

“WHEN HANDSHAKE GOES BEYOND THE ELBOW”: IMPOLITE BEHAVIOUR IN COURTROOM PROCEEDINGS

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Abstract

Considering the consensus of scholars on the adversarial nature of courtroom interactivity and the expedience of certain face-aggressive acts, this paper extends a culture-based Yoruba code of acceptable behaviour, *Omoluabi*, to courtroom cross-examination for the purpose of delimiting the scope of context-specific impoliteness resources in litigants’ language choices. Data were excerpted from the transcripts of two cases conducted in the High Court of Osun State, Southwest, Nigeria: *Ibikunle vs. Irawoosan* and *The State vs. Idahosa* which were conducted orally and transcribed by court officials. In analysing salient culture-based face-aggravating behaviour as impolite acts, which it likened to a “handshake beyond the elbow”, the study was guided by relevant aspect of Culpeper’s (1996) impoliteness super-strategies and Watts’s (2003) relational work theory. It was revealed that culture-based courtroom impolite linguistic behaviour manifest in falsehood, name-calling, contempt and impolite imperatives. This finding expands the scope of negatively marked verbal behaviour and, consequently, the size of courtroom impolite acts.

Keywords: politic; power; impoliteness; facework; *Omoluabi*

1.0 Introduction

The Nigerian judiciary is hierarchically structured in order of the seriousness of cases each court has the jurisdiction to try. The grading is as follows: Supreme Court, Court of Appeal, Federal Court of Appeal, High Court of Appeal, Sharia Court of Appeal, Customary Court of Appeal, Magistrate Court, District Court and Area Court. There are also a few courts of concurrent jurisdiction with the high court, Industrial Court and *ad hoc* Special Tribunal(s). Nigeria operates an adversarial legal system, a model it shares with England and Wales, which involves a “battle” that each party tries to win.

Adversity involves storytelling and evidence by opposing parties that attacks the other side’s case (Monsefi, 2012:45). In this context the “pragmatic function of attorneys’ questions becomes dominant [and] differs according to the intention behind them” (Monsefi, 2012:45). At the phase of cross-examination, the prosecutor or plaintiff is expected to present factual evidence that is not favourable to the defendant, the defence counsel attempts to move it in the opposite direction in support of the defendant. Cross-examination is intended to test the testimony of the witness and is aimed at discrediting the case of the prosecution. It is a phase in the trial where leading questions are allowed and answers may be contradicted by subsequent evidence.

Hobbs (2002:484) has presented the expedience of verbal aggression in cross-examination:

Cross-examination encapsulates the drama of trial; thus the tense confrontation between an aggressive attorney and a vacillating witness or profusely sweating defendant is a staple of television and motion picture courtroom scenes. However, although actual cross-examinations are ordinarily (at least on their surface) considerably

more mundane, the ability to conduct an effective cross-examination is considered critical to success at trial.

The desire for victory often makes the engagement of parties in hot verbal exchange inevitable. Justice, fair-hearing and social harmony (particularly in a society with culture-sensitive code of conduct) may be impaired in a situation where the scope of the face-off exceeds societal expectation on the one hand and the norm of expectation in the courtroom activity-type, on the other. Such abnormal situation may be likened to a joke taken too far or, succinctly in the Nigerian parlance, “a handshake [that goes] beyond the elbow”.

Handshake, a paralinguistic activity in the form of hand-to-hand cuddling which comes in the course of exchanging pleasantries, is used figuratively in this study. The hand is bounded by the wrist while the latter is separated from the elbow by the “long” arm. Normally, handshake should not extend to the wrist while its extension to the elbow, is unimaginable. Invariably, the allowable aggression in the courtroom should also not exceed a tolerable proportion as may be measured by court rules as well as the constraints imposed by a societal code of conduct. The proverbial handshake extending beyond the elbow is a metaphor for labelling excessive courtroom hostile verbal acts and their categorisation as impolite.

Aside the display of power arguments in the degree of formality as institutionalised framework increases the possibilities that the locus of power will weigh heavily in favour of the powerful participants, courtroom discourse significantly exemplifies the function of language as a powerful instrument for the management and resolution of conflicts. The legal domain is a critical institution where the maintenance of social order is primary. It

relies heavily on appropriate discursive processes in its proceedings and justice delivery.

The Osun State courtroom is unique to this study for its language situation as a mix of the English language with that of the homogeneous Yoruba language, thereby resulting in the reflection of the norms of the courtroom as a community of practice. Secondly, language in the courtroom is further used in giving expression to the cultural preferences of the Yoruba race, some of which are prescribed by the unwritten code of acceptable social behaviour.

Various studies that describe the language of law (Adetugbo 1990); discourse strategies and courtroom discourses (Opabi 2012); and politeness strategies in courtroom proceedings (Ayansola 2016); have engaged the attention of Nigerian scholars. Adegbite (1996) and Opeibi (2003), in turn, were pre-occupied with discourse features rather than the pragmatics of the Nigerian courtroom in/politeness resources. For a change, this study, from a pragmatics orientation and guidance from the Yoruba cultural peculiarities, extends the scope of impoliteness and categorises certain linguistic behaviour in the courtroom as impolite notwithstanding that its form of activities is latent with verbal aggression.

Teilanyo and Ayansola (2017:1) further evaluated the pragma-linguistic strategies through which the goal of the courtroom is achieved notwithstanding the divergence of interests among the participants taking into cognisance the social power relations in the courtroom situation with the averment that the performances of FTAs in the courtroom manifest in “behaviour reflective of distance, power and control, expedient face-enhancing strategies and constraints of roles and professions”.

Teilanyo and Ayansola (2017:1) insisted that 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. However, the study only glossed over what a politic behaviour is in the courtroom without situating the cultural nuances behind the acts, a lacuna the present paper has addressed with the emphasis that there is a limit to the allowable verbal aggression in an adversarial context such as the courtroom. Such acts are negatively marked as impolite or as suggested by the title of this study “a handshake that extends beyond the elbow”.

From western perspectives, Berk-Seligson (1999) dwelt on the categorisation of question types such as Yes/No questions, prosodic questions, and truth questioning questions, and so on. Gibbons (2003), in turn, investigated courtroom verbal attributes of relatively less powerful participants such as hesitations, hedging, uncertainty, intensifiers, use of “sir”/ “madam” honorifics, time taken, and mitigation of mild face-threats. The study reiterates the asymmetry nature of courtroom interaction in which the powerful participants, notably the counsel, are more likely to dominate the discourse and perform face-threatening-acts or outright impoliteness.

