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# The Analysis of the Semantics of Above in the Nigeria Criminal Code Act

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**Abstract:** *This paper analyses the semantics of above in English as a natural language and the Nigeria Criminal Code Act as a legal text with a view to seeing if the discrepancy between its senses in the ordinary English and the senses in the legal texts. The examination is vital owing to the fact that the discrepancy in the senses has impact on the interpretation of the law which in turn has bearing on judgment delivery and the establishment of the justice. So, the attention must be called to the peculiarity, if any, when interpreting the document. The work uses polysemy approach to provide proof for each sense associated with above in the Nigeria Criminal Code Act. It was established that regarding the semantics of above in the Criminal Act, the study shows that the preposition, above appears fifteen times with four distinct senses. Fourteen appearances are as a single preposition and it denotes the More than Sense eight times, the Superior Sense three times, and the On-top Sense three times. It also appears in a composite form in which it solely denotes the Existence Sense. The study shows that none of the references including dictionaries (such as OED, Oxford, Cambridge, Merriam-Webster and so on) consulted mentions The Existence Sense among the senses designated to the preposition, above. The implication of this to the best of knowledge of this study is that the Existence Sense is a peculiar sense to the composite forms. The hope is that this study contributes modestly to facilitating the interpretation of criminal laws in Nigeria.*

**Keywords:** *Prepositions, Semantics, Extended Senses, Proto-Scene, Criminal Code Act.*

## 1. INTRODUCTION

Language is very crucial to laws. This is so because laws are themselves products of language as



the enactment of laws relies on language as a tool to couch the laws and pass them across to the society for which the laws are enacted. This makes studying the linguistic aspects of all legal texts imperative. It is on these premises that this paper chooses to discuss the semantics of above in the Nigeria Criminal Code Act. Due to the paramount importance of prepositions in languages and the vital roles proper understanding of prepositions could play in the interpretations of laws, the study opts for choosing one of prepositions. The paper explores the peculiarities of the semantics of the selected preposition in the legal text to discover whether it has different semantics from its semantics in ordinary English or not. The relationship between prepositions and semantics has always been problematic and contentious. They are often considered as having too little semantic content or, vice versa, being too polysemous to warrant an appropriate semantic description. To the best of knowledge of this study, all linguists agree that nouns, adjectives and main verbs are the items with full lexical meanings (Weber 2012a). Notwithstanding, when it comes to prepositions, questions are normally raised, whether they should be regarded as lexical elements with their own lexical meanings or rather as semantically empty grammatical elements. The answer then varies according to the linguistic framework within which prepositions are studied. This work advocates the idea that most prepositions are lexical while few are grammatical. It supports the argument that the basic meaning of prepositions is spatial, with extensions to temporal meaning and further conceptual, idiomatic meanings.

### **Technique for Data Analysis**

As mentioned earlier, the focus of data analysis is on the semantic analysis of above in the Nigeria Criminal Code Act Chapter C39 of Laws of the Federal Republic of Nigeria 2004. The study starts with an exploration of both prototypical and extended senses of the preposition in English as a natural language with a view to serving as the threshold and premise for the examination and analysis of its senses in the chosen legal text; and to see if there is any peculiarity in its senses therein. The study explained whether the senses were prototypical or extended in different contexts. The principled polysemy model as propounded by Tyler and Evans (2003) was used to determine both prototypical and extended senses of the preposition. Table is used to showcase the frequency of the preposition with its semantics in each occurrence. The study tries to grasp the prototypical sense of the preposition which generally corresponds to the basic spatio-temporal meaning. Further semantic webs of the preposition were consulted in books on semantics of prepositions and dictionaries. The study then settled at its use in the Nigeria Criminal Code Act and finally determined through critical study of the text, whether there was correspondence or divergence between the senses of the preposition in the Nigeria Criminal Code Act and its senses in the everyday language.

**Data Presentation**

Table 1: Above

Text	Senses	Type of Senses	Frequency
Any police officer of or above the rank of assistant superintendent	The superior sense.	Extended	3
above-ground contrivance	The existence Sense	Extended	1
sixteen and above thirteen	The More than Sense	extended	3
of the purposes herein above	The On-top Sense	Extended	1
the girl to be of or above the age of	The More than Sense	Extended	2
the girl was of or above the age of	The More than Sense	Extended	1
the girl was of or above the age of	The More than Sense	Extended	1
of a girl being of or above thirteen	The More than Sense	Extended	1
mentioned in subsection (1) above..	The On-top Sense	Extended	1
any of the persons above named	The On-top Sense	Extended	1
Total			15

Having studied the entire document, the study discovers as shown by Table 1 that the preposition, above appears fifteen times with four distinct senses. Fourteen appearances are as a single preposition and it denotes the More than Sense eight times, the Superior Sense three times, and the On-top Sense three times. It also appears in a composite form in which it solely denotes the Existence Sense.

