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IS VERBAL CONFRONTATION NECESSARILY IMPOLITE? AN EXAMPLE OF "THE STATE V. IDAHOSA" IN THE HIGH COURT OF OSUN STATE, NIGERIA

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Abstract

Granted that the major linguistic ingredient for the fulfilment of legal purposes is inherently face-threatening, the classification of what constitute impolite language usage should however take into consideration the context of performance. This study is anchored on Watts's (2003) theory of Relational Work. This is against the often held traditional assumption that politeness is primarily a linguistic means of avoiding conflicts. The study evaluates the linguistic and pragmatic strategies through which the goal of the classroom is achieved notwithstanding the divergence of interests among the participants taking into cognisance the social power relations in the courtroom situation. Performances of FTAs in the courtroom, particularly with the example of "The State v. Idahosa" (2010), a criminal trial of conspiracy and murder in the High Court of Osun State, Nigeria are justifiable consisting of behaviour reflective of distance, power and control, expedient face-enhancing strategies and constraints of roles and professions. These pragmatic strategies are linguistically indexed in the form of sanctioned verbal aggression, bald-on-record FTA, conventional directness, justifiable verbal disagreements and the performance of certain directive/commissive acts which are reflective of the linguistic choices allowed by the courtroom situation and purpose culminating in the dispensation of justice.

Key words: verbal confrontation, politeness, legal discourse, power, linguistic /choices

Introduction

The aim of this paper is to canvass evidence in disproving the often held assumption that politeness is primarily a linguistic means of avoiding conflicts. However, there are activity-types, courtroom conversation inclusive, that require the promotion of verbal confrontation and disagreement among the participants. Consequently, this study based on "The State v. Idahosa" (2010), a criminal trial of conspiracy and murder in the High Court of Osun State, Nigeria

exemplifies certain linguistic behaviour in confrontational encounters that may be evaluated as justifiable rather than as impolite verbal behaviour.

In so doing, the study has addressed the paucity of scholarship on (im)polite linguistic resources in adversarial contexts at the level of the high court, particularly, in the South-western part of Nigeria. The study uses Watts's (2003) theory of Relational Work (henceforth, RW) to evaluate the linguistic/pragmatic strategies through which the goal of the courtroom is achieved, in spite of the conflicting interests among the participants. It also takes into consideration the social power relations in the courtroom situation as it enhances or impedes the dispensation of justice.

THEORETICAL Background

Brown and Levinson's theory of politeness is linked to Goffman's notion of face, which is the emotional variant to "face" as part of the human anatomy. Facework refers to the behaviour parties resort to in an effort to deal with the conflict between preserving or serving their own face needs and accommodating the face needs or interests of another party. It is, according to John (2008:np), a "subtle interpersonal encounter found in all societies, calculated to avoid personal embarrassment, or loss of poise, and to maintain for others an impression of self-respect".

To enter social relationships, Brown and Levinson (1987) argue that speakers have to show an awareness of face and that it is a universal practice across cultures that speakers should respect each other's expectations regarding self-image, take account of their feelings, and avoid acts that threaten someone's face. Although it is in every participant's interest to avoid face-threatening-acts (FTAs) in an interaction, it is not always possible since some illocutionary acts are inherently face-threatening as their performance pose threat to either the hearer or the speaker's face.

A shortfall of Brown and Levinson's (1987) theory is its alleged inability to accommodate aggressive or confrontational verbal interchange. Locher and Watts (2005:2) have argued that the theory "is not in fact a theory of politeness, but rather a theory of face work dealing only with the mitigation of face-threatening-acts". Brown and Levinson (1987) canvas the notion that linguistic interaction is always face-threatening and that politeness is primarily a

way of avoiding any conflict that results from linguistic interactions. This position exposes the theory's lack of definite scope on the concept of (im)politeness prompting Penman (1990:16) in accusing it of only focusing on producing politeness and leaving out impoliteness. Penman (1990) argues that face-saving/face-threatening strategies in Brown and Levinson's TP can also be used for face-aggravation.

