

## Linguistic Markers Of Power In Victim Impact Statements Of Rape Cases

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### Abstract

Language is important in courtroom discourse as it enhances communication among discourse participants in court. It serves to limit, control, promote or reduce dominance since language has power. This paper concentrated on written Victim Impact Statements of rape cases collected from probation offices in Tigania, Meru, Nkubu and Maua which were presented before sentencing in Magistrates' courts in Meru county Kenya. The objective of this paper was to explain Victims' use of language to establish authority in Victims Impact Statements of rape cases. Critical discourse analysis theory by Fairclough was used to describe, interpret and explain the issue of power from the data collected. This paper used purposive sampling where only Victim Impact Statements with linguistic markers of power were selected for inclusion using content analysis. A lexical checklist helped to categorize lexical items and vocabulary type as used in Victim Impact Statements of rape cases. The victims of rape cases were found to use linguistic markers of power like legal language, modal verbs, personal pronouns, synthetic personalisation, discourse markers, semantic field of words, assertions, metaphors and idioms to establish authority in Victim Impact Statements. The findings of this paper give insights to legal practitioners especially legal decision makers, on use of language in Victim Impact Statements of rape cases and also add to the existing literature in the field of Forensic Linguistics which is an emerging area of study.

**Keywords:** Court, Defendant, Linguistic marker of power, Power, Rape, Victim Impact Statement,

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### I. Introduction

This paper explains victims' use of language to establish authority in Victim Impact Statements of rape cases. This section is structured into Critical Discourse Analysis, Courtroom Discourse and Victim Impact Statements.

Santos (2004) defines Courtroom Discourse as a sub-genre of professional discourse that differs from other place verbal exchanges that occur in day-to-day human interaction. This difference can be attributed to a number of factors that range from the explicit rules of evidence that govern verbal interaction in the courtroom to issues of concern to Critical Discourse Analysis theory such as the way language manifests power, control and discrimination among discourse participants in the courtroom (Blommaert & Bulcaen, 2000). It emerges that discourse is a major determinant in the outcome of a trial (Wodak, 1980).

Courtroom discourse is characterized by top-bottom power structure which promotes power inequality. This is evidenced in language use as this causes imbalances in power among the discourse participants in the court setting. Important to note is that power to control or persuade is inherent in language so choice of words and their use is of much essence.

Critical Discourse Analysis studies imbalance in power relations as exercised in institutions by use of language. For instance, van Dijk (1993), argues that CDA prefers to look at the elites and their strategies for the maintenance of power imbalance through studying top-down relations of dominance as opposed to bottom-up relations of resistance, compliance and acceptance.

Rogers (2005) argues that power can liberate or oppress. The constant unity of language and other social matters ensure that language is embedded in social power in a number of ways: language expresses power, and is involved where there is contention over and a challenge to power. Power does not necessarily come from language, but language can be used to challenge power, to change it and to alter its distributions. That is its asymmetrical nature. Hence, language births a finely articulated mechanism for difference in power in hierarchical social structure. This kind of hierarchical social structure is particularly evident and functional in courts in their everyday functions.

In CDA, discourse is defined as a type of social practice and the context of language is significant (Fairclough, 1989, 2003; van Leeuwen 2006). Discourse involves both written and spoken language as a form

of social practice (Fairclough & Wodak, 1997). According to Blommaert & Bulcaen (2000), critical discourse analysis makes discourse more visible and transparent. He argues that discourse is an opaque power object.

Widdowson (2004), postulates that CDA exposes and resists the misuse of power in talk and text: "It is committed to the cause of social justice and its purpose is to expose exploitation and the abuse of power." CDA in this sense has an important function of revealing and trying to mend the social imbalance with the effect of its interpretation of discourse on readers. So, its main purpose is discourse, social structure and language. CDA, sees language as a form of social practice (Titscher, 2000). Language determines society but it is also determined by social reality or context. Choice of words to use largely depends on the context. For instance in VISs language is used to persuade, influence or even control discourse.

