discursive patterns align with wider concerns in Nigeria, including limited access to justice, procedural inequalities, and public perceptions of judicial authority. Judicial discourse thus operates not only as a legal mechanism but as a socio-political tool that reproduces existing power structures.

11.4 Synthesis of Findings

Across the three dimensions of analysis, the study demonstrates that:

- i. Discourse strategies construct judicial authority at the textual level
- ii. Meaning-making is controlled by institutional actors at the discursive level
- iii. Broader socio-political inequalities are reproduced at the socio-cultural level

These findings confirm that judicial language is not neutral but deeply embedded in power relations that shape both legal outcomes and societal perceptions of justice.

12. Conclusion, Limitation, and Implications

This study demonstrates that discourse strategies in Nigerian High Court judgements are central to the construction and exercise of judicial power. Language is not merely a vehicle for legal reasoning but a mechanism through which authority is enacted, legitimacy is constructed, and social hierarchies are reinforced.

Limitations of the Study

The study is limited to two High Court judgements. While they provide in-depth insight into judicial discourse in homicide cases, findings may not be fully generalisable to appellate courts, magistrates' courts, or other regions of Nigeria. Future research could usefully expand the corpus or adopt corpus-assisted CDA for

larger-scale patterns.

Practical Implications

1. Judicial Reform

There is a need to promote clearer and more accessible judicial language to enhance transparency and public trust in the legal system.

2. Legal Education

Law schools should incorporate discourse analysis into legal training to improve awareness of how language shapes legal outcomes.

3. Policy and Practice

Efforts should be made to address inequalities in legal representation, particularly in criminal cases involving vulnerable defendants.

4. Institutional Accountability

Judicial institutions should adopt guidelines that encourage clarity, neutrality, and inclusivity in legal communication.

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Appendix

Text 1: The case between Federal Republic of Nigeria (complainant) and Benjamin Peter (Defendant) with Suit No. FCT/HC/CR/274/2018 Date: 07/11/2023.

Before His Lordship Honourable Justice H. Mu' AZU

Text 2: The case between The State (complainant) and Adeyemi Morenikeji (Defendant) with Suit No. HOY/01C/2019 Date: 17/07/2021.

Before the Honourable Justice A.F. Adeeyo