



The Semantics of before in the Nigeria Criminal Code Act

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Abstract: This paper is premised on the semantic analysis of the preposition Before in the 'Nigeria Criminal Code Act'. The study opts for the preposition due to its paramount importance in languages, and the vital roles its proper usage and understanding could play in the interpretation of laws. The Nigeria Criminal Code Act' was used to determine the senses associated with the preposition serves as the primary source of data collection. The study gleans the semantics through the extensive reading from the primary source to detect the semantics from the contexts; and the reading of relevant Dictionaries and other published and unpublished books on the semantics of preposition before to collect the semantic networks of the selected preposition. A table is used to showcase the recurrence of the selected preposition before and its senses in the chosen legal text. The work advances the Principled Polysemy Approach to first explore both prototypical and extended senses of the preposition in English as a natural language with a view to serving as the threshold and premises for the examination of its senses in the chosen legal text; and to see if there is any peculiarity in the senses associated with the selected preposition in the text. The research concludes that, the extended senses are the only senses associated with the selected preposition in the document. There is no significant difference between the semantics of before, in the document and its senses in everyday English. Though, the language of the law is different from everyday language, this is not applied to all aspects of the language. This paper from the study concludes that the use of the one-word preposition in legal language is not different from their uses in everyday language.

Keywords: Semantics, Preposition, Before, Criminal, Code Act.



1. INTRODUCTION

Language is very crucial to laws 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 before 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 the 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, to Weber [1], all linguists agree that nouns, adjectives and main verbs are the items with full lexical meanings. The answer, as to whether or not prepositions be regarded as lexical semantically grammatical elements vary 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.

2. RELATED WORKS

The Concept of Prepositions and Semantics

The year 1586 marks the beginning of English grammar writing, although a definition of prepositions can be found in Old English literature: “Prpositio is foresetnyss, se by geôeod naman and worde and stent fra on foreweardan: ab jib homine ‘fram oam man’: her is se ab prpositio” Weber[1, p228]. While the meaning of this definition is not clear to this study, it could be assumed that the definition would be linguistically incorrect as the concept of the preposition in Old English is different from what it is today.

English Grammar Today [2] defines prepositions as words used “to show a relationship in space or time or a logical relationship between two or more people, places or things”. The good thing about this definition is that it points to spatial-temporal relations which are the prototypical senses of the prepositions. However, the phrase “or a logical relationship . . .” is ambiguous to this study. Hence, this definition is thirsty of another definition. Another problematic definition is offered by Crystal [3, p. 383]. “Preposition, a term used in the grammatical classification of words, referring to the set of items which typically precede noun phrases (often single nouns or pronouns), to form a single constituent of structure”. The problem with this definition is that it ignores the fact that prepositions are not restricted to “words”; they can be “phrases” too; such as ‘according to’, ‘in addition to’ and so on. Another pitfall of this definition is that it describes prepositions as “items preceding noun phrases (henceforth, NPs)”. So it ignores the fact that prepositions are not the only



items that precede NPs; determiners among others do so as well. Furthermore, Latilo & Beckley [4] consider a preposition as a word used with a noun or pronoun to mark its relation with another word in the sentence.

Virtually all the definitions found in different grammar books by this study are not really different in essence from the previous definitions. They are all from the traditional point of view. They all stress the importance of prepositions expressing relations between two entities in the sentences. Another point to note about the traditional definition is that the prepositionship is determined by the words or phrases that follow prepositions (complements). Thus, if they are followed by NPs, they are prepositions but if otherwise, they are adverbs, particles or conjunctions, Huddleston & Pullum [5]. For examples, see [5, p. 131],

- (1) i. She never saw him after the concert (Preposition).
- ii. She never saw him after he left town (Conjunction).
- iii. She went aboard the liner (Preposition).
- iv. She went aboard (Adverb)

The word after from the traditional point of view is a preposition in (ii) while it is a conjunction in the (1ii). In the same vein, aboard is considered a preposition in (liii) but an adverb in (liv). This approach has been rejected recently by some scholars like Huddleston and Pullum [5]. Huddleston and Pullum [5, p. 137) define prepositions thus: “a relatively small category of words, with basic meanings predominantly having to do with relations in space and time, containing among its prototypical members grammaticised words that serve to mark various grammatical functions.” This study would have considered this definition the best if not for the phrase “a relatively small category of words” embedded. This phrase insinuates that prepositions belong to a small category which paves way for considering prepositions as belonging to the closed items which this study sees as a double standard inherited from the traditional grammar. The question this study would like to ask is, how can one describe something whose exact number is unknown as “small category”?

