DOI : 10.18843/rwjasc/v8i4/16
DOI URL : http://dx.doi.org/10.18843/rwjasc/v8i4/16

EXAMINING THE IMPACT OF QUESTIONS AND QUESTIONING TECHNIQUES IN MALAWIAN MAGISTRATE COURTS: A CRITICAL DISCOURSE ANALYSIS APPROACH

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ABSTRACT

By analysing questions asked in court by both court officials and lay persons, this paper argues that language of the court in Malawi is used to self-implicate suspects. The study employed the theory of Conversation Implicature supplemented by Halliday's Interpersonal metafunction. The study reveals how the prosecution uses questions to indicate power dominance during court trials. Set of questions asked by the prosecution linguistically violates the maxim of relevance but the notion of implicature bridges the gap between what is being asked and the true meaning of the questions. The prosecution makes it even more difficult for the defendant by implying that the defendant violates maxims of quantity and manner by asking the witness questions that bring in more information at the same time irrelevant. This dominance in the court conversation may significantly affect the defence of the lay suspects since they have limited time to either build their case or attack the witness brought in court by the state. While such linguistic features used by court official serve a legal function, the outcome has a huge bearing on the laypersons who have no formal legal training. Findings of the study have huge implications in the field of law and linguistics.The study recommends that government should open up its legal system to its citizens. Aspects of legal language should also be integrated into Malawian school curricula so that the masses should be familiar with courtroom discourse, culture and its set-up, which are often times seen as strange and alien.

Keywords: Questions, Questioning Technique, Courtroom Discourse, Conversational Implicature, Mood Choices.

INTRODUCTION:

The law profession is a profession of words and the words of law are the law itself (Mellinkof, 1963). As such, interaction in legal proceedings is not an ordinary interaction involving a mere exchange of words. As noted by Thomas (1995), language is a device in which we think, signal and negotiate social identity. This means language has meaning only in and through practices. Language use is what is referred to as discourse and it embodies some functional aspects of who uses it, why, when, where and how to use it (Thomason, 1995). Language users, hence, structure it in order to interact with one another. (Halliday, 1993) refers to this as interpersonal metafunction.

Globally, the notion of how language can shape societies and how it affects the interpretation of interpersonal behaviour has become apparent in pragmatics and sociolinguistics. Significantly, the study of language use in legal matters has given rise to a new linguistic field, Forensic Linguistics, whose goals include the application of linguistic methods to legal questions and help deal with shortcomings in legal system (Malcolm & Alison, 2007). "Language use is always simultaneously constitutive of social identities, social relations and, systems of knowledge and beliefs" (Fairclough, 1993). The latter phenomenon is rather complex and (Fairclough, 1993) doubts the automatic relationship of language use and social factors particularly because of the fact that multiple discourses coexist within the same event. This paper considers court proceeding as one of such events because the court system rests heavily on the communication between various participants. Court observation and analysis of trial transcripts have revealed how defendants are commonly confronted with complex questions containing multiple parts (Zajac & Cannan, 2009). It is not surprising, therefore, that questions during court proceedings may be difficult to decode or encode and accurately respond to. Clearly, cases involving self-represented defendants may present special communication challenges as compared to cases where suspects are represented by the defence council.

LITERATURE REVIEW:

Several researchers have endeavoured in studying courtroom discourse by looking at questions. (Ciardiello, 1998) explores the cross-cultural significance of questions. However, her general concern is on the ways in which roles and goals structure the use of communicative forms with particular interest on the constraints placed by status and intimacy on the usage and meaning of interrogatives in certain contexts. Related studies have examined courtroom interaction as reflected in the organization of points and in the sequence of turn taking system while other studies researched on power relations among the courtroom participants (Harris, 1995). Harris's study was devoted to finding the functions of questions in the court. In her study, she argues that questions in court are used as a mode of control and the defendant in the role of respondent may find it difficult to raise or challenge validity claims. Research studies conducted in Malawi reveal that even though procedures in lower courts are relatively simple, they have still proved to be too complicated for the poor and uneducated. They adopt a rather technical impersonal approach as opposed to the common sense approach, which is more suitable for lay people (Banda, Kaunda, Schärf, Röntsch, & Shapiro). Kishindo (2001) conducted a courtroom discourse study in Malawi with a special focus on the effect of interpretation and the use of indigenous languages in the court. This paper takes a different perspective to ascertain the claim that courts use language to self-implicate the layperson in conflict with the law by exploring mood choices and how pragmatic features and the amount of interrogatives may manifest power and dominance in the courtroom discourse.

