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LINGUISTIC MANIPULATIVE ROLE IN CRIMINAL TRIAL COURT ROOM DISCOURSE IN KIBERA LAW COURTS, NAIROBI, KENYA

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Abstract: *This study sought to examine how unequal distribution of power may be used to create imbalance among court participants, and to exemplify how control is achieved and challenged in the courtroom through linguistic manipulation. precisely, the study identified manipulative techniques employed by legal professionals to wield dominance and control in criminal trials, discussed manipulative strategies employed by lay defendants to achieve control during various segments of criminal trials, and investigated how the power imbalance among court participants is reflected in their ability to employ linguistic manipulation. To achieve these objectives, the study adopted a case study research design. The study adopted both qualitative and quantitative research methods of data collection and data analysis. The data comprised 20 hours of audio-recorded court proceedings of criminal trials heard between August and September 2016. Judgmental sampling was used to select instances of linguistic manipulation by court participants in the various segments of criminal trials. Data were analyzed by use of SPSS software to generate statistics on the frequency of the occurrence of linguistic features. The statistical results formed the basis for the discussion of the emerging trends in the analysis section. The Critical Discourse Analysis (CDA), theoretical framework which holds that a study of the micro-discourse structures such as lexical choices, syntactic form and pragmatic interpretation in a given context leads to an understanding of the macro-discourse social structures such as power and dominance was predominantly used to support the studies stand point. The study confirmed that both legal professionals and defendants apply linguistic manipulative techniques as alternative questions and interruption to exercise control and dominance of the discourse in criminal trials at an almost equal level despite their differences in legal knowledge. It further established that power is not evenly distributed among court participants and that this power imbalance is more prevalent among the officials of the court. The study recommends an in-depth similar study using video recording so as to examine the prevalent paralinguistic features in courtroom discourse.*

Key words: *Critical discourse analysis, forensic linguistics, courtroom discourse, linguistic manipulation*

1.1 Background to the study

Despite the crucial role played by forensic linguistics in improving prospects of fair trials in Western countries, knowledge about linguistic experience in legal matters is lacking among most legal professionals in the rest of the world. Even in countries in which forensic linguistics is established, there is need to clarify for both linguists and members of the legal community, areas where linguistic expertise can be helpful in ensuring fair trials in forensic procedures. Indeed, Solan and Tiersma (2002) observe that the vast majority of American lawyers and judges have little or no experience with linguistic expertise in legal matters.

The purpose of the study was therefore to examine how lay defendants employ linguistic manipulation as they take on the role of controlling the courtroom discourse at almost the same competitive level with legal professionals despite their position as unrepresented accused persons in criminal trials, and despite the linguistic and legal knowledge gap between them and legal representatives.,

1.2 Statement of the Problem

In many instances in Kenyan courts, accused persons appear unrepresented, as most of them are not able to afford the services of legal representatives (International Bar Association, 2010). In other words, they find themselves conducting their own defense, yet they are not professionally competent on legal matters. In this case, they have to compete in a trial with professionally trained defense counsels. The present study therefore sought to examine whether the linguistic gap that exists between prosecution litigants and legal professionals, in addition to the unequal distribution of legal knowledge between the two groups, impedes the unrepresented accused lay persons from achieving control of courtroom discourse during criminal hearings.

1.3 Objectives of the study

The study sought to: examine how the power imbalance among court participants is reflected in their ability to employ linguistic manipulation in various segments of criminal trials in Kibera Law Courts.