Humans are not strange to conflict as there may be the need to ventilate grievances and disagreement rather than seek co-operation and social conviviality in certain types of social activities. Lakoff (2009:102) has listed such activities which to include political debates, town hall meetings, correctional-talks, "psychotherapeutic discourse and the discourse of the American trial courtroom", and so on. As such "displaying skills in formulating and sustaining disagreement is an interactional requirement and contributes to the interactants' 'positive self-presentation'" (Patrona qtd in Bernadettee Hanlon, 2010:33). This is the reality of language usage despite Goffman's (1965:10) claim that an individual "is disinclined to witness the defacement of others".

The Brown and Levinson's (1987) facework account may, therefore, not be adequate for a linguistic analysis in the courtroom or the parliament which is based on argumentation. This position is corroborated by Harris (1984:47) who insists that "systematic impoliteness, in the form of utterances which are intentionally designed to be face-threatening, is not only sanctioned but rewarded. Members of Parliament, as a community of practice, clearly perceive that the main role of opposition is to oppose, i.e. to criticize, ridicule, subvert, etc. the policies and positions of the Government".

Watts (2003), has in the meantime, made provision for several levels of politeness including normal, appropriate, unmarked as well as marked behaviour which are operational in different norms and contexts. Alleged impoliteness may be canvassed by Brown and Levinson (1987) may be interpreted as politic or appropriate behaviour in Watts's (2003) proposal depending on whether or not such performances are in conformity with the frame of the participants' expectations. For example, the presiding judicial officer in saying to a counsel: "objection overruled" or the legislative presiding officer in ruling his colleague out of order, to mention but a few, have not performed an FTA in line with the perspectives offered by Watts.

Expedient or politic behaviour is, in the opinion of Watts (2003:19), unmarked "linguistic behaviour which is perceived to be appropriate to the social constraints of the on-going interaction". Impoliteness on the other hand is understood, in the opinion of Locher and Watts (2005:81), as "breaches of norms that are negatively evaluated by interactants according to their expectation frames" and is rooted in face-aggravation in a particular context in a direct, unambiguous manner and is deliberately enacted as an offensive verbal attack targeted at the hearer. RW is a concept which covers the "continuum of verbal behaviour from direct, impolite, rude or aggressive interaction through to polite interaction, encompassing both appropriate and inappropriate forms of social behaviour" (Locher, 2004:51).

Politic utterances being unmarked are not likely to evoke an evaluative comment (Locher and Watts, (2005:79). It is an area where subjective judgements become relevant and is thus an area of dispute since it is "not everyone [that] agrees about what constitutes polite language usage" (Watts, 2003:252). Whether certain behaviour is polite, impolite or appropriate depends on the judgements of the speech participants which are determined on the basis of norms and expectations of the individuals (Locher and Watts, 2005:12).

There is no consensus on a methodological approach to the impoliteness phenomena as the subject is being hotly contested by the different theoretical camps. There is a common denominator however that impoliteness is rooted in face-aggravation in a particular context. In the submission of Tekourafi (2005:45), "judgements about politeness or impoliteness/rudeness are not always automatic but may be reached after some deliberation about the speaker's intention". This is at variance with the position of Locher and Watts who submit that impoliteness should be evaluated as "a judgement made by a participant in an interaction with respect to the appropriateness or inappropriateness of the social behaviour of co-participants" (2005:77).

In another model of (im)politeness framework, Tekourafi (2008) classifies the twin topic of politeness and impoliteness as: unmarked politeness, unmarked rudeness, marked politeness, marked rudeness or rudeness proper and impoliteness. These represent in varying degrees the intentionality of speakers (as may be inferred by the hearer) in the performance of face-threatening-acts (FTAs) or politeness, as the case may be, and whether such linguistic behaviour

is noticed or unnoticed by the participants especially the hearer. This classification as well as the concept of markedness overlaps the distinction made by Watts into politic, polite, and impolite as well as all manners of linguistic behaviour.