Paul & Erez (2023) argue that a VIS can influence the legal decision makers by providing information about a crime's harm. This happens when a VIS acts as an instrumental device. He also argues that a VIS can serve an expressive function where a victim of a crime communicates a message to court.

Gal & Lowenstein (2023), posits that VISs are important tools and makes a novel contribution to the criminal proceeding as they expanded the legal discourse and create an integrated therapeutic-legal discourse. In this case, VISs deliver a message or request to court in their framing.

Victim Impact Statements have been criticized for potential bias in the legal decision making. This is because VISs are not refuted for they are mainly delivered at the sentencing phase hence giving victims power over the defendant instead of just providing a voice for them. Their power to persuade, influence and risk of bias is attributed to VISs' nature of delivery and diction. This paper addresses this problem by explaining the linguistic markers of power used by victims to establish authority in VISs of rape cases.

### **Theoretical Framework**

This paper adopted the Critical Discourse Analysis Theory (CDA). Fairclough (1989) posits that CDA focuses on language as it is used by real people with real intentions, emotions, and purposes. That is analyzing how texts are structured and shaped in order to achieve the goals and purposes laid on them. In this paper, the researcher used CDA and explained victims' use of language to establish authority in VISs of rape cases. This is because Critical discourse analysis (CDA) utilizes writing and vocabulary to analyze texts by examining the linguistic characteristics and dimensions of discourse. It recognizes the importance of understanding the meaning behind words and how they construct reality. That was done by looking at the vocabulary of VISs using a linguistics marker of power guide. Fairclough (1989), came up with a three-dimension framework for studying discourse with an aim of mapping three separate forms of analysis into one another: Analysis of (spoken or written) language texts, analysis of discourse practices (process of text production, consumption and distribution called interaction) and the interpretation of text in its social context which is called contextual analysis.

## **II. Methodology**

The population of this study consisted of all written VISs made for rape cases in magistrates' courts from the year 2014 since that when VISs became admissible in Kenyan Courts. Purposive sampling was done in this paper. Fifteen VISs were collected from the probation offices' court files. Content analysis was done to pick the VISs that contained linguistic Markers of power (LMP). Extraction of the same was done from the VISs selected for analysis. This was done by identifying LMP during document study for categorization. CDA was then used to explain how language was used to establish authority by victims of rape cases in VISs. Since VISs of rape cases are confidential, private and sensitive, anonymity of participants in these cases was adhered to.

## **III. Discussions And Findings**

This section outlines the key findings and discusses them in line with the research objective and the theoretical framework guiding the research.

### **Linguistic Markers of power in VISs**

Language contributes to domination of some people by others (Fairclough, 1989). VISs provide a platform that elevates victim's status over defendants'. This means that the victims (social agents) in this context have causal powers which are not limited to causal powers of social structures and social practices. Although they are not allowed to totally do whatever they want, social agents have their freedom which place them above others (defendant). With sole purpose of a VIS in mind, the victims hence use their power in language to maintain, influence, persuade, dominate and enforce authority.

## Legal language

Coulthard and Johnson (2007), posits that legal language has acquired a certain complex identity not in other language varieties. This complexity in language marked with long, convoluted sentences, makes it difficult for lay speakers and leaves them exposed. However, CDA is concerned with functioning of any instance of language as it is never neutral and the obscure nature of legal language could be a distraction from how it represents persons, events, causalities, priorities and responsibility in words and grammar. Fairclough (1989) highlights that discourse is used to interpret what goes on around us. Using a noun instead of a verb is one way to mask clarity of urgency on who is doing what to whom and with what outcomes. One feature of legal language found in VISs of rape cases is nominalization as evident in LMP1 (linguistic marker for power).