1.4 Review of Empirical Studies

Power in the Courtroom

According to Maley (1994), “Power is exercised primarily by those who have the most right to speak, and to choose, control and change topics”. It is worth noting that the justice system of a country is a powerful institution; therefore, mere membership of legal professionals in this system vests power on them, enabling them to take the greater control of the courtroom discourse (Walker, 1987). This therefore implies that in the courtroom, communication is significantly affected by those with the ability to dominate and control the discourse (Wang, 2006). For instance, the judge/magistrate holds most control over the interaction, through a number of performatives such as making rulings or passing verdicts (Carter & McCarthy, 2006). Equally, counsels have powerful discursive resources to influence witnesses and the court. By conducting witness examination, they control what witnesses testify by challenging, blaming, suggesting or directing the witness testimony (Ringed, 1999). This is in line with the observation by Conley (1978), Eades (2008) and O’Barr (1982) that lawyers are acutely aware of the power of the words they use as a means of assertiveness during a trial procedure, as they are aware that the

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court's decision is largely reliant on the counsels' ability to convince it; they are therefore keen to employ all possible tactics to convince the courts so as to ensure that the case takes the direction of their choice.

Language is one of the means through which inequality in the distribution of power is created and perpetuated (Fairclough, 1999). Language in the courtroom may therefore be described as an asymmetrical discourse between court officials and parties to a case (Coates, 1995). Therefore, in an adversarial legal system, power asymmetry is reflected by the competing goals among the discourse participants (Haile, 2004). Recent studies have, however, shown that in Africa and Asian countries, self-representation in criminal trials is common as lay persons are unable to afford the high fees imposed by legal professionals (Kiguru, 2014; Leung, 2015; Moeketsi, 1999 and Satia, 2013).

They observe that even though these lay defendants are not trained in legal language, they are capable of assuming power to control the courtroom discourse and build up an image valued by the court (Tkačuková, 2010). As such, there is a need for the civil society and human rights organizations to empower the lay citizenry by demystifying the supposed powers of legal experts through training self-represented accused persons on how best they can use the manipulative tactics of language to greater effect in favor of their position when in court. (Mbote &Oketch, 2011).

Distinction between trials with represented accused persons and trials with pro se litigants

One of the major differences between trials with legal professionals and those with pro se litigants is that whereas lay defendants rely on narrative (Baldacci, 2006; O'Barr &Conley, 1985), legal professionals rely heavily on logical and scientific reasoning, with some narrative elements skillfully incorporated to facilitate jurors' understanding (Heer, 2005). Conley and O'Barr (1990) observe that rule-oriented accounts are characterized by attention to contractual details, chronological recounts of events, and documentation, and so conform to the legal system's requirements of relevance and precision.

In addition, legal professional challenge witnesses by asking them closed leading questions and limiting their interactional space (Danet et al. 1980; Harris 1984; Heffer, 2005; Luchjenbroers, 1997; Philips, 1987 and Woodbury, 1984), and coercing them into preferred replies by using controlling pragmatic strategies (Aldridge and Luchjenbroers, 2007; Conley and O'Barr, 1998; Cotterill, 2003; Drew, 1990; Gibbons, 2003; and Matoesian, 2005). Pro se litigants, on the other hand, use too many open questions and their closed questions are not restrictive enough (Tkačková, 2010, 2011). The scholar observes that pro se litigants use narrative devices that are common in everyday interaction, thereby producing relational accounts instead of the narrative devices of rule-oriented accounts that are expected by the judiciary. Relational accounts assume that the court shares knowledge of the situation, and focus on relationships of the litigants, considered irrelevant by the court.

In either case, however, defense counsels and pro se litigants strategically employ various linguistic tactics including cantankerous questioning during the cross-examination segment of the trial so as to confuse, coerce and intimidate the witnesses. They can move from one topic to

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another with an aim of pinning down their witnesses as much as possible in order to discredit them by proving the inconsistency of their statements to the court. They even have the potential to control the way the court should interpret witness responses by skillfully using various manipulative devices in language. By so doing, they control the formulation and interpretation of facts by for instance, violating the normal length of pauses between the turns and making use of deliberate overlapping or prolonged pauses in order to stress or dramatize facts (Gibbons, 2003).

Linguistic manipulation

According to Akopova (2013), linguistic manipulation is influence exercised by one person upon another or a group of people through speech and non-verbal means oriented toward achieving a certain goal that constitutes in changing of the addressee's behavior, perceptions and intentions in the course of the communicative interaction. Linguistic manipulation is marked by language signs of different levels that help interpret the speaker's intentions. In courtroom discourse therefore, linguistic manipulation occurs where discourse participants employ certain strategies that enable them to achieve their goals without evident detection of the communicative intention: the speaker wittingly chooses such forms of utterances that lack direct signals of his intentional condition. Michelle Aldridge and June Luchjenbroers (2007) refer to linguistic manipulation as the lawyer's tendency to 'insert (negative) information into a witness's testimony through suggestions.

