

Speech Acts in Selected Divorce Court Proceedings in Ogbomoso, Oyo State

Adenike Opeyemi Omolaoye

Ajayi Crowther University, Oyo, Nigeria
ao.omolaoye@acu.edu.ng
08066734063

Joel Olatunde Ayodabo, PhD

Ajayi Crowther University, Oyo, Nigeria
jo.ayodabo@acu.edu.ng
08114580634

and

Ojo Akinleye Ayinuola, PhD

Ajayi Crowther University, Oyo, Nigeria
oa.ayinuola@acu.edu.ng
07069306990

Abstract

This study examines the types and functions of speech acts employed in divorce court proceedings, with a focus on how language serves both as a legal instrument and a social practice in the resolution of matrimonial disputes. Drawing on Austin (1962) and Searle's (1969) Speech Act Theory, and informed by contemporary scholarship in legal pragmatics, a qualitative case study design was employed. Data were obtained through direct non-participant observation and audio recording of two divorce court sessions at the State High Court, Ogbomoso, Oyo State, spanning a total recording duration of approximately four hours and thirty minutes and generating over 9,000 words. Participants comprising judges, counsel, petitioners, and respondents were observed across the selected proceedings. While prior studies on Nigerian legal discourse have mostly addressed criminal courts, the specific communicative dynamics of divorce proceedings remain underexplored. This study addresses this gap by providing a systematic, multi-category speech act analysis of divorce discourse in this context. Findings reveal that locutionary acts serve primarily to establish the factual and procedural basis of cases, while illocutionary acts, including directives, assertives, commissives, expressives, and declaratives, are deployed in role-specific patterns that reflect and reinforce the institutional hierarchy of the court. The study underscores how the adversarial yet emotionally charged nature of divorce proceedings creates a distinctive communicative environment in which legal norms and power relations intersect.

Keywords: *Speech Act Theory, Legal Pragmatics, Illocutionary Acts, Locutionary Acts, Courtroom Discourse*

Introduction

Divorce proceedings constitute one of the most emotionally charged and communicatively complex settings within the legal system (Ainsworth, 2023). Unlike criminal or commercial

litigation, divorce proceedings are governed not only by statutory provisions and judicial precedent but also by deeply personal narratives, competing emotional stakes, and the relational history of the parties in dispute. Language, in this context, functions simultaneously as a legal instrument and an emotional vehicle, bearing the weight of marital breakdown while satisfying the formal demands of judicial procedure. Understanding how speech acts operate within divorce proceedings, therefore, yields critical insights into both the mechanics of legal discourse and the human dimensions of family justice.

What distinguishes divorce proceedings from other forms of litigation is the intimate and irreversibly personal nature of the subject matter. Parties are required to narrate private relational experiences like accounts of communication breakdown, infidelity, domestic conduct, and parenting capacity before an audience of legal professionals, court officials, and, at times, the public gallery. This requirement generates a hybrid communicative register in which the boundary between legal argumentation and personal testimony is persistently blurred (Grieshofer, 2024). Lawyers and judges must navigate this complex terrain, deploying speech acts that simultaneously fulfil procedural requirements and manage the emotional vulnerability of litigants. Furthermore, Nigerian divorce proceedings operate within a socio-linguistically distinctive environment, where English functions as the formal language of court while Yoruba pervades informal exchanges, and where code-switching and culturally inflected communicative norms shape interaction in ways that diverge significantly from Western courtroom contexts (Olanrewaju & Ademola, 2020).

Research on divorce discourse has grown steadily in recent decades, with scholars examining the linguistic strategies deployed in matrimonial dissolution across a range of national and cultural contexts. Ogundimu (2013) analysed speech acts of accusation and mitigation in Nigerian family courts, while Salami and Oke (2018) compared illocutionary strategies across customary and civil divorce courts in Oyo State. Outside the scope of the Nigerian context, Grieshofer (2024) examined how procedural justice is negotiated through language in family and county courts in the United Kingdom. These studies collectively underscore the significance of language in divorce proceedings; their findings reveal notable differences. While Salami and Oke (2018) and Ogundimu (2013)s' studies foreground the strategic use of speech acts for blame attribution, self-defence, and identity management, Grieshofer's work emphasises the role of language in facilitating procedural fairness rather than interpersonal conflict. This contrast suggests that the functions of courtroom discourse may vary across socio-legal and cultural contexts.

This research draws on speech act theory, originally developed by Austin (1962) and refined by Searle (1969), to examine how utterances in divorce court perform distinct communicative functions. Speech act theory classifies utterances into three primary types: locutionary acts (which convey propositional content), illocutionary acts (which accomplish social actions such as commanding, asserting, or promising), and perlocutionary acts (which produce effects on the listener). This tripartite framework reveals the multi-dimensional role of language in constructing legal arguments, managing courtroom decorum, and shaping the communicative dynamics of hearings (Jucker, 2024). The present study focuses on the locutionary and illocutionary dimensions of the framework, as these most directly correspond to the observable linguistic forms and institutionally consequential communicative functions that are the focus of this inquiry.

The strategic deployment of illocutionary speech acts by legal practitioners has been identified as a key determinant of how cases are framed and adjudicated. Directive speech acts are used extensively by judges to regulate witness examination and maintain procedural order, while assertive acts by counsel serve to construct competing narratives of marital conduct and parental fitness (Juba, 2023). Research on courtroom discourse has consistently demonstrated that the choice of speech act type is not arbitrary but is shaped by the speaker's institutional role, communicative goal, and awareness of the interpretive context (Marcheva & Golovina, 2024). The importance of this inquiry extends beyond academic linguistics: for practitioners, an understanding of how speech acts function in divorce proceedings can inform more effective communicative strategies; for courts, such insights may support procedural guidelines that better accommodate the emotional complexity of matrimonial litigation while upholding fairness and impartiality.

