

Original Article

Transitivity Analysis of Kenya Supreme Court Judgements on Election Petitions and Civil Cases

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Received: 11 May 2022

Revised: 21 June 2022

Accepted: 25 June 2022

Published: 30 June 2022

Abstract - Transitivity analysis provides an efficient model for studying processes and participants in discourse. This is crucial in revealing the clauses' nature and motivation for different actions. Various studies have been conducted on political, media, and classroom discourse transitivity. However, the legal discourse has not been sufficiently addressed in transitivity studies. This study examined the role of transitivity in a legal discourse focusing on the special grammatical features meant to enhance seriousness, precision, and longevity. The study undertook a functional-linguistic analysis of Kenya Supreme Court judgments on election petitions and civil cases, intending to examine the transitivity processes used and their contribution to discourse meaning. Halliday's Systemic Functional Linguistics theory guided the study. Various transitivity processes were explored. These processes include behavioural, mental, verbal, material, relational, and existential. This study established that the processes were used in the judgments to index the cognitive, objective, dialogic, and referential aspects of legal discourse.

Keywords - Transitivity, Legal discourse, Transitivity processes, Cognitive function, Dialogic function, Referential function.

1. Introduction

Language has three primary roles or functions which intersect to make meaning. These are the textual, interpersonal, and conceptual functions. The textual metafunction of language entails how different ideas are interlinked in a text. The internal organization of ideas in a text is realized grammatically through a series of devices such as reference, substitution, ellipsis, and conjunction. It is also realized lexically through the repetition of certain words or collocations (Egins,2004; Toolan,2009). The interpersonal metafunction of language is used to mediate the establishment of social relationships. This aspect is realized through modality structures and elements such as modal auxiliaries, sentential adverbs, adjectives, epistemic adverbs, and nouns. Thirdly, the ideational metafunction of language is about using grammatical processes to express ideas and experiences as represented in transitivity. According to transitivity analysis, the key grammatical processes include behavioural, mental, verbal, material, relational and existential processes.

The term transitivity is commonly used to distinguish between verbs according to whether they have an object or not. However, Systemic Functional Linguistics refers to a system describing the whole clause, including participants, processes, and circumstances. (Thompson, 2014; Rahayu, 2010). Transitivity is a system of the clause affecting not only the verb, which in SFL is regarded as the process, but also the participants and the circumstances (Halliday, 2014). It is part of the ideational metafunction of language and is widely viewed as a powerful tool for analyzing clausal semantic representations.

Transitivity is the representation in language of processes, participants, and the detailed features associated with them (Matu,2008; Yan, 2014), and it is concerned with propositional meanings and functions of syntactic elements. Transitivity analysis identifies the three key components of the clause, namely process, participant, and circumstance (Fowler, 1991). Processes are typically realized by verbal groups, participants by nominal groups, and circumstances by adverbial or prepositional groups. The ideational metafunction in discourse is realized through transitivity processes such as material, mental, relational, behavioural, verbal, and existential processes (Darani, 2014).

2. Literature Review

Material processes refer to our outer experiences, which are realized through action verbs (Halliday, 2014). The participants involved in material processes are the actor and the goal. The actor refers to the obligatory element in the clause that initiates the action, while the goal refers to the element in the clause that the action is done. The actor is obligatory in the clause, while the goal can be done away with, as it is with intransitive clauses.

In addition to the actor and the goal, other participants may be involved in the transitivity analysis of a clause. These include the scope, beneficiary, and recipient. While the goal is affected by the process, the beneficiary is the one that benefits from it. On the other hand, the scope construes the domain over which the process takes place or the process itself (Halliday 2004). The following examples clearly illustrate the idea.



- The defendant submitted his defence.
Actor process goal
- The IEBC gave the forms
Actor process goal
- The party agents filled out the forms.
Actor Process scope

Canning (2014) observes that material processes are processes of doing and usually involve the entity that does the action and the entity affected by the doing. The material process types can take different permutations depending on the semantic intentions of the writer.

Grammatical permutations can influence our interpretation of the same event (Canning, 2014). It can influence the perception of agency, that is, who does what and to whom. Depending on the action and its social or ideological qualities, you can create either foreground, background, delete or excise the agency. In this way, it is possible to define who has more influence in the legal process, which is mandated to act, and who is relegated to be a victim of the action.