Questions and questioning strategies:

Nearly all literature relating to a court context, whether real or fictional, recognizes the importance of questions as the primary means of obtaining information from defendants, witnesses, and in fact all those who take the stand in a courtroom (Harris, 1995). Questions clearly attempts, to get the hearer to say something, and hence are more usefully considered not under sentence-based approaches, but for the role they play in discourse (Thomas, 1995). In legal profession, (Danet, 1980) offers another description of questions. He argues that questions are weapons that serve to test or challenge claims made by witnesses. He further describes questions as vehicles to make accusations. Broadly speaking, there can be two categories of questions: convergent and divergent. This categorization is based on the limits placed on the response to a given question. According to Malcolm and Alison (2007) convergent questions by nature have more narrowly defined correct answer. The answer is generally short requiring no or little reflection. Such questions only demand the respondent to recall, from memory a bit of factual information. Convergent questions are also referred to as close ended (Ciardiello, 1998). This means that the one asking is looking for anticipated response that requires little original thought. The answer should be provided within the time of questioning.

Divergent questions, on the other hand, are open ended. When responding to divergent questions, the respondent must be able to recall some information from the memory. However, this knowledge must be applied to explain a topic in question. Such questions are broader in nature and can have multiple answers. Therefore, divergent questions demand higher level of thinking on the part of the respondents.

Power and dominance in the Courtroom:

Van Dijk (1993) notes that power in the courtroom is maintained mainly by its layout and the distinctive clothing of court officials. The physical set-up is a very effective tool for power manifestation (Goldberg, 1982) (Cotterill, 2003). Each participant is assigned their own place by rules of procedure. The magistrate occupies a dominant and focal position, often on a raised platform. The other parties are also separated by physical boundaries which create social distance to mark their institutional role differences. Dominance, as observed by (R., Udasmoro, & Wijaya, 2013), is defined as the exercise of social power by elites or institutions that results in social inequality. To them, the reproduction process may involve different modes of discourse such as power relations enactment, representation, legitimation, denial, mitigation or concealment of dominance. They further commend CDA as an influential tool that serves to analyze the linguistic and social especially related to discourse, social practice, representation, power and intertextuality.

As noted by (Gibbons, 2003), the powerful people like lawyers and police can manipulate others more readily. They can persuade others, change attitudes, and influence the behaviour of others in countless ways. Police and lawyers are in control of the questioning process since they organise, control and limit the witness's answers (Chang, 2004). They can also interrupt the less powerful ones at will. On the same note, those in more powerful positions expect compliance from the less powerful. They thus expect their questions to be answered in the way they want them, and witnesses may feel that they should agree and comply with the questioning officers.

THEORETICAL FRAMEWORK:

Within the lens of Critical Discourse Analysis (CDA) which is linguistically preferred for its ability to provide an account of the role of language, language use, discourse or communicative events in the (re)production of dominance and inequality (Van Dijk, 1993), this study employed Interpersonal metafunction, a component of Halliday's Systemic Functional Grammar (SFG) to identify mood choices in the corpus. The study was additionally guided by pragmatic theory of Conversation Implicature in identifying pragmatic features that might have yielded power and dominance for the feuding parties in a case. According to van Dijk (1993), CDA does not primarily aim at contributing to a specific discipline or discourse theory. Rather, it is primarily interested and motivated by pressing social issues, which it hopes to better understand through discourse analysis.

Conversational Implicature:

Grice's theory of Conversation Implicature (CI) was of special interest because of the complex ways in which implicatures depend on speakers understanding of the world, the current context, and each other's intentions. According to (Levinson, 1983), Cooperative Principle (CP) states that interlocutors in conversation try to cooperate with each other. They, in particular, attempt to be informative, truthful, relevant and clear. Listeners will normally assume that the speaker is following these criteria (Chaman, 2005). It is then possible to deduce implications from what had been said concerning what has not been said. Since the interlocutors are aware of what is being discussed, they are able to determine what is happening and, therefore, be able to reply to previous talk exhibiting that they understand what is being said.

CP and its maxims arise from the necessity to make our utterances coherent and clear. The CI enables people to make inferences beyond what is explicitly stated. The amount of inferring which speakers expect listeners to undertake depends on the degree of shared knowledge between them.