Thus, to avoid the lapses pinpointed in the previous definitions, this study defines prepositions as words or phrases that institute relations (either lexical or grammatical) between nominal units and other units of the surrounding arguments. Prepositions institute relations between nominal units, mainly nouns and nominal groups, and other nominalised units; explicit or implicit in the environment in which prepositions constitute elements.

Types of Prepositions According to their Semantics

Based on their semantics or functions, prepositions can be divided into grammatical and non-grammatical prepositions. Grammatical prepositions do not have autonomous meanings exclusive of the grammatical structure in which they occur. Examples of this type are by and of as used in the following sentences adapted from Valeika & Buitkienė [6].

- 2i. He was summoned by the Senate.
- ii. This is the speech of the President.



iii. The letter was sent to Tunde.

The three prepositions function in the sentences (2i, ii and iii) respectively as grammatical constituents as they lack identifiable meanings. In (2i), by marks the constituent that is an agent; in (2ii), of signifies the possessive affiliation between the speech and the president; while in (2iii), to points to the recipient.

Non-grammatical prepositions have autonomous meanings identifiable outside the “co-text”. They are sometimes referred to as lexical prepositions. Examples are: in, on, above, under and so on. One of the features that make this type dissimilar to grammatical prepositions is that they are substitutable for other lexical prepositions Valeika & Buitkienê,[6] Macova [7]. Examples as given by [6&7] are as follows.

3i. I saw the cat under/above/near/on! beside... the table.

ii. I am tired of the noise. Vs

iii. * I am tired at/below/on/through/under the box

The grammaticality of (3i) proves that the lexical prepositions can be replaced with one another while the ungrammaticality of (3 iii) proves otherwise.

Non-grammatical prepositions are of two types, spatial and non-spatial. The spatial prepositions are of two types of space: non-temporal and temporal. Spatial non-temporal prepositions signify the location of entities in relation to each other such that one entity serves as a reference point to which another is located. This reference point is also referred to as the landmark (henceforth, LM) and the entity whose location or moment is specified is termed trajectory (henceforth, TR) Tyler & Evans [8], Macova [7]. Example,

4. The dove is in the cage .Downing & Locke [9, p.553).

In (4), the dove is the TR, while the cage is the LM. The LM can be both physical and nonphysical entities. Examples are given by Valeika & Buitkienê, [6, p.129),

5i. The dove is held in the cage (physical).

ii. The dove is held in captivity (nonphysical)

In (5i) the LM, cage is physical while captivity is abstract in the (5ii). Furthermore, the TR can be stationary and dynamic. As for a dynamic situation, the TR moves from a source to its destination, or goal while in the case of the stationary TR, no movement is involved. Spatio-temporal relations could be expressed by using the same prepositions used to communicate spatio-non-temporal relations as shown in following pairs of examples, see [6, p.129].

6i. Ada was in the class.

ii. Ada came back in May.

7i. Ada walked for five miles.

ii. Ada was absent for five days.



8i. We met at the airport.

ii. We met at night.

It is obvious from the above pairs of examples that the same prepositions, in, for and at used for the spatio-temporal are also used for the spatio-non-temporal.

The Relationship between Prepositions and Semantics

The objective of this work is to explore the semantics of the prepositions used in the Nigeria Criminal Code Act hence, it is necessary to explain the relationship between prepositions and Semantics. The relationship between prepositions and semantics has always been knotty and contentious. As noted earlier, they are often considered as having too little semantic content or, vice versa, being too polysemous to warrant an appropriate semantic description.

However, 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, Weber [1]. This is the very reason that this study takes both prototypical and extended senses of the selected preposition for data analysis.

