E-ISSN: 1116 - 2619 P-ISSN: 3026-8524
MPRI-JHLAR | INTERNATIONAL JOURNAL OF HUMANITIES, LITERATURE AND ART RESEARCH
VOL. 04 NO. 6 – APRIL, 2024

FACE AND IMPLICATURES IN SPONTANEOUS TRANSACTIONS OF SELECTED COURTROOM SESSIONS

OMOWUNMI IKEOLUWA DURODOLA; & GIFT N. OKATA (PhD)
Language and Literary Studies Department,
Babcock University, Ilisan Remo, Ogun State.
durodola0201@pg.babcock.edu.ng

Keywords: Face, Implicature, Courtroom Participants, Spontaneous Transaction

Abstract

Courtrooms are unique environments where legal professionals and other courtroom participants employ specific strategies to persuade, question, and present evidence which may convey an implied meaning. This study observed face and implicature in spontaneous transactions in courtroom sessions from utterances produced by courtroom participants using the case of Land Conflict. Combining Brown and Levinson's theory of politeness and Yule's concept of face, under the qualitative analytical method, the researcher gained insights into the use of facial expressions that conveyed implicature during spontaneous transactions within courtroom sessions. Findings revealed that maintaining face, or preserving one's social identity and reputation, played a crucial role in communication within the courtroom. Participants were found to use politeness, indirectness, and strategic ambiguity to protect their faces during transactions. The study concluded that the language used in the courtroom should be balanced using both politeness strategies by the prosecutor rather than face-threatening utterances.

Introduction

Communication dynamics within a courtroom setting are influenced by a myriad of sociolinguistic factors, with the notion of 'face' and implicature playing a significant role in shaping the interaction between participants.

EDITOR-IN-CHIEF
Prof. S. T. Addo [GHANA]

Face, as conceptualized by Goffman (1967), refers to one's public self-image and the maintenance of social prestige in communication interactions. Implicature, as discussed by Grice (1975), deals with the inferred meaning beyond the literal content of an utterance. Speakers employ various linguistic and nonverbal cues to convey implied information effectively. Understanding how these concepts operate in spontaneous transactions within a legal setting, particularly in the context of courtroom sessions, offers valuable insights into the intricacies of language use and power dynamics.

This paper delves into the interplay between face and implicature, shedding light on their implications for communication strategies, persuasion techniques, and the construction of legal arguments in the courtroom domain. By exploring the nuanced relationship between 'face' and implicature in legal discourse, this paper aims to unravel the complexities of interpersonal communication and argumentation strategies crucial for effective courtroom advocacy.In the context of spontaneous transactions in selected courtroom sessions, the topic of "Face and Implicatures" holds significant relevance. Within the unique environment of a courtroom, face plays a pivotal role. Courtrooms serve as platforms where individuals seek justice, defend their rights, or address legal conflicts. Lawyers and defendants navigate these spaces with their respective faces at stake, aiming to establish trustworthiness, credibility, and professionalism.

Statement of the Problem

The courtroom is a complex social setting where individuals engage in various communicative acts that can either threaten or save face. Face-threatening acts (FTAs) and face-saving acts (FSAs) play a crucial role in shaping the dynamics and outcomes of courtroom interactions. In courtroom discourse, the focus has been on the language of the professionals in the courtroom since the language of the professionals is not the language of day-to-day activities. However, there is a lack of comprehensive research examining the manifestation and impact of FTAs and FSAs in selected courtroom sessions from a pragmatic lens.

Therefore, this study claims that apart from focusing on the professional's legal language in the courtroom, it is also significant to investigate how the courtroom participants such as judges, defendants and witnesses exploit language which may threaten the face of others or save the face of other in the courtroom that can deprive them of right judgments. Based on the explanation above, the

researcher conducts research entitled "Face and Implicatures in Spontaneous Transactions of Selected Courtroom Session".

Aim and Objectives of the Study

This paper aims to examine the role of face and implicatures in spontaneous transactions within selected courtroom sessions and explore how these factors influence the dynamics of the courtroom. it aims to investigate the challenges and opportunities faced by all participants involved in the courtroom, including judges, lawyers, witnesses, and defendants, in terms of communication, persuasion, and negotiation in courtroom sessions.

The specific objectives of this study are to:

1. examine the concept of face in courtroom settings and its role in shaping communication dynamics between participants.
2. explore the different types of implicatures that arise in spontaneous transactions during courtroom sessions.
3. identify the strategies employed by participants to manage face and implicatures to achieve specific communicative goals.
4. Examine the role implicatures play in spontaneous transactions during courtroom sessions.

