

## “We are in African society, women normally soft-pedal”: cultural orientations in the construction of justice in Nigerian adjudicative discourses

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# “We are in African society, women normally soft-pedal”: Cultural orientations in the construction of justice in Nigerian adjudicative discourses

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**Abstract:** This paper examines the crucial role of culture in the construction and negotiation of justice within Nigerian alternative dispute resolution settings, which serve as popular sites for dispute resolution. Existing studies have previously focused on the construction of identity, linguistic parameters, and contextual features in adjudicative discourses, neglecting the construction of justice and the significant role that cultural norms play in the negotiation process. This study directly addresses this lacuna by exploring the categories of cultural orientation and values through the analytical frameworks of interpersonal pragmatics and the functionalist theory of culture. Data were gathered from 20 purposively recorded hearing sessions and 30 documented cases spanning 2010 to 2017 across three dispute resolution centres in Southwestern Nigeria. The findings demonstrate that both regulatory and restorative cultural orientations distinctly characterise adjudicative encounters in Nigeria. These orientations are characterised by cultural values such as patience, tolerance, fatherhood, submission, traditional marriage rites, and male supremacy. The study concludes that culture plays a significant role in shaping the construction of justice and actively restoring societal peace.

**Keywords:** regulatory; cultural orientation; restorative cultural orientation; adjudicative discourse; male supremacy; cultural value

## 1 Introduction

The use of alternative dispute resolution (ADR) as a veritable tool for resolving conflict has increased in the last decade, especially in the civil justice system (Lindell 2012; Tan n.d.), possibly because of its negotiability principle, which seems to be acceptable to a large number of people (Ajiboye, 2025). The call for the use of ADR,

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especially by judges, according to Tan (n.d:148), is to ease the burdening backlog of judicial cases, whilst the government is inclined towards active sponsorship as a means of reduced spending on the courts amidst the rising public outcry over the time wasting, inefficiencies and injustices of the traditional judicial systems. A significant way to this public outcry came from “Woolf’s report on Access to Justice, which explains the need for fair, speedy and proportionate resolution of disputes” (Tan, n.d:148), which ADR serves as a panacea.

One salient matter that is central to the traditional court system, which is strictly legalistic, is the concept of justice. In the traditional court system, justice is often viewed as a winner-take-all game. This refers to a situation where one party emerges victorious, while the other party faces defeat. In other words, justice in the traditional court system is less negotiable, while conflict in alternative dispute resolution (ADR) involves a more interactive and negotiated approach.

By negotiation of justice in ADR it means a process where conflicting parties with different interests and perspectives engage in discussion and bargaining to reach a compromise or an agreement that is considered by all parties to be a fair or just outcome. It is a process where justice is deemed to be flexible rather than fixed, but shaped by participants and social and cultural variables.

In ADR, therefore, justice is viewed as a negotiated and collaborative process, with the active participation of all parties or disputants, which can lead to outcomes that benefit both sides – a win-win scenario (Lindell 2012). Its negotiable nature and parties’ participation in the justice process make it more acceptable and compelling to people than litigation. This explains why its use as a means of dispute resolution is preferred to litigation in different areas of life. Based on its reliability, courts encourage disputants to use it. This highlights Rosenberg and Jay (1994) view that ADR serves as a replacement for litigation, rather than a supplement to it.

Justice in ADR, especially mediation, is not necessarily binding compared to the traditional court system. It is the choice or volition of the disputants to adhere to the final resolution of their disputes. It is important to note that justices are subtly administered and interactionally constructed in the resolution process. In other words, justice(s) in alternative dispute resolution, especially mediation, is constructed interactionally in dispute resolution. Additionally, in the resolution process, mediators assume an evaluative role in situations that require adherence to legal standards, which can serve as guidance during the negotiation. It should be noted that, beyond legal standards, cultural values are somewhat evoked by participants in the dispute resolution process to administer justice. The recourse to cultural norms forms the basis for this paper as it examines different cultural orientations in the construction and negotiation of justice in Nigerian alternative dispute resolution discourses.

The literature on alternative dispute resolution discourse, primarily from a legal perspective, has focused on the importance and benefits of the use of ADR and why it is preferable over litigation (see Nwazi 2017; Nwanko et al. 2012; Rosenberg and Jay 1994; Steven 1995), with scanty attention from the linguistic perspective, and most especially from the pragmatics angle. Some (or aspects) of a few studies from a linguistic perspective (Candlin and Yon 1997; Cheryshenko and Alimuradov 2013; Drabarz et al. 2017) focused on linguistic parameters and contextual features of alternative dispute resolution discourse. Candlin and Yon (1997) study addressed the issue of intertextuality and interdiscursivity in mediator discourse, focusing on their significance in the dispute-resolution process. They considered intertextuality and interdiscursivity from both social and institutional perspectives in the resolution process, examining how intertextual elements function interdiscursively within it. This study differs from Candlin and Maley, concentrating on participants' adherence to cultural values in the dispute resolution process. Drabarz et al. (2017) explored language as a tool available to parties for active participation in building mutual trust and shaping solutions in conflictual circumstances. Chernyshenko and Alimuradov (2013) explored linguistic parameters, including terminology density, intertextuality, subjectivity, and discourse formation, to differentiate the peculiarity of mediation discourse from other legal sub-discourses and their importance as strategies for resolving conflict and making the mediation process successful. Even though their studies also focus on mediation, this study differs significantly from theirs, as it emphasises the role of culture in the resolution process and serves as the hallmark of alternative dispute resolution discourses. Ajiboye's (2021) study identified three categories of gender identity: macho, womanist and chauvinist, which characterised ADR encounter. He also discussed resistance, the evocation of traditional values, and brokering as strategies for constructing identity categories.

This study differs from Ajiboye's (2021) study in that it significantly considers participants' adherence to cultural norms and their contribution(s) to the issue of justice. The closest study to this one is that of Ajiboye (2025), which examines the various orientations that participants strictly adhered to in ADR encounters, including conservative-traditional, liberal, and opting out of negotiation cultural orientations, in the construction of different identities. This current study differs from Ajiboye (2025) in that it examines the significant role of culture in the construction and negotiation of justice within ADR discourses.

The present study relates to the aforementioned studies in that they all centre on adjudicative discourse and the issue of dispute resolution; it departs significantly from them as it focuses on the impacts of cultural values in shaping the construction of justice and in actively restoring societal peace. This study, therefore, investigates participants' strict adherence to cultural norms in the construction and negotiation of justice in Nigerian ADR discourses. The paper is structured as follows: Section 2

presents the overview of the concept of justice, Section 3 focuses on justice and culture, section deals with language and culture, Section 5 centres on theoretical consideration, Section 6 discusses data and method, Section 7 presents an analysis and findings of different cultural orientations in the construction of justice in adjudicative discourses, while Section 8 presents the conclusion of the study.