Culpeper (1996) has, however, divided impoliteness into two categories: inherent impoliteness and mock impoliteness or banter. The writer argues that inherent impoliteness is contained in the acts that involuntarily threaten the face of an individual regardless of the context of performance. Mock impoliteness occurs when impoliteness stays on the surface and in a situation when it is not intended as an insult. Culpeper (1996), while making a distinction between impoliteness and rudeness, however notes that both are "inappropriate and negatively marked" behaviour. Culpeper, alongside Bousfield, and Locher and Bousfield, treats impoliteness as wilfully enacted suggesting that impoliteness is intentional while rudeness is unintentional (Culpeper (1996); Bousfield (2008); Locher and Bousfield (2008)).

This position is at variance with Tekourafi (2008:61-62) who insists, based on lexicographical details, that rudeness is intentional and impoliteness unintentional behaviour. According to Culpeper, rudeness in most dictionaries refers to intention, whereas impoliteness refers usually to an "accidental slight". It is not always the case as canvassed by Locher and Watts (2005:94) that every action that contains a blatant face-attack with an attempt to malign the hearer is impolite, aggressive and rude. Rather, the face-attack may be subtle and performed through what Johnson and Clifford (qtd by Archer (2011:11) call "impolite civility". They reportedly argue that "impoliteness" may remain below the discourse surface as a result of surface politeness features such as "please" and "thank you" (Eelen, 2001:165) to "varnish" otherwise "impolite" acts and that these "masking politeness features" as Alison and Clifford call them, make any FTA "harder to challenge".

Culpeper (1996) observed that "impoliteness comes about when: (1) the speaker communicates face-attack intentionally, or (2) the hearer perceives and/or constructs behaviour as intentionally face-attacking, or a combination of (1) and (2)" ("Weakest" 38). Culpeper, here, aligned with Tekourafi's (2008) position against those of Bousfield and Wichmann, with whom he had earlier taken a different opinion, to emphasise intentionality by the speaker to perform impoliteness as well as the ability of the hearer to so recognise such intention. The submission of

Culpeper (1996), in this instance, echoes the middle ground which this study has earlier canvassed. This is preferable and safer since it accommodates the dyadic interplay between the speaker and the hearer which is reflective of the norms and other situational constraining factors of the speech event.

Power equation plays a role in all social interaction and should therefore be taken into consideration in categorising (im)polite linguistic resources. Power is "discursively negotiated and is always latently present in every instantiation of social practice" (Locher and Watts, 2005:86). In the courtroom, power relations are skewed in favour of the judge and the counsel, in that order, with the latter however active, enjoying the luxury of framing the questions to his advantage through varying communicative strategies like "being ambiguous to targets, causing them to misunderstand and, therefore give the appearance of guilt", blocking, interrupting, overlapping with speech and changing topic before the addressee has got the chance to answer (Roger Shuy, 2005:34).

In the course of cross-examination, therefore, counsel may effectively use discursive resources in manipulating what the witness would testify and consequently what the jury can learn. This position has further been clarified by Hobbs (2002:413-414):

> Cross-examination provides a classic setting for confrontational speech, in which the witness may be explicitly challenged to admit that he is lying, or mistaken, or both. More often, however, such challenges remain implicit, and result from inferences created by a series of questions in which the cross-examining attorney attempts to imply a version of the evidence that is contrary to the witness' testimony, a process that Drew [1992:516] refers to as 'constructing contrasts' because the questions "convey to the jury a contrast between the witness's account of what happened, and what is likely in fact to have happened". Far from being neutral requests for information, such questions are themselves freighted with meaning, building a description of the relevant events that favours the position of the attorney's client.