Literature Review

Politeness and Face are aspects of pragmatics and pragmatics is a branch of linguistics that focuses on how language is used in context and the effects it has on communication. It examines how speakers convey meaning beyond the literal interpretation of words. Erving Goffman explores the concept of face as a social construct that individuals strive to maintain and protect during interactions. In pragmatics, the interpretation of utterances is explored. The importance of pragmatics to language studies enables scholars to understand utterances and interpret the socio-cultural and contextual meanings of utterances. "According to linguistic pragmatics, a great deal of the mismatch between what is said and what is implicated can be attributed to politeness" (Brown & Levinson, 1987). Politeness shows relative social distance or closeness, respect, and awareness of another person's face. It involves the avoidance of embarrassing other people or making them feel uncomfortable.

EDITOR-IN-CHIEF
Prof. S. T. Addo [GHANA]

Goffman (1963) defines face as an image created from the expressive implications of a project's whole chain of events, including any type of social contact. According to Goffman, a person's face is socially ascribed throughout each instance of interaction rather than existing intrinsically within them. This implies that different faces are displayed as individuals participate during interactions and that may be positive or negative. Face is socially attributed to each individual's instance of interaction. Goffman's notion of "Face" discusses relational work which refers to what individuals do in their relationship with others. Relational work comprises both appropriate and inappropriate forms of social behaviour.

Research works have been carried out in Politeness, Face-Threatening and Face-Saving Acts such as Endurance Midinette (2021) Language and Proceedings: Analysing Courtroom Discourse in Cameroon. The author concludes, that the use of English and French is the origin of the communication problem in courtrooms. She therefore suggests introducing national languages into the legal process. This suggestion the researcher believes should be weighed with great caution. The language choice of participants in courtrooms only constitutes a problem if the participant is not fluent (or perceived to not be fluent) in the official languages. However, as the author notes in her discussion 100% of the court participants in Yaoundé and Douala districts use French in courtrooms, and national languages were only recorded in the semi-urban districts of Buea, Bafoussam, and Ngaoundéré. This data raises doubts as to whether a blanket introduction of national languages in courtrooms would solve, exacerbate or shift the language problem. It is known that most postcolonial countries have designated the languages of their former colonial masters as their official languages because they are considered politically neutral and are intended to serve as a lingua franca and a source of stability in ethnically diverse nations. The designation of French and English as official languages of Cameroon is no exception, and therefore the author's proposal to introduce the national languages in courtrooms has far-reaching consequences in terms of which language to choose, whether these languages should also be used in written law, and how to resolve difficulties in translating legal concepts in the different national languages. Instead, it was suggested that the receptive/pragmatic attitude of legal professionals is a promising alternative route towards reducing inequality in access to justice.

Supardi (2016) 'Language power in Courtroom': The use of persuasive features in an opening statement. He discovered that, since language is a powerful tool for

communication, people can use it for various purposes. One of them is for persuasion. In the courtroom, for example, through the opening statement, the lawyers use language to persuade the jury that their client is right and should win the case. For this fact, the lawyers have to pay better attention to how they can use their language persuasively or powerfully. In the stage of the courtroom, to be persuasive in the trial opening statement, the lawyers need to take some elements or factors considered here as persuasive features (nonlinguistic and linguistic features) into account. In terms of non-linguistic features, on the one hand, the lawyers have to organise their opening statements into three sections consisting of the beginning (introduction), the middle (body), and the end (conclusion). On the other hand, together with these three sections, their opening statements must contain the theory of the case, the theme of the case, character, and damages that are delivered in persuasive language with the use of such persuasive devices as metaphor, repetition, and rhetorical question.