Mental clauses comprise verbs that represent verbal processes such as thinking, imagining, liking, wanting, and so on (Halliday 1994)). There are clear differences between what goes on in the external world, as represented in the material clauses, and what happens in the speaker's mind. These are processes of sensing, including thinking, feeling, and perceiving. Their transitivity configurations bring in different kinds of participants. The *sensor* in mental processes is the entity that does the sensing, and the *phenomenon* is that which is sensed. Mental processes are divided into three subtypes: perception, affection, and cognition.

Relational processes serve to characterize and identify (Halliday 2004). These processes relate to two participants in the clause, mostly using the prototypical verb 'be.' Attributive relational processes attribute some quality to the key participant in the clause. Such clauses are usually broken down into carrier, process, and attribute during analysis. On the other hand, identifying relational clauses helps assign an identity to the key clausal participant. The identifying clauses are broken down to identify, process and identifier when carrying out a transitivity analysis. In other cases, the relational clauses highlight a relationship of equivalence, ownership, or place.

On the other hand, behavioral processes reflect physiological and psychological behaviours (Downing, 2006). Such processes have only one key participant, the behavior, who can only be human and account for such behaviour as represented in clauses. In other cases, there may

be another participant, the behaviour, which helps to specify the process (Thompson, 2014).

Example: He gave a faint sigh.
Behaver process Behaviour

Verbal processes account for saying, including any psychological exchange of meaning (Halliday, 1994). Such processes are found in verbal clauses, and they are important in discourse, where they are used in setting up dialogic passages. In reported discourse, such clauses are used when attributing information to the source, including official persons and experts (Halliday, 2014). In formal and academic discourse, verbal clauses make it possible to quote from experts and scholars while simultaneously indicating the writer's stance. Some commonly used terms in such reporting include opines, reports, argue, avers, asserts, suggests, and claims, among others.

The clausal constituents in verbal processes include the 'sayer,' the entity who verbalizes, and the 'verbiage,' which is communicated. In the verbal process, the receiver has a role that accounts for the person who receives the verbiage. Verbal processes can also take 'range' as a constituent that qualifies the process.

The teacher shouted out to James
/ / / /
Sayer process range receiver

Lastly, existential processes represent the fact that something exists or happens. Though not very common in discourse, they make a key contribution to different types of text. Existential processes introduce the key participants in discourse. They also introduce phenomena during narration and serve to introduce places or features that may be encountered (Halliday, 2014). Existential clauses, however, offer no participant clues. 'There' acts not as a circumstance but as a dummy subject (Simpson, 2004). Existential processes can also be used to circumvent cause and effect relationships by eliding participant roles and using nominalized verbs that encode other process types.

Example:

There was a shout across the hall
Dummy subject process existent

Several studies have been carried out on transitivity in media, political and academic discourse. However, there is limited research on transitivity in legal discourse. This study aimed to bridge the gap by examining transitivity processes used in Kenya's Supreme Court judgments. The study interrogated how transitivity is used to foreground, background, legitimate, or delegitimation of participants when writing court judgments. These ideological functions

are realized through various transitivity processes, including material, verbal, behavioural, mental, relational, and existential processes.

3. Research Methodology

3.1. Research Questions

The main focus of this study was the transitivity processes used in Kenya's Supreme Court judgments on election petitions and civil cases. The study aimed to interrogate how the participants and processes in different clauses interrelate and how functional and ideological meanings are realized through verbal processes. According to Halliday (2014), transitivity is a system of clauses affecting not only the verb (process) but also the participants and the circumstances. This study aimed to answer the following questions

1. How are transitivity processes used in Kenya Supreme Court judgments?
2. What are linguistic/ ideological functions realized through the transitivity processes?

3.2. Data collection

The first step entailed surveying the Kenya Supreme court judgments available on the Kenya Law Reports (eKLR) digital repository. It was meant to ascertain the relevance of the judgments to the study's objectives. The sampled judgments were then downloaded from the repository and printed. The researcher then read through the sampled judgments and conducted a linguistic review. The transitivity processes were identified and highlighted concerning the checklist of expected categories. The data were then transcribed by rewriting the transitivity processes in the form of research notes.

3.3. Research instruments

The Kenya Supreme Court judgments were downloaded from the legal repository, Kenya Law Reports, using a chrome downloader. Afterwards, the researcher undertook intensive reading of the downloaded judgments. Using a grammatical checklist, any relevant grammatical features appearing in the sampled judgments were identified and highlighted. These features and processes were later transcribed into research notes.