**The Semantic Analysis of above**

As said above, the preposition, above appears fifteen times with four distinct senses. Fourteen appearances are as a single preposition and it denotes the More than Sense, the Superior Sense, the On-top Sense, and the Existence Sense. None of the senses denoted by the preposition above in this legal document is an extended sense; they do not belong to the prototypical sense of the preposition. However, before discussing the senses of the preposition in the document, the study deems it fit to discuss its senses in the ordinary English.

**The Primary Sense Associated with above**

The etymological accounts trace the origin of above to Anglo-Saxon *be + ufan*, which has relationship with the similar origin 'upari', a Sanskrit cognate, to over. In Anglo-Saxon, the over



cognates with through the Old English *abufan* and Middle English *above*, *aboven* which is akin to Old Saxon *bi-oban*, Middle Dutch *bōven*, Old Frisian *bova* and Middle High German *bobene*. Semantically, in all accounts even in Gothic, *be + fan*, ‘above’ was approximately interpreted as ‘being in an up position’ (Merriam Websters; OED, 2017). Hence, ‘above’ primarily denotes ‘higher in place or position than...’ (Tyler & Evans, 2003; Hornby, 2010; Lindstromberg, 2010; Cambridge University, 2017; OED, 2017). This makes *above* overlap with *over* which led some earlier analyses (such as Lakoff, 1987) to suggesting that *above* is synonymous to *over*. However, the prototypical sense for *above* involves the TR and the LM being different in every sense, in addition to the fact that there is no prospective ‘get in touch with’ between the TR and LM (Tyler & Evans, 2003; Lindstromberg, 2010). Moreover, *above* does not retain the straightforward verticality. Finally, *above* unlike *over* whose scenes are either extremely dynamic or absolutely static, is applied to panoramas which are either wholly or distinctly static (Lindstromberg, 2010).

### **The Extended Senses associated with above**

The study will discuss each of the extended senses mentioned above in the following lines.

#### **The Superior Sense**

The Superior Sense is one of the extended senses connected with *above*. The Superior Sense visualises the upright elevation tantamount to being superior in some way. For instance, in warfare, positioning the army on upper place with respect to the foes is a pro for them as this affords a better vantage point and a more effectual position from which a mortar assault can be easily launched. Equally, such a position can be more easily defensible, as the adversary has to mount a hill before launching the offensive. Likewise, there is a connection between corporal tallness and physical superiority. As an illustration, the taller fellows are often dreaded and anticipated to triumph in physical fighting. Moreover, the person who is left standing perpendicularly is the victor in many physical struggles. Furthermore, in many cultures especially, Africans’ which the Nigeria’s is a part of, the inferior normally bring themselves down (bow) when greeting the superior to show the recognition of superiority while the superior remain vertical. The implicature of superiority designated to *above* has also been conventionalised in the well-known expressions such as ‘head and shoulder above the other’, ‘above par’ and so on. For example,

- i. Jide’s presentation was head and shoulder above the others (Gillet, 2004:29).
- ii. His work is above par, so he should get paid better (Spears, 2000:2).

The interpretation of (1i) is that Jide is superior to others, not that his presentation is located physically higher than the others’. The same thing plays out in (1ii).

Another aspect of the Superior Sense involves an individual’s relative rank within a hierarchical setting, such as a firm or a social arrangement, as illustrated in (2):



(2) Tunde is above Lanre in the company.

In this context, the sentence does not imply that Tunde (TR) is physically higher than Lanre (LM). It suggests that Tunde holds a superior position to Lanre in terms of authority, position, remuneration, etc. Examples like (2) do not convey a control sense. This is evident when comparing it to (3):

(3) Tunde is over Lanre in the company.

The interpretation of (3) does imply control. Tyler and Evans (2003) suggest that this is due to the implicature of 'not within potential reach' associated with "above." It means that someone from afar may have titular control but is less likely to have a direct influence, regardless of their superiority in the setting or society. In contrast, an immediate supervisor or boss who is physically and hierarchically closer is understood to have control and influence. Therefore, my supervisor or lecturer, in direct contact with me, is represented as being over me, while the dean of my faculty is typically conceived as being above me.