Despite the contributions of scholars, which have largely concentrated on identifying speech acts and comparing illocutionary strategies across court types, limited attention has been paid to how speech acts simultaneously perform legal, interpersonal, and ideological functions within Nigerian divorce court proceedings. This gap necessitates a more comprehensive pragmatic investigation that examines what types of locutionary speech acts are realised in selected divorce proceedings, the communicative functions they serve in the adjudicative process, types of illocutionary speech acts performed by participants, and the communicative objectives of the court.

Literature Review

The study of speech acts in legal discourse has attracted sustained interdisciplinary attention, drawing on pragmatics, forensic linguistics, sociolinguistics, and legal theory. This review

synthesises existing scholarship thematically across three clusters: international frameworks for courtroom discourse and legal pragmatics; Nigerian legal discourse studies; and existing research on divorce interaction. It concludes by identifying the specific gaps that the present study seeks to address.

Courtroom Discourse and Legal Pragmatics

Foundational contributions to the study of legal language have established that courtroom discourse is structured by profound asymmetries of institutional power. Gibbons (2003) asserts that the distribution of illocutionary force in court is not merely procedural but ideological, encoding hierarchies of authority that reflect broader social structures. Judges exercise a range of performative speech acts, including declarations, directives, and commissives that carry binding legal force, while litigants and witnesses are typically constrained to representatives and expressives. Cotterill (2003), in her landmark study of the O.J. Simpson trial, extends this argument by showing how narrative construction, through the strategic deployment of assertive and evaluative acts, is central to the persuasive strategies of legal counsel. Together, these works establish that speech acts in legal contexts are not merely communicative but constitutive of legal reality.

More recent scholarship has deepened understanding of the pragmatic dimensions of legal interaction. Jucker (2024) traces the evolution of speech act theory into discursive, multimodal, and diachronic domains, identifying legal settings as particularly productive sites for speech act analysis precisely because their institutional stakes render illocutionary force consequential in ways that differ fundamentally from ordinary conversation. Grieshofer (2024) examines procedural justice in family and county courts, arguing that the communicative quality of judicial speech, including its clarity, responsiveness, and empathic attunement, significantly influences litigants' perceptions of institutional legitimacy and fairness. This finding is particularly relevant to divorce proceedings, where the stakes are personal, and the emotional investment of participants is high. Marcheiva and Golovina (2024) further added that the selection of illocutionary acts by legal participants reflects ideological positioning: assertive and directive acts are not simply informational but serve to position speakers within relations of power and credibility. Juba (2023) provides complementary evidence from alternative dispute resolution contexts, showing that judicial pragmatic acts extend beyond procedural control to encompass face management, politeness negotiation, and relational alignment. These international perspectives converge on the

insight that speech acts in legal settings are simultaneously institutional, relational, and ideological instruments.

Speech Acts in Nigerian Legal Discourse

Within the Nigerian context, the study of legal language has developed a distinctive trajectory shaped by the country's multilingual context and the coexistence of customary, civil, and common law traditions. Richard and Nwizug (2017), in an early contribution, argued that Austinian and Searlean frameworks require contextual adaptation when applied to non-Western discourse communities, demonstrating that illocutionary force is culturally mediated and that felicity conditions for speech acts vary across linguistic communities. This theoretical caution remains pertinent: the uncritical importation of Western pragmatic categories into the analysis of African legal discourse risks obscuring the culturally specific dimensions of communicative practice.

Kalejaiye and Oyagiri (2025) provide the most recent empirical study of speech acts in Nigerian courts, examining magistrate court proceedings in Kwara State. Their findings confirm the predominance of directives and assertives in prosecutorial discourse and document how prosodic and paralinguistic cues modulate illocutionary force. Significantly, they observe that the sociolinguistic backgrounds of litigants, particularly their competence in English as the language of court, influence how speech acts are interpreted and responded to, a finding with direct relevance to sociolinguistically complex settings such as Ogbomoso. However, Kalejaiye and Oyagiri's study focuses exclusively on criminal proceedings and does not address the distinct pragmatic dynamics of divorce, where emotional registers and relational histories introduce additional communicative complexity. Juba (2023), examining televised Alternative Dispute Resolution, similarly demonstrates that face-management and politeness strategies are central to judicial pragmatics beyond formal court settings, but again does not engage with matrimonial discourse specifically.

These studies, while valuable, share a common limitation: they situate legal discourse analysis within criminal or quasi-judicial contexts, leaving the divorce court context underexplored.

Divorce and Family Court Discourse in Nigeria

A theoretically significant body of scholarship has begun to address speech acts specifically in Nigerian family and divorce courts. Ogundimu (2013) examined the discourse of family courts in Lagos State, finding that expressive speech acts, particularly apologies, complaints, and

lamentations, are more prevalent in family court than in criminal proceedings, reflecting the emotionally charged nature of marital dissolution. His analysis of accusatory and mitigating acts demonstrates how strategic illocutionary positioning shapes the construction of credibility. However, Ogundimu's study drew on English-medium proceedings in Lagos and did not engage with the Yoruba-dominant, code-switching environment of courts in cities like Ogbomoso.

Salami and Oke (2018) conducted a comparative analysis of divorce proceedings across customary and civil courts in Oyo State, drawing on data from Ibadan. Their identification of significant differences between court types in the deployment of commissives and directives, and their documentation of gender asymmetry in illocutionary rights, with female litigants more frequently interrupted and their assertive acts more frequently contested, represent important contributions. The area of convergence of this research with the current study is that they both looked at divorce proceedings in Oyo State, but the current study tilts towards drawing its data from the State High Court in Ogbomoso, while Salami Oke (2018) obtained their data across selected customary and civil courts in Ibadan.

Olanrewaju and Ademola (2020), examining customary divorce proceedings in Osun State, propose a culturally inflected model of speech act analysis that challenges the adequacy of a purely Searlean taxonomy for Yoruba-speaking legal contexts. Their concept of "communal illocution", whereby utterances derive their force from collective cultural memory rather than individual intent alone, offers a theoretical resource for analysing indirect and proverbial speech acts in Yoruba court settings. However, their analysis is limited to customary court proceedings and does not extend to the high court context where both civil and customary marriages are dissolved.