The Nigeria Criminal Code Act

The fact that the subject of the study for this work is the Nigeria Criminal Code Act necessitates a brief introduction of the criminal code act. The Nigeria Criminal Code Act is labeled as ‘Criminal Code Act, Chapter C39’. It is a part of the laws of the Federal Republic of Nigeria, 2004; enacted to deal with crimes. The Nigeria Criminal Code Act consists of eight parts, fifty-five chapters and five hundred and twenty sections and ended by a part titled ‘Subsidiary Legislation’. The act has established a code of criminal law since the 1st day of June 1916. According to the act, the provisions contained in the Code of Criminal Law set forth in the Schedule to the Act, and hereinafter called ‘the code’, shall, except to the extent specified in subsection (2), be State laws with respect to the several matters therein dealt with. Furthermore, the provisions contained in the code which relate to, any matter contained in the First Schedule to the Constitution of the Federal Republic of Nigeria, shall be the law of the Federal Republic of Nigeria with respect to the several matters therein dealt with. Finally, the provisions of Chapters 2, 4 and 5 of the Criminal Code shall apply in relation to any offence against any Order, Act, Law, or Statute and to all persons charged with any such offence (The Nigeria Criminal Code Act).

3. METHODOLOGY

The study precisely covered the Nigeria Criminal Code Act Chapter C39 of Laws of the Federal Republic of Nigeria 2004. This work employed both primary and secondary sources. The study explored the use of the selected preposition before in the Criminal Code Act of Nigeria as the primary source of data, culled it from its contexts and put it in a table for proper examination and critical study. The study used the principled polysemy model to identify the senses of the preposition in different contexts and finally determined the prototypicality of the identified senses



or otherwise based on the adopted model. The study drew on the secondary sources like journals, dictionaries, theses and dissertations, published and unpublished books on the Semantics of prepositions to determine the semantic web of the preposition.

The instruments used for data collections were readings, pens, pencils, jotters, notebooks, files and a computer system. The pens and pencils were used for jotting down the data collected from both primary and the secondary sources. Finally, the study used a computer for accessing the online data.

4. RESULTS AND DISCUSSION

Table 1: Before

The Text	Senses	Type Senses	Frequency
Before the commencement	prior to	extended	1
Before the time of the coming into operation	prior to	extended	1
any Act enacted before the 1St day of October,	prior to	extended	1
Before a court	accessibility	extended	4
Before the commencement	prior to	extended	1
Before there is time...	prior to	extended	3
Before the necessity of so preserving himself	prior to	extended	1
Before being	prior to	extended	2
Before the expiration	prior to	extended	1
brought before (magistrate, court)	extended	extended	4
Before the sale	prior to	extended	1
Before the date	prior to	extended	2
Before the prohibition	prior to	extended	1
Before an order	prior to	extended	1
Before any (court, magistrate)	accessibility	extended	5
Before any person	accessibility	extended	1
Before the 1st day of October	prior to	extended	1
the court Before which	accessibility	extended	3
herein Before in this (chapter, section etc)	earlier on	extended	9
(Judge, magistrate, person) before whom...	accessibility	extended	7
transacted before or by that public	accessibility	extended	2
immediately before or immediately after	prior to	extended	3
immediately before or after the time	prior to	extended	1
Before or during	prior to	extended	2
held before or under the authority	accessibility	extended	1
hunted before it is liberated	prior to	extended	1



Before it has quitted that place	prior to	Extended	1
child died before	prior to	extended	1
Before such necessity	prior to	extended	1
Before such paper has been lawfully issued for	prior to	extended	1
summons before a magistrates court	accessibility	extended	2
Before committing	prior to	extended	1
Before, at, or after, the seizure	prior to	extended	1
to be made before him	accessibility	extended	1
declaration before that person	accessibility	extended	1
taken before a peace	accessibility	extended	1
Before some peace officer	accessibility	extended	1
Total			72

As shown in Table 1, the preposition before appears seventy-two times with three different senses; the Accessibility Sense which occurs thirty-three times, the Prior Sense which occurs thirty times and the Earlier-on Sense which occurs nine times. All of these senses are prototypical.

Semantic Analysis of Before in the Nigeria Criminal Act

As shown by Table 1, the preposition before appears seventy-two times with three different senses; the Accessibility Sense which occurs thirty-three times, the Prior Sense which occurs thirty times and the Earlier-on Sense which occurs nine times and all of these senses are prototypical.

The Prototypical Sense for before

The preposition before relates historically to Old English before n/bfo ran glossed as “in front of”, ‘in former times’; in the presence of’, in front of in time or position. Based on the etymological accounts, two senses compete for the prototypical sense of before. These are The Location Sense which involves a TR and an orientated LM; and The Advance of Sense which involves an In-tandem configuration [11]. To determine the first between the contending senses, the criteria proffered for determination of the prototypical sense which is discussed under the theoretical framework should come into practice.