### LMP 1

...No reconciliation or *restitutions* sought, the victim *prays* that the court may grant her justice... The *accused* person was a total stranger to the *victim* .....  
 Court files Number: 471/1436/19.  
 Police Case Number: E85/19  
 Police station Maua

In the above example, the phrase ‘*no reconciliation or restitution sought*’ is an example of use of nominalizations without explicit subject in a VIS. In this case, it is not clear who was supposed to seek for reconciliation and restitution and so nobody takes that responsibility because of unclear agency. All this is out of implicit power of nominalizations. Charrow and Charrow (1979) observe that nominalizations also make legal documents more difficult to understand for non-specialists. In this case, the probation officer’s assistance in writing this piece of VIS elevates the victim at the detriment of the defendant who in this example is not a specialist in the language but a lay litigant. This exclusion therefore, points to power hegemony.

## Modal verbs

Modal verbs are *auxiliary verbs like can, may, would, should, and must* that express conditions such as possibility, ability, necessity, and permission. Simpson (1993) explained that modality in general refers to the attitude or opinions of the speaker on the truth of the utterance. Halliday (2014) posits that “modality means the speaker’s judgement of probabilities or the obligations, involved in what he is saying”.

### LMP 2

The mother to the victim is very much opposed to his release on bond stating that she fears that she *may* get more traumatized if the accused person is released

(Views of the area chief on the accused)

They feel that people have not forgotten what he did and if released his life *might* be in danger too.

Case no: E065/2021.

Police case: 471/593/21.

Court: Court 4.

Police Station: Maua

The above extract depicts the use of modality to express power in discourse. Fairclough (1989), explores how language including modal verbs create, maintain and change power relations in the society. Palmer (2007) identifies two types of modalities; epistemic and deontic modalities. Epistemic modality is the way a speaker assesses probability and predictability. Considering ‘*the mother to the victim is very much opposed to his release on bond stating that she fears that she may get more traumatized if the accused person is released*’ the use of epistemic modality *may* express possibility of an attack in case the accused is released, hence encoding the speakers lack of confidence in the proposition expressed. Nevertheless, this modality is powerful in that this expression of possibility created by modal *may* triggers emotions and sense of responsibility on judges- as they dispense justice - on the attack if the accused is released. Although *may* and *might* mostly show probability, they also show power when they create a level of certainty of probability reducing the level of doubt hence building confidence in the judge by appearing to speak the truth that the victim will be in danger if the accused is released. For this not to happen as the law seeks to safeguard rights of both the victim and the accused, the judge could be compelled to give custodial terms to the accused hence conforming with the victims demands.

## Personal Pronouns

A personal pronoun is a word that is used to replace a noun and indicates a particular person or thing in a sentence. They change in form based on person, number, gender and case. Personal pronouns also carry with them immense power depending with how they are used.

### LMP 3

....She expressed her feelings of desperation fear and utter shaking on the mention of the accused person. She fears for her life and feels very unsafe now that her husband is abroad.....  
Court file no: 577/2019  
Police file no:/464/235/19  
Police Station: Nkubu

The use of pronoun 'she' in the above extract by the reporting probation officer, serves as an attempt to distance himself from the sentiments and affirms that the words are victim's and not his. This aligns with Fairclough (1989) view that pronouns can be used for positioning. Their use in this case also expresses the clarity of agency. Possessive pronoun 'her' in '*She* fears for *her* life and feels very unsafe now that *her* husband is abroad', posits an individual whose life is in danger and one who would have saved her 'her husband' is abroad so the judge is left as the last saviour. The implicit power in use of the two pronouns 'she' and 'her', shifts the attention from the reporting probation officer to the victim who is portrayed as fearful and desperate for help and the judge is compelled to act on her favour.

### The Rule of Three

Fairclough (1989), argues that language is not only used for communication but also a tool for creating, enacting and maintaining power. VISs use the rule of three which is a powerful tool in communicating as it involves creating structures clarity and makes them memorable through words combination as evident in LMP4.

### LMP 4

Family members described him as an obedient, reliable, industrious and responsible person who has not indulged in any criminal activities in the past.  
Court: RM Tigania  
Court File No.: SO E001/2020  
Police Station: Mulika

The subsequent phrase '*and responsible person who has not indulged in any criminal activities in the past*', is also instrumental in complementing the rule of three. The extract LMP 4 from a VIS, attempts to evaluate the accused positively by using words '*obedient, reliable, industrious*' by his family members. The essence of combination of such words is to create a positive attitude in the judge by portraying the accused as a person who is not a chain offender and that he can change if given a chance.