The exercise of power is latent with face-constituting/aggravation which the speaker may instantiate depending on the direction that suits her/him and in consideration of the interactional purposes and other situational factors. It is pertinent to note however that face-aggravating behaviour by the superordinate courtroom participants can hardly be classified as impolite. Such behaviour, except when it is made obvious against the norm of expectation by the participants, may be considered as appropriate on the scale of social power relations. Conversely, any such

behaviour from the subordinate courtroom language users is not only impolite; but may be interpreted as contemptuous with risk of sanctions. Culpeper (2008) and Bousfield (2008) are unanimous in connecting power with the use of impoliteness and that it is most likely to occur when the speaker is more powerful than the addressee.

There are instances when participants in the courtroom cross the politic/unmarked zone to perform outright marked impolite verbal behaviour. In addition to non-verbal impolite behaviour which includes inexcusable absence of parties from court, improper dressing by legal practitioners, rude gestures and so on. Ayansola (2016) has further shown that the courtroom language users may also deploy negatively marked impolite linguistic behaviour through varying strategies of falsehood, name-calling, contempt and impolite imperatives. Ayansola's position is, however, not sufficient to equate the courtroom to only a site of verbal aggression which can be hastily evaluated as impolite.

Shuy (2005:4), while probably echoing the popular sentiment by the majority of analysts in equating verbal aggression to impoliteness, claims that law enforcement uses "language crimes" when questioning suspects and in the process, they do manipulate the words of the suspect and make it sound ambiguous with the risk of ascribing to it what the speaker did not mean. Law enforcement, according to Shuy (2005) use language strategies that makes it appear that defendants are guilty of crimes that they never committed. Whereas the scenario painted by Shuy (2005) amounts to face-aggravation in the context of the courtroom, it is, however, difficult to simply assume that every instance of face-aggravating behaviour in the courtroom context notably by legal (or other) professionals would constitute impoliteness. It becomes imperative, therefore, to subject the courtroom linguistic activities to a serious scrutiny with a view to putting its language usage in proper perspectives.

Archer (2011) has argued that because of the rules of the courtroom, the lawyers' FTAs do not usually involve an overt intent to harm and that lawyers should not be seen as doing impoliteness. Rather, they do take advantage of the ambiguity that is generated by their multiple goals. Archer (2011) submitted that her "intentionality scale" provides a useful means of demonstrating how lawyers manipulate ambiguity-as-to-speaker-intent, and by so doing, problematize any arguments for primary intent to harm or that impoliteness has taken place even when the defendants, like Oscar Wilde, perceive the lawyer's behaviour to be extremely

damaging to them personally. She concludes that the notion of "reality paradigms" provides a useful means of framing Wilde as a moral deviant without having to state it explicitly. This study aims to evaluate covert and overt politeness nuances as hearers may be seen to have perceived the linguistic acts of the speakers and the intention behind it. It is our opinion, as well, that some lawyers do deliberately provoke the opposition so they can prove their point.

The tendency to equate face-aggravation to impoliteness is misplaced since according to Archer (2011:5) "face-aggravation and impoliteness do not constitute the same thing in contexts such as the courtroom", a context in which "face-aggravation is deployed by legal professionals in a systematic way as part of what they perceive to be their job" (Culpeper 1996:359). Systematic impoliteness from a perceived verbal aggression which does not exhibit intent to harm is normal and politic in a given activity-type where such "verbal aggression" is not alien to it. This position is further amplified by Archer (2011:6) that any "behaviour [that is] accounted for by the politic zone are those professional activities which, although undoubtedly are face-aggravating beyond the courtroom, are legally sanctioned by courtroom conventions and norms".

Sanctioned behaviour in the courtroom is synonymous with Tracy's (2008) concept of "reasonable hostility" which is a normative ideal which guides peoples' conduct in regard to publicly criticizing persons in a public forum. It is premised upon the communicative conduct on interlocutors in school governance meetings to show how FTAs play a necessary role in the proceedings. Harris (1984) has, however, found a link between Tracy's study and the concept of "reasonable hostility", which though is formulated outside the legal context, is applicable to the courtroom because prosecuting lawyers will often attempt to appear "incisive, tough [and] even aggressive" in the performance of their work, while steering clear of gratuitous offensiveness (Bousfield 2008:18).