According to their observation linguistic manipulations can weaken a witness's account by suggesting that he/she is to blame, and/or is lying or perhaps has simply misunderstood the situation' In an adversarial criminal trial, the main goal of the opposing parties is to win the case rather than discovering the truth. As such, each party employs all possible strategies to convince the court of their desired version of events (Cotterill, 2003). In so doing, court participants employ a number of manipulative strategies to achieve their sole goal in the trial. Gibbons (2003) in his text on power and interaction in court observes that during a trial, powerful discourse participants use a range of devices with linkages between elements of the communication process and the social context in such a way that one particular interpretation emerges more powerfully; a linguistic phenomenon referred to as pragmatics.

Pragmatics is concerned with meaning in which context plays an essential role. Leech (1983) describes pragmatics as the study of communicative meaning in a communicative event. In courtroom discourse, the process of interpretation of meaning is determined by linguistic evidence adduced orally by witnesses in response to questions paused by examiners who employ various techniques to elicit their preferred version of evidence to persuade or convince the court to accept it. These court participants make deliberate use of language through employing a number of pragmatic strategies so as to ensure that the vital information they intend to communicate is captured by an institutional authority who is vested with power to determine the outcome of a trial (Luchjenbroers, 1993).

This is in agreement with Verschueren's (1999) observation that pragmatics looks at how different speakers choose various linguistic elements and adapt to various contextual aspects by expressing certain ideas or perform certain speech acts through coercive linguistic forms by deliberately choosing to employ the ones that can realize their communicative needs in a specific situation in order to achieve the intended purpose. These strategies together with the

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linguistic tools employed in the interactional process of courtroom discourse play a major role in influencing the court's interpretation of the evidence adduced by witnesses. Witnesses therefore need to have confidence in their statements so that they remain focused and unshaken by the bullying and diversions of counsels or experienced pro se litigants, who may employ some of the following strategies to manipulate their version of evidence with the aim of influencing the court's interpretation of the facts.

Alternative questions

Harris (1984) defines alternative questions as utterances with interrogative syntax with declaratives containing information which is assumed the witness or defendant has and the questioner wishes to confirm it. She argues that these are declaratives which are distinguished from, informing statements' because they contain events which one of the parties is seeking a confirmation of these questions are framed in a way that provides the recipient with a choice between two or more alternatives. Moeketsi (1999) observes that during witness examination, alternative questions achieve control by forcing a witness to make a commitment and give information in the form dictated by the questioner. The control achieved through the use of such questions is context-dependent and goal oriented. For instance, during examination-in-chief, these questions aim at achieving witness support while in cross-examination, they are geared towards witness control as they serve as a springboard for a certain line of questioning or as a coercive device if the witness is reluctant to answer the preceding questions without qualifying them (Quirk, 1985). In legal discourse**,** alternative questions limit the required response to a choice between two or more options as they expect an answer, which is usually one of the alternatives presented in the question. This in turn exerts a high degree of coercion and control, as evasive responses are almost excluded (Moeketsi, 1999).

1.5 Theoretical Framework

The study investigated the use of linguistic manipulation in various segments of criminal hearings at different stages in Kibera Law Courts using Critical Discourse Analysis (CDA), which stems from a critical theory of language that views language use as a form of social practice that seeks to understand how discourse is implicated in relations of power and how these are reflected in discourse. Fairclough (1992) approaches the analysis of verbal interaction from three dimensions: The first dimension looks at discourse as text and is concerned with the choices interlocutors make about vocabulary, grammar and cohesive devices. This stage involves a description of the text. The second dimension looks at discourse as discursive practice and it analyzes how people in given social contexts produce, interpret and transform texts. This stage examines the relationship between text and interaction.