4. Results and Discussion

According to SFL, transitivity refers to the predicate types in a language and participant roles with which they combine (Tiech,2009). The ideational metafunction of language accounts for six processes, and they include behavioural processes, mental processes, verbal processes, material processes, relational processes, and existential processes.

4.1. Behavioural processes

Behavioural processes mark physiological and psychological behaviour and show a speaker's mental and physical behaviour (Wang, 2010). The most typical pattern for behavioural clauses consists of *behave*r and *process* only, where the 'behave'r is the participant manifesting the verbal process. The unmarked tense for behavioural clauses is *present in the present* rather than the present progressive. Some of the verbs that serve as the process in behavioural clauses are looked, watch, stare, grumble, smile, laugh, and cry, among others.

There are behavioral processes in Supreme court judgments, as illustrated in text *T1* extracted from the dissenting judgment by Justice Njoki Ndung'u on the 2017 presidential election petition. In excerpt *T1* below, the behavioural process 'looked' is used to illustrate the subjective engagement of the writer/ speaker in the stated judicial process.

T1

Having looked at all the forms 34 A AND 34 B (270 constituencies and 1 diaspora), I am satisfied that the forms met the required threshold in form and content.

The text *T1* is derived from the dissenting judgment by Justice Njoki Ndung'u on the 2017 presidential election petition. The majority of Supreme court judges had issued a ruling that the presidential election was fraught with illegalities and irregularities, rendering the results invalid. Justice Njoki Ndung'u was of a contrary opinion hence the dissent. For her, the election met the required constitutional threshold.

The 'behave'r slot in *T1* is empty but recoverable from the rest of the text. The behavioural process (*looked*) denotes a physiological behaviour where the writer had ascertained the legitimacy of forms 34 A and B used to present election results. The 'behave'r emphasizes the process, which entailed looking at all the forms to confirm they were legitimate. The process 'looked' underscores the writer's active engagement in scrutinizing the forms used during the election process. The behavioural process helps to validate the quality of the forms and, by extension, supports the writer's decision to have a dissenting opinion in her judgment.

4.2. Mental Processes

These are sensing processes and include perceptive, cognitive, desiderative, and emotive processes (Halliday, 2014). Perceptive clauses are characterized by seeing and hearing, while cognitive clauses have verbs such as thinking, knowing, and understanding. Desiderative clauses are marked with fear, want, and wish, and emotive clauses are marked with verbs such as regret, fancy, and relish. There are two distinct participant roles in mental clauses. These are

sensors and phenomena. Sensor refers to the person or object carrying out the process, while the phenomenon is the object or person to whom the process is directed.

Most of the mental clauses in the Supreme Court judgments allude to cognitive processes, as illustrated in *T2* from the dissenting judgment by Justice Njoki Ndungu, one of the supreme court judges. Text *T2* highlights a key mental process that is cognitive.

T2

It may be remembered that in the trial of an election petition, the burden of proving that the election of a successful candidate is liable to be set aside on the plea that he was responsible directly for corrupt practices at the election lies heavily upon the applicant to establish his case.

The mental process 'remembered' introduces that 'the burden of proofing that an election should be set aside lies with the applicant.' It alludes to the cognitive aspect of the legal proceedings whereby reference is made to judicial decisions that had been reached earlier. Judges and lawyers must use precedent court decisions on related cases and reference the constitutional principles and other written statutes. The presentation of information from other legal authorities is recognized in law. The exchange of ideas in legal discourse is more of a cognitive engagement and refers to other relevant court decisions.

On the other hand, desiderative mental processes are subjective and represent subjective tendencies by the participants in legal discourse. This is seen in *T3*, extracted from a Supreme Court judgment involving one Paul Mungai Kimani, a Korogocho informal settlement in Nairobi, Kenya, and others, versus Attorney General and two other respondents. This judgment originated from petitions submitted earlier in the high court and court of appeal by the Korogocho Owners' Welfare Association through their proxy, Paul Mungai Kimani. The petitioners, in this case, sought to be registered as owners of the plots on which their semi-permanent houses stood. They also wanted an order given that they were issued leasehold titles for 99 years over the areas on which their plots stood.

Text *T3* illustrates the use of desiderative and cognitive mental processes.

T3

The respondents now wish to take away the proprietary right they have acquired to their respective portions of land. The second was an injunction so that they were not evicted. He reiterated that the courts below ignored the emerging jurisprudence on the right to life and failed to understand poverty's nature.