Harris (1984), while echoing the position of Lakoff, states that legal contexts are not merely a site of verbal aggression or "reasonable hostility" but also of face-enhancement and a multiplicity of facework strategies in between the two and that "aspects of face-enhancement and face-threat are components of the adversarial process, [but] not the primary goal." Lakoff (2009:1) observes that in such contexts, "non-polite behavior can be systematic and normal" and is linked to "power relations between [the] participants". Face-enhancement is particularly the

strategy of polishing one's own face and for self-politeness which is aimed at neutralising anticipated verbal attack or to address certain perceived impoliteness.

Harris (1984) further gives the example of the enhancement of a defendant's face during examination-in-chief as a strategic part of the larger goal of proving the defendant's innocence while face-threat during cross-examination is a strategic part of the larger goal of proving the defendant's guilt. The primary goal of the courtroom, therefore, according to Harris is to "elicit, establish, present and ultimately assess "the validity of evidence". Consequently, the categorisation of verbal strategies as (im)politeness or facework phenomena are means of actualising the substantive goal of the courtroom and not primarily crafted as a means of insulting the hearer's sensibilities.

The numerous models of (im)politeness are demonstrative of the complexity of (im)politeness in human interaction. The significance of adopting the theory of RW, however, lies in its wider applicability over other variants of postmodern theories on (im)politeness and significantly, its broadness over Brown and Levinson's TP which is anchored on facework. RW is "an all-embracing framework" (Culpeper, 2008:41) which is capable of handling directness, impoliteness, rudeness/aggressiveness, politeness and "other such terms [that are] labels of contextual evaluations" (Culpeper, 2008:41). Janet Holmes and Stephanie Schnurr (2005:124) are also supportive of RW since the theory avoids "the definitional traps, referential slipperiness, and emotional baggage of the term '[im]politeness'".

Verbal confrontations are politic linguistic behaviour which demonstrates distance, power and control; expedient face-aggravating devices; and constraints of roles and professions which are reflective of the linguistic choices allowed by the courtroom situation and purpose.

3.0 DATA PRESENTATION AND ANALYSIS

3.1 Behaviour Reflective of Distance, Power and Control

Norman Fairclough (1989:3) has argued that language is the "primary medium of social control and power". This position is often demonstrated in the courtroom since it features a high display of distance, power and control.

Example 1:

It [the application for bail] is clearly not properly before me and it is
accordingly struck out (The State v. Idahosa, 2002:53).

Example 2:

Judge: I am also taking into consideration the possibility of interference and because of the severity of punishment that the accused may not appear to answer his charge. … In the result the application for bail is refused 2nd and 3rd accused who were admitted to bail is [sic] hereby discountenanced the reasons for the grant been [sic] extirpated and no longer holds. (The State v. Idahosa, 2002:55).

The judge, considering the bail application as ill-presented, strikes it out (Example 1) in exercise of his power which can hardly be classified as impolite. There is a similar pattern in the judge's language in Example 2 where he commanded the bail revocation which he hinges on his concerns that the accused may escape justice and interfere with the judicial process. This linguistic behaviour could otherwise have passed for an FTA but it is rather politic on the account of distance, power and control inherent in the judge. Instances of judges' manifestation of P and C are observed in utterances such as "this submission by the learned counsel is misplaced"; "the learned counsel is overruled" and so on.

