

GRAMMATICAL PRAGMATICS: POWER IN AKAN JUDICIAL DISCOURSE

Samuel Gyasi Obeng

This paper explores some pragmalinguistic and sociopragmatic aspects of the Akan (Ghana, West Africa)¹ native court judicial discourse. It is argued that court officials and litigants use specific content and functional words, idioms and other implicit expressions, as well as phonetic resources like *mezzoforte* and *pianissimo* loudness to express power, politeness and a range of attitudes and relationships such as distancing, anger, closeness, and politeness phenomena. Finally, the paper demonstrates that some judicial communication strategies employed by the interactional participants to indicate power in the native courts, may also be found in ordinary Akan conversation.

1. Introduction

Pearson (1988) notes that speaker intent is the primary social determinant of linguistic choice. With Akan legal discourse, besides speaker intent, the institutional nature of the discourse, the ages of the interactants, their gender and their sociocultural status help to determine the linguistic choices they make. It is however true to say with Pearson that speakers in the different roles negotiate power and accommodation at different levels and in different ways.

This article discusses language and power within Akan pragmalinguistics, sociopragmatics and politeness phenomena (Obeng 1999). van Dijk (1998) notes that the social power of dominant groups and their members can be expressed, enacted, or legitimated in discourse only through ideologically framed social cognition. The paper shows that in Akan judicial discourse the institutional power of the *akyeame* (who act in various capacities as court clerks, jury members, judges - either with the chief/queenmother or without them - and cross-examiners) may be expressed through language. The *akyeame*

¹Akan belongs to the New Kwa group of languages (Stewart 1989). Its nuclear area lies between the Volta and Tano rivers in Ghana. It is spoken in over six of Ghana's ten political regions. Akan, English, and Hausa (a Chadic language) are the three main lingua francas in Ghana. In The Ivory Coast, the variety of Akan spoken there is called Abron. Akan may also be heard in markets in Lomé, the capital of the Republic of Togo. Akan has over twenty dialects; however, only Akuapem, Asante, and Fante have achieved literary status. The data for this study were collected from Akyem and Asante speakers but have general validity or applicability to the other dialects.

see their institutional role and status as providing them with the power to use language associated with that office. The relative lack of power of the litigants also puts restrictions on their speech. Any challenge to authority or the right to speak is labeled as 'inappropriate' and/or 'incompetent' language behavior. The paper also demonstrates that there is a close relation between power and politeness. In particular, politeness is treated as an aspect of power. Pragmalinguistically, linguistic resources like address forms, pitch and volume employed in the judicial discourses signal the status and power of the interactants. Sociopragmatically, the power and/or social status of the interlocutors helps to determine the linguistic choices made in the discourse.

2. Current work on language and power

Interactional participants have several linguistic and pragmatic strategies for signaling power and for controlling participants without power. Working within the frameworks of conversational analysis and interpersonal pragmatics, Thomas (1985), in her work on language and power describes pragmatic features like illocutionary force indicating devices, metapragmatic comments, 'upshots' and 'reformulations' and appeal to felicity conditions employed by dominant participants in a series of 'unequal encounters' to restrict the discursive options of subordinate participants.

Harris (1995) discovered an asymmetrical distribution of speech acts in non-congruent interactions and noted that in an institutional domain such an asymmetrical distribution of speech acts as a mode of strategic communication, prevents validity claims being raised or challenged except by institutional representatives. Although this is generally the case in Akan judicial discourse, the data also shows that participants other than institutional representatives have strategies for raising or challenging the validity of claims made in the courtroom (see Example 4).

Hutchby (1996: 481) also worked on language and power by exploring the ways in which power functions in institutional discourse. In particular, he examined how the play of power in discourse can be analyzed from the fundamentally local sequential perspective of conversation analysis. He posits that "power is best seen as a shifting distribution of resources which enable some participants locally to achieve interactional effects not available to others."

For her part, Keating (1997) examined language and power from the point of view of honorific possession in Pohnpei, Micronesia. She observed that besides constituting cultural categories of rank and power relations, Pohnpeian possessive classifiers dynamically re-sort or re-classify rank and power relations through honorific speech. She also discovered that "micro-interactions which index status are linked both to larger cultural ideologies about power and, metaphorically, to the experiential domain" (Keating 1997: 247).