T3 shows the power that the respondent has against the petitioner. From the judgment draft, the respondents include the Attorney general, the then Nairobi Provincial Commissioner, and the Commissioner of Lands. The respondents seem to have the liberty to do what they like, including dispossessing the slum dwellers of their right to land ownership. This is clear from the desiderative mental process 'wish,' which signifies that any reason does not inform the respondents' actions. Taking away the proprietary rights from the residents of the Korogocho informal settlement was just a matter of subjective convenience.

Secondly, the cognitive mental process 'failed to understand' is used to illustrate that the lower courts (sensor) were insensitive to the poverty experienced by the petitioners. The courts deliberately failed to understand the poverty experienced, as seen in the last mental clause. The cognitive clause negation presents the lower court's failure in its judicial insight. The lower courts deliberately failed to engage legal reasoning to appreciate the low economic status of the petitioners (Korogocho owners' welfare association) and their need for judicial intervention. The cognitive processes are used to delegitimize the respondents in the cited case and negatively present them.

5. Verbal Processes

These are used in clauses that are to attribute utterances to the source. Verbal processes account for 'saying' and any other psychological exchange of meaning (Halliday, 1994). These processes help create a flow in texts and passages, with each statement attributed to the 'sayer' in dialogic passages. Verbal processes, when used in formal genres, make it possible for the one reporting to attribute information to the source by use of such verbs as said, asserted, commented, and countered, among others.

Legal discourse is verbal by default, and the written version only records the legal proceedings. Every participant in a court of law gives a verbal presentation, which other participants interrogate through word of mouth. In the legal proceedings, much of the information is shared verbally, as seen in text *T4*. The data is extracted from the Kenya Supreme Court judgment on the case between one Paul Mwangi Kimani and members of the Korogocho welfare association vs the Attorney General and two others.

T4

The Petitioners claimed to be poor landless people who had been relocated to Korogocho from various parts of Nairobi, such as Highridge and Grogan. They claimed ownership of the land in Korogocho on their behalf and that of 2,584 members of a society known as Korogocho Owners Welfare Association (KOWA). They contended that they were allocated the plots in the 1970s and 1990s, had put up various structures where they resided, and

even developed the plots. It was alleged that in 1986, President Moi visited the area and ordered roads to be constructed and electricity installed, a directive that was implemented. The Petitioners averred that they had severally petitioned the Government for titles.

In the judgment from which *T 4* is extracted, the petitioners sought intervention by the Supreme Court to be granted ownership rights to the property situated in Korogocho informal settlement in Nairobi, Kenya. The petitioners also wanted state agencies to be restrained from interfering with their occupation of the property. In this case, the main respondents were the Attorney General and the commissioner for lands. The verbal processes *claimed, contended, alleged, and averred*, as used in *T4*, symbolize the dialogic nature of courtroom discourse. In pursuit of justice, every party is given space to make submissions on the contested issue. Both the petitioner and the respondents aim for a favourable judgment. The parties involved make various assertions through their lawyers.

The verbal process *'claimed'*, and *'contended'* in *T4* signifies the legal contest between the petitioners and the respondents. In the first case, the verbal process *'claimed'* is used to highlight the identity of the petitioners as poor and landless people fighting for property ownership. Other verbal processes, such as *'contended'* and *'alleged,'* challenge the respondents' perspectives concerning property ownership. These processes present the adversarial nature of the law and provide a background to justify that the petitioners are the rightful owners of the property.

The use of the verbal processes suggests that the opposing party in the legal suit has a different opinion concerning the claim by the petitioners. For instance, the process *'averred'* denotes a firm declaration concerning the contested issue. All the other processes identified signify the abrasive nature of the legal exchange. The judge must assess both parties' verbal submissions and make an appropriate judgment.

6. Material Processes

These are processes that entail doing and happening. The participant who acts is referred to as the actor, and the affected participant is referred to as the goal (Halliday, 2014). In creative material clauses, the actor or the goal comes into existence as the process unfolds. In transitive clauses, the goal is brought into existence, whereas in intransitive clauses, the verbal process leads to the actor coming into existence. This is seen in *T5*, extracted from the Supreme Court judgment on the 2017 presidential petition. In the cited case, Hon. Raila Amolo Odinga and Hon. Stephen Kalonzo Musyoka had filed a petition in the Supreme Court of Kenya challenging the election of H.E. Uhuru Muigai Kenyatta as the president of The Republic of Kenya.