The third dimension looks at discourse as social-practice and it views discourse as a product and determinant of ideology. Thus, the ideology at play in a given society is articulated and challenged through discourse. This stage examines the relationship between interaction and social context. CDA therefore seeks to establish connections between properties of texts, futures of discourse practice (text production, consumption and distribution), and wider sociocultural practice (Fairclough 1995), with the aim of analyzing "opaque" as well as transparent structural relationships of dominance, discrimination, power and control as manifested in language. The present study adopted Fairclough's (1992) approach to CDA. In view of the first two dimensions, the texts are examined in a particular social setting (the

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courtroom) and the texts involve intercalants who are classified as lay participants (pro se litigants) and legal professionals respectively.
The latter are generally perceived to hold a more powerful position in a courtroom setting than the latter. In view of the third dimension, the social concepts of power, dominance and inequality are examined. 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; Jorgensen & Philips, 2002), and van Dijk (2001). For Fairclough, "discourse practice straddles the division between society and culture on the one hand, and discourse, language and text on the other".
Hence the CDA framework adopted by Fairclough goes beyond investigating the lexical and grammatical relations of a text, and acts as a possible agent of understanding the attitudinal and social interactions underlying the composition of a certain discourse and as a means of social change. Among the descriptive, explanatory and practical aims of CDA is the attempt to uncover, reveal or disclose what is hidden in relations of discursively enacted dominance or their underlying ideologies (Vandijk, 2006). For social power and dominance to be effective, they are often organized and institutionalized. Judicial power is therefore an institutionalized jurisdiction "to determine issues between two parties to a suit before it for decision, to pronounce judgment and enforce its decisions" (Aikins 2000).

1.6 Methodology and Study Findings

Research design

A descriptive case study design with both qualitative and quantitative perspectives was applied. Direct observation of court proceedings was employed. Yin (1984) defines a case study "as an empirical inquiry that investigates a contemporary phenomenon within its real-life context. Simons (2009) on her part observes that a case study is an in-depth exploration from multiple perspectives of the complexity and uniqueness of a particular project, policy, institution, program or system in 'real life'". She describes it as a design frame that may incorporate a number of methods. Judgmental sampling was used to select the prevalence of linguistic manipulation by court participants in the various segments of criminal trials.

The case study approach was employed to investigate linguistic features in courtroom discourse and enabled the researcher to come up with solutions or recommendations on how to deal with the observed phenomena (Magenta, 2008). The data under analysis comprised a total of 20 hours of digital audio-recorded criminal trial proceedings collected between August and September 2016. In order to arrive at a sample for the study, the researcher adopted purposive sampling, specifically judgmental sampling, which is one of the non-probability sampling techniques. According to Milroy and Gordon (2003 p. 33), 'in most cases, judgmental sampling is more appropriate for linguistic work'. Tong co (2007) defines judgmental sampling as a non-probability technique where the researcher uses his judgment to select from the population members whom he feels will give him the desired information relevant to the focus of the study. It is a nonrandom technique that does not need underlying theories or a set number of informants (Bernard 2002, Lewis & Sheppard 2006).

Data Analysis Procedures

Every evening during the data collection period, the digital audio recordings were uploaded to a

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computer and the verbal interaction was transcribed. The transcription was a very involving exercise and it included playing back the recordings several times in order to accurately capture what the participants were saying. These transcriptions provided a permanent record of data that were subjected to analysis. Transcription was done using standard orthography because the research objectives did not require phonetic details. During transcription, the researcher constantly referred to the observation notes made for places where the tapes were not clear or where some external feature could have impacted on the dialogue. The transcriptions made were then studied and manipulative strategies prevalent in the various segment of the trial identified on the basis of the research objectives and coded appropriately.

Manipulative strategies employed by pro se litigants at cross-examination

Since the present study was motivated by the desire to investigate whether unrepresented accused persons were able to compete favourably with defense counsels in criminal trials, it only analyzed data where the pro se litigants succeeded in employing manipulative strategies at almost the same competent level with the defense counsels. It is worth noting that when analyzing this type of strategies, it is possible to observe that an utterance produced in a given segment could generate a number of strategies to bring out various possible manipulative techniques. For this reason, the data under analysis may appear repetitive.