As could be observed in discussion of the etymology of before, the criteria of the earliest historical use fails to differentiate between the two senses as the historical accounts fail to give priority to either of them. However, the second criterion which is Use in the Compound Forms came to rescue as the compound forms found in dictionaries suggest a distinction. For example, the composite forms like beforehand according to Cambridge [10], Hornby [11, p.119], before-cited, before-named, before-mentioned and so on, are all in favour of In Advance of Sense. Moreover, the predominance in the semantic web also favour the In Advance Sense as the four out of the six senses seem to develop from the sense as illustrated in the following examples given by [8].

- (9) i. Preceding: The scouts fanned out before the main body of the army.
- ii. Temporal: Alice arrived before Bill.



- iii. Priority: We have decided to put public safety before everything else.
- iv. Rather Than: I would throw out those ratty clothes before I would wear them.
- v. Location: The hot steaming soup was placed on the table before him.
- vi. Access To: The world was all before them where to choose

So, based on these premises, this study aligns with Tyler and Evans [8], that the prototypical sense for before is In Advance Sense which entails in-tandem configuration, a scenario where both TR and LM are orientated. The functional element is that of leading, which in turn implicates sequence as illustrated in (10).

- (10) i. The bay reached the finish line before the grey filly.
- ii. Abraham arrived home just before Mahdi.

As could be observed in (10i&ii), it is commonplace that the habitual upshot of two living orientated entities being in a concurrent alignment and in motion is that the advancing one reaches the target first. Accordingly, an inevitable upshot of the TR and the LM being so aligned is that the TR and the LM will arrive at the destination sequentially. This is how the strong implicature of sequentiality becomes connected with before in a situation where there is the tight correlation between the location and the sequence in the panoramas involving a concurrent alignment. Likewise, a recurring sequence of two static entities being in a concurrent alignment is that the person advancing towards the static entities will reach them one after the other according to [9]. Finally, the fact that sequences are temporally framed affairs relates to the passage of time. This is so either because the event itself has to do with the passage of time, such as a foot race, or because the processing involved in relating two separate units in a sequence, as in the alphabets. Hence, a sequence is automatically a chronological concept, and as such, a Sequence Sense is thereby a Temporal Sense. Thus, their proto-scene is consistent with the observations by Langacker [12], Talmy [13], Lindstromberg [14] among others that before is largely designated to temporality while its origins are spatial in nature. In a nutshell, the prototypical sense designated to before denotes a spatial relation in which both the TR and the LM are inherently orientated, and are related as result of a concurrent alignment. The prototypical for before denotes a panorama in which both LM and TR are in in-tandem configuration. This entails that both LM and TR are orientated and implicates priority and sequentiality. Before is somewhat similar to in front of but is normally used to refer to chronological sequence. As said above, this prototypical sense is not found in the document under study.

There are some of the extended senses designated to before which are found in the document. These involve a semi-locative sense with reference to scenes in which the LM is more powerful and authoritative than the TR. This study refers to this as the Accessibility Sense because the TR is always accessible to the LM and is awaiting the LM's judgment or assessment. Lindstromberg [14, p. 107) illustrates this by giving the following examples.

- (11) i. Bow down before the one you serve.
- ii. Caesar drove all before him.



From (11), it is clear that the LMs, the one you serve and him are authorities to the TRs, this implies that you and Caesar, the TRs bear some awe towards the LMs, him and the one. The instance of this sense is found in section (233E) subsection (3) of the Nigeria Criminal Act.

Articles seized under subsection (I) of, this section may be brought before the magistrate who issued the warrant or before any other magistrate, and the magistrate before whom the articles are brought may thereupon issue a summons to the occupier of the premises, or, as the case may be, the user of the stall or vehicle to appear on a day specified in the summons before a magistrate's court to show cause why the articles or any of them should not be, forfeited. If the court is satisfied, as respects any of the articles, that at the time when they were seized they were obscene articles kept for publication for gain, the court shall order those articles to be forfeited; but no order shall be made under this subsection in default of appearance by the person summoned unless service of the summons is proved.