Bello (2019) provides a theoretically generative analysis of accusatory speech acts in divorce proceedings in Kaduna State, introducing the concept of "recursive evidentiality", the repeated invocation of reported speech and witnessed events to reinforce the illocutionary force of blame attribution and demonstrating that judges' reformulation and clarification-seeking acts actively shape the illocutionary trajectory of hearings. These insights are broadly applicable to the present study, though the cultural and sociolinguistic distance between the Hausa-majority context of Bello's data and the Yoruba context of Ogbomoso requires caution in direct extrapolation.

A synthesis of the foregoing literature reveals significant lacunae that the present study is positioned to address. Existing studies tend to focus on single speech act categories or on a single participant role, typically legal counsel, leaving unexamined the interplay among multiple

illocutionary types and across the full range of courtroom participants (judges, counsel, petitioners, and respondents) within a single proceeding. A comprehensive analysis of the sequential and contextual dimensions of speech act deployment across participant roles has not been conducted for Nigerian divorce court discourse. Also, existing frameworks have not adequately addressed how institutional authority, power asymmetry, emotional register, and cultural context interact within the specific communicative environment of divorce litigation. The present study addresses these lacunae by providing a systematic, theoretically informed speech act analysis of both locutionary and illocutionary acts in selected court divorce proceedings in Ogbomoso, contributing empirical evidence from an underrepresented context of legal pragmatics.

Theoretical Framework

Speech act theory, as originally conceived by Austin (1962) in 'How to Do Things with Words', fundamentally transformed the study of language by establishing that utterances do not merely describe reality but perform actions within it. Austin distinguished between locutionary acts (the literal propositional content of an utterance), illocutionary acts (the social function performed by the utterance, such as commanding, asserting, or promising), and perlocutionary acts (the effects produced on the hearer, whether cognitive, emotional, or behavioural). Building on Austin's foundational insights, Searle (1969) refined and expanded the taxonomy of illocutionary acts into five broad categories: representatives or assertives (acts that commit the speaker to the truth of a proposition), directives (acts designed to get the hearer to act), commissives (acts that commit the speaker to a future course of action), expressives (acts that express the speaker's psychological state), and declarations (acts that effect an institutional change in the world by virtue of their utterance). Searle's typology provided a more operationalisable framework for empirical linguistic research and has been widely adopted across forensic linguistics, legal discourse analysis, and courtroom interaction studies.

Contemporary scholarship in legal pragmatics has significantly extended and refined the Austinian-Searlean framework in ways that directly inform the present study. Jucker (2024) argues for a contextual and sequential approach to speech act analysis, demonstrating that utterances derive their illocutionary force not solely from individual communicative intent but from their position within ongoing discursive exchanges and their relationship to institutional roles and constraints. This insight is particularly important for courtroom interaction, where utterances are embedded within regulated sequences of examination, cross-examination, ruling, and adjournment

that enable and constrain specific illocutionary acts. Grieshofer (2024) similarly emphasises that speech acts in family legal settings carry relational and procedural justice dimensions that extend beyond their informational content: how legal practitioners communicate affects not only case outcomes but also litigants' experience of institutional fairness. Marcheiva and Golovina (2024) have further shown that the selection of illocutionary acts reflects and reproduces power relations, with directive and declarative acts functioning as instruments of institutional authority, while assertive and expressive acts serve as primary vehicles of resistance and self-positioning for less powerful participants.

Within the Nigerian linguistic context, Richard and Nwizug (2017) have argued persuasively that speech act frameworks require cultural adaptation when applied to non-Western discourse communities, as illocutionary force and felicity conditions are culturally mediated. Olanrewaju and Ademola's (2020) concept of "communal illocution" in Yoruba court settings, whereby utterances derive illocutionary force from collective cultural memory and communal expectation, represents a theoretical development that contextualises Searle's framework for the West African legal environment. These contributions inform the culturally sensitive analytical stance adopted in this study.

The present study focuses on the locutionary and illocutionary dimensions of Austin and Searle's framework. Perlocutionary acts are excluded from the analysis for principled reasons. Perlocutionary effects, the actual cognitive, emotional, or behavioural responses produced by hearers, are largely internal and frequently unobservable in naturally occurring courtroom data. While participants' subsequent utterances may occasionally reveal perlocutionary responses, the systematic analysis of such effects would require data beyond the scope of observational recordings, such as post-hearing interviews or psychological assessments. The exclusion of perlocutionary acts is therefore a methodologically motivated delimitation, not a theoretical undervaluation of their significance, and is consistent with the approach adopted in comparable Nigerian legal discourse studies (Kalejaiye & Oyagiri, 2025; Ogundimu, 2013; Ayeni & Ibileye, 2025).

Methodology

This study employed a qualitative research design, consistent with the interpretive and context-sensitive demands of legal discourse analysis. Data were collected through direct non-participant observation and audio recording of divorce court proceedings at the State High Court, Ogbomoso,

Oyo State. Six divorce proceedings were purposively selected for analysis. Proceedings were selected based on three criteria: (i) the availability of formal permission to observe and record; (ii) the contested nature of the hearing, which generates a richer and more diverse range of speech act types than uncontested matters; and (iii) the involvement of both legally represented and self-representing participants, enabling comparative analysis across different speaker roles. The six selected sessions yielded a total recording duration of approximately four hours and thirty minutes and generated over 9,000 words of verbatim transcription. Participants observed across the selected proceedings were presiding judges, petitioners' counsel, respondents' counsel, petitioners, and respondents.

The researcher attended each selected session as a non-participant observer, occupying the public gallery and taking no part in the proceedings. Audio recordings were made using a digital voice recorder with the explicit permission of the court, and all verbal exchanges were documented. Recordings were transcribed verbatim following each session, with transcripts verified against the original audio to ensure accuracy. Transcription captured all utterances by identified participant roles (judge, petitioner's counsel, respondent's counsel, petitioner, respondent). Anonymity has been preserved throughout: all names, case numbers, and identifying particulars have been removed or replaced with generic role designations.