Jerson Sabang (2017), On Courtroom Questioning: A Forensic Linguistic Analysis. The important implication of courtroom questioning in teaching especially in language and law is the ability to develop questions based on the contexts. I realized that questions are not easily raised especially when asking for substantial and relevant information. This may also lead the students to think profoundly before giving their responses, especially during the teaching-learning process. The art of questioning utilized in the classroom is a manifestation of the intellectual ability of the teacher vis-à-vis the students. Conversely, the students and teachers are informed on the best ways to respond to questions. The teacher will also be given ample information on the proper ways of asking students wherein he/she could cull out substantial information. There were different types of questions utilized during the courtroom proceedings. Each played a gargantuan role in culling out relevant information. The Framework of Griffith and Milne (2006) manifested that lawyers played with questions and did not directly ask leading questions. Because it could affect the case in general whereby the witness could deny all the allegations thus ending the case into nothing. Moreover, it is also necessary to note that during the proceedings each one is careful about the types of questions they raise. Its purpose is to protect the welfare of its clients. Productive questions were considered as appropriate types of questions since they give clarity on the events that transpired. On the contrary, the court does not allow unproductive types of questions such as opinion/statement questions and

leading questions considering that these are weak and cannot give ample information to give answers leading to solving the case. It was also shown in the courtroom proceedings the ability of the witnesses to respond to questions raised either by the opposing lawyers or by the fiscal who stood as the interrogator, especially in the case of the accused. They were very careful with every answer they gave or sometimes their responses are very particular and they do not go beyond the context of the questions. Conversely, it was observed through thorough analyses of the texts that the witnesses sometimes violated the Maxims of Grice. Some of them were informative where the question was only answerable by yes or no. In the same vein, lawyers sometimes lack the time to prepare their witnesses.

Therefore, this study will focus on the face-threatening and face-saving acts in selected courtroom proceedings, using a pragmatic approach. It is important to note that participants in the courtroom not only make use of language but also apply face-threatening or face-saving acts to obtain favour from the judge in the courtroom proceedings. The courtroom participants such as lawyers, judges, witnesses, defendants, etc. apply face-threatening or face-saving acts to persuade and instill fear in the side of the opponents during the courtroom proceedings. In courtroom discourse, Harris applies Brown and Levinson's (1778), Politeness Theory of Pragmatics on the concepts of 'face' in the courtroom situation in the United Kingdom. In the bid to defend themselves, participants in a courtroom tend to threaten the face of another in the court.

Aina, Anowu, and Opeibi (2018), studied the nature of power and control in the interrogative patterns of selected Nigerian courtroom discourse. The study examined power relations in two different but interrelated courtroom trials within the Nigerian socio-judicial space. The findings of the study support the interplay between socio-cultural circumstances and legal considerations in some typical courtroom trials in Nigeria.

Kiguru (2008) undertook a critical analysis of power asymmetry among discourse participants in sampled Kenyan courts. The study explored the scrutinizing and pragmatics strategies utilized by lawyers, police investigators and unrepresented accused people during direct examination and cross-examination phases of trials. From the research, it is established that evidentiary rules empower those who assume the examiner role by placing them in control of topic choice and change and giving them the means to constrain the contributions of others.

Rodman, Fromkin and Hyams (2003) associate language with our humanness. They see language and humanity as being inextricably woven together. Thus they argue that,

> The possession of language, perhaps more than any other attribute, distinguishes humans from other animals. To understand our humanity, one must understand the nature of language that makes us human. According to the philosophy expressed in the myths and religions of many peoples, language is the source of human life and power. (p. 3)

To Finegan (2012, p. 5), the fundamental function of language, like a coin with two sides, is to link meaning and expression; to provide verbal expressions for thought and feeling. But he further notes that language is more than a two-sided coin when he states that "…it has a third face, so important in producing and interpreting utterances that it can override almost all. That face is context, and only in context can an expression convey a speaker's intended meaning and be correctly interpreted by a hearer." His view of language draws attention to the essence of language: to communicate meaning, and this is largely dependent on the all-important factor of context.

Halliday (1985, p. 8) is of the view that "Language has evolved to satisfy human needs, and the way it is organised is functional concerning these needs". This conception of language as a tool for meeting the crucial human need of expressing and transmitting ideas aligns with that of Edward Sapir (1844-1939) as cited by Abubakar (2008) which states that language is purely human and non-instinctive method of communicating ideas emotions and desires using a system of voluntarily produced symbols.

Hartley (1982, p. 11) makes bold to say that "Society as we know it could not exist without language, and indeed, for some, it is a defining characteristic of the human race itself, far exceeding in sophistication any animal communication system". This presupposes that language is what keeps societies together. This assertion becomes incontrovertible in the light of the biblical Tower of Babel incident, it might here be alluded to. Okoro (2011, p. 1) further observes that language links peoples of the world together "... like the network of blood vessels that connects all parts of the body".