As could be seen, before recurs in this subsection four times with the Accessibility Sense because the interpretation of the phrase 'before magistrate' is that the TRs, articles and the summons are accessible to the LM, the magistrate to pass judge or assess. The LM is usually authoritative and influential.

Another sense found in the document is the Prior-to Sense. It is derived from the In-advance Sense. An instance of the sense in the document is in section (4) subsection (4)

No person shall be liable to be tried or punished in any court in Nigeria for an offence, except under the express provisions of the code or of some Act or Law which is in force in, or forms part of the law of Nigeria: Provided that in the case of an offence committed before the commencement of this Act the offender may be tried and punished either under the law in force when the offence was committed or under the code, provided that the offender shall not be punished to any greater extent than was authorised by the former law.

The felicitous interpretation of before in this context is prior to the time of the LM. It implies that any offence committed prior to the time of commencing application of this act should not be punished except in accordance with the extent law at that point in time. This implies that an act or omission is lawful until it is officially seen as an offence by the law. Other example is found in section (5).

When by the code any act is declared to be lawful, no action can be brought in respect thereof. Except as aforesaid, the provisions of this Act shall not affect any right of action which any person would have had against another if this Act had not been passed; nor shall the omission from the code of any penal provision in respect of any act or omission which before the time of the coming into operation of the code constituted an actionable wrong affect any right of action in respect thereof.

In the same vein, the felicitous sense of before in the phrase 'omission which before the time of the coming into operation' is prior to. The section holds that prior to the time of the penal provision as regards an act or omission coming into function or operation as constituted by the legally concerned body, no legal action should be taken against the act or omission and consequently, no one should be convicted based on the act or omission.



The third sense found in the document is the Earlier-on Sense. This is derived from the In-advance Sense. It denotes that an earlier time than the present. The sense is usually associated with before when it is used as what the traditional grammar considers a conjunction or an adverb. The example is given in (4).

(12) i. He watches news before he sleeps.

ii. You should have told me so before.

It is clear that the sense denoted by before in (4i&ii) is that the TRs, watching occurred earlier than sleeping and that telling is earlier than the implied time of speaking respectively. An instance of this sense is found in section (15) of the document.

A person who has been tried, and convicted or acquitted, on a charge of any of the offences herein before in this Chapter defined, shall not be afterwards prosecuted upon the same facts for the offence of treason, or for the offence of failing, when he knows that any person intends to commit treason, to give information thereof with all reasonable dispatch to a peace officer, or use other reasonable endeavours to prevent the commission of the offence.

In this section, 'the offences defined before in this Chapter' means the offences defined prior to the offences defined in this Chapter.

Other Extended Senses for before

There are other senses that are derived from the prototypical sense which are not found in the documents. Short notes on these senses are given below.

i. The Until-Sense as in:

(13) It may be many years before the situation improves, Hornby [11. p. 119).

It could be seen in this example that before does neither denote spatial relation nor priority. Rather, before is laying down a starting point for other events which cannot take place until the point is reached.

ii. Or- else Sense as in:

(14) Put that chair away before it gets broken. Hornby[11.p119).

The sense denoted by before in (14) is or-else. The felicitous interpretation of (6) is 'put away the chair or else, the chair would be broken'. This sense is usually denoted by before in a situation where warning or threat is given to somebody that an unpleasant thing could happen. Rather-than Sense as in:

(15) I would die before I apologised! Hornby, [13, p.119)

The interpretation of this sentence is that the speaker prefers dying to tendering apology.

The preposition of orientation of before, the prototypical sense designated to before signify a spatial relation in which both the TR and the LM are intrinsically orientated, and have relation by virtue of a concurrent alignment. Before appears seventy-two times with three different senses; the Accessibility Sense which occurs thirty-three times, the Prior Sense which occurs thirty times and



the Earlier-on Sense which occurs nine times. In all the appearances of before, the senses denoted are extended senses.

5. CONCLUSION

Based on the above analysis, this study concludes that, the extended senses are the only senses associated with the selected preposition in the document. There is no significant difference between the semantics of before, in the document and its senses in everyday English. Though it is true that the language of the law is different from everyday language, this is not applied to all aspects of the language. This paper from the study of the selected preposition in the Nigeria Criminal Code Act concludes that the use of the one-word preposition in legal language is not different from their uses in everyday language.

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