Following transcription, utterances were coded according to speaker role and speech act type using Austin's (1962) and Searle's (1969) framework as the analytical basis, as detailed in the Theoretical Framework section above. Within the illocutionary category, utterances were classified into Searle's five types: declarative, assertive, directive, expressive, and commissive. The classification process was guided by attention to the propositional content, the sequential position, and the institutional context of each utterance.

Analysis and Discussion of Findings

Locutionary Speech Acts

The analysis of locutionary speech acts in the selected divorce proceedings revealed that utterances delivered by courtroom participants maintain a clear and meaningful structure within the legal context. Dominant locutionary speech acts identified include statements of fact, procedural summaries, descriptions of marital history, and clarification of legal provisions. Judges frequently employ locutionary acts to read formal charges, summarise the case history, and explain relevant statutory provisions, while witnesses and litigants use them to recount events from the marriage or

detail the grounds for the petition. These utterances serve the fundamental function of conveying information explicitly and ensuring shared understanding among all trial participants. As Gibbons (2003) observes, the primacy of propositional clarity in legal settings reflects the institutional requirement that all factual determinations be grounded in explicit, verifiable linguistic content.

Excerpt 1

Judge: This hearing concerns the petition for dissolution of marriage filed by the Petitioner on the grounds of irretrievable breakdown, evidenced by the Respondent's unreasonable behaviour as particularised in the petition dated the fourth of March, 2024. The court has before it the petition, the acknowledgement of service, and the Respondent's answer filed on the 22nd of April, 2024.

Excerpt 1 illustrates a locutionary speech act at the commencement of a contested divorce proceeding. The judge's utterance conveys propositional content, which is the formal legal context, parties, grounds, and documentary record of the case, without simultaneously performing additional social action such as evaluating the parties' conduct or directing a specific response. Its communicative function is to orient all participants to a shared procedural reality, establishing the informational foundation upon which all subsequent exchanges will be built. This is consistent with what Ainsworth (2023) describes as the scaffolding function of opening judicial statements in common law proceedings. Significantly, the judge's locutionary act here also performs a power-indexical function: the authoritative, comprehensive orientation it provides signals the judge's institutional role as the arbiter of what counts as procedurally relevant information, reflecting the asymmetrical distribution of illocutionary authority documented by Gibbons (2003).

Excerpt 2

Judge: Today's hearing has been adjourned to the fourteenth of October at ten o'clock. Counsels are reminded to file and serve any outstanding financial disclosure documents no later than seven days before that date. The court is adjourned.

Excerpt 2 exemplifies a closing locutionary act, which is the adjournment statement, which performs the communicative function of scheduling and compliance instruction. The utterance conveys literal, unambiguous information about future procedural obligations and timelines. Its

precision reflects the institutional requirement for clarity in legal communication (Ainsworth, 2023), and its sequential position at the close of the session is functionally significant: it brings the current communicative episode to a formal close while simultaneously initiating the procedural agenda for the next. The judge's use of the passive voice "counsels are reminded" and the formal register "The court is adjourned" reflect the institutional authority through which even informational acts acquire a directive dimension, a phenomenon Marcheva and Golovina (2024) describe as the ideological embedding of power within apparently neutral locutionary acts.

Excerpt 3

Counsel for the Petitioner: Witness, can you tell this Honourable Court what
Circumstances led to the breakdown of the marriage?

Petitioner: Yes, My Lord. For over three years, my husband has stopped communicating with me peacefully. He constantly insult me in the presence of the children and always left the house for days without informing anyone. Despite several attempts to resolve our issues, the relationship became unbearable and emotionally exhausting. (sic)

Counsel for the Petitioner: Did these incidents affect the stability of the home?

Petitioner: Yes. There was constant fight in the house, and we no longer live as husband and wife. We occupied separate rooms for nearly a year before I finally left the matrimonial home.

Excerpt 3 demonstrates how the sequential deployment of locutionary acts within divorce examination serves the evidentiary function of building a credible narrative of marital breakdown. The counsel's interrogative locutionary acts of open questions designed to elicit testimony are strategically sequenced to move the witness from general account to specific detail, consistent with the rhetorical structure of examination documented by Cotterill (2003). The petitioner's responses constitute testimonial locutionary acts that transmit propositional content of specific behaviours, durations, and living conditions, which serve simultaneously as factual communication and as evidence. Bello's (2019) concept of recursive evidentiality is relevant here: the witness's progressive accumulation of specific factual claims ("For over three years," "constantly," "without informing anyone") reinforces the locutionary force of the claim of marital breakdown through the repeated invocation of concrete particulars. The institutionalising pressure of the courtroom is also

evident: despite the deeply personal and distressing nature of the testimony, the petitioner organises her account in propositionally structured declarative sentences, reflecting what Cotterill (2003) identifies as the normalising force of institutional discourse on speakers' linguistic choices.

Excerpt 4

Counsel for the Respondent: Witness, did your husband provide financial support

For the family during the marriage?

Respondent: For almost two years, he stopped paying the children's school fees
and refused to contribute to household expenses.

Excerpt 4 illustrates the locutionary function of financial fact-finding, which is a distinctive communicative task in divorce proceedings where financial conduct is legally consequential. The counsel's closed interrogative locutionary act elicits a precisely bounded declarative response: the respondent specifies duration ("almost two years"), the nature of the financial failure (school fees and household expenses), and the wilful character of the conduct ("refused"). The propositional specificity of the response reflects the evidential demands of the legal setting: vague or generalised claims carry less weight in judicial assessment than concrete, particularised statements (Bello, 2019). The locutionary act here thus functions not merely as information transfer but as the production of legally cognisable evidence, illustrating the dual communicative and evidential role of locutionary acts in courtroom discourse.

Excerpt 5

Judge: Having reviewed the testimonies and evidence presented before this

Honourable Court, the petition for dissolution of marriage is hereby granted.