EDITOR-IN-CHIEF
Prof. S. T. Addo [GHANA]

Methodology

Research Design

The research adopted a qualitative approach to gain in-depth insights into the use of expressions that convey implicatures during spontaneous transactions within courtroom sessions. The data for this research was collected through a primary source from the conversations in the court sessions of Sagamu Magistrate Court in Ogun State. The population of this study was 12 utterances that were made up of 5 exchanges from a courtroom session in the Magistrate Court, at Sagamu, in Ogun State. The study analysed only speech samples from prosecutors (lawyers), witnesses, defendants and judges.

Sample Size and Sampling Technique

The data for analysis was based on land conflict which constituted 5 exchanges with 12 utterances.

Sources of Data Collected

This study adopted real-life recordings (written) of speech samples from conversations among members in the courtroom to achieve the aim and objectives of this research work. After collecting the data from the Magistrate Court, the data was analyzed based on the types of politeness strategies by Brown and Levinson and also Watt's politeness strategies. They were classified into Positive Politeness Strategy, Negative Face-Threatening, Face-Saving Act, Face-Threatening Act, Positive Face Threatening Act and Bald on Record. Finally, a conclusion was drawn.

Tabular Analysis of Datum (Exchange Drawn from Land Conflict in Court Session)

Exchange	Utterance	Participant	Negative Face Threatening Acts	Positive Face Threatening Acts	Face Saving Acts	Negative Politeness Strategy	Positive Politeness Strategy	Bald on-Record Politeness Strategy
1.	1.	Clerck	Request: the clerk asked the defendant his religion Potential discomfort: the clerk mentioned the defendant's		Direct response: Christianity to maintain harmony			

			name without any title.					
		Defendant						clarity: the defendant gave a straightforward response Christianity"
	2.	Clerk	Request: the clerk ordered the defendant to swear with his religion book Direct order: direct the defendant on what to say which may lead to discomfort					
2.	3.	Prosecutor						Direct statement: the prosecutor quoted the defendant on the statement he made with police
		Defendant			The defendant denied the claim. Using a polite language			
	4.	Prosecutor	Request: the prosecutor asked the defendant when last he visited the farm					
		Defendant			To protect his self-image the defendant gave a direct response			Direct statement: the defendant gave the specific date
	5.	Prosecutor	Direct question: the prosecutor asked the defendant to ascertain his claim that it was only on the date he mentioned					

EDITOR-IN-CHIEF
Prof. S. T. Addo [GHANA]

		Defendant	that he went to the farm		Assertion: The defendant ascertained his response with an affirmative statement			
3.	6.	Prosecutor	Request: the prosecutor asked the defendant his father's name					
		Defendant			The defendant gave a direct response to save his face and to maintain politeness			
	7.	Prosecutor	Request: the prosecutor asked the defendant to say his father's position in the family	Challenge: the prosecutor challenged the defendant to brag about his father's position in the family		Imposition: the prosecutor request that the defendant should mention his father's position in the family		
		Defendant			To protect his self-image the defendant gave a direct response to maintain politeness			
	8	Prosecutor	Request: the prosecutor asked the defendant to mention the name of their head of the family	Challenge: the prosecutor challenged the defendant to showcase their head of the family				

EDITOR-IN-CHIEF
Prof. S. T. Addo [GHANA]

		Defendant			Maintaining politeness: the defendant gave the name of his head in the family			
4.	9.	Prosecutor Defendant	Request: the prosecutor asked the defendant to say who the head of the family is to him.	Challenge: the prosecutor challenged the defendant to brag about his head of the family	Maintaining politeness: the defendant gave a face-saving response, by saving his father because he believed that one's uncle is also his father			
	10	Prosecutor: Defendant counsel	Direct question: the prosecutor asked the defendant to say if in any way any member of the family has reported Babatunde's conduct to anyone		Maintaining politeness: the defendant's counsel interjected by refusing his client to answer such question			
5.	11.	Prosecutor	Direct question: the prosecutor asked the					

EDITOR-IN-CHIEF
Prof. S. T. Addo [GHANA]

			defendant where he was on the 13th April					
		Defendant				Hedging: the defendant said he must be at work		
	12.	Prosecutor	The prosecutor asked the defendant to mention is place of work and where?					
		Defendant			Maintaining politeness: the defendant said he is a driver			
	13	Prosecutor	Request: the prosecutor asked the defendant to mention what happened in the month of March					
		Judge			Intervention: the judge intervened by asking the defendant not to answer the question			
		Judge						The judge gave a clear statement that the case had been adjourn to 19th march 2024

Discussion of Datum, Exchanges 1-5

This session involved a series of face-threatening questions from the prosecutor, with the Defendant responding with face-saving acts to maintain politeness and decorum.