The cross-examination segment establishes the gist of the defense case. It is considered the most crucial part of a trial because it is at this stage that examiners have the opportunity to impress upon the magistrate the credibility of the defense and strive to discredit the prosecution case by dismantling the narrative of the witness. This is achieved through a sequence of questions, which serve to test and/or challenge claims made by the accused or witnesses, as well as 'vehicles' to make accusations in order to confront, attack and discredit the witness. (Luchjenbroers, 1997). By employing various questioning techniques at cross-examination, counsels and pro se litigants construct the opponent's testimony as lies and unreliable with the ultimate aim of pinning the witness to the wall. For Lipson (2008), cross-examination involves "the ability to stare an enemy litigant in the eye with the understanding that you are going to take control of his mind and speech".

Cross-examinations therefore tend to be sites where subtle construal of judgment and questions are used as strategic instruments of domination and testimony management. (Matoesian, 1993). As opposed to the examination in-chief, interaction in this segment is generally unsympathetic, non-compromising, un-cooperative, and coercive. In an effort to distinguish between different types of cross-examination strategies, Gibbons (2003) singles out two categories of pragmatic strategies: idea targeted and person targeted pragmatic strategies respectively. Idea targeted pragmatic strategies challenge the testimony through the portrayal of the event itself whereas person targeted pragmatic strategies cast doubt on the personal characteristics of witnesses, by trying to influence or shape the perceptions of the person giving the testimony through enhancing or diminishing their credibility.

This corresponds to the two purposes of cross-examination; that is, to cast doubt either on the witness or their testimony. (Coulthard, 2005). It is however worth noting that sometimes it is not possible to draw a strict borderline between the two types of pragmatic strategies since the same means can be used for both categories. Gibbons (2003). As such, it is beyond the scope of

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this study to go into the details of categorizing the pragmatic strategies employed in the data under analysis in to these two types.

Table 1: Manipulative strategies employed by defense counsels

Manipulative strategies employed by defense counsels.	Frequency	Percent
Status manipulation	2	7
Nailing down	3	11
Repeating questions	2	7
Alternative questions	2	7
Repetition and re framing	4	14
Evaluative third turns	5	18
Interruption	3	11
'so' summarizers	2	7
Cognitive manipulation	5	18
Total	28	100

Status manipulation

One of the most common strategies employed by legal professionals at cross-examination was status manipulation. For counsels, this tactic is especially important for cross-examination of expert witnesses. During examination-in-chief, expert witnesses are habitually asked to introduce their credentials and professional qualifications in order to establish their credibility with the court.

As such, during cross-examination, counsels may attempt to undermine or shift that identity by focusing on the witness's level of competence, prior inconsistent statements, bias, lack of actual hands on experience, among other technique (Mauet, 1996). It therefore follows that in their questions, they address such aspects as the amount of time spent doing theoretical research versus practical experience.

In a way, any of the expert witnesses' preferences can be presented in an unfavourable light. In other words, the expert's qualifications, credibility, and competence are vulnerable to impeachment during cross-examination, just as in the case of any other witness (Matoesian, 1994). The excerpts below illustrate this:

EXCERPT 7(taken from DS1 CASE01):

DC: Now tell us officer, is owning two, three or four mobile phones a crime in this Country?

PW: We suspected that the…

DC: I did not ask what you suspected! Just answer my question! Is it a crime to own a phone in this country? One phone? Yes or no?

PW: No.

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DC: Is it a crime to own two? Yes or no?
PW: No.
DC: How many phones is it a crime to own?
PW: Of course if they are stolen it is a criminal offence!
DC: Good, if they are stolen. Are the phones before the court stolen?
PW: We suspected they were stolen.
DC: And what have you established? Are they? Has anyone come forward to report the theft of any of the phones you are producing?
PW: No.