## 2 Overview: Concept of justice

The Greek word for justice means observance of custom or duty, righteousness, fairness, or what one ought to do (Dukor 1997). It is a term that has caught the interest of many scholars from different disciplines. This has, therefore, made the term a complex concept. It is not a novel term in political science, law, psychology, sociology, social psychology, and philosophy. For instance, Dukor (1997) maintains that justice is not only a legal conception but also an ethical and ontological expression. He sees justice as a familiar concept. Its ambiguity is captured in Aristotle's words in Dukor (1997:497) that "now it appears that the words justice and injustice are ambiguous; but, as the different senses covered by the same name are very close to each other, the equivocation passes unnoticed and is not comparatively obvious as to where they are far apart."

Despite the nebulous nature of the concept, justice is about fairness concerning human beings, liabilities and rights (Dukor 1997:497). This issue makes justice a societal phenomenon. In every society, disputes of diverse nature are bound to exist; people have conflicting claims and different interests, and an attempt to resolve these disputes and conflicts gives rise to the issue of justice. Many interpretations of the concept of justice are based on the notion of formal equality, while some scholars believe that equality may be unachievable due to factors such as stratification, status, available resources, and educational attainment, among others. Instead, they base justice on equity, which is defined as fairness, impartiality, and even-handedness. According to Black's Law Dictionary (2004), equity is "a portion of natural justice which is more suitable for judicial enforcement". Dukor (1997:498) avers that "a considerable analysis of justice is also based on considerable social ideals like merit, need, rank, legal entitlement and others." Some schools of thought on justice conceive it as synonymous with law, lawfulness, or fairness, while scholars such as David Hume, Mill and others see justice as being different from benevolence, charity and generosity because it presupposes pressing claims and justifies them by rules and standard (Dukor 1997:498). This definition is about the individual's competing interests and claims. According to Kent, cited by Dukor (1997:498), "justice seems to entail the conflict of competing claims and not infrequently the clash of powerful

social interest with the right of individuals ensured from time to time in the mechanism of reason”.

In an attempt to define justice, several approaches, including the classical, conventionalist, golden rule, and intuitionist approaches, among others, have been proposed. However, the approaches most directly relevant to the current research, based on principles and application, are the conventionalist and golden rule approaches. The conventionalist approach perceives justice as a conventional and relative concept, rooted in emotion, and it differs from one context to another and from one person to another. It is an approach designed to resolve societal contentious and discordant situations. In other words, it is a principle established in society to foster harmonious relationships. It is seen as a “virtue because it is beneficial to society and the fundamental object of government is the administration of justice, that is, the protection of property and enforcement of contract.” (Dukor 1997:503). John Rawls in Dukor (1997:503), explains the conventionalist’s view of justice as a “body of principles that anyone might recognise as in his interest to maintain, given that others on whose acquiescence he depends have interests that conflict with his own”.

The Golden Rule is a moral approach championed by various religions and ethical books. It is an approach to justice that is built on the notion that “one should not do to others what one would not like any other person to do to him [sic], and that one should do to others as one would like to do to him [sic]” (Dukor 1997:503). It is a concept of justice that has been preached by holy books. Del Vecchio buttresses this notion in Dukor (1997:503), as follows:

...consciousness of oneself as a subject of experience implies the awareness (and therefore the existence of object of experience (not self), but it implies, too, the possibility that one is oneself the object of experience of other experiencing subject.

The two approaches produce fairness and fair play for the injured party, especially in dispute resolution. These two approaches help tease out the construction and negotiation of justice in Nigerian adjudicative discourses.

### 3 Justice and culture

The concept of justice is central to human existence and is both a social and cultural phenomenon. It touches every aspect of human endeavours and experiences, and so does the centrality of culture to human existence, as it shapes human life and behaviour. Society is defined by its culture because fundamental societal values are derived from culture. This idea is foregrounded by Chakrabarti (2015), who states

that culture is crucially connected to basic values, including fairness, rights, and responsibilities, as participants in various institutions and members of social groups. This idea is bolstered by Maddox (2009), who states that the concepts of justice are cultural in the sense that values, beliefs, traditions, and other bodies of knowledge stem from culture, and it is from these that the view of what is just is defined. This means that what societies perceive and execute as justice stems from cultural values, norms, and practices. Hence, societies are not only shaped by the nuances of culture but also by its profound impact on individual lives and social interactions; it is essential to note that justice is intimately connected with culture. Though culture differs from society to society, the conceptions of justice are believed to be sourced from the idea of culture (Maddox 2009).

One crucial factor in explaining the nexus between justice and culture is the idea that what constitutes the notion of justice and injustice is sometimes regulated by cultural ideas and values (Jasso 2005). Thus, the dichotomy between the concept of justice and injustice or what is considered just or unjust, is not only a social issue but also has a cultural interpretation. In this light, Jasso (2005) suggests that cultural ideas may play a role in regulating the class of individuals who can operate as rewardees and also restrict the class of goods and bads that are appropriate subjects of the sense of justice.

The notion of culture, therefore, as used in this paper, consists of beliefs, values, norms, and ideologies that are shared by individuals within a community, which not only shape their behaviours but also define the community and affect their language use. Through these sets of beliefs, norms and values, their experiences are interpreted and their behaviours are generated (Haviland, 1990) In ADR, therefore, culture does influence the dispute process as it affects participants' communication styles and perceptions of justice, and also provides a framework for interpreting language, verbal cues, and other forms of communication, which are vital for negotiation.

## 4 Language and culture

Since culture is a central concept in this study, its importance and connection to the notion of justice cannot be overemphasised, as justice is negotiated among participants through the instrumentality of language. Hence, it will be a valuable exercise to examine the relationship between language and culture. It is essential to recognise that language is one of the factors that give rise to linguistic variations. In the study of the world's languages, it has become clear that different groups or speech communities have distinct worldviews and belief systems, which are reflected in their languages. Hence, language can be unequivocally said to reflect culture. This

assertion is also foregrounded in Kecskes's view where language is perceived as a convention of usage which centre of the matter of culture and seen as lexicalised units which reflect "cultural values, manners and way of thinking of people belonging to that speech community" (Kecskes 2023:48). This means that through language, cultural values such as fatherhood, patience, tolerance, marriage rite, male supremacy as manifested in this study are generated.