EDITOR-IN-CHIEF
Prof. S. T. Addo [GHANA]

In Exchange 3,

Prosecutor: Did the elders in the family in any way report Babatunde's conduct to anyone?

Defendant counsel: No, he is not in position to answer that.

The Defendant's Counsel declines to answer a question, indicating a level of discomfort or reluctance to provide information.

Exchange 5, featured a face-threatening question from the prosecutor, followed by an intervention from the Judge to halt the questioning, demonstrating the authority and control of the courtroom proceedings.

Findings

The researcher categorized and analysed face acts and politeness strategies found in the data under Negative Face-Threatening, Positive Face-Threatening, Face-Saving acts, Negative Politeness Strategy, Positive Politeness Strategy, and Bald on-Record Politeness Strategy. The researcher discovered that the prosecutor and defendant mostly used Negative Face-Threatening and Face-Saving Act in their utterances. Positive Politeness Strategy was not used at all both by the prosecutor and defendant. The frequency was derived from the number of times each of the acts/strategies occurred in the analysis. The Table contains the data:

From the analysis, Negative Face Threatening Acts occurred 13 times (39.4%), Positive Face Threatening Acts 3 times (9.1%) Face Saving Acts was used 11 times (33.3%) Negative Politeness Strategy was used 2 times (6.1%), Positive Politeness Strategy was not used (0%) Negative Face-Threatening were mostly used by the prosecutor. Such strategies are used to bring out the truth to have good and balanced judgment. Brown and Levinson (1987) confirm that face-threatening acts impede on the hearer's freedom of choice and action.

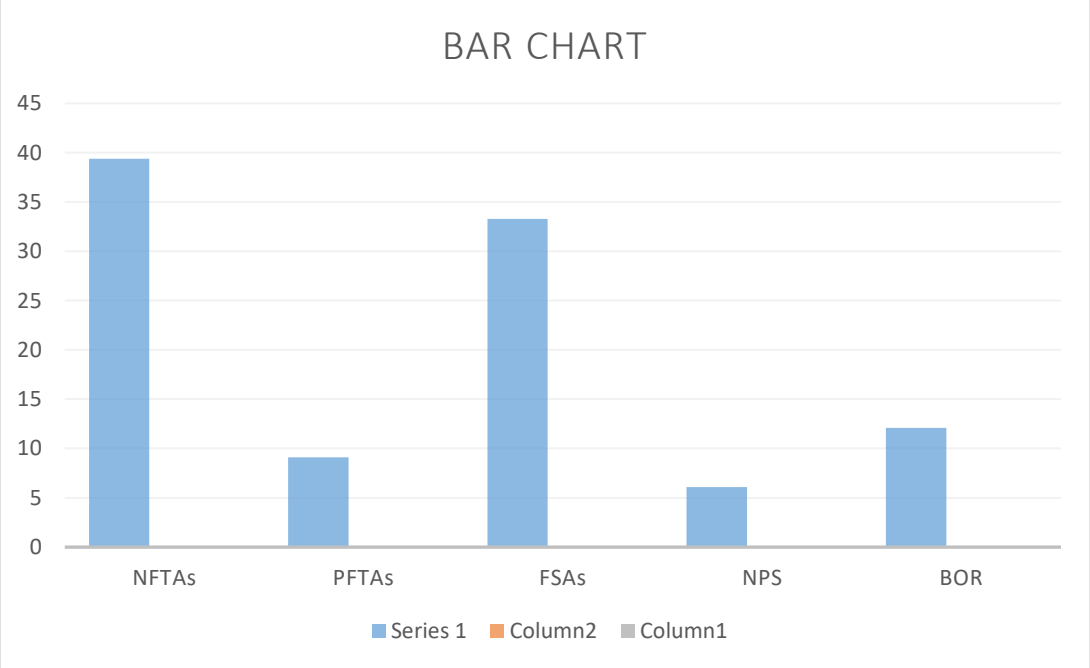
Distribution of Frequency

Types of Face Acts & politeness Strategies	**Frequency**	**Percentage (%)**
Negative Face-Threatening Acts	13	39.4
Positive Face-Threatening Acts	3	9.1
Face Saving Acts	11	33.3
Negative Politeness Strategy	2	6.1