### LMP 5

The family recommends long custodial sentence against the accused stating that the offences meted on the victim by the accused were *severe, inhumane, and unwarranted*  
Court 1  
Court file E011/2020  
Police station Meru

In the examination of vocabulary, grammar and structure, choice of words whether positive or negative is important (Fairclough, 1989: 112-138). Rule of three shows how powerfully language has been used to address the offence meted on the victim. Use of words *severe, inhumane and unwarranted*, stresses the extent of the offence. The vivid description of the offence, is powerful in creating images of a perpetrator who was unremorseful in his acts and cared less of the feelings of the victim. The ability to create these images through words combinations is clear indication of power behind rule of three.

### Synthetic Personalization

Fairclough (1989), while addressing power and how media uses power in communication especially in advertisement to win individual customer in a mass, came up with the concept of synthetic personalization. (Fairclough, 1989:62), refers to it as a compensatory tendency to give the impression of treating each of the people 'handled' *en masse* as an individual. This can be achieved in various ways like use of pronoun 'I' in LMP6

### LMP6

Your Honour, given the findings above, *I recommend* the offender be placed on community service at xxxx  
Court: RM Tigania  
Court File No.: SO E001/2020  
Police Station: Mulika

Though the use of pronoun 'I' is not as prevalent as 'we and you', it helps in personal direct communication. In the extract above, pronoun 'I' contributes to synthetic personalization by creating (a) a sense of familiarity; in example LMP6, the speaker in the phrase *'I recommend the offender be placed on community service at xxxx'* strives to share his personal thoughts and experiences in a quest to relate with the judge hence creating familiarity between the two; (b) the speaker establishes connection with the judge and the audience by sharing his perspective of the case- giving his recommendation-; (c) the speaker uses pronoun 'I' to create the feel of a conversation between two people hence simulating personal communication showing the power of pronoun 'I' to establish a bond between communicators which is vital in court proceedings.

### Discourse Markers

Fairclough (1995), looks at discourse as a form of social practice. He posits that to analyse discourse one needs to look at text, grammar and even vocabulary. That is how items of language are joined together and how they function to communicate a clear thought or message. One needs linguistic devices to bring the pieces of language or expression together to achieve coherent communication. The proficient use of discourse markers often show a higher level of fluency and an ability to produce and exert power within discourse as shown in the LMP 7

#### LMP7

She *however* admitted that the accused person's father had approached her for an attempted reconciliation *but* they did not reach into an agreement and *therefore* her wish is that the accused should not be granted bond/bail.  
 Court: Nkubu  
 CRC NO: SO/E007/2024  
 Police station: Nkubu  
 Police File No: 464/59/2024

Above excerpt shows use of discourse makers in a VIS. Use of '*however*' in LMP7 shows a shift of perspective by the victim to one that is more dominant which is agreeing that indeed reconciliation talks happened. The subsequent use of discourse marker '*but*', downplays the latter admission of reconciliation through contradiction of the proposition hence challenging or resisting the powerful influence of discourse marker '*however*'. The victim statement ends with use of '*therefore*'. This silences all other perspectives and dominates the view point with its conclusive effect. After close analysis of other propositions such as attempted reconciliation, '*therefore*' draws the audience to the victims wish which finalizes the argument to what the victim wants and that is the accused should not be released

### Semantic fields of words

Semantic field refers to a group of words that are related in meaning and belong to the same area of experience, a common theme or a topic Fairclough (1989). Semantic field helps to reveal ideology and uncover power and domination. 'A text may be structured by a particular vocabulary, drawing upon a semantic field associated with a particular discourse' (Fairclough, 1992p.191).

#### LMP8

*Victim's* attitude: She is very bitter saying that it seemed like the *offender* and his associate intended to end her life despite the shameful act they did to her  
 Court files no: SOA 36/19  
 Police station Nkubu  
 Police file no:464/216/19  
 Court Name PM's Nkubu  
 The *complainant* together with her husband were interviewed, they stated ...  
 Case no: SOA 4954/2014.  
 Police case: 471/1417/2017.  
 Police Station: Maua.