The Concept of Mood in Systemic Functional Grammar:

The study approaches mood to see how court discourse participants relate using Halliday's Interpersonal Metafunction. Halliday (1994) notes that language has three metafunctions of ideational, interpersonal, and textual reflected in a huge system network of meaning potentials (Thompson, 2004). The ideational metafunction expresses the experiential and the interpersonal content of the discourse which explains people's experience of the outer world in the environment (Kondowe, 2014) (Halliday 1994). The textual function is language oriented and deals with cohesive and coherent text production by organizing and structuring the linguistic information in the clause.

Grammatically, Interpersonal Metafunction, at the clausal level, enjoys mood. According to Halliday (1993), mood is concerned with the topic of information or service and whether it is giving or demanding and the tenor of the relationship between interactants. Tenor deals with gender or status-based power. However, Halliday (1993) defines mood parallel to interpersonal communication which embraces three grammatical categories of

speech function, modality and tone. As noted by (Haratyan, 2011) and (Kondowe, 2014b) the interpersonal metafunction concentrates on social roles and relations through the use of among other items pronouns, clausal mood, whether declarative, imperative or interrogative. In other words, speech functional roles may help meaning to be achieved through mood such as statement or question requesting, commanding and offering because the order [Subject + Finite] establishes the mood as declarative, while the order [Finite+ Subject] establishes the mood as interrogative (Thompson, 2004) (Kondowe, 2014b).

Kondowe (2014a) notes that the true meaning of a text does not only deduce from traditional linguistic aspects like syntax, morphology and phonology but also from the conscious or unconscious intents that the text designer injects in the lines of the text. These issues are equally essential and must not be ignored. Questions in the data fell out of syntax but that confirms the assertion that language function is often more important than language structure. Halliday's interpersonal metafunction was used to identify mood types in the corpus, and to analyze mood choices of both the defendants and court officials in relation to the pragmatic features. Their discourse was analysed to explore how both the prosecution and the defendants establish interpersonal relations with the court by examining their choice of mood since mood conveys the speaker's attitude about the state of being of what the utterance or sentence describes (Lumsden, 2008).

RESEARCH METHODOLOGY:

Nchalo and Mzimba magistrate courts of Southern and Northern Malawi, were selected for not only their potential to locate suspects who may not afford lawyers, but also the crime rates that were the highest in these two areas (Tembo, 2016). Therefore, chances that criminal cases could have been heard in these courts were pretty high. Two criminal cases were purposefully selected from each magistrate court whose data was audio recorded and transcribed. A total of 223 questions, 30 imperatives and 29 declaratives were generated from the selected cases.

Case 1: Robbery with Violence:

Six men were suspected to have assaulted D and went away with his assorted items: cell phones, a pair of trousers and a T-shirt worth MK36, 000 (about $50). However, present on the day of hearing were three of the six suspects because according to the state, the other three were still at large. The three suspects present in the court pleaded not guilty.

Case 2: Burglary:

A man was charged with burglary. According to the state, the suspect was found in a house of an old woman tampering with bags of fertilizer at night. He was caught and taken to police where upon the completion of investigations, he was taken to court but pleaded not guilty.

Case 3: Intimidation:

A village head assigned a village caller to alert the villagers that the following morning development partners will be coming to unveil a borehole project. Unfortunately, the village caller was confronted by the three (suspects) who claim they own the chieftaincy in the village and that he should stop calling in their village or they will beat him to death. They however, pleaded not guilty.

Case 4: Killing protected Animals:

The two suspects in this criminal case were answering three charges. They were charged with (1) entering into a protected area, (2) conveying a weapon into a protected area and (3) killing protected animals. Remains of an Antelope were found on the spot of killing in the Lengwe Game Reserve but police found an animal hidden when they conducted a search at one of the suspect's home. Both suspects pleaded not guilty.

RESEARCH OBJECTIVE:

The study was mainly carried out to investigate the impact of the dominant form of questions and questioning techniques in Malawian Magistrate Courts and assess their impact on the defendants using Discourse Analysis approaches.

RESULTS AND DISCUSSION:

It was found that many questions were asked during examination in the courts. Very few were asked during cross examination. It is at the cross examination stage that witnesses are asked questions to make valid arguments in support or against the case at hand by state and the defence. Cross examination is granted by the Criminal Procedure (CP) and Evidence Code (EC) section 214(2). CP and EC stipulate that when the examination in chief ends, the witness is subject to cross examination by all parties other than the party calling

the witness (Laws of Malawi, 2010). This means defendants should take this opportunity to ask questions to the state witness that would help them impeach the witness in their favour.