Counsel also wield considerable power in the courtroom verbal equation in posting agenda-setting questions to witnesses that are being cross-examined, among other initiatives. They exert strong verbal leverage over other participants, including the judge, who does more listening rather than being directly involved in the cross-examination. This observation is illustrated with the next excerpt:

Example 3:

Counsel:	Who has order to kill who?	Line	1
	The 3rd accused claimed he had order to terminate the		2
	lives of the student executives. He used the word "dissolved".		3
Counsel:	Do you have a copy in writing?		4
Witness:	It is not in writing.		5
Counsel:	When were you admitted to read …?		6
Witness:	I was admitted in 1993/94 to read … .		7
Counsel:	When did you join the SUG?		8
Witness:	From the time I was admitted.		9

Counsel:	When did you become the leader?	10
Witness:	I was elected leader in 1998/1999 session.	11
Counsel:	Was there SUG that year?	12
Witness:	The SUG was dissolved after the swearing-in. By the students I am	13
	still the President but by the authority, I am not recognised.	14
Counsel:	Was that the cause of confrontation with the VC?	15
Witness:	It is not true that because of the dissolution of the Union and our	16
	relationship with VC is the cause of the trouble.	17
Counsel:	How many cults were there during your tenure as President of SUG?	18
Witness:	I don't know how many cult societies are in existence during my	19
	tenure as President.	20
Counsel:	Which of the cults sponsored your candidacy as SUG President?	21
Witness:	I was not sponsored by any of the cults. I am a member of SG&S.	22
	I was not sponsored to the presidency by DSM.	23
Counsel:	Why did you lead several violent attacks on campus?	24
Witness:	It is not true that I led violent attacks on the campus. It is not	25
	true that we murdered anybody. … The VC is not our life enemy.	26
We were not given N500,000.00 as alleged. (The State v. Idahosa, 2002:80-83).		27

The defense counsel attempts to discredit the witness' report so he could curry a favourable judgment. One of his strategies is to be aggressive, confrontational as well as give little attention to linguistic soft punch and niceties. Questions are framed in direct acts so the witness can respond in a predicted manner with little or no room for evasion. The witness's response in lines 2 and 3 in which he claims that the 3rd accused has "an order to kill" is a serious legal admission which should be discredited; hence the counsel's question: **"**Do you have a copy in writing?" The counsel, with inherent power, gains discourse advantage over the hearer who admits that the order was not in writing.

In the same vein, the question in line 6 entails that of line 8. A student is automatically a member of the Student Union on admission into the university. The strategy is to put pressure on the SUG President, being the principal prosecution witness, so he may provide a hint of inconsistency with the earlier version of his statement while the defence counsel would leverage

on that. This is realised in lines 11 – 17 when the witness, in a somewhat contradictory manner, testifies that he was elected SUG leader in 1998; the same year that the Union was proscribed by the authority. Similarly, the admission that the SUG was not recognised by the authority (line 14) was another opportunity for the defence counsel to confront the witness with another linguistic punch in line 15:

"Was that the cause of confrontation with the VC?"

In lines 18-25, the lawyer insinuates that the witness is a secret cultist, sponsored as SUG President by a secret cult group and that the President engages in a cult-like violent attacks on campus. The lawyer further accuses the addressee, the President of SUG of murdering the Union's Secretary (what FTA could be worse than that?) whose murder has necessitated the on-going trial. He is also named to be the VC's sworn life enemy as well as being officially corrupt as SUG President (lines 25 – 27). The analyst can hardly categorise the unfriendly verbal attitude of the counsel as impolite since he has only acted within the confine of his institutional power.

3.2 Expedient Face-Enhancing Strategies

Some impolite illocutionary acts are expedient based on prevailing situations. Such behaviour may be necessitated by the need to respond to urgency, counter certain threat, or for face-enhancement/constituting purposes that may be employed as defensive strategies.