Akindele and Adegbite (2005) identify three areas of connection between language and culture: language as an aspect of culture, language as an instrument of thought and language as an expression of culture. As an aspect of culture, language is perceived as one of the very objects and institution of culture; as an instrument of thought, through language thoughts are concretised, explored, discovered, extended and recorded in culture; and as an expression of culture, it means people's social experience and reality such as justice, norms and value are perceived and understood through the instrumentality of language. This notion is further reinforced by Kecskes's (2023:49) definition of language as 'a system of signs operated by a conceptual base that is the reflection of the socio-cultural background in which the system of signs is put to use.

It is worth noting that an attempt to explain the relationship between language and social reality forms the foundation of the issue of language and culture, where language is viewed as an instrument for interpreting social reality.

## 5 Theoretical consideration

Essentially, this study draws on analytical insights from aspects of Locher and Graham's interpersonal pragmatics and functionalist theory of culture. First off, Locher and Graham's`interpersonal pragmatics elaborately explores the way participants or language users use language to shape and form relationships in situ. It emphasises how participants use language to form relationships and how this relationship is reflected in their language choices. It is in this light that Locher and Graham (2010:2) argue that interpersonal pragmatics "deals with the investigation into the relational aspect of the interaction between people that both affect and are affected by their understandings of culture, society and their own and others' interpretations." The relational aspect, which is the cardinal principle of interpersonal pragmatics, refers to how interlocutors utilise language in various ways and domains to establish relationships and how such relationships influence language use (Aji-boye, 2018). This includes how interlocutors use language to position themselves in relation to one another. Similarly, the relational aspect of language extends beyond using language as an instrument in participants' hands to positioning one another; it also encompasses using language to construct and negotiate justice as part of

relationship formation in the dispute resolution process. It shows that in adjudicative discourses, interactants use language to index their relationship. This notion aligns with Holmes' (1992:2) thought that "linguistic variation can provide social information" even in the construction of justice in adjudicative discourses.

Of interest in this study is the relational use of language by participants in any interactional engagement, such as an alternative dispute resolution encounter, not only for argumentation but also for negotiation and the construction of justice in the resolution process. It is worth noting that the way people use language in an interaction is influenced by a variety of factors such as cultural values, age, gender, socio-economic background (Holmes 1992), socio-cultural experience, and cultural affinity. These factors are examined in this study to discuss the strategies employed in constructing and negotiating justice.

Malinowski's (1944, 1960) functionalist perspective on culture offers insights into the significance of cultural values in everyday interactions. In his words cited by Ajoboye (2025:7), "culture as a functioning whole and developed the idea of studying the use or function of the beliefs, practices, customs and institutions which together made the whole of a culture (Malinowski 1944:1). This claim does not only see culture as a balanced system of many parts but also explains the importance of cultural values as the engine room for societal operation (Ajoboye, 2025). This means that cultural norms or values are a *sine qua non* for the effective running of society. Durkheim (1960) highlights Malinowski's assertion that culture serves as a social force, a kind of social glue that connects people, thereby contributing to the creation of social solidarity (Ajoboye 2025). Therefore, members of society consciously or unconsciously draw from the repertoire of culture in their daily interaction to create, establish and maintain relationships, even as those cultural values serve not only as a guide to their conduct but also as a way of correcting any misbehaviour. Therefore, it is crucial to establish that these cultural values or norms are usually evoked in dispute situations to construct justice. Hence, these values or norms are examined in the current study to index categories of cultural orientation that participants adhere to in the construction and negotiation of justice in Nigerian adjudicative discourses.

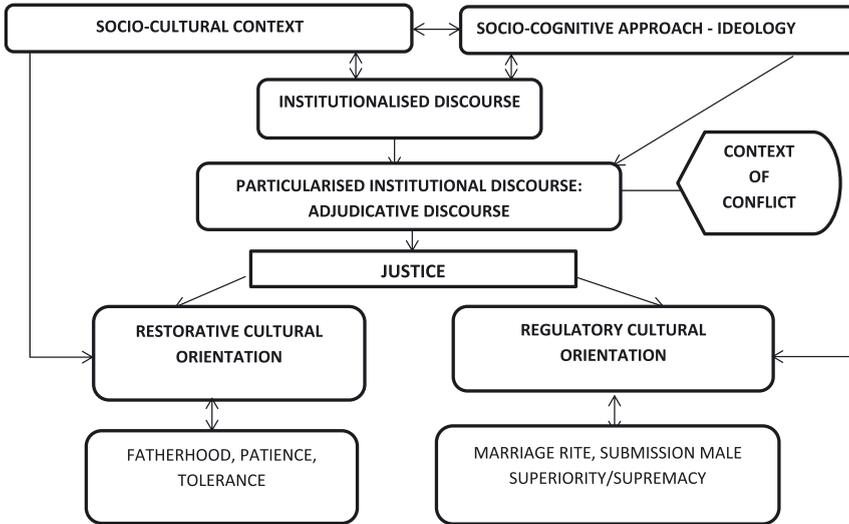
## 6 Data and method

The data for this study consist of 21 purposively recorded hearing sessions and 30 documented cases spanning 2010 to 2017 across three dispute resolution centres in Southwestern Nigeria. The hearing sessions took place between 2015 and 2016, while the documented cases occurred between 2010 and 2017. The dispute resolution centres were domiciled within three southwestern Nigerian universities: the University of Ibadan, Adekunle Ajasin University, and Olabisi Onabanjo University.

These universities were purposively selected because they are the only universities with community-based dispute resolution centres where disputes bordering on issues such as marital conflicts, family disputes, breach of contracts, business conflicts and other civil disputes are amicably resolved. All conversations among the parties were recorded, regardless of the language used (English, Yoruba, or Pidgin English), and were transcribed using Gail Jefferson's 2004 CA transcription notation. The notations are primarily considered within the context of pragmatics and their contextual contributions to the issue of negotiating justice. Central to the analysis was a combination of Locher and Graham's interpersonal pragmatics and functionalism theory of culture. These theories were selected because they concern the discursive construction of social and cultural realities, sequence and situatedness of discourse, and participants' negotiated language use. Through relational use of language which is the bedrock of interpersonal pragmatics, participants' behaviours and perceptions are not only corrected or regulated but also participants are restored to their neglected duties and broken relationships were restored as well as how justice were negotiated through relational use of language, while functionalist theory of culture did not only provide cultural dimension to the negotiation but also unpacks acceptable cultural norms such as fatherhood, patience, male supremacy that guide the identified participants' regulated or restorative behaviours or perception. The combination of these theories produced regulatory and restorative cultural orientations in the negotiation of justice in Nigerian adjudicative discourses, as well as an understanding of how language functions both socially and culturally.