Wetzel (1993) examines the different metalanguage used to analyze linguistic behavior relating to power and gender in Japanese culture. She notes that features determining power in Western cultures may be different from those in cultures influenced by Confucian notion of role and vertical structure.

On language and power in the courtroom, linguists have uncovered strategies used by legal professionals (who by their institutional status have power) to control and

dominate interactions in the courtroom. Adelswärd et al's (1987) work on Swedish judicial discourse shows that there is uneven distribution of interactional space between legal professionals and defendants. In particular, there is asymmetry in such interactional categories as turn-taking control, the amount of speech produced, topic regulation, and different types of initiatives and responses. Their investigation shows that defendants who have committed relatively more serious offenses are treated significantly differently. Specifically, such defendants are subjected to interrogation-like discourse whereas defendants with less serious crimes were subjected to conversation-like discourse pattern. In Obeng (in press) I also examine the interrogative strategies used by court officials to 'force' litigants to produce incriminating evidence against themselves.

Bresnahan (1991) explores the extent to which the interrogation style of prosecutors and the response style of defendants can contribute to the genesis of conflict in criminal trials. Bresnahan notes that for every statement, there is a broad paradigm of acceptability for response with a hierarchy from most acceptable to least. In particular, he notes that the farther down the hierarchy of acceptability of response, the greater the relational or rhetorical cost. Analysis of the transcript of a trial indicting two foreign-born non-native English-speaking defendants show that they opt for low acceptability, high cost, and noncongruent response strategies which challenge both the right of the prosecutor to make negative suggestions and the negative suggestions themselves (Bresnahan 1991). But, as Bresnahan (ibid.) notes, because these defendants are not totally familiar with the full range of linguistic, social, and cultural rules characterizing ordinary exchanges in English, much less legal exchanges in the American courtroom, they are unable to fully deploy these strategies of refutation or to deploy them convincingly. Bresnahan (1991) concludes with the assertion that the unsuccessful attempt to reverse impugnments to their character and story causes them to be seen as combative, evasive, uncooperative, and lacking in credibility.

Goldman (1986) examined question formation, selection and sequencing in the contrasting contexts of a traditional Moot Court and a Village court among the Huli of Papua New Guinea. He examined the continuities and discontinuities between these systems in terms of the nature and structure of speech, role relationships, and gender-inflected patterns. The study showed that differentials in the above are in part responsible for a contrast in discourse strategy between Huli women and men. Whereas Huli women provide more 'reason-base' statements, Huli men seem to leave justificational structure to inferencing by the audience. Goldman notes that the questioning processes in Huli judicial discourse have implications for theory and method in legal anthropology.

Akan, like most Sub-Saharan societies, has a stratified social structure. Socioeconomic status, political status, age, and, in some situations, gender form the basis of power. Advancement in socioeconomic status is likely to go hand-in-hand with power, especially if that status is accompanied by generosity to the community and willingness to take part in community affairs. A wealthy or well-educated individual who does not help members of the community may wield no power over its members. At public fora, a statement from such an individual may not be taken seriously.

The political status of an individual also influences the individual's position in the social structure. Community leaders like chiefs (male and female), orators, lineage heads, teachers, priests, and recently, district assembly members, have more power than the ordinary population. As with wealth and education, one's ability to possess power depends,

in part, on how one relates to members of the community and how one uses this power.

Gender may, occasionally, serve as a basis for power in Akan society. Given its matrilineal system, women have the power to hold positions normally held by men (in other patriarchal) but the reverse is not true. Thus, although women can be made chiefs, men cannot be made queenmothers.² However, in Akan native courts, men (rather than women) tend to be appointed as cross-examiners, orators, and judges. In the queenmother of Asante's court, for instance, although the queenmother herself is the judge, her orators (most of whom are men) take charge of almost the entire judicial proceedings (although her opinion is always sought and highly respected). Similarly, in a chief's court, one seldom finds women as legal personnel. For a discussion of the performance strategies in the queenmother of Asante's court, see Stoeltje (1999).