Example 4:

First PW: The Union had to practically declare the cultists persona-non-grata so as to 1
scare them away. This was due to the reluctance of the authority to do 2
something. They [X and Y] were dragged out of the vehicle and a minimal 3
search was carried out. We saw in his travelling bag, soaked black jeans 4
trouser, black beret, and several T-shirts. I saw pictures of his friends. On 5
getting to the garage we decided to do a stop and search on all vehicles coming 6
from … and to …. After some buses have gone by us, we now saw a bus 7
which a known … cultist was inside, we made the two of them to alight from 8
the bus and a search was carried out on their personal belongings. The stunt 9
guy who was later identified as X we saw a black net, dirty jeans with a 10
snake skin inside, a black T-shirt … . And then we decided to arrest them and 11
bring them to Campus for further interrogation. In a meeting with the 12

VC, I challenged him in the presence of other union members and staffs 13
that the cultists were reported to have confessed that source of 14
sponsorship as Professor Y, this he denied with students. One of our 15
suspects confirmed his knowledge beforehand of the attack on the students' 16
union executives and the involvement of the VC and one Mr. Z. (The State v. Idahosa, 2002:7-8).

The account of the President of the Students' Union in "Conspiracy" is laced with face-threats to the suspects, to the third-party and to self. In all cases, the speaker provides a rationale for the face-aggravating actions. In line 1 he declares the cultists persona non-grata, a euphemism for war within the context of cult groups altercations. The corresponding basis for this action is the reluctance of the authority to respond to the threat posed by the cultists (line 2). The table below summarizes the threat, its recipient and its justification.

Acts	**Recipient**	**Defence**
To declare person non-grata	FTA to the accused	reluctance to act by the authority 1
To drag and conduct search	FTA to the accused	discovery of incriminating items 2
To stop and search vehicles	FTA to third parties	searching/discovery of cultists 7
To arrest/interrogate	FTA to the accused	to obtain statement from cultists 12/13

These acts are face-threatening because they are offensive to the accused, to the third-party who may not be directly addressed (for example, the university counsel with an observer status) and lastly to the speaker himself who has arrogated to himself the functions of law enforcement agent through his admittance (an instance of negative politeness) in declaring a fellow student person non-grata, dragging and conducting a search, arresting a suspect, and so on. However, the performance is motivated by certain factors as indicated in the third column of the table.

There are other examples of certain face-aggravating behaviours that are necessitated by circumstantial factors.

Example 5:

First PW: I had a meeting with the VC. The cultist confessed that the VC is their sponsor and I confronted him (The State v. Idahosa, 2002:74).

The SUG President is motivated to "confront" the VC and makes a public confession to that effect having been angered by the information that the said VC was the sponsor of the cultists. In another breath, the SUG President in response to why he did not hand over the alleged cultists to the police reveals that:

Example 6:

First PW: I did not take them to the police because those that we took to the police … were released some days after. The students frowned at it. The Students' Union wrote the authority about the cultists but they did nothing. A week after meeting with the VC, the University was closed down because the students boycotted classes. Nine students were arrested. Sub-machine gun with six rounds of ammunition was recovered from them (The State v. Idahosa, 2002:81).

The illegal act of detention committed by the students is a serious misconduct which the President, however, justifies by making reference to the unjustifiable release by the police of the cultists that were earlier apprehended and handed over to them. The students boycotted classes, justifiably, in protest against the alleged complicity of the authority in connivance with the police in this regard.

It should be noted that in performing self-face-threatening-acts the speaker also constitutes his own face by insinuating the relevance of the Students' Union to the peace, orderliness and the well-being of the university contrary to the alleged negative disposition of the university authority to the student body. The condition that necessitates the performance of FTAs in the courtroom is for the witness to emerge victorious and be exonerated from wrongdoing. Hence, such FTAs cannot pass as those listed by Brown and Levinson. Rather, they are politic and appropriate as such performance is necessitated by the need for the speaker to save his neck from the perceived culpability.

The accused may also perform self-face-threat with justification.

Example 7:

1st Accused: The SUG said that the first students that were caught for cultism said that the

[VC] is their patron that was why they were called back to school. I answered 2
yes just because of the beating. Prof. Y, the VC has no hand in the killing 3
of the students but why I told the students that he was involved is that I was 4
almost dead in the hands of the students since I have no choice and I don't 5
want to die (The State v. Idahosa, 2002:21).