By so doing, the defense counsel aims at demonstrating to the court that the police officer is not competent at his job because he cannot prove that the mobile phones before court were stolen and his case is wholly incompetent. By asking if it is a crime to own two phones,Counsel further discredits the notion that the phones were stolen because each of the accused persons was found in possession of more than one phone, as the witness is not able to establish if they are stolen as nobody has come to report theft of any of the phones before court.

Equally, the witness is forced to admit that having an ID is a legal requirement and making a copy of the same is not a crime. These questions therefore enable the defense counsel to dismantle the case build up earlier by the prosecution, through the employment of questions that revolve around these items that are produced before court as evidence.

Nailing down

The tactic of nailing down a witness is prevalent where counsel/pro se litigant asks a series of repetitive questions sometimes intertwined with reformulation in order to extract a preferred answer from a witness (Matoesian, 1993).

The excerpt below demonstrates how the defense counsel in the same case challenges the credibility of the investigating officer through employing tightly controlled questions that enable him to succeed in nailing down the witness.

EXCERPT 8 (taken from the same case as in excerpt 8 in 4.3.1)
DC: Most obliged your honour. Now, let us go back to this. Officer, where did you arrest the accused?
PW: in RNG your honour.
DC: Where exactly?
PW: In their house your honor.
DC: Whose house?
PW: (almost shouting) the accused' house!

Power imbalance between examiners and witnesses

The primary discursive tool available to examiners in a trial is the right to ask questions. This gives them an opportunity to control replies and limit witnesses to merely a powerless position of having to provide answers. Haydon (2005). The example below illustrates how examiners employed various techniques to exercise power and control over the witnesses during cross-examination, in addition to manipulating the court's interpretation of the evidence adduced.

EXAMPLE (taken from excerpt7 in 4.3.1): DC: Stop going round in circles! This is a simple yes

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or no question. Did you arrest them? So, in short, you don't know where you arrested them?
PW: (Silence).

The example above demonstrates that the power imbalance between witnesses and cross-examiners, in addition to the coercive nature of the questions asked leave the witnesses without the right to suggest new connections since crossexaminers have the privilege to control the sequence and the movement of the topics discussed(Wang, 2006).

The data under analysis indicates that in the examination phases of a trial, the examiners' institutional power and right to require type-conforming responses especially during cross-examination basically forces witnesses into yes/no minimal responses. Raymond 2003). The highly coercive and controlling questioning techniques were geared towards the examiners' power and ability to persuade, convince, or manipulate the court to accept their version of facts, as evidence consists of facts of statements such as what witnesses know and/or experienced at the time of crime, so that a chain of events can be strung together by the magistrate to facilitate a judgment. As such, interpretation of the facts was reserved for the counsel's opening and closing speeches (Gibbons, 2003).

Power relations between the court and the pro se litigants

The mere presence of pro se litigants in trials introduces many imbalances in power relations and affects the institutional roles of all court participants involved, especially those of the judiciary (Tkačuková, 2010).

When dealing with cases with pro se litigants, the role of judges/magistrates is to oversee the interactional and communicative interplay between legal and lay participants as unequal interlocutors in an institutional setting. The present study took specific concern on power relations and the interaction between pro se litigants and magistrates in various stages of court proceedings as demonstrated in the examples below:

EXAMPLE1 (taken from the same case as in examples in 4.4.1 and 4.4.2:

ACC:.... *Ningependa kwanza, Yule mtu waranda (*I would like first of all that that man who was doing carpentry

MAGISTRATE: *Muulize maswali. Unajua humulizi maswali sasa?* (Ask him questions. You know you are not asking him questions now?)

EXAMPLE2 (taken from the same case as example1):

ACC: *Wewe ungesema, ungeita yule mtu tulikuwa naye ugomvi, akuje tuongee.* (You would have said that you would have called the person I had quarreled with so that he would have come for us to talk.)

MAGISTRATE: *Muulize maswali, usimwelezee vile angefanya. Unatakikana kumuuliza maswali.* (Ask him questions. Don't explain to him what he should have done. You are supposed to ask him questions.)