T5

It was submitted that instead of protecting and safeguarding the people's sovereign will, IEBC so badly conducted, administered, and managed the presidential election giving rise to this petition. It disregarded the governing principles set out in the constitution.

Other respondents were affected by the Supreme Court judgment from which *T5* has extracted the IEBC and the Chairman to the IEBC. The petitioners in the case had alleged that the presidential election had not been conducted according to the constitution and had violated the principles of a free and fair election. The petitioners made several submissions to underscore the unconstitutionality of the election. The material processes in *T5* represent the active role of the first respondent (IEBC) in the misconduct of the elections.

In *T5*, the responsibility of the IEBC (the actor in the material process) is highlighted as conducting, administering, and managing the elections. This denotes that the conduct of elections in the country is the sole responsibility of the said constitutional body. However, the petitioner in the cited judgment was convinced that the IEBC, mandated to conduct elections according to the law, failed in its responsibility. The material processes used in making the assertion are qualified negatively by using the adjunct *'so badly'* to show failure on the part of IEBC. In the submission, the petitioner seeks to declare the election null and void and conduct a fresh election.

The choice of multiple material processes (conducted, administered, managed) and the use of the negative adjunct (so badly) is meant to intensify the aspect of failure on the part of the actor (IEBC). The illegality of the process is shown by choice of the process *'flouted,'* which denotes deliberately failing to comply with set legal procedures. Additional material processes are used to show the intensity of failure by the electoral body in the election process, as seen in *T6*

T6

In the petitioner's case, the election was marred and significantly compromised by intimidation and improper influence or corruption. The petitioners argued that the third respondent directly threatened chiefs in Makeni county for not supporting him

The choice of negative material processes (*marred, compromised, threatened*) in *T6* shows the extent to which the elections were unfair. The transitivity choices justify why the presidential election should be declared null and void and a fresh election conducted. The actor in the adjunct clause was the president-elect, one of the respondents in the case.

The material processes assert that the president's ascension to office was irregular and unconstitutional. Ultimately, the material processes highlight the role of different participants during the elections. To vilify the participants, the writer has used negative transitivity processes to show failure and illegality.

7. Relational Processes

Relational processes construe the relationship of being and having between two participants (Nguyen, 2012). The processes mark a relationship of equivalence, ownership, time, place, manner, cause, or accompaniment. Relational clauses are used to characterize and identify and are mostly realized by the verb 'be' in the simple present or past tense. Another verb that can appear as the process of a relational clause is 'have.' There are two different types of relational processes. These are identifying relational processes, which define the relationship between the participants, and attributive relational processes, which describe the quality of the participants. This is illustrated in *T7*, extracted from the Kenya Supreme Court judgment on the 2017 presidential petition.

T7

IEBC submitted that all forms issued to presiding officers had serial numbers, barcodes, and the IEBC watermarks. In addition, forms 34 A were carbonated to ensure that the presiding officer filled only one form to generate six copies.

Text *T7* is sourced from the Kenya Supreme Court judgment where the petitioner's Hon. Kalonzo Musyoka and Hon. Raila Odinga had claimed that the presidential election was conducted unconstitutionally and was marred with irregularities and illegalities, and they sought that the election is declared null and void. However, the respondents, including the IEBC, made submissions in defence of how the election was conducted.

The relational processes in *T7* (*had, were*) are used to characterize the forms used in the election process. The nature of the processes dictates the qualities of the documents used during the election. The security features in the documents are highlighted in the attribute section of the clauses, including serial numbers, bar codes, and watermarks.

The relational clauses and the attributes highlighted reveal the sensitivity of the presidential election and the precautions taken in the quality of the forms used. The IEBC, in a bid to legitimize their input, goes to great lengths to illustrate the seriousness with which they conducted the election. They attempt this by using relational clauses that illustrate the materials' quality. Relational processes highlight the qualities and attributes of the forms used during the

presidential elections to validate the Independent Elections and Boundaries Commission (IEBC) input.

Another issue highlighted by using relational clauses relates to the legitimate steps in the electoral process. The judges in the 2017 presidential petition considered the submissions by the counsel for both the petitioners and the defendants. The counsel for the defendants strongly averred that the turnout by the voters was the key indicator of the legitimacy of the results. However, the judges considered that the presidential election is not all about numbers only but it is a process of democratic transition. This is illustrated in *T8*, derived from the Kenya Supreme Court judgment on the 2017 presidential election petition.