COMMON QUESTIONS:

Questions in the data are classifiedaccording to the answers they demand.

Convergent Questions:

a. Yes or No Interrogatives

i. Polar

- *Do you have any scratches on your body?*
- *Do you know that I was under the influence of beer?*

ii. Disjunctive

- *Within the bus depot or outside the bus--?*

b. Tag questions

- *Ok--- so you ask why he came, didn't you?*
- *So you told him where you were going, didn't you?*

c. Imperative + Interrogative

- *Is it true that you were assaulted by six people and two of them are the ones in the dock?*
- *And is it also true that they robbed you off your properties which up to date they have not yet been recovered?*

Divergent Questions:

d. Wh- interrogatives (interrogative when, which, how and what)

i. With frame

- *In your pieces of cloth where they took away, what really happened?*

ii. Frameless

- *How do you know that this is yours?*
- *Who did you see?*

e. Rhetoric Interrogatives

- *The issue in question is not about the chieftaincy. The case is about uttering words likely to cause murder. Does that come with civil cases to court?*

f. Indicative + Interrogative

- *You have explained that we came to your house during the night for your son and you went to the paramount chief. What did he say?*
- *You have said you went to paramount chief then to police, do you think Mr. J is the right person to quarrel with?*

Table 1: Question distribution by type in the criminal cases

Question Type	Nature of the Cases												Total questions	
	Case 1			Case 2			Case 3			Case 4				
	D	M	P	D	M	P	D	M	P	D	M	P	Number	%
Yes/no	10	14	48	5	5	3	11	11	8	1	0	5	121	54.2
Tag	2	0	0	0	0	2	5		5	3	1	0	18	8.1
Total Convergents	**12**	**14**	**48**	**5**	**5**	**5**	**16**	**11**	**13**	**4**	**1**	**5**	**139**	**62.3**
Rhetoric	0	3	0	0	0	0	0	1	0	0	0	0	4	1.7
Wh-	1	5	23		1	7	13		13	5	7	5	80	36
Total Divergents	**1**	**8**	**23**	**0**	**1**	**7**	**13**	**1**	**13**	**5**	**7**	**5**	**84**	**37.7**
Total	**13**	**22**	**71**	**5**	**6**	**12**	**29**	**12**	**26**	**9**	**8**	**10**	**223**	**100**

Key: D for Defendant, **M** for Magistrate, **P** for Prosecutor

Table 1 shows that convergent questions which are also called leading questions in legal register are favoured most (62.3%). Questions that call for Yes or No answers appear the most in the data representing a 54.2% occurrence. This may be attributed to the fact that unlike during examination in chief, leading questions type is

the only permissible during cross examination. The study observed that most of these questions came from the state. This dominance in the court conversation may significantly affect the defence of the lay suspects since they had limited time to either build their case or attack the witness brought in the court by the state.

It is also observed that prosecution asked more questions than the defendants. Out of 223 question, 113 questions were made by the state, representing a 50.7% against a 25.1% contribution by the lay suspects. This may be partly because the defendants in the cases observed did not bring their own witness in court and therefore the prosecution's questions outnumbered that of the defendants because the latter did not participate in examination in chief. Although defendants did not bring their own witnesses, they are given opportunity to ask questions during cross examination. The purpose of cross examination as the CP and EC stipulates is to put to the witness any facts inconsistent with what he or she has said in chief, which the cross examination party seeks to prove in evidence. This is an opportunity for the defendants to cast doubt on the accuracy of the state witness' evidence in chief by challenging his or her reliability as a witness using linguistic demand permissible by the court.

It was also observed that unlike the defendants, prosecution brought already written questions, carefully targeted while some defendants failed to ask even a single question to the state witness when the court granted them the opportunity to do so.

Additionally, the defendants fail at examination in chief because they do not take part. Direct examination plays a significant part in constructing the narrative of each side since it should provide all the essential information relevant to the case (Hobbs, 2002). If they had lawyers representing them, they would have brought their own witness directed by the lawyer through questions to achieve the desired outcome of this stage. (Goldberg, 1982) notes that examination in chief has the following three crucial aims: to get the information out of the witness's mouth, to have the information from the witness understood by the court, and to persuade the court. Therefore, by not participating, the defendants fail to linguistically narrate their own side of the story; thereby weakening their defence.

Mood :

Mood conveys the speaker's attitude about the state of being of what the utterance or sentence describes (Lumsden, 2008). Courtroom discourse is heavily dependent on interrogative mood. However, defendants in the cases observed used declarative the most.