Impoliteness has traditionally been glossed over as a secondary product of social interaction which is often conceived as a simple deviation from certain politeness principles (Watts 2003; Culpeper, 2005). The contemporary shift in attention to impoliteness, “the disruptive side of social interaction” and its exploration from another perspective (Limberg, 2008:155), is the

aftermath of Brown and Levinson's (1987) facework-based theory of politeness.

This paper is pre-occupied with interactional impolite acts in the courtroom. This becomes pertinent since scholars, for example, Archer (2011) and Harry (1984) have often portrayed courtroom aggressive verbal performances as appropriate with the underlying assumption that impoliteness cannot be ascribed to certain verbal aggression no matter how serious it may be. Their position is understandable considering that the studies only relay western biases which may not account for the Nigerian cultural peculiarities, in particular the Yoruba concept of *Omoluabi*.

In making case for impoliteness, Culpeper (2005:38) has argued 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)”. Culpeper (2005:86) described impoliteness as a type of aggression and that the courtroom is a “legitimate form of [that] verbal aggression” since “prosecutors are licensed to aggravate a witness's face”. In an earlier study, Culpeper (1996:359) insisted that “impoliteness is not always a haphazard product of say heated argument” in a particular context, but may be enacted “in a systematic way [by lawyers] as part of what they perceive to be their job.

From the foregoing, it is pertinent to ask if systematic impoliteness is a norm in the context of the courtroom. Would parties in the courtroom, where conflictive talk plays a great role, ascribe impoliteness to verbal aggression? Is the neutralisation of impolite acts in the western courtrooms a universal phenomenon? At what point does the *Yoruba* proverbial handshake extend beyond the elbow? How is impoliteness enacted pragmatically in the courtroom? In providing answer to these questions, this study

relied on two representative cases: The State vs. Idahosa and Ibikunle vs. Irawoosan which were conducted in the High Court of Osun State, Nigeria over twenty sittings.

The State vs. Idahosa was a criminal case which had its setting in a Nigerian university. It involved a group of students led by one Idahosa who was charged with murder and conspiracy arising from some cult-related violence which resulted in the death of several students including members of the Students' Union Government (SUG). This situation pitched the cultists and a segment of the SUG against the school authority.

Ibikunle vs. Irawoosan in turn was a civil proceeding on land dispute which emanated from an agrarian community where a high premium is placed on land for both economic and cultural reasons. Some high profile lay-participants, including the Oba (the traditional ruler) were involved in this case, a situation that constraints the linguistic choices of those who were in opposition to the Oba. This is as a result of certain cultural obligation that compels his subjects to defer to him at all times.

The choice of cases was informed, firstly, by their display of a high level impolite verbal behaviour being the pre-occupation of this research. The second reason is attributable to their profiles which include media interest, the personalities involved, and the quality of legal representation with the resultant intensity of legal fireworks which in all cases necessitated appeals beyond the high court - a court of superior records according to the *1999 Constitution of the Federal Republic of Nigeria*.

As is the norm at the high court, litigants spoke through their respective counsel as lay-participants were hardly heard with the exception being the phase of cross-examination when they were led in evidence by the plaintiff counsel and defendant counsel, in that order. The categorisation of impoliteness in this

study, therefore, takes into consideration counsels' negatively marked speech acts to as well as similar behaviour by their principals as well as other courtroom participants.

2.0 THEORETICAL FRAMEWORK

Watts's (2003) theory of relational work (RW) and the relevant part of the impoliteness model by Culpeper (1996), in particular, the proposal on positive and negative impoliteness super-strategies which were adapted from Brown and Levinson's (1987) face-based politeness model, have been adopted for the analysis of courtroom negatively marked verbal behaviour which may be adjudged as impolite. There is hardly a consensus on a methodological approach to the discursive the notion of impoliteness as the subject is fiercely contested by different scholars. However, the common denominator is that impoliteness is rooted in face-aggravation in a particular context.

For example, Tekourafi's (2005:45) argument that "judgements about politeness or impoliteness/rudeness are not always automatic but may be reached after some deliberation[s] about the speaker's intention" is at variance with the position of Locher and Watts (2005:77) 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".

The divergence borders on the hearer's inference and whether or not impoliteness is intended by the speaker or whether the behaviour could be evaluated as impolite judging by the interlocutors' frame of expectation made after a consideration of the allowable linguistic conduct by the norm of the activity-type. In his defence of the participants' judgement, Watts (2003) made provision for several levels of [im]politeness including normal,

appropriate, unmarked as well as (positively and negatively) marked behaviour which are operational in different contexts.

Alleged impoliteness, such as imperatives and interrogatives as canvassed by Brown and Levinson (1987) may be interpreted as appropriate behaviour in Watts's RW depending on whether or not such performances are in conformity with the frame of the participants' expectations in the community of practice. For example, the presiding judge in shouting "objection overruled", may have performed a face-threatening-act (FTA) but certainly not an impolite act. Such act falls within the participants' frame of expectation and the ambit of the speaker's social power. Hence, it is a neutralised or politic verbal behaviour.

Politic behaviour is an unmarked "linguistic behaviour which is perceived to be appropriate to the social constraints of the on-going interaction" (Watts, 2003:19). 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). Watts insisted that "polite and impolite" are not necessarily opposite and there are no clear boundaries for what constitutes politeness or impoliteness.

Penman (1990) and Culpeper (1996) were unanimous in their recognition of prevalence of facework in the courtroom, thereby underlining that verbal warfare is an interactional requirement in court proceedings. Whereas Brown and Levinson (1987:1,51) perceived the courtroom as self-regulatory and capable of curtailing verbal hostilities, thereby ensuring "communication between potentially aggressive parties", Penman (1990:18) argued that facework in courtroom engagement may manifest in the form of face-aggravation or enhancement. The inevitability of facework in antagonistic situation, courtroom

inclusive has informed Culpeper's (1996:41-42) impoliteness super-strategies. This study is, however, restricted to the analysis of positive and negative impoliteness in courtroom interactivity. The super-strategies are summarised below:

Positive impoliteness: strategies that are designed to damage the addressee's positive face want (his desire to be appreciated and liked). Example: name-calling or uttering taboo words.