T8

The word election is used widely to include the entire election process, consisting of several stages and many steps. These stages include voter registration, political party and candidate registration, and the allocation of state resources...

The relational processes '*consists*', '*embrace*' '*include*' in *T9* are used to show the hallmarks of a legitimate election. From the submission, several attributes characterize the election process. The election is a process with several stages, including registration of voters, party and candidate registration, and allocation of resources.

The bench asserts *T8* in an attempt to downplay the claim by the defendants that the numbers in the final tally are key determinants of the quality of elections. The bench asserts that the steps followed in the election process are very important. The fact that the third respondent (president-elect) had the numbers did not change the judges' perspective, as outlined in *T8*. In quality elections, the process followed is as important as the final results. Even the results are flawed when the process is flawed, regardless of the voters' turnout. The supreme court judges finally ruled that several illegalities and irregularities characterized the presidential election of 2017. The results from the said election were thus null and void.

The relational clauses are used to characterize entities serving as the clause's carriers. It is also a grammatical strategy for assigning evaluative qualities to the subject (Halliday, 2014). The relational processes in the Supreme Court judgments have been used to describe various attributes and features of the electoral process. The legal threshold of the different aspects of the election is realized when the election follows due process. When any of the stages is flawed, the whole election is compromised.

8. Existential Processes

The existential processes denote that something happens or exists. (Halliday, 2014). Though not very common in

discourse, these clauses are used in narrative texts to introduce the placement and setting of the participants. Textually, the theme in existential clauses is marked by the feature 'there,' which hints that some other entity is about to be introduced, then presented as a rheme (new information). Existential clauses can also introduce tangible entities or features that have a physical existence.

Exist clauses are reasonably used in the Kenya Supreme court judgments, as seen in excerpt T 9. The excerpt is derived from a Supreme Court ruling upholding a high court decision protecting the right to housing, regardless of land title, guaranteed under article 43 of the constitution.

T9

Aren't there situations so grave and exceptional that may arise that, without the Supreme court's intervention, could seriously distort its ability to justice? The Supreme Court is the final court in the land, but most importantly, it's the final court of justice. There is an exceptional circumstance that requires that we invoke the court's inherent powers to review the judgment as prayed.

T10 is derived from a Supreme Court judgment, *Musembi & 13 others vs. Moi Educational Centre Co. Ltd and 3 others (Application 19 of 2021) [2022] KESC*. The petitioners, in this case, alleged that the respondents violated the petitioners' rights to housing guaranteed in the constitution. The existential clauses in the data excerpt are used to foreground situations that necessitate the intervention of the Supreme in the given case. According to the excerpt, some exceptional situations arise during the legal process that requires the Supreme court to make legal interventions. When there are gridlocks in the judicial process, the Supreme Court judges can invoke the court's inherent powers to review a specific judgment.

The process in existential clauses is typically marked by the verb 'be' in its different forms, with the main participant being existent. Other verbs which can be used in existential clauses include exist, remain, arise, occur, follow and ensue. The predominance of the verb 'be' in existential clauses is

illustrated in T10, an excerpt from the Supreme Court judgment on the 2017 presidential election petition.

T 10

...the court thought that an election is declared void by the common law applicable, where the tribunal asked to void it is satisfied that there was no real election at all or that the election was not conducted under the subsisting election law and that there were mishaps that prevented a majority from electing a preferred candidate.

The existential processes in T10 are used to underscore the factors that can make an election void. The existence in the first clause (no real election) is used to illustrate a hypothetical circumstance that can make an election void. This happens when an election is conducted but does not reach the legal threshold of a real election. The second clause alludes to an unfavourable environment for the electorates, making it impossible to elect a candidate. The *second clause (mishaps) represents unfavourable, manmade, or natural situations that pose a danger or challenge* during the election process. Ultimately, the existential clauses in T10 are used to highlight the situations that should warrant declaring an election void. This would happen if the election is compromised and lacks legal legitimacy. An election can also be void if mishaps prevent the citizens from electing their preferred candidate.

9. Conclusion

From the findings, it is imminent that legal discourse utilizes transitivity processes to encode different meanings and worldviews in legal proceedings. The processes used to focus on doers, actions, and the recipients of the actions in different ways. The transitivity processes identified in the Kenya Supreme Court judgments include behavioural, mental, verbal, material, relational, and existential processes. These transitivity processes highlight the mental engagement of participants, underscore the dialogic nature of legal discourse, emphasize responsibility, and offer evaluative opinions about the legal process.

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