The court setting is one of the communicative situations in Akan society where social, economic, political, and gender factors influence the language used. The Akan have two types of courts: A Western-style court, which is designed upon the British judicial system, and a Native Court designed upon traditional Akan law and customs. In Obeng (in press), I note that the Native Courts are not statutorily regulated, but have jurisdiction to hear cases and fine litigants by way of the parties themselves. I further note that because litigants voluntarily seek a solution to their problems from the court, Labov and Fanshel's (1977) asymmetry of rights and power is assumed in the judicial discourse because seeking help from the court is both a social and cultural indicator of the litigants' inability to solve their own problems.

Because the *akyeame*³ 'orators' are in charge of judicial administration in the chief's or queenmother's court, the power they wield in the Native Courts is seen by the extent to which they control the entire interactional process including such interactional categories like turn allocation, repair, overlap resolution, and the content of the interaction - that is, what is talked about. The judicial professionals determine the acceptability or appropriateness of the linguistic forms chosen and used by the litigants. For example, in one of the discourses from this corpus, a litigant in asking for a postponement of a hearing used an expression that, in the opinion of the court, was an inappropriate speech form and his attention was immediately drawn to his error. This excerpt is cited below for explication:

(1)

Context: A male litigant, AA, is accused of using inappropriate language while asking for postponement of his case.

AA: *Sɛ moβɛma me naawɔtwe bi a...*
If you'll-give me week a if

² Every Akan village has a male chief and a female chief. The female chief is referred to as a queenmother. The queenmother could be the male chief's mother, sister, maternal aunt, etc. She comes from the male chief's maternal lineage.

³ The singular form is *ɔkyeame*. See Yankah (1995) for a detailed discussion of the institutional roles of the *akyeame*.

JP1: *Sɛ yɛβɛma wo naawɔtwe bi a..? Yɛremma wo.*
If we'll-give you week a if We'll-not-give you

Wobɛka sɛ mo adaworoma mesrɛ mo moma me naawɔtwe bi
you'll-say that your grace I-beg you you-give me week a

na menfa nsiesie me ho no na woretotopaapaa so.
so-that I-take prepare my self instead-of then you-speak-incoherently

AA: *Mo adaworoma, meserɛ mo moma me naawɔtwe na menfa ntoto nnoɔma*
your grace I-beg you give me week so-that I-take put-in-order things

JP1: *Afei na worekasa!*
Now foc. you're-talking

AA: 'If you'd give me a week'

JP1: 'If we'd give you a week? We shan't give you. Instead of saying 'By your grace, please postpone this case by one week', you're speaking inappropriately.'

AA: 'By your grace, please postpone this case by a week so that I'd be better prepared.'

JP1: 'Now you're talking!'

In excerpt (1) above, AA is instantly corrected when he used an expression unacceptable to the court. JP1 brings the power of the court to focus by indicating a possible refusal of AA's request due to its pragmatic inappropriateness. From JP1's initial turn, we learn about the things AA did not incorporate in his initial request that made it inappropriate in the communicative context. Speaker AA should have preceded his request with a deferential expression marking asymmetrical relation between him and the court. Furthermore, AA should have provided the court with the reason behind the request. The above excerpt shows the close connection between power, grammar, and pragmatics. We also see that the *akyeame* determine whether the linguistic forms chosen and used by the litigants are acceptable or not. From the discourse in the Akan Native Courts, therefore, besides the language being used for the negotiation and settlement of disputes, one sees language being used in the reassertment of differing power hierarchy. Thus, one sees the strong interdependence between language and power. One also sees the strong connection between power and politeness. AA's initial sentence which is syntactically a conditional clause is seen as impolite. The alternative suggested JP1 is a statement and is embellished with politeness markers - a deferential address form *w'daworoma* 'by your grace' and an apologetic expression *mesrɛ mo* 'I plead with you'.

In effect, the *akyeame*, among other things, assert their status in the courtroom through language. Through language and other socio-political strategies they are able to shape the linguistic contribution of the litigants. In a similar vein, the litigants may protest or produce dissenting views through language. One therefore finds a place for linguistics in judicial negotiations and in the entire judicial process.

The litigants, on their part, use evasion, giving up on words, and other avoidance strategies including polite language to avoid providing information they consider 'hurtful' to their case. In Akan, polite behavior is required of subordinates engaged in noncongruent interaction (Obeng 1997).