Table 2: Distribution of Imperatives and Declaratives

Mood Choices	Criminal Cases												Total mood Choices	
	1			2			3			4				
	D	M	P	D	M	P	D	M	P	D	M	P	Number	Percentage
Imperatives	0	8	2	0	5	2	0	5	1	0	6	1	30	50.8
Declaratives	4	5	0	7	3	0	5	3		2	0	0	29	49.2
Total	**4**	**13**	**2**	**7**	**8**	**2**	**5**	**8**	**1**	**2**	**6**	**1**	**59**	**100**

While indicative may be defined as the mood used in all instances where a given language does not specifically require the use of some other mood (Tiersma, 2000), the study has established that defendants used the declarative mood more where they would have used interrogative mood. Moreover, 20.9% of the corpus is dedicated to both imperatives and declaratives made by all parties in the courtroom. The study observed that the defendants used declarative mood more than the other parties because they would want to make factual statements or express opinions as if they were facts through narration. Out of the 29 entries, 18 declaratives were made by defendants (Table 2), representing 62.1%. Instead of focusing on the inconsistencies in the testimony though interrogatives defendants use declaratives to bring in more information which the court may not need. And noticing this, the court redirects the defendants:

Magistrate: *The issue in question is not about the chieftaincy. The case is about uttering words likely to cause murder. Does the state come with civil cases to court?* (Case 3)

Pragmatic features:

Conversational Implicature:

While presenting his theory of conversation implicature within the framework of the Cooperative Principle, Grice says "Make your conversational contributions such as is required at the stage at which it occurs, by the

accepted purpose or direction of the talk exchange in which you are engaged" (Grice, 1989). The court officials and the suspects in the court had the same background knowledge that there is a case at hand, in which D was assaulted and that his properties were stolen. However, in Case 3, the set of questions by the prosecutor on the onset seemed to bring in irrelevant information.

1. **Prosecutor:***You are Mr. K*
2. **Prosecutor:** *How old are you?*
3. **Prosecutor:** *In which village do you come from?*
4. **Prosecutor:** *TA?*
5. **Prosecutor:** *What do you do for a living?*

Although the questions asked by the prosecutor in the extract above linguistically violated the maxim of relevance, still the court did not stop him from asking such questions because they were assumed that the prosecutor was being cooperative and that he tried to communicate with the court. The notion of implicature bridged the gap between what was said in the questions and what it was really meant by the state in asking the set of questions. The court seemed to understand the conventional meaning of the questions and that the prosecutor's way of asking was cooperative. The court and the prosecutor shared the background knowledge that the witness in any case should be reliable and that it should come from people who are trustworthy. Therefore, the meaning of the prosecutor's initial set of questions implied that the witness brought before court in this case was reliable and that his testimony could help to prove the case beyond reasonable doubt. The study found out that while the state's bearer of witness in the court was linguistically over coloured, the defendant failed to discolour it, the act which lawyers do. Unfortunately, the defendants in the observed cases did not have lawyers.

Violation of maxim:

Additionally, the prosecutor seemed to have suspected that in his cross examining the state witness, the defendant had violated or flouted maxims, especially the maxim of Quantity by intentionally asking questions that called for less or more information than was required. This is evident in the extract below when the prosecutor cross examines his own witness immediately after the same was cross examined by the defendant.

1. **Prosecutor:** *Mr. M. is it true that you were assaulted by six people and two of them are the ones in the dock?*
2. **Prosecutor:** *And is it also true that they robbed you off your property which up to date they have not yet been recovered?*
3. **Prosecutor:** *And is it also true that they assaulted you at three different places during the same night?*
4. **Prosecutor:** *And is it also true that they falsely accused you of stealing their phones?*(Case 1)

The prosecution made it even more difficult for the defendant by implying that the defendant violated a maxim of quantity and manner by asking the witness questions that had brought in more information at the same time irrelevant. The prosecutor took up the advantage, and led the state witness (with follow up questions) to further implicate the defendant with information that the court would take as precise and correct. This would bring far reaching consequences for the defendant in terms of his face.

The two pragmatic feature are absent in the defendant's questions. Defendants either failed to ask or asked very few questions that neither satisfies the demands of questions at cross examination stage. Instead, they were victims of maxim infringement and violation.