1.7 Findings, Conclusions and Recommendations

Pro se litigants on the other hand employed multiple questions, reformulating questions and use of third person. Interruption, alternative questions and 'so summarizers were employed by both pro se litigants and defense counsels to achieve control and dominance incriminal trials. Interruption was the most commonly employed strategy by the two groups of examiners. With

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regard to the first two research questions, the study established that both legal professionals and pro se litigants employed the above linguistic manipulative techniques to achieve control and dominance in criminal proceedings.

An interesting finding in this study was the realization that despite the fact that power is not distributed identically among court participants during criminal proceedings, this power imbalance favours the court officials. An important observation made was that although defense counsels wielded power and control during cross-examinations, they had the least power among court officials during the other segments of trials.

Prosecutors seemed to possess grater power than the defense counsels as they had the potential to influence thecourt to overrule an objection or disallow an application by counsels. This finding therefore makes it possible for the study to appropriately respond to the third research questionthat power is not equally distributed among court participants and that this power imbalance is reflected through the participant's ability to employ manipulative language use.

1.7.1 Conclusion

The present study set out to identify and exemplify various manipulative techniques employed by both legal professionals and unrepresented accused persons in controlling courtroom discourse in criminal trials. The study found out that during the examination phases, examiners, both legal and lay, as the powerful discourse participants, achieved control and dominance in trials by employing various manipulative strategies to construct a particular version of events and only use witnesses to confirm the facts or fill in the missing gaps in the evidence given. Similarly, magistrates and prosecutors employed manipulative language to exercise their institutional authority to invoke power in the courtroom in both the evidentiary and the procedural phases of criminal trials.

The study established that unrepresented accused persons were able to participate in criminal trials at an almost equal level with defense counsels despite their deficiency in legal knowledge, thereby dissenting from findings in previous studies that unrepresented accused persons are disadvantaged in criminal trials due to their limited legal knowledge

The study also examined the aspect of power imbalance among court participants that was reflected in their ability to employ linguistic manipulation to achieve control of courtroom discourse and established that power is attributed to the participants of talk according to their institutional identity.

The study also established that although there is a general assumption that defense counsels could be perceived to be the most powerful among the court officials, they hold the least power as they have no control of the court's decisions in the trials as the court retains the institutional power in determining trials. In light of this view, this study therefore concludes that criminal trials can therefore be said to be generally more pro-prosecutorial.

The discussion in the present study has revealed that linguistic manipulation plays a vital role in courtroom discourse. Both legal professionals and unrepresented accused persons depend on their ability to employ linguistic manipulation in order to achieve control and dominance in criminal hearings. The study adopted a critical stance in addressing manifestations of inequality,

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dominance and power imbalance among discourse participants in criminal trials in Kenya, recognizing that CDA has a concern with representations of societal issues. It demonstrates that despite limited legal knowledge, the linguistic gap and power imbalance do not totally impede the pro se litigants from gaining control of courtroom discourse and conducting their own defense in criminal trials in Kibera Law Courts.

1.7.2 Recommendations from the study

The findings of the present study reveal that language is a powerful tool for social control and power dominance, and discourse is shaped by relations of power, which is evident in the structure and function of courtroom discourse. The present study analyzed manipulative strategies employed by both legal professionals and unrepresented accused persons in controlling courtroom discourse in criminal trials.

The criminal justice system therefore needs to explore the extent to which pro se litigants could be assisted in comprehending the complex legal procedures and the linguistic based challenges that face them. The study therefore recommends that legal based organizations which offer legal aid to pro se litigants are empowered so as to enable them to train the lay citizenry on how well they can conduct their defense without getting intimidated by the complex courtroom procedures.

Further, the study recommends the formation of an association for the linguistic and the legal fraternity that would formulate interdisciplinary measures incorporating linguistic and legal aspects into the two disciplines demonstrating the significance of an interdisciplinary approach towards initiating the interest of linguists and legal minds in addressing and understanding language related challenges within the judiciary, thereby enhancing the transformation of the Kenya's justice system.

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