The custody of the children shall remain with the petitioner, while the
respondent is ordered to provide a monthly financial support of ₦80,000 for
the welfare of the children.

Excerpt 5 exemplifies the dispositive locutionary act, through which the court communicates its binding determination. The judge's utterance conveys propositional content which shows the outcome of the petition, the custody arrangement, and the maintenance quantum in explicit, unambiguous terms. While this excerpt simultaneously carries illocutionary force as a declarative (discussed below), its locutionary dimension is significant for the precision and

comprehensiveness with which it communicates the factual content of the ruling to all participants. The sequential structure of the utterance, which is a review of evidence, a decision on petition, specification of custody, specification of maintenance, mirrors the logical structure of judicial reasoning, reflecting the institutional expectation that judicial pronouncements be both transparent in their basis and specific in their terms.

Excerpt 6

Judge: After due consideration of the testimonies given by both parties, and arguments of counsel, the petitioner has established sufficient grounds for the dissolution of the marriage based on persistent cruelty, infidelity and abandonment. From all the evidence produced before this court, it is evident that the respondent did not perform the duties expected of him as a husband and continuously failed to live peacefully with the petitioner. This court therefore dissolves the marriage contracted by the petitioner and respondent herein effective immediately.

Excerpt 6 presents a particularly elaborate locutionary act in which the judge explicitly articulates the evidential and logical basis for the dissolution judgment. The utterance is structured sequentially: consideration of evidence and argument → identification of established grounds → assessment of conduct → pronouncement of dissolution. This sequential organisation reflects the procedural justice principle that judicial decisions must be demonstrably reasoned, not merely asserted (Grieshofer, 2024). Expressions such as "after due consideration" and "from all the evidence produced" function as epistemic markers that ground the propositional content of the judgment in the evidentiary record, making the locutionary act simultaneously a communication of the court's findings and an implicit defence of its legitimacy. The formal registers "persistent cruelty, infidelity and abandonment," "dissolves the marriage contracted by the petitioner and respondent herein" reflect the specialised lexicon of legal discourse that Gibbons (2003) identifies as a key marker of institutional authority.

Excerpt 7

Judge: Having considered the welfare and educational interests of the children of the marriage, this Honourable Court hereby grants the respondent access to the children on every alternate weekend between the hours of 9:00 a.m. on

Saturday and 5:00 p.m. on Sunday. However, such visitation shall not interfere with the children's academic activities, school schedules, or examinations. Both parties are directed to cooperate peacefully in ensuring that the visitation arrangement is implemented in the best interest of the children.

Excerpt 7 explicates the locutionary specification of child visitation rights as a communicative task requiring particular precision to minimise future conflict. The judge's utterances deploy formal declarative structures to communicate the specific terms of the visitation order with no margin for ambiguity: specific days ("every alternate weekend"), specific hours ("9:00 a.m. on Saturday and 5:00 p.m. on Sunday"), specific limitations ("shall not interfere with the children's academic activities"), and specific obligations ("both parties are directed to cooperate peacefully"). The child-centred orientation of the discourse, marked by repeated reference to the welfare and educational interests of the children, reflects the distinctive communicative priorities of family court proceedings as documented by Grieshofer (2024), where the best interests of children constitute a paramount legal and discursive principle. The locutionary acts here function not merely as information but as institutionally binding specifications of future conduct, demonstrating that locutionary precision in legal settings carries direct social and behavioural consequences.

Excerpt 8

Counsel for the Petitioner: Did you at any point leave the matrimonial home without informing your wife?

Respondent: Yes, My Lord. I travelled to Abuja for work in 2025 and stayed there for several months because I was trying to secure a stable source of income for the family.

Excerpt 8 reflects the locutionary act of admission combined with justification, which is a distinctive communicative sequence in cross-examination where a respondent acknowledges a contested fact while simultaneously reframing its significance. The respondent's utterance provides explicit propositional content acknowledging the fact of absence ("I travelled to Abuja for work in 2025 and stayed there for several months") and offers an explicit justificatory claim ("I was trying to secure a stable source of income for the family"). At the locutionary level, these are straightforward declarative acts. Their evidential significance, however, lies in the reframing

they perform: the absence is acknowledged but re-characterised as economically motivated rather than abandonment. This reflects what Bello (2019) identifies as the justificatory sub-genre of accusatory exchange in divorce proceedings, where respondents deploy specific factual claims to contest the illocutionary force of opposing allegations.

Excerpt 9

Counsel for the Petitioner: Did you make any attempt to resolve the disagreements between you and your wife before she filed this petition?

Respondent: Yes, My Lord. I invited our church pastor and even some elders in our families to help settle it on three different occasions. Even they could not resolve it, I suggested that we attend marriage counselling together, but the misunderstandings between us continued.

Excerpt 9 shows the locutionary act of reconciliation testimony, through which respondents provide factual evidence of good-faith efforts to sustain the marriage. The respondent's account is notable for its specificity: three mediation attempts are identified, involving distinct categories of intermediaries (religious leader, family elders, professional counselling), and the failure of each is explicitly stated. This specificity reflects the evidential demands of the courtroom: general claims of good faith carry less persuasive weight than particularised accounts of specific actions (Bello, 2019). The cultural dimension of the testimony is also significant: the invocation of church pastors and family elders as mediators reflects the Yoruba-Christian social context in which disputes are typically first addressed through religious and communal mechanisms before recourse to statutory legal institutions, a cultural pragmatic pattern noted by Olanrewaju and Ademola (2020) in Yoruba customary court discourse.

Excerpt 10

Counsel for the Respondent: Witness, can you tell this court how the respondent Related to you at home before the separation?