Magistrate : *First accused, stand up. Have you heard the witness?*
First accused : *Yes, I have heard.*
Magistrate : *Any question?*
First accused : *But I-- [gives a statements]---*
Interpreter : *It's your time to ask questions to the witness. Not giving statement.*
First accused : *Then I was-- [gives a statement again]—*
Magistrate : *Are you trying to ask a question? Ask questions! Don't waste our time!*
Magistrate : *Second accused, stand up. Questions--?* (Case 1)

In this extract, the defendant infringes the maxim. Unfortunately, the Magistrate decides to allocate the turn to another participant before the current holder of the floor gets composed to ask. This was common in the observed cases. (Thomas, 1995) affirms that this kind of non-observance of maxim stems from imperfect

linguistic performance not because the defendant desired to generate an implicature. It was observed that the defendant was nervous hence infringing the maxim. Other instances where the court could think the defendant was opting out a maxim as one way of observing their right to be silent could also be confused with infringing a maxim because some defendants seemed to be in a state shock. So the study did not take state of being silent as a pragmatic strategy for the defendants. Regrettably, unintentional infringing of the maxim could have negative impact on the outcome of the case because by not asking questions the defendant weakened his own defence. As it has been observed, more relevant questions would expose ill intentions aimed at implicating the defendant by both the state witness and the prosecution.

Power and Dominance:

The prosecution dominated the courtroom discourse as evidenced in the amount of questions they were able to make against the defendants. The prosecution had asked 50.7% of the total questions. They were also able to control the witness by asking more convergent questions. Out of 139 convergent questions, the prosecution asked 71, representing 51%. Even though prosecution used the Wh- questions, such questions demanded a minimal answer and gave no room for new information apart from the state's anticipated response.

1. **Prosecutor** : *What was discovered?*
2. **Prosecutor** : *Where did they say they killed the animal?*
3. **Prosecutor** : *What kind of animal was the skin from?* (Case 4)

They choose imperatives apart from their dominant use of interrogatives. Since the imperative mood is used to issue commands and request, the study agrees with (Harris, 1995) who notes that the prosecution have an upper hand in enacting power unlike the defendants who in most cases, in the cases observed, used declaratives which in nature offer information. As such, the defendants were victims of violation of maxims of quality and quantity because they drove the state witness to respond with either irrelevant or too much information which the court did not need.

This study agrees with Svongoro, et.al (2012) who noted that despite the importance of what courts do in the lives of those who are subject to their power, the courtroom for most people, is a strange and alien setting where there is an increased potential for more exaggerated power play, exacerbated by the fact that legal language is a powerful mode of speech. Although, it seems common sense that legal proceedings should be held in a style intelligible to the people who will be bound by the outcome of the legal process, few would deny that a very specific discourse is required, and that court officials seem to wield great power by their ability to use aspects of language very specific to the law (Svongoro, Mutangadura, Gonzo, & Mavunga, 2012)

This language makes the law in Malawi difficult to understand for those who do not have specific training; unfortunately, these are the ones who are directly affected with the outcome of the proceedings.

CONCLUDING REMARKS AND RECOMMENDATIONS :

Language of the court in Malawi is not a mere platform of exchange of discourse, but it is also used to control the minds of the lay people. In Malawi, information about court is little and almost non-existent to the masses let alone in academic texts, lay-persons in conflict with the law in Malawi contribute little to the courtroom discourse to challenge or attack defence of the other party. As such, prosecution takes advantage of laypersons' ignorance by putting the case beyond the defence's reach. As this study observes, laypersons in conflict with the law find court discourse unusual hence they are dominated by the prosecution in terms of linguistic demands and questioning within the courtroom. As such, most of them resort into using declaratives to narrate events which they think could help them get acquitted. Unlike their opponents, the prosecution uses interrogatives more and where they have options they alternatively use imperative mood to either express requests or commands. Therefore, what people conceive maybe the misrepresentations of the legal language in general and the courtroom discourse in particular. As such, their linguistic contribution towards their defence in court becomes inefficient and annulled.

Defendants should also be prepared to equally participate in the court proceeding so that they should be able to linguistically build their argument using situational use of language of the court. For this to be possible, citizens must have access to the law. (Kishindo, 2001) notes that if government wishes its decisions and laws to be easily understood, and carried out, by all its people, the legal system needs to open up to the citizenry. Aspects of legal language should also be integrated into school curricula so that the masses should be familiar with courtroom discourse, culture and its set-up, which are oftentimes seen as alien. The government should also

consider including basic linguistic legal terms and activities in the curriculum so that the Malawian child is exposed to legal language that may be instrumental in dealing with challenges such as building or attacking defence in the court of law.

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