- (1) Negative impoliteness: strategies that are intended to damage addressee's negative face wants (the desire to have freedom to act as he chooses and not imposed on or impeded by others). Example: scorning or threatening the other.
- (2) Sarcasm or mock politeness: insincere or surface politeness strategies. Example: You are a friend indeed!
- (3) Withholding politeness where politeness would be expected.

While the first and the second super-strategies are relevant to this study, it is worthy of note that the entirety of Culpeper's categorisation is not sacrosanct, the validity having been questioned particularly the overlapping between positive impoliteness and negative impoliteness. An example is "scorning", an item which may offend both the positive and negative face of the hearer. Bousfield (2008:136) noted that bald on record impoliteness "cannot and does not exist outside of the theorist's vacuum" as they are "superfluous [and] simply describes formal aspects of utterances and does not account for the functional aspects of those utterances." He concluded that Culpeper's model "has no place in a model of impoliteness that attempts to capture real-world interactions".

It should be noted that impoliteness plays out against the notion that power equation plays a role in all social interactions. It is “discursively negotiated and is always latently present in every instantiation of social practice” (Locher and Watts, 2005:86) and linked to the evaluation of im/polite behaviour. In the courtroom, power relations are skewed in favour of the counsel who enjoys 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 (Shuy, 2005:34).

Meanwhile, the proposal by Locher (2004:39-40) that power is given expression through language and cannot be explained without contextualization is apt. This is because power is relational, dynamic and contestable and involves a latent conflict and clash of interests which can be obscure because of societal ideologies, hence the affirmation by Locher and Bousfield (2008:9) that “even interactants with hierarchically lower status can and do exercise power through impoliteness”.

The exercise of power is latent with face-constituting and face-aggravation. Impoliteness is an exercise of power and has effect on the hearer, thereby altering the future action-environment of the addressee. Impoliteness, whether understood as intentional face aggravation (Bousfield, Culpeper) or not (Tekourafi), is inextricably tied up with the concept of power because “an interlocutor whose face is damaged by an utterance suddenly finds his or her response options ... restricted” (Locher and Bousfield 2008:8). Such restrictions enforced through face-aggravating behaviour in its impolite form can be observed in confrontational settings such as the courtroom.

Notwithstanding certain reservations, Culpeper's (1996) impoliteness strategies are germane to the analysis of impoliteness to the extent that they capture those acts which extend beyond the realm of normalcy in a particular context, courtroom inclusive. The conceptualisation of impoliteness as acts that exceed participants' frame of expectation has been validated by Tracy (2008) in her exploration of the possibility of interlocutors making use of contextually-sanctioned verbal aggression which she termed "reasonable hostility". The study drew upon the communicative conduct of interlocutors in school governance meetings to show how FTAs play a necessary role in the proceedings.

Tracy's concept of reasonable hostility is applicable to the courtroom since "prosecuting lawyers will often attempt to appear" (Archer, 2011:8) "incisive, tough [and] even aggressive" in the performance of their work, while steering clear of gratuitous offensiveness (Bousfield, 2008:18). The current study evaluates how "reasonable hostility", which is synonymous to politic linguistic behaviour, manifests in the Nigerian courtroom. It however goes a step further by constructing certain behaviour that goes beyond the norm of expectation in the community of practice as impolite.

Based on Culpeper's impoliteness super-strategies, Archer (2008:204) re-assessed the application of impoliteness in the English historical courtroom context. He reiterated Levinson's argument that the courtroom "typifies institutional talk in that the linguistic contributions of the various participants were determined by the roles assigned to them". Archer (2008) insisted that the asymmetric nature of the courtroom interaction is defined by power relations and that in such context, power should be considered as an issue for verbal aggression rather than one of its

affiliates. In such situation, power tended to be exerted or challenged through verbal aggression rather than impoliteness.

As proven by this study, Archer's (2008) insinuation of a dichotomous relationship between verbal aggression and impoliteness is unnecessary since they are interdependent with one rooted in the other. Granted that there can be aggression without the speaker not being necessarily impolite, verbal aggression is a potential recipe for impoliteness as it is easy to cross the thin line of separation into the impolite zone particularly in an adversarial courtroom context as may be influenced by the Yoruba cultural preferences.

Impoliteness research on adversarial genre has not received commensurate attention. Furthermore, the notion of what counts as polite and impolite are always contingent on the situational context, thereby prompting Locher's (2004:90) argument that "[im]politeness cannot be investigated without looking in detail at the context, the speakers, the situation and the evoked norms". This study, with focus on the evoked Yoruba norms of acceptable behaviour in the western courtroom model, has come to fill the void.

2.1 THE YORUBA CONCEPT OF ACCEPTABLE BEHAVIOUR

Social interaction is inevitable to humans. It is an activity in which the enactment of im/politeness is integral. Notwithstanding the universality of interactivity, Odebunmi (2015) should take the credit for reminding us that the "linguistic and discursive means of achieving it [interactivity] are sometimes specific to particular speech communities". This underscores the existence of mutual contextual beliefs on the notion of what is an

acceptable social conduct among Yoruba, a homogenous ethnic nationality in Southwest Nigeria.

The conformity or otherwise of the individual members of a speech community to the expression of localised forms of deference, greeting, appreciating and complimenting (to mention but a few), notwithstanding that they are universal formulae, determines the rating of their actions as acceptable or not to the societal norms. This is because, the way these universal cultures are enacted vary by “societal expectations, preferences and realities” (Odebunmi, 2015). Any member of the society that is properly oriented to the local variants of expressing appropriate behaviour is regarded as *Omoluabi* by the Yoruba.

Below is Odebunmi’s (2015) encapsulation of the concept of *Omoluabi*:

Omólúàbí is a high-context cultural concept, encapsulates the idea of a good Yorùbá person, and is thus impactful in determining the Yorùbá identity. It rests on the principles of good behaviour, social harmony and integrity ..., which form the approximate size of the notion of politeness, itself defined as a demonstration of socially appropriate manners. Omólúàbí is grounded in the linguistic expression of respect and social warmth, which is manifested in greetings, morally-induced encounters and socially-ingrained exchanges. These qualities are interpreted as indices of love, hospitality, communality and good upbringing among the Yorùbá in all areas of life.