Petitioner: My Lord, I don't even know where to start. She constantly insult me in the presence of the children and even our neighbours whenever there is any issue between us. So many times, she refuse to talk to me for weeks and whenever this happen, she will leave everything at home to me alone including taking

care of the kids. (sic)

Excerpt 10 illustrates how emotionally charged testimony nonetheless operates at the locutionary level to deliver specific propositional content. The petitioner's opening "My Lord, I don't even know where to start" performs an expressive function (communicating overwhelm) that simultaneously manages face: it signals the gravity and volume of the grievances about to be narrated, priming the court for a substantial account. Despite this affective framing, the petitioner proceeds to deliver specific, factual information about the respondent's conduct: public insults in front of children and neighbours, weeks-long silences, and unilateral abandonment of domestic responsibilities. This pattern of emotional framing followed by factual narration reflects the distinctive communicative challenge facing litigants in divorce proceedings, who must translate deeply personal and distressing experiences into legally cognisable factual claims while simultaneously managing face and communicating emotional stakes (Goffman, 1967, as applied to legal settings by Juba, 2023). The persistence of locutionary precision even within emotionally laden testimony confirms the normalising power of institutional discourse documented by Cotterill (2003).

Summary of Locutionary Act Functions Across Excerpts

Excerpt	Speaker	Locutionary Act Type	Linguistic Form	Primary Function
1	Judge	Procedural summary	Declarative	Case orientation
2	Judge	Adjournment statement	Declarative	Scheduling and compliance
3	Counsel / Petitioner	Direct examination / Factual narration	Interrogative / Declarative	Elicitation and evidence
4	Counsel / Respondent	Financial conduct inquiry	Interrogative / Declarative	Financial fact-finding
5	Judge	Dispositive ruling	Declarative	Granting petition and custody
6	Judge	Dissolution judgment	Declarative	Establishing grounds; dissolving marriage
7	Judge	Custody and visitation order	Declarative / Directive	Specifying custody rights and conditions

8	Counsel / Respondent	Admission and justification	Declarative	Evidential admission
9	Counsel / Respondent	Reconciliation testimony	Declarative	Good-faith evidence
10	Counsel / Petitioner	Domestic conduct narration	Declarative	Marital breakdown evidence

Table 1: Summary of Locutionary Act Types in Divorce Court Proceedings

Table 1 provides a systematic overview of the locutionary act types identified across the ten excerpts, together with the speaker role, linguistic form, and primary communicative function of each act.

The data demonstrate that locutionary speech acts constitute the communicative foundation of divorce court discourse, serving as the primary medium through which legal information, factual evidence, and institutional determinations are communicated. Across all ten excerpts, speakers at every level of the courtroom hierarchy—judicial officers, legal counsel, and litigants—deploy locutionary acts characterised by propositional precision, formal register, and explicit rather than implied meaning. This finding is consistent with the characterisation of legal discourse as an inherently propositionalised communicative domain (Gibbons, 2003; Cotterill, 2003) and extends their observations to the family court context in Nigeria.

A hierarchical distribution of locutionary act types corresponding to institutional roles is evident in the data. Judicial locutionary acts are dispositional and comprehensive: they establish the procedural and evidential framework within which all other utterances acquire legal meaning (Excerpts 1, 2, 5, 6, 7). Counsel's locutionary acts are primarily interrogative, sequenced to elicit specific propositional content in support of a legal argument (Excerpts 3, 4, 8, 9, 10). Litigants' locutionary acts are testimonial and narrative, transmitting first-person accounts of events and experiences that constitute the evidentiary content upon which judicial determinations are based. This hierarchy reflects and reinforces the asymmetrical distribution of institutional power in the courtroom (Marcheva & Golovina, 2024), with judges controlling the interpretive framework, counsel controlling the evidentiary agenda, and litigants furnishing the raw material of testimony. The dual communicative and evidentiary function of locutionary acts in this setting distinguishes them from their equivalents in ordinary conversation. In divorce court, a locutionary act is not merely a communication of information; it is simultaneously the production of legally cognisable

evidence, the construction of an argument, and an intervention in an institutional process with life-affecting consequences for the participants. This finding underscores the importance of studying legal discourse in its specific institutional and cultural context, as advocated by Richard and Nwizug (2017) for Nigerian legal pragmatics research.

Illocutionary Speech Acts and Their Functions

The analysis of illocutionary speech acts in the selected proceedings revealed a rich distribution of communicative functions closely correlated with the institutional role of the speaker. Judges predominantly deploy declarative and directive illocutionary acts, reflecting their authority to regulate proceedings and issue binding rulings. Counsels make extensive use of directive acts through examination and cross-examination to steer testimony toward legally relevant facts and challenge the credibility of opposing accounts. Witnesses and litigants rely predominantly on assertive and expressive acts to convey information and communicate emotional experience. Table 2 presents illustrative examples of illocutionary speech acts identified in the data, categorised by type and communicative function.

No	Type	Function	Data
1	Directive	Order / Regulation Instruction / Warning Request for Clarification Command	Judge: Counsel, please, we are not here to revisit the entire history of the marriage. Judge: Counsel for the Respondent, kindly refrain from interrupting the witness while she is giving evidence before this Honourable Court. Judge: Witness, kindly clarify to this court the specific incidents that led you to leave the matrimonial home permanently on the 3rd of November, 2025. Judge: Witness, answer the question directly and avoid unnecessary elaboration.
2	Assertive	Statement of Fact Allegation Confirmation of Facts Justification	Petitioner's Counsel: The evidence before this court establishes that the Respondent has engaged in a consistent pattern of financial concealment extending over three years, rendering continued cohabitation intolerable. Petitioner: Throughout the marriage, the respondent repeatedly abandoned his financial responsibilities, leaving only me to be responsible for the welfare of the children.