The study employs a top-down analytical method to examine the various categories of cultural orientations that permeate adjudicative discourses related to justice. This is done by categorising, defining, characterising, and exemplifying the observable cultural orientations presented in the analytical model presented in Figure 1.

The model in Figure 1 reveals the categories of cultural orientations and various cultural values that participants draw upon in constructing and negotiating justice in adjudicative discourses. The model demonstrates that a particularised institutional discourse, such as adjudicative discourse, is a sub-genre of institutionalised discourse. Institutional discourse is a product of a socio-cultural context with distinct ideological orientations that pervade different categories of its sub-genre. The interactions at the adjudicative centres usually stemmed from the context of conflict, even as justice remains a central issue in the adjudicative discourse(s). The model describes two different cultural orientations that participants adopt through the relational use of language while administering justice during the dispute resolution process. In other words, it reveals how participants, through the instrumentality of language, harness cultural values to construct and negotiate justice during the dispute resolution process. These two cultural orientations, exemplified in the



**Figure 1:** Analytical model for the study.

model, are restorative and regulatory. These cultural orientations are revealed through participants' use of language in adjudicative interactions and their knowledge and alignment with cultural norms and values, particularly in issues related to justice. These cultural values restore seemingly broken relationships or jettisoned responsibilities and regulate or correct participants' behavioural attitudes.

## 7 Findings and analysis

In constructing justice, two cultural orientations – regulatory and restorative – define Nigerian adjudicative discourses, as exemplified in Figure 1. The identified cultural orientations are culture-exclusive, and data are projected and arrived at through various cultural values. Restorative cultural orientation is characterised by the cultural values of tolerance and patience, whereas the cultural values of submission, marriage rites, and male superiority define regulatory-cultural orientation. Participants, especially mediators in adjudicative encounters, draw from the reservoir of culture when and where necessary to construct and negotiate justice. This eventually reveals the categories of the cultural orientation that permeate the adjudicative discourse. In Section 6, each cultural orientation will be discussed with relevant sampled extracts and different cultural values used to foreground them.

## 7.1 Regulatory cultural orientation

These are cultural beliefs, ideologies, values, or elements that participants in the dispute resolution interaction are oriented towards to correct perceived participants' intentions, notions, or behaviours. These cultural values are implicitly used to mark certain forms of justice in the dispute resolution process. Participants unwaveringly draw from a repertoire of cultures to construct justice and correct disputants' claims or perception(s) concerning specific issues. Regulatory cultural orientation manifests in two ways: children's ownership-regulatory and marital fight-motivated regulatory cultural orientations.

### 7.1.1 Children's ownership-regulatory cultural orientation

These cultural values are invoked in dispute resolution to correct the participants' notions or perceptions about the right to sole or joint ownership of the children. The evoked cultural values or beliefs not only regulate or correct the perception but also index distributive justice.

In excerpt 1, speaker W (henceforth woman/wife), in the process of defending the reason for claiming the right to sole ownership of the children, speakers M (henceforth the mediator) and speaker C (henceforth Clinic administrator, who is a female and a lawyer), evoke both cultural value and legal standing to correct the woman's position and perception, and establish equal access to the children.

#### Excerpt 1

- 1.M:Mama ABC
- 2.H:I no...
- 3.M:Honestly, listen, Unless I ask you to talk, you should...
- 4.W:Okay o, mo ti dáké, yes sir.
- 5.Okay, I won't talk again, yes sir
- 6.M:You brought your case to this place,
- 7.in fact, we don't invite people.
- 8.C:Hun-un-un.
- 9.M:People came here voluntarily. And of course, it is free of charge.
- 10.Do you know you don't have every right over the two children?**
- 11.W: I have o, on one reason.
- 12.M: What is the reason?
- 13.W: Because he has not paid my dowry.
- 14.He has not done anything on my head
- 15.so, I have the right!
- 16.That is the[

- 17.M1: **Listen, listen, listen. Which law tells you that?**  
 18. **That because a man has not paid dowry.**  
 19.C: Hun-un-un.  
 20.M: **He has no access to the child or children?**  
 21.C: **Tell us.**  
 22.W: I wish to ask him which law that tells him  
 23. whether we did any traditional in the village  
 24. that was how he beat me up, that I nearly died xxx  
 25.M: **Listen! We are laughing at this matter**  
 26. **don't let us...**  
 27. **don't see the other side of us o.**  
 28. **I'm a man myself.**  
 29. **The truth of the matter is**  
 30. **I don't support, you know(.) violence in a matrimonial home.**  
 31. **Honestly, the same right you have over the children**  
 32. **is the same right he has over the children.**  
 33.W: **It's true.**

The use of address terms by the mediator sets the stage for the interaction and the regulatory cultural orientation. The address term “Mama ABC” is not only used to call the woman’s attention (Leech, 1999) to correct her perceived displayed misbehaviour, but also reveals the power dynamics that characterise the legal discourse. The power dynamics are foregrounded in the meta-comments, “Honestly, listen, unless I ask you to talk, you should” and the use of the deferential address term “yes sir”. Also, the woman’s affiliative response, “Okay, I won’t talk again, yes sir”, in line 5 foregrounds the power dynamics and the adherence to the mediator’s regulatory or correcting measure. The use of the discourse maker “Honestly” is pragmatically and strategically used to reinforce corrective justice and show the mediator’s stance on the woman’s attitude (Fraser, 1999). Through the self-select turn-taking strategy in line 7, the mediator regulates and corrects the woman’s perceived recalcitrant attitude, using it as a strategy to control the flow of discussion and unearth the principles and ideology of the adjudicative centre. The sequence “You brought your case to this place”, we don’t invite people and “People came here voluntarily. And of course, it is free of charge” is not only used to regulate the woman’s attitude and perception but is also used to unearth the principle and ideology of voluntarism rather than coerciveness that epitomises adjudicative (ADR) centres.