From the premise of the concept of *Omoluabi*, the analysis of impoliteness in courtroom discourse requires that the attitude

of the society to the conventional court is taken into consideration against the reality that the same culture which values the concept of *Omoluabi* has an aversion for pro-western legal model and its associated hostilities. The adversity of the western court may have informed the Yoruba parlance “*a kii ti kootu de sore*” (I cannot be a friend with the individual with whom I had engaged in litigation).

The pre-colonial Yoruba community has its traditional means of settling civil and criminal cases. The courts were manned by traditional rulers with the Oba at the apex of certain jurisdiction depending on the magnitude of the case. The presiding authority wields relational powers that are comparable to those of the conventional courts, thereby informing the appellation of the Oba as *alase ikeji orisa* (one with unquestionable power next only to God).

The presiding judges, litigants and other participants in the traditional Yoruba court were guided by the convention of *Omoluabi*. The concept of a legal counsel with the licence to perform impoliteness on the courtroom lay-participants was alien to the largely inquisitorial court. Consequently, the traditional court was devoid of intentionally orchestrated face-aggression that often characterises cross-examination in western courtrooms. Deference was the norm as the system gives allowance for post-litigation and societal harmonious relationship.

Colonialism has changed the norm of the traditional judicial system. The modern society while retaining the *Omoluabi* tenets has accepted the modern court with measured scepticism. Notwithstanding its being subjected to a modern judicial system by the reality of the modern government, the Yoruba litigants often conform to the cultural principles of *Omoluabi* in the midst of adversarial courtroom restraining factors, culture being a way

of life. The foregoing underscores the notion of im/politeness as culture-bound as well as genre-sensitive, a situation that makes cross-cultural investigation of impoliteness such as this a worthwhile exercise.

It is worthwhile reiterating that in the courtroom, participants' status and roles are a determinant factor not only in the distribution of power but it is crucial in the categorisation of what amounts to impoliteness. Power equation plays a role in all social interaction. It is "discursively negotiated and is always latently present in every instantiation of social practice" (Locher and Watts, 2005:86) and is linked to the evaluation of impolite behaviour.

In this situation, power relations are skewed in favour of the judge and the counsel with the latter 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 (Shuy, 2005:34). In cross-examination, counsel may effectively use their discursive resources in manipulating what the witness would testify and consequently what the jury can learn from him, a position that 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.

Validating the relationship in power, distance and speech acts, Mick Short (1989) noted that "a servant cannot, given normal circumstances, threaten a master. If he does so in a play, it signals a change in their relationship. Commands, like threats, are not accessible to all of the participants in a particular speech situation, and therefore, mark clear social relationships" (142). From a related perspective, Locher (2004:62) observed that "A exercises power over B when A affects B in a manner contrary to B's initially perceived interests, regardless of whether B later comes to accept the desirability of A's actions".

Wartenberg (1990:85) argued in the same vein that "A social agent A has *power over* another social agent B if and only if A strategically constrains B's action-environment". Meanwhile, Locher (2004:39-40) has proposed that power is given expression through language and cannot be explained without contextualization. It is relational, dynamic and contestable while the exercise of power involves a latent conflict and clash of interests which can be obscured because of a society's ideologies.

There is consensus that power is not static; rather, it is dynamic, fluid and negotiable. Locher and Bousfield (2008:9) crucially observe that “even interactants with hierarchically lower status can and do exercise power through impoliteness”. Chikogu (2009:73-89) reported the fluidity in power relations and that “language is [a] potent instrument in sustaining or effecting a change in the power structure of the society”. This is demonstrated in an analysis of the linguistic choices made by an area boy, Sanda, in Wole Soyinka’s *The Beatification of an Area Boy*, “in the mould of speech acts, turn taking and topic control for the change of the dynamic of power and social relations”, these being the strategies through which he wrestled men and material to his beck and call, from the erstwhile powerful and superordinate characters including a military officer.

The exercise of power is latent with face-constitution or aggravation the speaker may instantiate depending on the direction that suits 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/rude. 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 rude and impolite, but may be interpreted as contemptuous with its attendant risk of sanctions. Culpeper (1996) 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.

When the speaker is in a higher position, s/he can use impoliteness more freely, thereby activating some aspects of relative power or challenging someone over their assumption of power since s/he can prevent retaliation from the hearer or threaten more severe retaliation should the less powerful participant be impolite (Culpeper, 1996 and Bousfield 2008). Bousfield (2008:15) however states that when a person uses power, it does not mean that s/he is always impolite in doing so. Consequently, conventional directness, bald-on-record FTA, is not considered to be impolite when the speaker enjoys a higher status than the hearer (Culpeper, 2011:186-194).

Impoliteness is one way of exercising power and control since such behaviour as argued by Wartenberg and Watts has an effect on the hearer, thereby altering the future action-environment of the addressee. Impoliteness, whether understood as intentional face aggravation (Bousfield, Culpeper) or not (Tekourafi), is inextricably tied up with the concept of power because “an interlocutor whose face is damaged by an utterance suddenly finds his or her response options ... restricted” (Locher and Bousfield, 2008:8). Such restrictions, enforced through face-aggravating behaviour in its impolite form, can be observed in confrontational settings such as the courtroom.

The categorisation of impolite acts is, therefore, guided by isolating courtroom allowable aggression or politic verbal behaviour, as a fall-out of social power relations, from negative speech acts that fall outside the politic zone. In addition, culture-bound impolite acts are evaluated from the participants’ linguistic adherence or otherwise taking into consideration the mutually-contextual notion of *Omoluabi*.

3.0 METHODOLOGY

Two cases with culture-bound impolite acts, one criminal and the other civil were purposively selected for this study. The cases were conducted orally in the Yoruba language in situations where the lay participants could not communicate in English. The oral forms were subsequently documented in English by the court stenographers for ease of storage. The transcripts constitute a reliable source of data since they substantially reflect the discourse structure as well as retain the markers of the spoken form as was attested to by senior court officials. The methods of analysis were descriptive/inferential statistics and thematic content analysis. This was done as the study looked for occurrences of impolite verbal behaviour taking into consideration certain cultural nuances and the norms of the community of practice. The research relied on the discursive theory of Relational Work (Watts, 2003), a modification of the facework-based theory of politeness (Brown and Levinson, 1987) and the proposal on Impoliteness Superstrategies (Culpeper, 1996) to describe how impoliteness is enacted by court interactants in order to promote their legal interest. By so doing, specific context-sensitive impoliteness paradigms and the pragmatic meanings they conveyed were identified.