			Respondent's Counsel: The Respondent admits that communication between both parties significantly deteriorated during the final years of the marriage. Respondent: My absence from home was because of her behaviour and the hostile environment created by the constant fights and argument between us.
3	Expressive	Emotional Expression Regret / Disappointment Gratitude Frustration	Respondent: With respect, Your Honour, I find these allegations deeply upsetting and I can categorically say that I have not for once behaved in the manner described by the Petitioner. Respondent: I sincerely regret that our marriage has come to this unfortunate stage despite my efforts to reconcile with her. I tried all I could but all to no avail. Petitioner: I appreciate the patience of this Honourable Court throughout these proceedings. Petitioner: It is exhausting trying to preserve a marriage in which I constantly feel ignored and disrespected. She talks to me anyhow irrespective of where we are.
4	Declarative	Legal Ruling Adjournment Admission of Evidence Custody Order	Judge: Having considered the submissions of both parties and the evidence before me, I am satisfied that the marriage has irretrievably broken down and I shall pronounce the decree accordingly. Judge: This matter is hereby adjourned until the 23rd of June for continuation of hearing. Judge: The bank statements tendered by the Petitioner are hereby admitted and marked as Exhibit D4. Judge: Temporary custody of the minor children is hereby granted to the Petitioner pending the final determination of this suit.
5	Commissive	Undertaking / Promise Assurance Commitment to Compliance Intention	Respondent's Counsel: My client undertakes to provide full financial disclosure, and beneficial interests, within twenty-eight days of today's order. Petitioner's Counsel: We shall ensure that all documentary evidence relating to the custody arrangement is filed and served before the next adjourned date.

			Respondent: I undertake that I will comply fully with any custody arrangement or maintenance order issued by this Honourable Court. Respondent's Counsel: My client is prepared to participate in mediation proceedings if the Petitioner is willing to explore an amicable settlement.
--	--	--	---

Table 2: Examples of Illocutionary Speech Acts in Divorce Proceedings and Their Functions

The data reveal that the five categories of illocutionary acts identified in the proceedings are not randomly distributed but are organised in systematic, role-specific patterns that reflect and reproduce the institutional hierarchy of the court.

Directive acts were deployed almost exclusively by judges and, to a lesser extent, by counsel in their examination functions. Judges employed directives to regulate the pace, scope, and conduct of proceedings by controlling what counts as relevant testimony ("we are not here to revisit the entire history of the marriage"), managing face threats to witnesses ("kindly refrain from interrupting"), and directing the provision of specific information ("kindly clarify to this court the specific incidents"). The sequential deployment of these directives reflects what Gibbons (2003) calls the gatekeeping function of judicial authority: judges do not merely receive information but actively shape what information enters the record and in what form. This finding extends Marcheva and Golovina's (2024) observation that directive acts are primary instruments of institutional power in courtroom interaction, confirming that this pattern holds in the Nigerian family court context.

Assertive acts were significantly represented across all non-judicial participant roles, functioning differently depending on the speaker's position. Counsels' assertive acts are characteristically high-stakes and strategically structured: the petitioner's counsel deploys an assertive allegation that is both a factual claim and argumentative positioning. Litigants' assertive acts are more narrative and emotionally proximate: the petitioner's assertion about abandoned financial responsibilities combines factual claim with implicit expressive content. The respondent's justificatory assertives by explaining absence in terms of economic motivation, illustrate the face-management dimension of assertive acts in divorce proceedings: speakers must simultaneously provide factual testimony and manage the threat to their positive face posed by the opposing narrative (Juba, 2023). This interaction between assertive and expressive functions illustrates Jucker's (2024) point that speech

acts in discursive contexts are frequently multi-functional and must be analysed in their sequential and relational context.

Expressive acts occupied a distinctive communicative niche in the proceedings, revealing the emotional realities that underlie legal claims. Respondents' expressions of upset, regret, and frustration perform multiple simultaneous functions: they communicate the speaker's psychological state, they manage positive face by projecting emotional sincerity, and they implicitly contest the validity of the opposing narrative. The petitioner's expression of exhaustion and frustration similarly performs both an expressive and an assertive function, framing the marital breakdown as a lived experience of sustained distress. These expressive acts confirm Ogundimu's (2013) finding that family court settings generate a higher prevalence of expressive speech acts than criminal proceedings, and illustrate how the emotional dimension of divorce litigation creates communicative demands that purely procedural frameworks are ill-equipped to accommodate.

Declarative acts were concentrated exclusively in judicial speech and represent the most institutionally powerful category of illocutionary act in the proceedings. Through declaratives, judges effect legally constitutive transformations: marriages are dissolved, evidence is admitted, custody is awarded, and proceedings are adjourned. The exclusive concentration of declaratives in judicial speech confirms Austin's (1962) original insight that declarations require both the appropriate institutional authority and the correct procedural context to be felicitous. That is, conditions that only the presiding judge, by virtue of their institutional role, meets within these proceedings. This distribution of declarative authority is consistent with the findings of Kalejaiye and Oyagiri (2025) on Nigerian magistrate courts and reinforces the theoretical significance of institutional role in determining the range of illocutionary acts available to different participants.

Commissive acts, found primarily in the speech of counsel and litigants, functioned to establish accountability and project future cooperation within the legal framework. Counsel's undertakings regarding financial disclosure and documentary filing commit their clients to specific, time-bound obligations that become part of the court record. Litigants' commissives, particularly undertakings to comply with custody arrangements, serve not only to establish legal obligations but to communicate cooperative orientation to the court, a face-management strategy through which litigants negotiate their identities as responsible parties. The presence of commissive acts across both counsel and litigant roles reflects the forward-looking character of family court proceedings,

whose primary concern is not only the determination of past conduct but the regulation of future parenting, financial, and relational arrangements.

In conclusion, the findings demonstrate that illocutionary acts in divorce court proceedings are contextually situated, role-specific, and sequentially organised instruments of legal and interpersonal action. They perform not only communicative functions but also institutional (regulating authority), relational (managing face and emotional dynamics), evidential (constructing credible narratives), and constitutive (effecting legal changes in the world) functions. This multi-functionality supports the call by Jucker (2024) for contextual, sequential, and discursive approaches to speech act analysis and confirms the value of extending such approaches to Nigerian family court discourse.

Conclusion

This study sets out to examine the speech acts realised in selected divorce proceedings at the State High Court, Ogbomoso, Oyo State, with specific attention to locutionary and illocutionary acts across a range of institutional participant roles. The findings address both research questions and make contributions at empirical, theoretical, and methodological levels.