Positive Politeness Strategy	0	0
Bald on Record	4	12.1
Total	33	100

DISTRIBUTION PRESENTED IN A BAR CHART

TYPES OF FACE ACTS AND POLITENESS STRATEGIES



Conclusion

Face and implicatures in spontaneous transactions of selected courtroom sessions provide valuable insights into the dynamics of communication within legal proceedings. Understanding the interplay between these elements can contribute to the improvement of courtroom practices, including enhancing lawyers' persuasive abilities, facilitating better understanding between parties, and ensuring fairer outcomes. Understanding these concepts allows legal professionals to engage in effective courtroom discourse while maintaining face and upholding the principles of justice and fairness.

Recommendations

Investigating faces and implicatures in courtroom communication adds to the existing knowledge in pragmatics. This study is recommending that authority in

legal profession should tramline the nature of utterances (the acceptable and non acceptable use of language) used in court sessions to avoid the use of language that can intimidate.

REFERENCES

Austin, J. L. (1962). How to do things with words. Oxford University Press.

Bach, K., & Harnish, R. M. (1979). *Linguistic communication and speech acts*. MIT Press.

Bousfield, D. (2010). Implicatures in legal discourse: *The case of negotiations and contracts. International Journal of Speech, Language and the Law,* 17(2), 187-210.

Brown, P., & Levinson, S. C. (1987). Politeness: *Some universals in language usage*. Cambridge University Press.

Ervin-Tripp, S. M. (1976). Is Sybil there? *The structure of some American English directives.* Language in Society, 5(1), 25-66.

Fraser, B., & Nolen, W. (1981). *The association of deference with linguistic form*. International Journal of the Sociology of Language, 1981(27), 93-109.

Goffman, E. (1967). Interaction ritual: *Essays on face-to-face behavior*. Anchor Books.

Grice, H. P. (1975). *Logic and conversation*. In P. Cole & J. L. Morgan (Eds.), Speech Acts (pp. 41-58). Academic Press.

Heritage, J. (1984). *A change-of-state token and aspects of its sequential placement*. In J. Maxwell Atkinson & J. Heritage (Eds.), Structures of social action: Studies in conversation analysis (pp. 299-345). Cambridge University Press.

Heritage, J. (2013). Epistemics in action: *Action formation and territories of knowledge*. Research on Language and Social Interaction, 46(1), 1-29.

Heritage, J., & Raymond, G. (2016). *Navigating epistemic landscapes: Acquiescence, agency, and resistance in responses to polar questions.* Journal of Pragmatics, 95, 31-46.

Jackson, L. (2011). Authority and deference in courtroom discourse: *A sociolegal analysis of witness cross-examination.* Discourse & Society, 22(5), 579-601.

Leech, G. (1983). *Principles of pragmatics*. Longman.

Levinson, S. C. (1983). *Pragmatics*. Cambridge University Press.

Matsumoto, Y. (2017). Face and politeness*: New insights*. In J. Culpeper, M. Haugh, & D. Kádár (Eds.), The Palgrave Handbook of Linguistic (Im)politeness (pp. 669-694). Palgrave Macmillan.

Pomerantz, A. (1978). Compliment responses: *Notes on the co-operation of multiple constraints.* In J. Schenkein (Ed.), Studies in the organization of conversational interaction (pp. 79-112). Academic Press.

Pomerantz, A. (2017). *Devices for indicating understatement in talk-in-interaction and relevant consequences for interactional organization.* Journal of Pragmatics, 109, 49-60.

Schiffrin, D. (1987). *Discourse markers*. Cambridge University Press.

Searle, J. R. (1975). *Indirect speech acts*. In P. Cole & J. Morgan (Eds.), Syntax and Semantics 3: Speech Acts (pp. 59-82). Academic Press.

Sperber, D., & Wilson, D. (1986). Relevance*: Communication and cognition.* Blackwell.

Trosborg, A. (1995). Interlanguage Pragmatic Development: *The Study Abroad Context*. Mouton de Gruyter.

Trosborg, A. (1995). Interlanguage pragmatics: *Requests, complaints and apologies.* Mouton de Gruyter.

Watts, R., Ide, S., & Ehlich, K. (Eds.). (2005). *Politeness in Language*: Studies in Its History, Theory and Practice. Walter de Gruyter.

EDITOR-IN-CHIEF

Prof. S. T. Addo [GHANA]