In the context of the Criminal Code Act under study, the Superior Sense denoted by above is found in Section One of the document. "peace officer" includes any magistrate and any police officer of or above the rank of assistant superintendent; "person" and "owner" and other like terms, when used with reference to property, include corporations of 'till kinds, and any other associations of persons capable of owning property; and also, when so used, include the State; "person employed by or under the Nigerian Postal Services Department" includes an officer of the said Department and a telegraph official; "person employed in the public service" means any person holding any of the following offices, or performing the duties thereof, whether as deputy or otherwise (The Nigeria Criminal Code Act, section 1). As evident in the context of the preposition, the sense denoted by the preposition here is superior to as the interpretation of the text is that a "peace officer" applies to any justice of the peace (magistrate) or an officer in police who has risen to the position of the rank of 'assistant superintendent' or superior to the rank. The lexical item that codes this superiority in this excerpt is the preposition, above. The implication is that any judge or police officer that has not risen to or upper than this level is not recognised under the law as a 'peace officer'. As a result, the person is not answerable to the law as regards any liability or responsibility attached to the position of 'peace officer'. In the same vein, the person is not entitled to any benefits or allowances given by the law to be enjoyed by the position. Furthermore, the sense here is an extended sense, not prototypical. This is because the TR, the police officer and the LM, the rank of assistant superintendent do not involve spatio-temporal configuration, a scenario whereby a physical entity is located on the other. Interestingly, the use of above here is apt and over is infelicitous as the interpretation has nothing to do with the Control Sense which is usually signified by over. What is important here is the hierarchical sequence of the position.

### **The More than Sense**

The More Sense is a distinct sense of the preposition above, in the document. This sense is



derived from an experiential correlation between quantity and vertical elevation. This connection arises from the common conceptualisation that an increase in vertical elevation corresponds to an increase in amount. In certain contexts, the prototypical sense of above can imply More Sense. One can observe evidence supporting the establishment of this distinct sense when above is used without a clear objective sense of physicality or vertical elevation. For instance, in the sentence: "The price of a mudu of rice is now above N1000, both the price (TR) and N1000 (LM) represent non-physical entities. Therefore, the sentence cannot be interpreted as prompting for a physical location of the price above N1000. Instead, it involves the meaning that the stock price is more than N1000. The association between measurement systems that quantify quantity and verticality further supports the motivated nature of the conventionalised More than Sense of above. Measuring systems, such as thermometers, are often conceived as vertical scales, with mercury rising up a thin glass stem as the temperature increases. This perception of similarity between measurement and verticality leads to expressions like "rise in temperature". However, temperature itself is not a physical entity with height. It is important to note that both over and above can be used to express the More than Sense, indicating that an entity is at a higher level than another (Hewings, 2005). Nevertheless, the uses of these prepositions in their More than Sense are constrained by their respective proto scenes, as discussed earlier. For example, common expressions like "above reproach" and "above suspicion" illustrate this usage pattern. An instance is given below.

(5) i. Funso's simple lifestyle placed him above suspicion when it comes to greed.

In (5), the focus is to distinguish Funso's character or actions from those that could be seen as suspicious or reproachable. If someone's actions could be viewed as potentially suspicious or reproachable, then they fall within the scope of suspicion or reproach. Therefore, the choice of above seems more appropriate than over in this context. The instance of the More Sense can be found in section (225) of the Criminal Act.

Any person who, with intent that an unmarried girl under the age of eighteen years may be unlawfully carnally known by any man, whether a particular man or not, takes her or causes her to be taken out of the custody or protection of her father or mother, or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of a misdemeanour, and is liable to imprisonment for two years. It is a defence to a charge of any of the offences defined in this section to prove that the accused person believed, on reasonable grounds, that the girl was of or above the age of eighteen years (The Nigeria Criminal Code Act, section 225) The interpretation of the above section is that any person that intentionally takes an unmarried girl of less than eighteen years of age from the custody of her parents or guardian against their will to be used for prostitution is liable for two-year imprisonment. The only thing that could acquit the accused person of the specified charges by the law is being able to prove that they believe that the girl is of MORE THAN (above) eighteen years of age. Hence, the felicitous sense that could be associated with above in this section is more than.



### **The on-top Sense**

Some scholars such as (Tyler and Evans, 2003) refer to this sense as the Next-one-up Sense. In this meaning, above denotes the next element in an upright sequence, positioned on top of the one currently in focus. This sense adds a specific component, identifying the element immediately above the reference point.

### **For Instance:**

(6) i. Tunde's office is on the floor above my father's.

ii. The letter was sent to the address mentioned above (Cambridge, 2008).