The mediator’s deliberate use of interrogative construction in line 10 corrects and regulates the woman’s impression about claiming absolute ownership of the children. In other words, the interrogative construction serves as a corrective act, used to correct the woman’s perception and her claimed right to the children, as well

as to maintain interactional dominance. The interrogative construction expresses disapproval of the woman's claim or perception and sets a premise for distributive justice. The mediator's interactional expectation is not met, as the woman, through her orientation to socio-cultural knowledge of the importance of dowry or the cultural right to dowry and the maxim of quantity (Grice 1975), debunks the mediator's claim and regulatory measure in lines 11–15. The sequence "*because he has not paid my dowry. He has not done anything on my head, so, I have the right*" explains a possible reason behind the woman's behaviour. The sequence is an assertive act used by the woman to assert her cultural right and justification over the children. The woman's understanding of the cultural implications of dowry, a cultural rite her husband fails to perform, makes her insist on the children's ownership. It should be noted that in African society, especially the Yoruba culture, the payment of dowry is a sign that the totality of a woman belongs to the man. This is foregrounded in the proverb "Dandan lowo ori, oranyan laso ibora," meaning "Payment of dowry is compulsory as cover cloth". The woman's orientation to the cultural value of the marriage rite of dowry not only positions the man as irresponsible but also as a culturally deviant person.

Realising the woman's evocation of culture to maintain her stance, the mediator, through a self-select turn-taking strategy, evokes legal knowledge through interrogative construction in lines 17, 18 and 20 to counter her claim and correct her impression of absolute ownership of the children, and uses it to establish legal position of equal right of children ownership. The mediator does this intending to correct the woman's wrong impression and with the intended perlocutionary effect of the woman yielding to correction. The interrogative sequence "listen, listen, listen, which law tells you that, that because a man has not paid the dowry, he has no access to the child or children" shows the mediator's stance against the woman's claim through legal knowledge. The repetitive use of the imperative verb, which functions as discourse marker "listen," is used, in this context, to resist or reject the woman's perceived action and intention(s) (Schegloff and Lerner 2009), foreground the established regulatory measure and to show the intensity of the legal knowledge evoked to correct the woman's claim of sole ownership of the children. Similarly, it reveals the mediator's disapproval and corrective stance, reinforces the mediator's dominance and control over the interaction, and highlights the mediator's legal authority within the interaction. It should be noted that the woman speaking from the voice of culture claims absolute rights over the children, while the mediator, through the legal voice, counters her claim.

The woman alters the interactive project<sup>1</sup> (Clark 1996:203) and insists on her earlier stance in lines 22 to 24 through implicit-other negative-presentation as she negatively positions her husband. The sequence “that he beat me up, that I nearly died” is an increment that illuminates one of the main causes of their conflict on the one hand and establishes batterist identity on the other hand. The mediator truncates the interactional expectation of altering the interactive project in lines 26–32. Through the self-select turn-taking strategy in line 25, the mediator further corrects and regulates the woman’s impression. It should be noted that the mediator’s frequent uses of a self-select turn-taking strategy and interruption to hijack the floor of talk is to (1) show the dynamics of power that characterises legal discourse, (2) show the mediator’s legal wielded power (Ajiboye, 2025) (3) control the flow of talk and (4) correct and regulate the woman’s impression in the dispute resolution process.

The use of the imperative verb “listen,” which functions as discourse marker in sequence: “**Listen! We are laughing at this matter**” in line 25 does more than attention-calling (Leech 1999) but show disapproval, mark dispreferred response (Pomerantz 1984), resist or reject the terms of the woman’s perceived action and intention(s) (Schegloff and Lerner 2009) and to establish the regulatory control of the woman’s stance. To foreground the regulatory and corrective stance, the mediator evokes the cultural value of male supremacy to correct and regulate the woman’s attitude and impression in the sequence: **I’m a man myself**” in line 28, and to construct justice and index distributive justice. The use of personal reference “I” in the sequence is employed to identify with the situation and evoke the patriarchal ideology of African society, which the interactants also orient to and ultimately correct the woman’s action and intention, especially concerning the right to own the children.

Similarly, the use of declarative construction in lines 25–31 corrects the woman’s impression. Drawing from the cultural value of male supremacy, the mediator corrects the woman’s impression on the one hand and, on the other hand, unearths the masculinity which is entrenched in the culture. The discourse marker “Honestly” in line 31 expresses the mediator’s regulatory/corrective stance regarding the woman’s attitude and impression about the equal rights she and her husband have over the children. It is also used to emphasise his stance and justify the truth of the proposition of constructed justice. The woman’s affiliative response in the “It’s true” sequence aligns with the mediator’s regulatory effort and the mediator’s legal and cultural interpretation of discursive contributions and constructed justice. In other

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1 A project is altered when interactants modify response(s) “to something they are able and willing to comply with (Clark 1996:203).

words, her affiliative response implies acceptance of the mediator's stance and constructed justice.

### 7.1.2 Marital fight-motivated regulatory cultural orientation

These are cultural values, beliefs, and ideologies that participants within interactional engagements, such as dispute resolution interactions, orient to and evoke to rebuke and correct displayed stubborn or recalcitrant attitudes that may fuel marital conflict.

**Excerpt 2** The interaction involves a couple who engage in combat and come to an adjudicative centre to resolve their marital conflict, and the woman is educated through mediator orientation about the cultural place of women in African society.

- 1.M: **You fight with your husband**↑.
2. **It doesn't pay When a woman fight her husband**
- 3.C: please sir (.) can I come in sir?↑
- 4.M: fight (rowdy session)
- 5.C: he is high (.) hot tempered and she too she is hot tempered=
- 6.M: =>>two captains cannot be in a ship <=
- 7.C: =exactly (.) one has to soft-pedal
- 8.to be submissive
- 9 M: One has to soft-pedal
10. **to be submissive**
- 11C: Hmn-un(0.2) Mummy XYZ (0.2)↓
- 12.**We are in African society**(.)
- 14.the women normally soft pedal,
- 15.**the women are supposed to be submissive**
- 16.**and you know that (it) (0.1)**
- 17.**We are not slaves o:::**,
- 18.**it's just for peace' sake.**
- 19.Women, normally, na them go subsume
- 20.**women, normally, are the one to submit.**
- 21.Please↓(.) please↓(.) this thing is a very simple issue>>.

The interaction opens with the speaker (mediator henceforth) using an indirect rhetorical examination to establish and correct the woman's combative attitude and put regulatory measures in place for dispute resolution. The sequence "You fight with your husband" not only sets the stage for distributive justice and serves as a regulatory measure but also implicates a priori information about the woman's

relationship with her husband, which the male mediator seeks to correct and possibly accuse and blame the woman for. This is foregrounded in the declarative construction **“It doesn’t pay when a woman fight her husband.”** The mediator, orienting to the patriarchal ideology of African society, which encapsulates male superiority/supremacy and the value of submission expected of women, registers his displeasure and disapproval of the woman’s attitude and corrects her actions, which seem to be the main cause of their marital squabble. The declarative construction is contextually used in the interaction to assert the cultural value upon which the woman’s action is regulated or corrected and upon which the distributive justice is predicated. In other words, the declarative construction ‘it doesn’t pay when a woman fights her husband’ is an admonishing expression which stems from the patriarchal ideology which enforces a woman’s submission to the man in any situation, and anything of this sort is against the culture.