LMP 8 uses words like offender, complainant, victim and accused. These words fall under the semantic field of law and crime or legal and criminal justice. They help to place the discourse in its rightful register. These terms are powerful in construction of narratives around justice, blame, responsibility, and harm which are essential in legal and social discourse. They create ideologies of gender inequality where the victims are mainly women and also ideology on victim protection. Use of legal terms and criminal justice ideology, posits the agitation for protection of vulnerable groups like women in the hands of abusive males condemning violence against women, for instance in LMP8, the victim says that the offender and his associate intended to end her life. This shows violence meted on women. All these ideologies are formed through use of vocabularies that are related and share a semantic field.

### LMP9

The two families have since *reconciled* and are living *harmoniously* and wish that the same *harmony* prevails  
 Case no: SOA 4954/2014.  
 Police case: 471/1417/2017.  
 Police Station: Maua.

LMP9 makes use of words like *reconciled*, *harmony* and *harmoniously* which insinuates semantic field of peace or resolution of conflict. These positive relations in a rape case signals ideology of reconciliatory over that of justice. In African cultures, ideology of reconciliation in a rape case points to prioritization of social cohesion over justice for victims who in this case are women, hence suppressing the victims suffering and hindering justice. In this case, LMP9 implies resolution of conflict but masks power imbalance and trauma.

### LMP 10

The victim was sexually assaulted. She *received treatment* and there *were no STIs transmitted* to her. *No pregnancy was reported* as a result of the incidence.  
 Court: C'M Maua  
 Court files Number: 471/1436/19  
 Police Case Number:E85/19

The phrases '*received treatment, no STI transmitted and no pregnancy was reported*' belong to the medical semantic field. This semantic field is powerful because it shifts the discourse from just legal to more critical issues of public health. The impact of rape case is then looked at from different dimensions. This multi-dimensional approach provides for serious scrutiny of the case. Although, the phrases *no STIs transmitted* to her and *No pregnancy was reported* could insinuate or imply that the victim escaped harm hence reduce the trauma of living with STIs and living with a child from such an incident, the two phrases also foreshadows suffering and the risk that victim go through in rape. Medical semantic field is powerful in reducing the power of other semantic fields especially moral ideology. LMP10 downplays the morality issue by implying that since there were no STIs or pregnancy reported, then the issue is less serious. This is because medical semantic field imposes on institutional logic in this case where the event is judged by outcomes that are measurable. This can affect the way sentences are rendered and people's perception since cases that are sensitive such as rape case can be de-emotionalized.

### Assertions

Assertions are statements presented as facts or truths deeply tied to ideology and power Fairclough (1989) which could be explicit or implicit as used in discourse. Assertions are made to share information, coordinate our actions, defend arguments, and communicate our beliefs and desires. That *means asserting a proposition involves undertaking some "commitment" to the truth* of that proposition.

Fairclough (1989) posits that "one important aspect of the power of ideology is that it is widely invisible: It is inscribed in the conventions according to which people interact linguistically, and it is therefore not apparent as ideology at all". This means that implicit language encompasses the meanings that are suggested, hinted at, or understood but not explicitly stated. It is when someone communicates something without actually saying it. In most cases implicit assertions that signal power within discourse are used in VISs of rape cases as in LMP11.

### LMP 11

He pleads for a lenient sentence promising to change.  
 Court 1  
 Court File: E011/2020  
 Police Station Meru- 462/116/2020

LMP11 posits sentiments of a probation officer evident in a Victim Impact Statement. The officer does not explicitly state that the accused has agreed to charges levelled against him but the use of '*pleads for a lenient sentence*' and '*promising to change*' imply admission of guilt. The judge is not expected to ask if the accused as accepted the charges or not but read it between the lines. The implied admission of guilt and the assertion of change by the victim portrays a person who understands the repercussions of the offence, accepted his fate, is ready for sentencing and his promise to change is meant to influence the judge to reduce his sentence. This clearly shows implicit power of assertions. Another example of assertion is seen in explicit assertion shown in LMP11

Fairclough (1989), posit that explicit language refers to what is directly stated or expressed in a text. Explicit language is powerful as it shows confidence in what a person is saying but the choice of words and how he or she says it could reduce its power.