4.0 PRESENTATION OF DATA AND ANALYSIS

Culture-bound face-aggravating impolite verbal behaviour in the Nigerian courtroom were enacted through the peddling of falsehood, name calling, contemptuous behaviour and impolite imperatives which were unambiguously directed at maligning the opposition in order to gain legal advantage.

4.1 Peddling of falsehood

The peddling of falsehood violates the target's positive and negative face as it makes the alleged liar feels unwanted and unreliable. Nobody likes to court a liar. Falsehood is a "statement made by one who does not believe it with the intention that someone else shall be led to believe it" (Isenberg, 1973:248). This may take the form of giving a false account which is intended to mislead the court. Saxe quoted by Kornet (1997:2) believes that anyone under enough pressure will lie and that lying is integral to many occupations. Courtroom environment provides enough pressure and incentive for false narratives and face-saving devices which are intended to gain discourse advantage.

Lying is face-threatening albeit a face-enhancing mechanism to the speaker and has perhaps informed Ayansola's (2017) averment that "lies are neutralised in the likely event of their employment as face-constituting devices, self-preservation and as instrument of advancing the speaker's legal interest". As exemplified below, lies may not be sustainable in which case; liars may recant under the weight of cross-examination:

Example 1:

Plaintiff: About six years ago as I was clearing the [disputed] land, Lasun came and challenged me. I now say that Lasun did not challenge me on the land. He only greeted me when I was working on the land (*Ibikunle v. Irawoosan* 2005:8).

In a defiant posture, the witness reversed himself while admitting that he had lied that Lasun challenged him whereas the latter "only greeted me when I was working on the land". Lasun had only fulfilled a cultural obligation by greeting the man whose falsehood was intended to portray Lasun as the aggressor. In similar circumstances, the plaintiff also recanted when the issue of who

reported the alleged trespass on the disputed land to the Oba was being determined:

Example 2:

Plaintiff: All the plantains and the banana I planted on the land were destroyed. I then reported the incident to the incumbent Oba. He also invited the defendant to the palace who did not answer to the invitation (*Ibikunle v. Irawoosan* 2005:8).

While being cross-examined, the speaker made a U-turn:

Plaintiff: I went to Oba ... when the defendant claimed the land and reported me to him. The Oba sent for me and I went there (*Ibikunle v. Irawoosan* 2005:9).

The above volte-face was significantly noted by the judge during the delivery of judgement and may have partly been responsible for his loss in court:

Judge: He [the plaintiff] stated that the 1st defendant reported him to the current Oloba. He then changed and stated that it was he who reported him to the Oloba (*Ibikunle v. Irawoosan* 2005:37).

The judge's observation is indicative of the harm that inconsistent submissions, being the height of impoliteness, can do to a case.

In "Conspiracy", the first accused peddled some falsehood which he later recanted.

Example 3:

First Accused: X told me told me the school authority gave them some money to deal with the SUG. And even the VC is[sic] involved in the plan. I got this information from him and so he also try[sic] to entice me with money so I could join the plan (*The State v. Idahosa* 2002:17).

Probed further, the speaker recanted on the premise that: “I was seriously manhandled to a state of coma which made me to tell the students and press what I told them.” According to him:

First Accused: I don’t have any link with the Prof. I only know he is my VC.” The reason I said in my former statement that Prof. ... was involved is that the SUG who caught me asked me [whether] it is true [the] VC is the patron to Black Axe? I answered yes just because of the beating and I don’t [sic] want to die. The VC has no hand in the killing of the students but why I told the students that he was involved is that I was almost dead in their hands (*The State v. Idahosa* 2002:2).

As indicated below, lies may be peddled in the courtroom as face-saving strategies and as a lee-way of escaping untoward judicial decisions.

Example 4:

Plaintiff: I was in my house when the Oba sent for me ... and the defendant to his palace. At the palace, Oba investigated the dispute. The defendant claimed the ownership of the land and I also claimed the same. It was not settled that day (*Ibikunle v. Irawoosan* 2005:8).

Oba: The parties stated their case before us. I discovered that my predecessor had settled the matter before. He had made a boundary for them. I directed my chiefs who went with the parties to the land to re-demarcate their boundaries. . . . This is my terms of settlement for the parties (*Ibikunle v. Irawoosan* 2005:16).

Defendant: I only demarcated the boundary between me and the plaintiff as decided by the chiefs with survey beacons only. The plaintiff and I agreed to the demarcation of the disputed land when the late Oba intervened (*Ibikunle v. Irawoosan* 2005:21).

The Oba, as corroborated by the defendant, refuted the plaintiff's claim that he had not agreed to a settlement with him. Not only is the Oba an omoluabi, his status and reputation demands that he is neutral in this circumstance, hence his account appeared more credible rather than that of his subject.

Falsehood is glaring and may be unsustainable from the example below:

Example 5:

Plaintiff: When Awakan begged for the land to plant leaves from my father, my father was reluctant to give it to him because he might claim the land in future. But Awakan stated that he would not dare claim the land in future. Awakan had died childless. He did not plant any cash crop on the land. He planted only ... leaves. My father planted the cash crops. The defendant did not plant anything on the land (*Ibikunle v. Irawoosan* 2005:15).

The account above became unsubstantiated as the speaker contradicted his earlier stance.

Plaintiff: I cannot now remember the name of our father who allowed Awakan to use the disputed land. I do not know whether or not the late Oloba intervened in the land. I do not know whether or not the present Oloba intervened in the land. I got to the land about 5 years ago when the plaintiff

completed his building (*Ibikunle v. Irawoosan* 2005:15).

There are blatant unsustainable lies discernable from the above report. Noticeable is the change in the singular possessive pronoun “my father” in the initial extract to “our father” in the second extract. There is also a kind of hedging which is opposed to the confidence that was exuded in the speaker’s earlier account. Equally significant is the transition to the refrain: “I cannot now remember...”, “I do not know...” (used twice in the negative) by a man who was initially full of confidence as opposed to his first narration. His status as a liar is further unveiled through the hedging “I got to the land about 5 years ago when the plaintiff completed his building on it.”