Speaker C (clinic administration) uses the honorific appeal marker “please sir” and turn-seeking interrogative construction to unearth the power dynamics that characterise legal discourse and the hierarchical nature of the legal profession. She eventually uses her turn to unravel the temperamental attitude as the fundamental problem in the family dispute. The insertion sequence used by the mediator in line 4: ‘two captains cannot be in a ship’ is metaphorically used to refer to the man and his wife, who are not ready to be patient with each other. The sequence flouts the maxim of relevance<sup>2</sup> (Grice 1975) as the contribution is not directly relevant to the previous sequence. Still, based on the shared knowledge of the situation and culture, the metaphoric insertion sequence not only reveals the cause of their domestic crisis but also suggests submission as a way out to resolve the crisis, a virtue that society expects of women. The metaphor is strategically used, based on the shared cultural knowledge among the participants in the dispute resolution process, to not only tease out the position of women but also to foreground the cultural value of women in society.

The use of the discourse marker “exactly” by the clinic administrator in line 7 shows not only agreement with the mediator’s discursive observation or proposition of defiance and lack of patience as the fundamental cause of their marital dispute in line 6, but also regulates the woman’s action and foregrounds the constructed justice. The clinic administrator implicitly highlights the cultural value of submission, which the male mediator corroborates as the principle that must be imbibed for peaceful co-existence in lines 7 and 8. The attention-calling address term in line 11 is strategically used to draw the woman’s attention to the place and role of women in African society, and to condemn, blame, and correct her pugilist attitude and role in the

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<sup>2</sup> Flouting Grice’s maxim of relation (relevance) is when a speaker response or observation is deliberately not relevant to the question or topic of discussion (Grice 1975).

marital conflict. The clinic administrator orienting to the cultural value of submission evokes the place of women in African society, especially in the context of family in the sequence, “We are in African society, (.) women are normally supposed to be submissive” to remind the woman about her place and role, and to blame her for the marital conflict. The sequence subtly unearths the patriarchal ideology of African society, which places men above women and echoes the submission of women to their husbands.

The use of inclusive “We” in line 12 by the clinic administrator is a form of solidarity and also reveals women’s cultural expectations and role in African society; on the one hand, and the other hand, it is used to indirectly blame the woman for not conforming to culture and for her unsubmitive action which is foregrounded in the meta-comment, “and you know that”. The coordinate conjunction “And” establishes a connection between the woman’s actions, shared cultural knowledge, and cultural expectations, which she neglects. Similarly, the repetitive use of “normally” and the issue of submission in lines 14 and 20 reveal the female mediator’s orientation to the shared cultural expectation of women in African society and the cultural value of submission, especially in conflictual situations or interactions, for the sake of peace. The use of the inclusive “We” by the clinic administrator in line 17 functions as a mitigating cue and a discursive strategy to position women as peace-loving and establish peace-making as the cultural duty of women in African society, especially when conflicts arise with the male gender. This peace-loving attitude is foregrounded through the cultural value of patience and submission.

## 7.2 Restorative cultural orientation

These are specific cultural values, beliefs or elements that participants drew from in the construction of justice in dispute resolution to reconcile disputants or restore an individual to neglected responsibilities. This cultural orientation manifests in two distinct ways: marital reconciliation-driven and responsibility-driven restorative cultural orientations.

### 7.2.1 Marital-reconciliation-driven restorative cultural orientation

To restore and reconcile a divorced relationship or separated family, participants, especially the mediator(s) drawn from the tank of culture, evoke relevant values, norms and beliefs in the course of dispute resolution to construct justice and settle family disputes.

**Excerpt 3**

The interaction concerns a man who has neglected his fatherly responsibility during the divorce and is being reported to the adjudicative centre for resolution. During the resolution process, the mediator refers to several cultural values to reconcile the family and restore the man to his duties

1.H: Is it possible for you to ask the children where they want  
2. to stay?

3.M: Of course.

4.That ordinarily, if it were to be in the high court,

5. the matter will be decided,

6. the usual thing is for the high court to,

7. in fact, as far as this quarrel is concerned,

8. the matter has to [

9.H: She can decide on her own.

10.M: She has no problem

11.H: Hun...un...un

*(omitted part is discussion on the age of the child)*

12.H: March 24, she would be eighteen.

13.M: Un...un, yes, honestly, we, our concern is in two folds.

14.H: Yes sir.

15.M:**First, the interest of keeping the marriage together.**

16.**Secondly, the interest of the children.**

17.**The reason being that there is no way a husband and his**

18.**wife would separate**

19.**and the children would not be affected.**

20.**There is no way, there is no way.**

21.**already, there is a fundamental bone of contention,**

22.**between the two of you. well,**

23.**I, in fact, the first question we asked her**

24.**before you came in was, "what about the marriage?"**

26.M:a, a, honestly, I know that the two children that are here,

27. they are not happy.

28.H: **Yeah.**

29.M: Inwardly.

30.H: **Yeah.**

31.M: With what is going on.

32.**And I think, one major problem between the two of you, the**

33.**husband and the wife is the lack of in tolerance.**

34. **It appears you cannot tolerate your wife and your wife**

35. cannot tolerate you.  
 36. we are not happy when there is a division between a husband  
 37. and his wife,  
 38. especially in a situation where children are involved,  
 39. because I know that first and foremost,  
 40. it's going to be a stigma  
 41. Which would be difficult to erase,  
 42. whether we take cognisance of it now or later,  
 43. honestly I'm a Yorùbá man, honestly,  
 44. I know that there is one thing in Yorùbá land,  
 45. when a woman divorces her husband,  
 46. or a man divorces his wife, for whatever reason,  
 47. people are very very careful  
 48. when it comes to the choice of marriage,  
 49. to have anything to do with the children of divorced  
 50. parents  
 51. H: I agree with you (.) Thank you very much, sir ( )

The man's use of a discursive appeal strategy through interrogative construction set the stage for the interaction. The interrogative construction is used for clarification or "eliciting telling" (Tinna and Karkkainen 2014) concerning the children's consent about where they would like to stay in line 1. This provides insight into the situation regarding the children's custody and the strain on the family relationship. Through a self-select turn-taking strategy, the mediator's affiliative response in lines 3 to 8 flouts the maxim of quantity<sup>3</sup> (Grice 1975) as the mediator's discursive contribution is more informative than required but provides insight into the nature of the family conflict, making it more likely for them to come to a resolution. Through his sequence at line 13, the mediator withdraws from the interactive project<sup>4</sup> (Clark 1996) by deliberately changing the topic of discussion to a restorative process. This situation foregrounds the focus and principle of the ADR centre.