#### LMP 12

The community members were interviewed and said that the offender has been issuing threats to all those witnesses of the case when he was out on bail. *He was threatening to kill and bewitch all of them when he is released.*  
Court 3  
Court file SO 38/2018  
Police station Meru 462/95/2018

Threats alleged in LMP 12, expose the fear of the victim if the accused is given a non-custodial sentence. Nevertheless, threats not only expose the victim as weak but also the accused. This reduces the accused power in this explicit assertion. This is because, by hurling the threats, the accused is portrayed as a threat to the victim, problematic and undesirable

#### LMP 13

Your honour, based on the information provided herein, the gravity of the offence, the attitude of the victim's family and the community, the sentiments of the local leadership, *I find the accused not suitable for a non-custodial sentence.* The court may otherwise deal with him.  
Court 3  
Court file SO 38/2018  
Police station Meru 462/95/2018

Explicit assertions in the LMP13 show power dynamics where the probation officer positions himself as one with power to make decisions and advice the court on what to do after considering everything else said by the participants in the VIS. By the virtue of being the last person to compile and make final submissions on the VIS and use of direct statements, exposes power imbalance in a VIS.

#### Repetitions

According to Oxford English Dictionary (OED), repetition is an act of doing or saying something again. It is a rhetoric device used for emphasis and effect. As regards to this study, repetition can affect beliefs about truth. 'People tend to perceive claims as true if they have been exposed to them before'. This is known as the illusory truth effect in (Hassan & Barber, 2021). Unkelbach (2007); Unkelbach & Stahl (2009) posits that "when information is repeated, it is processed more fluently and is consequently perceived to be more truthful". In CDA, Fairclough (1989) refers to how textual choices can be used to dominate, maintain or even control the flow of ideas and communication. 'It promotes the emotional aspect of communication through emphasis, raises the efficacy of the speaker's intentions, achieves the appellative function, and holds the attention of the listener' (Peredon, 2017: 51)

In VISs of rape case, repetition especially of pronouns is used predominantly to most importantly highlight the clarity of agency. By exposing the doer of the action and repeatedly connecting them to the crime, the victim via VIS stands out as legitimate, with authority and what is being said as truth as show in

#### LMP 14

a) Community members' sentiments  
The community members were interviewed and said that the offender has been issuing threats to all those witnesses of the case when he was out on bail. *He was threatening to kill and bewitch all of them when he is released.*  
b) Probation officer's conclusion  
The community members were interviewed and said that the offender has been issuing threats to all those witnesses of the case when he was out on bail. *He was threatening to kill and bewitch all of them when he is released.*  
Court 3  
Court file SO 38/2018  
Police station Meru 462/95/2018

In the LMP14, repetition is used to push an ideology of witchcraft. This is a word that evokes negative emotions as much as it is ideologically contested. Fairclough (1989), believes that language is a form of social practice. In many African societies, witchcraft is viewed as deeply rooted and contributes to social ostracism, accusation and even fear. Rarely is positive attributes of witchcraft discussed. This social issue largely impacts on the accused and can even result to violence or extradition from the society. By repetition of the accused threatening to bewitch the witnesses when released in the above extract, the undesirability of the accused is pushed in the witchcraft social ideology and the power of repetition as rhetoric device is achieved. Repetition of pronoun 'HE' in *He was threatening to kill and bewitch all of them when he is released* does not only indicate the anaphora but show the clarity of agency in CDA. This is powerful as it exposes the doer of the action due to

its explicit nature. According to Monica, H. (1951) in Boris Gershman,(2022) in his exploratory analysis of witchcraft beliefs around the world, witchcraft beliefs are associated with the erosion of social capital manifested in low levels of trust and other antisocial attitudes and behaviours. These trust issues between the defendant and the victim on the victim's safety in case he (accused) is released, influences the societies perception on matters associated with the witch craft.