In response to the first research question, the study demonstrated that locutionary speech acts constitute the communicative foundation of divorce court discourse. They serve to transmit propositionally precise, formally structured, and institutionally consequential information across all participant roles from the judge's dispositional opening and dissolution judgment to the litigant's testimonial narration of marital breakdown. Locutionary acts in this setting perform a dual function: they operate as vehicles of information transfer and, simultaneously, as instruments of legal evidence construction. The precision and formality of locutionary acts persist even within emotionally distressing testimony, confirming the powerful normalising influence of institutional discourse on speakers' linguistic choices (Cotterill, 2003; Gibbons, 2003), and demonstrating that these dynamics operate within Nigerian family court settings as well as in the Western jurisdictions where they have been most extensively documented.

In response to the second research question, the study identified five major categories of illocutionary acts namely: directives, assertives, expressives, declaratives, and commissives, which are distributed in systematic and role-specific patterns that reflect and reinforce the institutional hierarchy of the court. Directive acts concentrate in judicial speech as instruments of procedural authority and interactional control; assertive acts function across counsel and litigant

speech as tools of narrative construction, credibility management, and factual positioning; expressive acts reveal the emotional realities that underlie legal claims and reflect the affective distinctiveness of divorce proceedings as a communicative setting; declarative acts are exclusively judicial and perform the institutionally constitutive function of effecting legally binding transformations; and commissive acts project future obligations and cooperative orientation, reflecting the forward-looking character of family court dispositions. This pattern confirms and extends findings from comparable Nigerian and international studies (Ogundimu, 2013; Salami & Oke, 2018; Kalejaiye & Oyagiri, 2025; Marcheua & Golovina, 2024) while providing new empirical evidence from this current study.

The study makes several contributions to the field of legal pragmatics. Theoretically, it advances a contextually sensitive and culturally inflected approach to speech act analysis that moves beyond the descriptive application of Searle's taxonomy to engage with the institutional, relational, and cultural dimensions of speech act deployment in a specific legal setting. Methodologically, it demonstrates the value of non-participant observation combined with verbatim transcription and systematic coding as a means of capturing the naturalistic communicative dynamics of courtroom interaction.

The study is, however, subject to limitations that should be acknowledged in the interest of scholarly transparency. The corpus is drawn from a single court location and comprises six proceedings, yielding a data set that, while sufficient for qualitative analysis, does not support statistical generalisation. The findings cannot be assumed to represent divorce court discourse across Nigeria or even across Oyo State; other court levels (magistrate, customary), other geographical settings, and other sociolinguistic environments may exhibit different patterns of speech act deployment. Additionally, the exclusion of perlocutionary acts, while principled and methodologically justified, means that the study does not capture the effects of courtroom speech on participants' emotional states or subsequent behaviour, dimensions that would require ethnographic or interview-based approaches beyond the scope of the present study.

Several directions for future research emerge from these findings. Comparative studies examining speech acts across different court levels would illuminate how institutional context shapes communicative practice in Nigerian family law. Finally, research on the relationship between speech act patterns and judicial outcomes would extend the practical and policy implications of speech act analysis in legal settings. Such research would advance both the theoretical

development of contextually sensitive legal pragmatics and the practical understanding of communicative dynamics in Nigerian family court proceedings.

References

- Ainsworth, J. (2023). *Language in the legal process*. Cambridge University Press.
- Austin, J. L. (1962). *How to do things with words*. Oxford University Press.
- Ayeni, A. C., & Ibileye, G. (2025). Speech act analysis of hate utterances on selected social media platforms in Nigeria. *International Journal of Innovative Research and Development*.
<https://doi.org/10.24940/ijird/2024/v13/i12/dec24021>
- Bello, I. A. (2019). The pragmatics of accusation and counter-accusation in Nigerian divorce courts: A study of Kaduna State proceedings. *Northern Nigeria Journal of Language and Literature*, 8(1), 55–74.
- Cotterill, J. (2003). *Language and power in court: A linguistic analysis of the O.J. Simpson trial*. Palgrave Macmillan.
- Gibbons, J. (2003). *Forensic linguistics: An introduction to language in the justice system*. Blackwell Publishing.
- Grieshofer, T. (2024). *Legal-lay discourse and procedural justice in family and county courts*. Cambridge University Press.
- Juba, A. E. (2023). Beyond politeness: The pragmatic functions of judicial utterances in selected televised ADR for conflict resolution. [*Journal of Language Studies*].
- Jucker, A. H. (2024). *Speech acts: Discursive, multimodal, diachronic*. Cambridge University Press.
- Kalejaiye, A. S., & Oyagiri, B. B. I. (2025). The pragmatics of Nigerian English usages in selected magistrate court sessions. *Pragmatics of African Varieties of English*, 33, 51.
- Marcheva, I., & Golovina, L. (2024). Illocutionary power and ideological positioning in legal courtroom discourse. *Journal of Pragmatics*, 219, 34–52.
- Ogundimu, F. K. (2013). Speech acts of accusation, denial and mitigation in Nigerian family courts: A study of custody disputes in Lagos State. *Lagos Journal of Humanities*, 18(2), 67–89.
- Olanrewaju, F. R., & Ademola, W. (2020). Interpreting and markers in Nigerian courtroom discourse. *Advances in Language and Literary Studies*, 11(3), 24–33.
- Richard, B., & Nwizug, S. S. (2017). A critical discourse analysis of courtroom proceedings in Nigeria. *AFRREV IJAH: An International Journal of Arts and Humanities*, 6(4), 93–102.
- Salami, L. O., & Oke, M. (2018). Illocutionary strategies in Oyo State divorce proceedings: A comparative study of customary and civil courts. *Ibadan Journal of Language Studies*, 12(1), 101–124.
- Searle, J. R. (1969). *Speech acts: An essay in the philosophy of language*. Cambridge University Press.