The mediator expresses an institutional stance through the discourse marker "honestly" to establish marital reconciliation and restore neglected paternal responsibility. The pronouns "We and Our" represent the ADR institution on the one hand and, on the other hand, establish that whatever justice arrived at is an

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<sup>3</sup> Maxim of quantity is one of Grice's (1975) cooperative principle maxims. It states that contribution should be as informative as required, and contribution should not be more informative than required. Whenever any of the maxims is suspended, violated or flouted, implicature is generated.

<sup>4</sup> Interactants can withdraw by deliberately ignoring the question or changing the topic of interaction (Clark 1996:204).

institutional decision. The mediator uses his turn to implicitly project the ADR pacifist ideology in the sequence **“First, the interest of keeping the marriage together. Secondly, the interest of the children”**. The sequence not only projects the pacifist ideology, which is one of the core principles of the institution, but also reveals the institution’s orientation towards the restorative process. The sequence also illuminates a troubled marriage that has affected the children’s well-being. It is important to note that children are considered to be socially, emotionally, psychologically and culturally affected when families are separated or divorced (Alatise et al. 2024). The mediator’s commitment to restoration is foregrounded by orienting to the societal and cultural adverse effects and implications of separation or divorce on children, as outlined in lines 17–20. The repetitive use of declarative construction, “There is no way, there is no way” foregrounds the earlier stated implication, which is foregrounded in line 26. The repetitive use of the man’s affiliative and affirmative response “Yeah” in lines 28 and 30 suggests discursive alignment to the mediator’s observation and proposition not only about the societal adverse effects/implications of their divorce on the children but also about the restoration process, as well as the children’s displeasure about the marriage situation.

To foreground the reconciliation, the mediator orients to the cultural value of tolerance in lines 32 to 35 and implicitly reveals tolerance as a value that must be adopted for the sustenance of marriage, as he explicitly identifies intolerance as the leading cause of their marital problem which does not only affect them but also has both societal and cultural negative implications on their children which he foregrounds in the meta-comment “it’s going to be a stigma”. The mediator speaking from the voice of culture implicitly reveals the Yoruba’s disposition to marital reconciliation, discouragement to divorce and disposition to marrying children from divorced parents. It is important to note that children of divorced parents are not only generally seen as social misfits and considered to be unpleasant members of society, but they also tend to be undisciplined, engage in hooliganism, and commit delinquent acts (Alatise et al. 2024). The societal and cultural negative implication is foregrounded through the use of the discourse marker **“I know”** in the mediator’s discursive contribution **“we are not happy when there is a division between a husband and his wife, especially in a situation where children are involved, because I know that first and foremost, it’s going to be a stigma”**. The discourse maker not only expresses and foregrounds the certainty of the mediator’s proposition but also functions as an argumentative maker to support his epistemic stance on societal and cultural disposition to the issue of divorce and foregrounds the expressed proposition of restoration and reconciliation. Additionally, the discursive contribution implicitly reveals the ADR’s orientation to and principle of restoration, while explicitly expressing disapproval of family separation or divorce.

In an attempt to foreground his orientation to restoration, the mediator evokes both the Yoruba's negative disposition to the issue of divorce and the children of a divorced parent in the **“honestly I'm a Yorùbá man, honestly, I know that there is one thing in Yorùbá land when a woman divorces her husband, or a man divorces his wife, for whatever reason, people are very very careful when it comes to the choice of marriage, to have anything to do with the children of divorced parents.”** The use of “honestly” set the stage for the mediator's identification with the Yoruba culture and philosophy which he reinforces through the first person singular pronoun “I” and the declarative construction of the sequence. The mediator uses the sequence to foreground orientation to restoration by evoking cultural and societal perlocutionary implications of divorce and the children of divorced parents in Yoruba culture, philosophy and cosmology, a cultural knowledge he shares with man. The knowledge is foregrounded through the use of the discourse marker **“I know”**. Implicitly, the sequence illuminates that Yoruba culture and values discourage marriage and orient and believe in the principle of restoration and reconciliation of separated or divorced families. It is important to state at this juncture that in African society, especially in the Yoruba culture, restoration and reconciliation are encouraged, while the culture discourages the issue of divorce (Ajiboye, 2025; Ajibade 2005, 2009), and since the parties involved are Yoruba, the mediator evokes the stance of the culture on restoration. The man's affiliative and preferred response, “I agree with you,” is not just an alignment with the mediator's cultural orientation to restoration, but also an explicit perlocutionary effect on the cultural stance on divorce and the mediator's proposition regarding the cultural and societal stigmatisation of divorce on children.

### 7.2.2 Responsibility- motivated restorative cultural orientation

Participants, especially mediators, orient to these distinct and classified cultural values in a conflictive situation to help disputants take up their neglected social and cultural responsibilities. In an effort to construct justice, mediators often draw on the repertoire of culture to justify their positions and help disputants see the reason for fulfilling their neglected duties.

## 8 Background

The interaction reveals the man's refusal to take responsibility for his children, especially their education. He blames his refusal on his wife's rebellious attitude on the one hand, and her taking custody of the children despite the court order on the

other hand. The woman reports the case to the law clinic for justice, which she later gets through the clinic's intervention.