### Metaphors

Metaphor is recognized as a way of representing one experiential facet in relation to another (Fairclough 2001, p. 99). According to van Dijk (2006), metaphor is considered an important semantic-rhetorical device used for persuasion as it involves rendering an abstract meaning concrete. This means that metaphors are crucial in projecting ideology.

### LMP15

The accused is an individual who has a high propensity to lie. *He is a straight faced liar* who during his interview gave misleading information like the lady he said was his employer turned out to be his girlfriend and the person he said was his step father turned out to be his aunty.  
Case no: SOA 4954/2014.  
Police case : 471/1417/2017.  
Police Station: Maua.

The metaphor in LMP15 is presented in form of descriptive language. The descriptive language in the expression makes it more powerful in creation of an image of a 'straight faced liar'. 'Straight faced liar' in the extract means one who tells a lie without any hint that what he/she is telling is a lie. Some synonyms of straight faced liar are; barefaced liar, shameless liar, blatant liar, blatant deceiver, out and out liar, shameless fibber. The accused in LMP15 is compared directly to one who possesses the attributes of such a person with justification from the following relative clause that he gave misleading information during the interview that the lady he was with was his employer but turned out to be his girlfriend. Also, the person he had said was his step father turned out to be his aunt. The direct comparison and consequent explanations are powerful in creating a perception of a person who cannot be trusted in the minds of the consumers of the text in line with (Burkholder & Henry 2009: 100) in Hussein N. K. (2022) that metaphors suggests a point of view on this issue and thus creates a context for dealing with it.

### Idioms

Idioms in VISs of rape cases show how far the producers of the text make use of emotive and other association of words as opposed to their referential meaning. 'Idioms are a class of multi-word units which pose a challenge to our understanding of grammar and lexis that has not yet been fully met' (Fellbaum et al., 2006: 349). This means that they cannot be understood by merely looking at the meaning of individual words since they conceptually encode non-compositional meaning. Longman Idioms Dictionary (Stern, 1998, p. 128) defines idiom as 'a sequence of words which has a different meaning as a group from the meaning it would have if you understand each word separately'.

### LMP16

Somebody attacked her and tried to force himself to her and at this *time she raised alarm*.  
Case no: SOA 4954/2014.  
Police case : 471/1417/2017.  
Police Station: Maua.

LMP 16 depicts use of an Idiom in a VIS of rape case. The circumstances of the offence causing the use of this idiom '*raise alarm*' is that the victim was looking for grass for her cows in the bush but did not realize that she was being followed. Somebody attacked her and tried to force himself to her the time she 'raised alarm'. Raise alarm according to Cambridge Learners Dictionary means to warn someone of a dangerous situation. In this context, the idiom 'raise the alarm' is powerful in that it creates a powerful force that shows the urgency of the matter or situation and victims fear of the action done by the accused which portray the latter as dangerous. This then aims at persuading the judges to consider a situation that requires the passersby to move to action quickly and help the victim as the ideology of the circumstances the victim had created for herself was that it was threatening and required urgent help. Framing of the issues of rape as crisis and giving them moral urgency is powerful in creating ideologies of women protection, gender based violence and women as victims of sexual harassment. These ideologies help in boosting the fight against SOA hence the judges could be persuaded to sentence the accused with that into consideration.



#### IV. Conclusion

Linguistic markers for power are present in the VISs. Producers of the text incorporate powerful linguistic expressions which as social agents in this context elevates them above the defendant. These LMP expose hidden meanings and presents the victims sentiments in a powerful way to the judge. The use of legal terms, modal verbs, pronoun I, synthetic personalization, rule of three, figurative language like metaphors and idioms, semantic field of words, assertions or discourse markers point to their knowledge of the law which is essential in court. The fact that the law has given victims a platform to air their voices during a critical stage in the proceeding (before sentencing) and no rebuttal to the same from the defendant's side, shows power asymmetry.

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