It is unbelievable that a man who was categorical in reporting that his father had leased a certain portion of land to Awakan who had, in turn, complied with the agreement that no permanent crop should be planted on it [the land] could feign ignorance of the land until there was a ceremony five years prior to the trial. Earlier accounts had indicated that the traditional rulers had intervened in the crisis yet the witness curiously feigned ignorance of such attempt at reconciling them apparently in order to justify the basis for the on-going trial.

The status of the speaker as a liar was further established from the judge’s remarks as presented below:

Judge:

The plaintiff claimed that his great grandfather tilled and farmed on the land. Two crucial questions arise for consideration. He has failed to plead the names of his great grandfather, his grandfather and even his father through whom he claimed to get unto the land. Also, he has woefully failed to plead how his said great

grandfather got to the land. The intentional or otherwise omission of these preferential material and relevant issues has done a devastating blow to his claim. His case is like a building erected on nothing which will inevitably collapse like a pack of cards (*Ibikunle v. Irawoosan* 2005:49).

Courtroom abhorrence for lies may have partly informed pre-trial act of oath-taking as well as the filling of relevant affidavits by litigants. Such precautionary measures underscore the importance that is attached to factual presentation of accounts to the court. Certainly, the peddling of falsehood is not envisaged as part of the activities of the courtroom as a community of practice, a situation that qualifies such verbal activity as impolite in the tradition of Watts (2003). Falsehood is in addition a violation of the target's negative face.

4.2 Name-Calling

Calling the other names is a marker of positive as well as negative impoliteness in line with the proposal by Culpeper (1996). Name-calling is frequent among courtroom interlocutors and is often perpetrated directly or through veiled references. It is universally face-damaging to the addressee's positive face-wants and underscores the adversity that unarguably characterises the courtroom verbal interactivity. Ample illustrations are provided below:

Example 6:

Plaintiff: All the plantains and bananas I planted on the land were destroyed. I then reported the incident to the Oba. He invited the defendant to the palace who did not respond to the invitation. The damage done to my crop is N70.000.00 (*Ibikunle v. Irawoosan* 2005:8).

The speaker insinuated that the defendant was responsible for the destruction of his cash crops, an allegation that borders on a criminal infraction known as arson. The derogatory name of an arsonist in the Yoruba culture is “apa” or “baseje” (destroyer). The plaintiff further informed the court that the respondent was a deviant and disrespectful to the authority of the Oba in not honouring the latter’s invitation. It is instructive, however, that the allegation made by the speaker through his preference for a passive construction was discreet.

Meanwhile, the plaintiff further labelled a witness an aggressive impersonator who allegedly claimed to be the Chief Imam of their community and had disturbed the plaintiff while [he the speaker] clearing the disputed land:

Example 7:

Witness: He is not the Chief Imam of Oba Ile. The dispute arose when the plaintiff went to clear the land and the defendant disturbed him (*Ibikunle v. Irawoosan* 2005:8).

Another witness also named the defendant a liar.

Example 8:

PW2: I never joined the emissary to visit the disputed land. It is not true that Gbodogi leaves are planted under cocoa trees alone. They can be planted anywhere. It is not true that Oyafunke, father of the defendant was the first settler on the disputed land. He never at any time settled on it. The disputed land is not called Oyada. It is called Aliiri (*Ibikunle v. Irawoosan* 2005:13).

This testimony which was supportive of the claim of land ownership by the plaintiff speaks eloquently about the character of the defendant as a liar who perhaps among other acts of lying

wilfully distorted the name of the disputed land as *Oyada*, rather than *Aliiri*.

Another instance of name-calling was recorded by the defendant, albeit indirectly.

Example 9:

Defendant: There was no controversy on the land when my father was alive. There was no trouble during the life of the plaintiff's father (*Ibikunle v. Irawoosan* 2005:20).

In Yoruba culture to which the combatants belong, the male child is believed to take after his father. He is expected and bound to honour every accord voluntarily entered into by his forbear as well as maintain unquestionable integrity which is innately bequeathed on him. The defendant appeared to have accused the plaintiff of not following after the father's qualities in the pursuit of peace. The insinuation being that the target is not an *omoluabi* as he bore no resemblance with his acclaimed father. This is short of calling the plaintiff *omo-ale* [a bastard in the Yoruba parlance]! This is a serious face-aggravation in this situation and a crude form of impoliteness even in a confrontational setting like the court.

In the next two extracts, the defendant christened the plaintiff counsel a war-monger whereas the plaintiff counsel, in turn, named another witness an interloping busybody.

Example 10:

Defendant: It is the counsel who instigated the plaintiff against me. There was no dispute between us until Chief Goke Ajiboye instigated the plaintiff against me (*Ibikunle v. Irawoosan* 2005:21).

The defendant had accused the plaintiff counsel as fuelling the ember of discord in an otherwise harmonious family, arguably for his selfish interest.

Name calling featured consistently in “Conspiracy” particularly in the account of the witness:

Example 11:

Witness: I had a meeting with the VC. The cultist confessed that the VC is[sic] their sponsor (*The State v. Idahosa* 2002:74).

By making reference to fellow students as “cultist”, it may be concluded that the speaker was unfair or impolite. It is equally worrisome considering the speaker’s categorical reference to the VC as the sponsor of cultism in his own University! The damaging insinuation being that the VC is “irresponsible” and “unfit” to hold the exalted office of the Vice Chancellor.

There was also a counter name-calling of murderer in “Conspiracy”:

Example 12:

Witness: The 3rd accused ... had order to terminate [the] lives of the student[sic] executive (*The State v. Idahosa* 2002:80).

The innuendo above was targeted at the VC, who had previously been accused of sponsoring the campus killer-squad. Is it then out of place to conclude that the VC was the referent of murderer? In a dramatic twist of fate, the prosecution witness became defensive when he in turn was named a terrorist, murderer, liar, and corrupt, thereby prompting his rebuttal that:

Example 13:

Witness: It is not true that I led violent attacks on campus. The VC is not our life enemy. We have no bitterness against him. There is no disagreement between us about N500.000.00. We were not given N500.000.00 as alleged. I am not a liar. It

is not true that I ordered anybody to be tortured
(*The State v. Idahosa* 2002:83).