Tyler and Evans (2003) suggest that the sense in (6i) likely originated from the common experience of vertical sequences, like floors in a building, where each element is identified with respect to the one beneath it as a reference point. Over time, through pragmatic strengthening, the On-top Sense has become ingrained in memory, applicable to elements in any vertical sequence, even non-spatial scenarios, as seen in (6ii). It is noteworthy that, unlike the prototypical sense of above that prevents contact between the TR and LM, the On-top Sense involves elements in a vertical sequence, such as stacked boxes, where the next one up necessarily makes contact with the one beneath. This difference from the prototype explains why this sense is not considered the most typical, despite sometimes involving physical entities (TRs and LMs). An instance of this sense is found in section (88), subsection (3) of the Nigeria Criminal Act. It shall be a defence to any person charged under this section with selling, lending or letting on hire of any record that after reasonable inquiry was made by him before the sale, lending or hiring out as the case may be, (the proof of which inquiry shall lie upon the person charged with the offence), he was unaware of the possibility that it might be used for purposes mentioned in subsection (1) above, and thereafter withdrew the record from sale or recalled any record lent or hired out by him (The Nigeria Criminal Code Act, sec. 88, subsect. 3). The meaning of above in the phrase 'purposes mentioned in subsection (1) above' is on-top. It is referring to one of the series of subsection mentioned in the upper page.

### **The Existence Sense**

The Existence Sense is alien to the distinct senses in the semantic web of above. To the surprise of this study, none of the references including dictionaries consulted by this study (such as Hornby, 2010; Lindstromberg, 2010; Cambridge University, 2017; OED, 2017) mentions the Existence Sense among the senses signified by above when used as a single lexical unit. Hence, it could be said that the Existence Sense is generated as a result of the composite form. The appearance of the preposition as a composite, forming part of a compound word, aboveground which according to Merriam Webster (1989), Implies two senses, "located or occurring on the surface of ground" or existing or produced within the establishment. Example,

(7) Aboveground movies.

Both senses are not out of the 'existence sense'. So, above in the compound word above-ground denotes existence as shown in the context of section (8b, para.9) of the document. "Telegraph



post" includes a post, pole, standard, stay, strut, or other above-ground contrivance for carrying, suspending, or supporting, a telegraph..." The interpretation of the text is that the phrase 'telegraph post' consists of, among others anything devised by man on earth and existing or operating on earth as a means of carrying, suspending or supporting a telegraph. This made 'telegraph posts' indefinite devices which can be anything improvised by man to serve the purpose as long as it exists on the surface of ground. Moreover, the phrase 'above-ground contrivance' seems ambiguous as 'above-ground' is an adjective qualifying 'contrivance'. It could denote something devised on the surface of ground. In this case, if something is made in an underground company to serve as a 'telegraph post', it might be argued in the court of law that it is not considered a 'telegraph post' in the eyes of the law. This is so as it could also mean something devised either on the surface of ground or under-ground to operate on the surface of ground. In this case, the location of the manufacture is insignificant but the location of operation. This study sees the second interpretation as the tenable one as the operation of the telegraphs usually takes place on top of the ground not underground.

Finally, there is a sense denoted by above that is not found in the document. The sense is the Topographical-distance Sense. This sense derives from the proto-scene. Data (8) gives an illustration of what this involves.

(8) The bridge is about half a mile above the falls.

Tyler and Evans (2003) argue that this sentence does not mean that the bridge is vertically above the waterfalls as if it is half a mile up in the air. Instead, the standard sense implied in this sentence is that the bridge is set half a mile far-off upstream from the falls. So, Above has developed a distal sense concerning geographical features like rivers, where water flows under the force of gravity. The source of the river is physically higher than the point where it reaches the sea. Additionally, landmarks like rivers naturally extend over long distances. Moving upstream correlates with covering geographical distance. Therefore, being above, in the sense of being at a higher part of the river compared to a lower part, implies having covered distance to reach the new location (Tyler & Evans, 2003).

## **2. RESULTS**

This study conducts a semantic analysis of the preposition above, which belongs to the group of prepositions related to verticality. The prototypical sense of above involves scenes where there is no potential contact between the TR and LM, and it does not strictly denote direct verticality. The extended senses of above can be classified into two clusters: the Vertical Cluster, including the More Sense and the Superior Sense, and the Extra-Vertical Sense, which includes the On-top Sense and the Existence Sense. In the context of the Criminal Act, this study identifies four distinct senses of above used fifteen times. Fourteen appearances occur as a single preposition, with eight instances denoting the More than Sense, three instances denoting the Superior Sense, and three instances denoting the On-top Sense. Additionally, above appears in a composite form, specifically denoting the Existence Sense. Notably, none of the references, including dictionaries





(such as: OED, Oxford, Cambridge, Merriam-Webster, etc.), mention the Existence Sense in connection to the preposition above. The study suggests that the Existence Sense is unique to the composite forms. The hope is that this study contributes modestly to facilitating the interpretation of criminal laws in Nigeria.

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