**Excerpt 4**

1. M: you should be CONCERNED <about their education>
2. H: *bẹ̀ẹ̀ ni* (0.3)
3. *yes* (0.3)
4. M: *şé ẹ́ rí, ẹ́ ní sùúrù, àşírí kan ni mo mò,*
5. You see, be patient, there is a secret,
6. *obìnrin ò lè wábí yíí, kó sọ pé òun ó dá*
7. a woman cannot come here and we say
8. *gbogbo responsibility omọ.*
9. she bear the sole responsibility of the children,
10. *àwa gan-an ò gò*
11. we are not stupid
12. *Àwa gan-an ò gò*
13. we are not stupid
14. but it would be on record that you're paying for their school fees
15. *Mo máa n sọ whatever [ ]*
16. I usually say [ ]
17. H: *Nígba tó wà ní Ìbàdàn, şebí ó n sanwó school,*
18. when we were in Ibadan she paid the school fees
19. *kó wá san:: now↑*
20. let her pay it now...
21. *Mo n san-an ní, nígbà tí wọn wà ní XYZ (0.2)*
22. I paid the school fess, when they were attending XYZ (0.2)
23. M: *şé ẹ́ rí, whatever [ ]*
24. you see, whatever [ ]
25. H: *kò sọ yẹn fún yín? (0.3)*
26. She didn't tell you that? (0.3)
27. M: *Ẹ má (you will), whatever assistance you can give for the children,*
28. On monthly basis, honestly, it will be on record. (0.2)
29. H: *ó dáa, ẹ́ jẹ́ n şe bá yíí, daddy, torí [ ]*
30. okay, let's do it this way, daddy, because [ ]
31. M: honestly [ ]
32. H: *àti pé lóri ọ̀rọ̀ yíí (.) ẹ́ dẹ̀ ti gbiyànjú fún wa,*
33. concerning this issue (.) you have tried for us
34. *Ọ̀lọ̀run tó wà lọ̀run gan:: kii bá :: yàn sọ̀rọ̀ tó báun.*

35. and God that is in heaven doesn't talk to someone1 to this extent. (0.3)  
 36. M: @@@@  
 37. H: mo dúpé lówó Ọlórún fún àwòrán rẹ nínú yín  
 38. I thank God for his image in you,  
 39. gbogbo ohun tí ń bá lágbára gégé bí ẹ ti appeal sí mi màá màá se.  
 40. all that is in my power as you have appeal to me, I will do it=  
 41. M: thank you.

The mediator deploys an indirect indictment interactive device in an appealing format in line 1 to set the stage for resolution and restoration, with the intended perlocutionary goal of restoring the man to his neglected social and cultural responsibilities. The sequence “you should be CONCERNED <about their education>” in line 1 implicitly negatively positioning the man as an irresponsible father, a point at which derelict identity is foregrounded, illuminating the essence of restoration. Orienting to the cultural value of fatherhood, which primarily centres on provision for the family, the sequence lexicalises a cultural non-conformist identity and an implicit call to restore the man to his culturally and socially neglected duty. The man's affiliative response, “yes,” through the common ground of cultural uptake affirms the constructed identities and aligns with the mediator's interactional expectation and call to restoration.

The act of irresponsibility is further foregrounded in the mediator's discursive contributions in lines 3 to 14. The sequence “a woman cannot come here and we say she bears the sole responsibility of the children we are not stupid, but it would be on record that you're paying for their school fees” does not only imply that the woman has been previously singularly shouldering the responsibility of the children, a situation that negates what the culture permits but also illuminate the mediator's subtle appeal to the man to take up his neglected responsibility, subtly positioning the man, an irresponsible father. The mediator's evocation of patience in line 4 emphasises the importance of patience in dispute resolution and a crucial virtue in the restorative process. The man's response through a self-select turn-taking strategy alters the interactive project in lines 17 to 26 as he tries to save his damaged or lost face (Brown and Levinson, 1987) and implicitly presents himself as a responsible father in the sequence “I paid the school fees when they were attending XYZ (0.2)”, and explicitly positioning his wife negatively (Wanger and Wodak 2006). The interrogative construction through the sequence “She didn't tell you that?” is used as a device to alter the interactive project with the interactional expectation of saving his damaged face and constructs a mendacious identity for his wife.

The mediator uses an interactive appeal device in line 27 to admonish the man to assume his abandoned parental responsibilities. In his response through the declarative construction, the man's acknowledgement of the mediator's effort to settle the conflict highlights the principle of fairness extended to both parties, which ultimately prompts the man to take on the responsibility of caring for the children as culture demands. This becomes clear in the sequence, "Concerning this issue, you have tried for us and God that is in heaven doesn't talk to someone to this extent". Similarly, the sequence epitomises restorative justice, which deals with restoring peace as the man accepted to take up his neglected responsibility. In the same vein, the sequence "I thank God for His image in you, all that you say is in my power as you have appeal to me, I will do it" does not only unearth complete orientation to restoration but also shows that the man is ultimately happy with the resolution process as it related with the issues of his children's education. The sequence foregrounds the man's restoration to his culturally neglected duty.

## 9 Conclusions

In this paper, I have shown that in the process of constructing and negotiating justice, participants orient to regulatory and restorative cultural orientations. The regulatory cultural orientation bifurcates into child-ownership and marital-fight-motivated regulatory cultural orientations, while the restorative cultural orientation centres on marital reconciliation-driven and responsibility-motivated restorative cultural orientations. With the theoretical resources from the interpersonal pragmatics and functionalism theory of culture, I have not only shown how participants discursively drawn from the repertoire of culture to explicitly and implicitly regulate and correct displayed unacceptable and cultural deviant behaviours, notions and perceptions but also different cultural values used to mend broken relationship as well as restores participants to their socially and culturally neglected responsibilities.

To correct and regulate participants' displayed unacceptable behaviour and address culturally deviant perceptions, different cultural values such as traditional marriage rites, submission and male superiority or supremacy are evoked, especially when navigating the complexities of children's custody issues and intricacies of marital conflicts. These cultural values serve as a constructive and respectful framework that fosters peaceful co-existence and encourages mutual understanding. Similarly, the process of restoring broken relationships and addressing abandoned responsibilities is enhanced by emphasising and evoking cultural values such as fatherhood, tolerance, and patience, especially in issues that border on family responsibility and marital reconciliation.

Beyond existing studies, I have focused on participants' strict adherence to cultural values in the construction and negotiation of justice in Nigerian adjudicative discourses, which provides a novel insight into the participants' relational use of language in adjudicative discourses in Nigeria. I have centrally argued that cultural values and realities in adjudicative discourses play a significant role in shaping the construction of justice, actively restoring societal peace, and indexing different categories of justice that pervade adjudicative discourses. It also argues that by tapping into a reservoir of cultural values, societal peace is fostered, participants' behaviour is regulated and aligned with expected cultural norms, and a stronger sense of community, connection, and harmony among members of society is nurtured and established. This study, therefore, not only allows specialists in conflict resolution to meaningful approaches that foster constructive interaction and achieve meaningful and acceptable outcomes, but also shapes the pragmatic dynamic of adjudicative discourse, providing insights into the meaning of fairness and justice, which in turn influence the success of mediation.

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