Name-calling is a form of negative impoliteness since the target that may have been so named could have his/her space restricted when it comes to social interaction with other members of the society. It is also a form of positive impoliteness since target could be deemed to have been precluded from the speaker's in-group membership. These acts are further classified as impolite since they exceed the norms of the civil language that is expected of the Yoruba norms of acceptable social conduct or the courtroom allowable adversarial activities. Granted that the speech acts are latently indirect, there is no mistaken the message they convey to the hearers face.

4.3 Contemptuous Behaviour

Contempt, a form of Culpeper's (1996) negative impoliteness, is a variant of impoliteness manifesting in the culprit acting in a manner that is disrespectful and accompanied with the feeling of disdain for the targeted individual or institution. Contempt is a form of challenge as it calls to question the authority or power that is wielded by the target. Contempt is not only a punishable offence by the court, traditional or modern, such behaviour is against Yoruba's *omoluabi* culture-based code of conduct as illustrated below:

Example 14:

Plaintiff: I then reported the incident to the incumbent Oba.
He also invited the defendant to the palace who
did not answer to the invitation (*Ibikunle v.*
Irawoosan 2005:8).

There is no greater breach of the African culture and a demonstration of impoliteness than for a subject to decline the invitation of the Oba! Such action is contemptuous of a revered

institution with vested traditional powers and attracts far-reaching consequences. The plaintiff in “Land” is another culprit of contemptuous behaviour against the Oba.

Example 15:

Plaintiff: The Oba decided that I should give a portion of the land to the defendant but I disagreed (*Ibikunle v. Irawoosan* 2005:10).

It is sacrilegious for a subject to openly disagree with the Oba. In the Benin tradition, for an example, the Oba owns the land (*Oba yan otor*). This tradition, albeit, in varying degree is replicated in other part of Nigeria and Africa. The far-reaching power of the Oba was being rudely challenged by the subject.

The defendant curiously showed disdain for the traditional institution:

Example 16:

Defendant: The plaintiff’s great grandfather was the Oloba of Oba Ile. He was a close associate of my father who was the Eesa[a palace chief]. It was my father who granted the adjoining land to the disputed land to his friend, the great grandfather of the plaintiff (*Ibikunle v. Irawoosan* 2005:18).

There is hardly any tradition to support the defendant’s claim that his father, a chief, bequeathed a portion of land to the Oba. The Oba in a traditional setting, as presented in “Land” owns the land and apportions it to his subjects and not the other way round. This is also in force at the old Benin Kingdom, thereby prompting the expression, *Obayan otor* (meaning, the ownership of land is vested in the King)! It is interesting that this “heresy” was subsequently contradicted by the defendant’s own witness who had been invited to advance the interest of his principal but ended up puncturing his claim.

Example 17:

DW1: It has not happened to my knowledge for a chief to grant land to an Oloba. . . . The disputed land was between Akirun and the then Oloba of Oba Ile. I know the disputed land. The land belonged to Oloba. The Oloba only allowed his subjects to farm on the land but he owned the land (*Ibikunle v. Irawoosan* 2005:23).

It is insulting, therefore, for the defendant to have labelled the Oba as a beneficiary of his father's kindness. The defendant's witness, knowing the implication of this had to mitigate such rudeness by contradicting his principal's impolite act. This is an attestation that the defendant was rude to have usurped a role that is the exclusive preserve of the Oba to a subordinating chief whose well-being or otherwise is at the Oba's discretion according to tradition.

Whereas a horizontal contemptuous behaviour instantiated against fellow lay courtroom participant may be rated as impolite, it is more intensifying when such behaviour is extended by the witness to either the counsel or the judge with whom he ranked low in social power relations.

Example 18:

PC: Tell the court whether or not Awakan had children.

DW2: I knew Awakan. Awakan farmed on the disputed land in his life time. I do not know whether or not he had children. Only his relative can tell the court (*Ibikunle v. Irawoosan* 2005:23).

The account of DW2 contains element of disrespect to the counsel and to the court. He may pass for what is technically known in legal parlance as a "hostile witness" for not only withholding vital

information from the court by insisting that he did not know whether or not the man (Awakan) he claimed to know had children or not, he surreptitiously instructed the interrogating counsel to direct his question elsewhere! This is an example of Culpeper's "off-record impoliteness". From his response, inference may be drawn that the counsel is being described as unintelligent by posing questions to the speaker rather than the relation of Awakan.

In the case of "Conspiracy", the Student Union President was contemptuous of the school authority by parading himself as President after the dissolution of the students' body.

Example 19:

President: I was elected leader in 1998/1999 session. The Student Union was dissolved after the swearing-in. I was sworn-in on 20/11/98. Student Union was still on even though it was dissolved. By the students I am still the president but by the authority I am not recognised (*The State v. Idahosa* 2002:82).

The conduct of the President by his own admission is contemptuous, rude and disobedient to the university's management. By his self-confessed reprehensible conduct, he has additionally performed self-face-threatening acts since whatever actions he performed in his illegal duties as President are null and void. Other examples of contempt by the SUG President are shown below:

Example 20:

President: I had a meeting with the VC. The cultists confessed that the VC is their sponsor and I confronted him. A week after the meeting with the VC the University was closed down because

students boycotted classes. ... The cultists were released by the Magistrate Court. The cultist came back to the school the student frowned at it (*The State v. Idahosa* 2002:74).

The insinuation from the immediate extract is that the blame for the release and invasion on campus of the dreaded cultists is at the door of the Magistrate court! Whereas the court had acted within its discretionary power, the speaker has veilingly called to question the power of the court in a manner that is contemptuous of the court, a misdemeanour that was also extended to the school authority. The SUG President had also accused the Vice-Chancellor of culpable as an accessory to cultists' activities.

4.4 Impolite Direct Communicative Acts

Impolite acts that are succinctly communicated to the hearer fall within Culpeper's (1996) "on-record impolite" super-strategy. A good number of verbal activities are performed in the courtroom through direct speech acts or imperatives with no consideration for politeness strategies. Whereas the presiding judge and the counsels can be categorical in their speech on account of their professional and institutional privileges, the same cannot be said of courtroom laymen. Having observed that power is neither static nor the exclusive preserve of any of the parties to an interaction, the fluidity of power is exemplified when witnesses resort to declaratives as an intentional face-attacking mechanism.

Example 21:

PW5: I know the plaintiff and the defendant. I know the disputed land. The plaintiff owns the land. I knew Awakan. He was the junior brother of Oyatoun (*Ibikunle v. Irawoosan* 2005:14).