6

In the above example, the accused performs an FTA against himself, the VC and Z, his co-accused, by portraying himself as a liar, so he could escape from death. Performance of FTA under duress, in the form of death, cannot count as impoliteness. Conversely, the inherent "politeness" in line 3-4: "Prof. Y, the VC has no hand in the killing of the students" is strictly speaking a behaviour that is expected of a student to the VC. It is appropriate and politic since it falls within the frame of expectation.

3.3 Constraints of Roles and Professions

The performance of certain linguistic behaviour is premised on the participants' role and professions. Courtroom interlocutors comprise legal professionals, court clerk(s) and witnesses who may be laymen or professionals including medical officers, law enforcement agents, and other categories of public servants, depending on their relevance to the case at hand. Noticeably, courtroom audience, though passive, often assess the behaviour of the courtroom language users, thereby exerting significant influence on interlocutors' linguistic choices. Based on role and professional requirements, courtroom participants perform predictable linguistic acts which may ordinarily be classified as rude or impolite in the traditional sense of facework theory. In reality, however, such linguistic acts are neutralised and are strictly within the norm of the courtroom. This position is exemplified below:

Example 8:

Pathologist: On 16th July 1999, the corpse of A, a student was brought to me for post mortem examination autopsy. After a thorough examination, I confirmed the cause of death as gunshot wound of the head. On the same day, I examined the corpse of another student, B … and confirmed the cause of death as bleeding from gunshot injuries to the abdomen (The State v. Idahosa, 2002:10).

The medical doctor's declaration that "the corpse of A, a student was brought to me" is offensive. Our culture does not encourage a direct reference to the dead. Euphemism or hedging would have augmented the face-threat posed by such direct reference. Such reference which is followed up by: "after thorough examination, I confirmed the cause of death as gunshot wound of the head" is considered as face-threatening. The declaration is worsened by a further revelation that "on the same day, I examined the corpse of and confirmed the cause of death as bleeding from gunshot injuries to the abdomen." In another setting outside the adversarial courtroom, this may be considered offensive to the hearers, including, of course, the accused who may feel so exposed and perhaps remorseful by the gory details. Considering, however, that the courtroom requires that evidence be laid bare and that the scientific nature of the speaker's job requires a clinical precision and having sworn to an oath, and in the absence of any overt or covert partisan interest on his part, the mortician is bound to conform to the Gricean maxims of quality and quantity in saying nothing but the truth.

In related circumstances, the police officer in his testimony reveals:

Example 9:

Police: On 13th July, 1999 an entry was brought to me. It is to the effect that a gang of armed men suspected to be cult members stormed X University and killed five students namely: T, E, I, Ek, and I with guns. Some other students sustained injuries in the attack (The State v. Idahosa, 2002:10).

This extract is also face-aggravating to the hearer including the accused and passive participants. The declarative act is albeit face-enhancing to the prosecution since it is an advancement of his professional duties. This is against the background that students are now accused and described as "gangsters and murderers".

The next excerpt contains criminal charges against the accused in "Conspiracy". They are considerably face-threatening as the attached punishment is death on conviction.

Example 10:

Court Clerk: At the session holden at Osogbo … the court is informed by the Attorney-General of Osun State of Nigeria on behalf of the State that X, Y, and are charged with the following offences. … Conspiracy to unlawfully kill, contrary to and punishable under section 324 of the criminal code cap …and [2] Murder, contrary to and punishable under section 319 (1) laws of Oyo State as applicable in Osun State (The State v. Idahosa, 2002:3).

4.0 Conclusion

The courtroom thrives on FTAs - the major linguistic ingredient that is required for the fulfilment of legal purposes. Performances of FTAs are, therefore, manifestations of distance, power and control, expedient threats that are necessitated by certain conditions and pseudo threats that are significantly occasioned by the role and the profession of the speaker relatively to the trial. A classification of the courtroom linguistic activities, therefore, requires that all these are taken into consideration. By so doing, there is bound to be a shift in the categorisation of impoliteness particularly when the context of performance is taken into account.

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