The witness in this instance did not mince words in attributing wrongdoing to the defendant through salient declaratives. Each declarative commenced with the active noun phrase: “I know” (thrice); “he was”; and so on. Such strategies, which gave weight to his account and more importantly to the argument of his principal, were however unhelpful, adversarial and damaging to the negative face of the addressee.

A similar strategy played out in the report of the next witness:

Example 22:

PW3: I know the parties in this case. I know the disputed land. It is called Aliiri. The land belongs to the plaintiff. He is my boundary man. The defendant has no land in that area. His land is at Fapo area (*Ibikunle v. Irawoosan* 2005:13).

We notice that direct speech acts are more offensive to the hearer after the speaker had claimed “a moral ground” through the employment of the verb “to know” presupposing that the speaker is an insider who can guide the court in appropriating its verdict. Direct speech acts becomes excruciatingly painful when the speaker used it against his own principal. Example 23:

DW2: I am the third in rank to the Oloba of Oba Ile. I do not know how the parties granted each other land. We are concerned about the boundaries between them. It has not happened to my knowledge for a chief to grant land to an Oloba [contrary to the claim of the defendant]. Everybody has custody of his father’s land everywhere (*Ibikunle v. Irawoosan* 2002:22).

One can hardly decipher from this speech how the speaker has advanced the course of the defence. Rather, this high-ranking

chief has, through the use of declaratives, hurt the face of his principal who had curiously argued that it was his father who gave the disputed land to the Oba. The speaker has categorically faulted the defendant's earlier claim that it was his father that gave a portion of the disputed land to the king.

Impoliteness is intensified when it is enacted by a family member. The plaintiff's witness performed this role in the next example.

Example 24:

PW1:

I know the plaintiff and the defendant. The defendant has the same parents with the mother of my father. My father's mother was Oyatohun. Awakan had no child. I know the disputed land. Awakan begged for a portion of the land to plant "gbodogi" leaves. Neither Awakan nor any of Oyafunke's children has land on the disputed land. Awakan did not plant cocoa, kolanuts or palm tree on the land. He planted only "gbodogi" leaves. The defendant is my uncle. He never planted anything on the disputed land, because he is not the owner of the land. The disputed land belongs to Adekunle, the grandfather of the plaintiff (*Ibikunle v. Irawoosan* 2005:11).

PW1 while testifying against the defendant, his self-acclaimed uncle, tried hard to assist the plaintiff achieve a legal victory. This he did through his all-knowing approach to every question ranging from his knowledge of the disputants, their genealogy, Awakan's childlessness as well as the post-rental status of Awakan's farm which, according to him, the defendant could not lay claim to. He was so unequivocal in his presentation

that there it will be difficult to fault the authenticity of his testimony.

With the direct impolite communicative acts, the speaker did not give consideration for diplomacy or any such attention to the face-needs of the target. There was neither the use of indirectness nor hedging in his narrative style, notwithstanding that the victim of the verbal assault was a member of his family, a situation that may prompt the court to believe his account as credible and non-partisan. It is the height of impoliteness to the defendant and a punch below the belt as PW1 appears to have assumed the power of the court through the utterance:

“He never planted anything on the disputed land, because he is not the owner of the land. The disputed land belongs to Adekunle, the grandfather of the plaintiff.”

The above submission was judgemental and all-encompassing as the speaker underscored his “hostility”.

Excerpts in example 8 above contained imperatives that were used to undermine a defence witness who claimed to be the Chief Imam of Oba Ile. The speaker using imperative speech acts vehemently punctured such claim: “He is not the Chief Imam of Oba Ile. ...” (*Ibikunle v. Irawoosan* 8). Also in example 11 above, the defendant in accusing the plaintiff counsel as fuelling the ember of discord in an otherwise harmonious family did so to the hearer’s face: “It is the counsel who instigated the plaintiff against me. There was no dispute between us until Chief Goke Ajiboye instigated the plaintiff against me” (*Ibikunle v. Irawoosan* 21). The weight of the impoliteness was heavier considering that the addressee is a lawyer with some considerable social power.

A similar scenario is presented in “Conspiracy” where speakers frontally confront one another with reckless unmitigated face-attacks.

Example 25:

Witness: The 3rd accused is the go-between the cultists and the VC (*The State v. Idahosa* 75).

While this is a face-attack to the accused, it was directly confrontational and rude to the VC. In another account and in an attempt to justify the arrest of some alleged cultists, another witness for the state, PW3, gave the following account:

Example 26:

PW3: We found in the person of the 1st accused with a nylon bag. It contains shirt (brown) sandal a picture of a lady Police Officer and T. Shirt ... We recovered a bag from x. This is the bag. It contains black trouser black T shirt and a black jean. All the things found in the bag are wet. We took these straight to the campus to the President of SUG. When we got there, he told us to take it calmly that he would tell us all he knew about it (*The State v. Idahosa* 2002:91).

The extract above is far-reaching in its content of face-aggravation which was immeasurably impolite to the hearer. The narrative is filled with point-blank accusation that unarguably denotes the referent as cultists thereby increasing the likelihood of the court pronouncing him guilty. Our concluding example in this section is the presentation of the investigating police officer who provided us with yet another example of direct illocutionary impolite acts:

Example 27:

Police: During our investigation it was established that the accused persons belonged to secret cult in the campus called Black Axe (*The State v. Idahosa* 2002:97).

It should be noted that direct impolite communicative acts in this situation is reinforced by the speaker's professional power. Furthermore, in the courtroom situation, such acts are performed as face-constituting mechanism of enabling the speaker to showcase his due diligence in the performance of his professional responsibilities.

5.0 Conclusion

This study evaluated genre and culture-sensitive impolite verbal behaviour in the courtroom which manifested in falsehood, name-calling, contempt and impolite imperatives. The universal aggression in the use of language in courtroom is, in this situation, toned down by Yoruba culture-based code of acceptable conduct, *Omoluabi*. Consequently, certain sanctioned face-aggravating behaviour as proposed by Watts (2003) becomes salient, marked and categorised as impolite. Culturally defined excessive behaviour in this study is likened to a “handshake that goes beyond the elbow”, thereby expanding the scope of negatively marked verbal behaviour and, consequently, the size of courtroom impolite acts.

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