In Obeng (in press), I point out in passing how the interactants use language - specific lexical, syntactic, and speech act categories - to show and preserve power relationships between them during cross-examination. In particular, I noted that the *akyeame* use yes/no and alternate questions, imperatives, and so on, as well as indirectness and a phonetic feature like loudness to extract information from litigants.

The courtroom institutional setting empowers the court officials and subordinates the litigants. In sum, in view of their power as judicial experts, decisions made by the *akyeame* have legitimacy to established judicial proceedings. The power of the *akyeame* could be seen by the linguistic and pragmatic units they use while court is in session. On the other hand, the litigants lack of power is seen by the way they use language and by how language is used to control their speech. This paper thus demonstrates that interactants in Akan Native Courts use such linguistic units as lexical items, syntactic cues, as well as phonetic or prosodic features to express status, power, and politeness.

3. Method and theory

The data on which the claims in this article are based were collected between 1992 and 1995 in Asuom and Kumasi (Ghana, West Africa).⁴ Permission was sought from the chiefs and queenmothers from whose courts the data were collected. The transcripts consist of utterances made in court by the *akyeame*, the litigants, and some members of the audience who witnessed the judicial proceedings. In all, about eighteen different court proceedings were recorded; and although a few excerpts are cited in the discussion below, the claims made have validity for the entire corpus.

The study is done within the framework of Politeness theory (Brown and Levinson 1987; Nwoye 1992; Obeng 1999). Brown & Levinson (1987) discuss negative politeness, the desire to have one's actions unimpeded by others, and positive politeness, the need or desire for closeness with others. According to them, whereas positive politeness may be achieved through satisfying the hearer's wants, by cooperating and claiming common ground, negative politeness may be achieved through the avoidance of imposition and through indirectness (both conventional and off-record) strategies. Brown and Levinson's (1987) work on politeness is based on the Goffman's concept of face which involves the positive social value one effectively claims for oneself (Goffman 1972: 319). Goffman (1967) characterizes politeness as involving the employment of communicative strategies in the management of the face or public identity of interactional participants.

Wierzbicka (1985), Matsumoto (1988), Nwoye (1993), de Kadt (1998) and Obeng (1999) have all questioned the universal validity of Brown and Levinson's politeness theory. Wierzbicka (1985) has shown that whereas in English the imperative is considered rude, in Polish it is a mild directive. Furthermore, the indirect request 'why don't you close

the window' is a mild suggestion in English, in Polish it assumes that the hearer has no excuse for having left the window open.

For Matsumoto (1988, 1989), a universal theory of linguistic politeness must take into account the cultural variability in the constituents of face and she notes that face in Brown and Levinson's sense ceases to be an important issue in interpersonal relationships in cultures like Japanese where members are more concerned with conforming to norms of expected behavior than with maximizing benefits to self. Matsumoto explains that discernment, rather than face, constitutes the most important motivating factor behind politeness.

Nwoye (1992) focuses on group face calls into question Brown and Levinson's concept of negative face and the need to avoid imposition by noting that, unlike Western societies in which individualism is the expected norm of behavior, among the Igbo of Nigeria, concern for group interests override those of an individual's so requesting is, for instance, not considered an imposition on the requestee and is therefore not face-threatening.

From the above discussion, it may be noted that cultural values have tremendous impact on power and politeness. The close connection between politeness and culture is also dealt with by De Kadt (1998) who notes that the collectivist nature of Zulu culture casts doubts on the applicability of Brown & Levinson's theory. However, she calls on linguists not to reject the concept of face out of hand since a broad development of the concept based on Goffman's (1967) analysis, which sees face not as a 'public self image' (Brown & Levinson 1987) but as 'a public property' that is only assigned to individuals contingent upon their interactional behavior, enables the theory to accommodate both volitional and social indexing aspects that are equally essential to a full explanation of politeness (de Kadt 1998: 174-175). She demonstrates that face maintenance in Zulu is achieved through a wide range of verbal (deferential expressions, in-group address and referential terms like *mgane wami* 'my friend', *mfo* 'brother', subservient phrases, and so forth), and nonverbal features like posture, gestures, and gaze patterns. De Kadt notes the importance of face in Zulu society and how free making people of high social status are (although still bound by the *hlonipha* face-politeness system) and how restricted the speech of people with low status are (p. 189). The *hlonipha* system in Zulu makes face mutual with constant attention paid to it by both parties throughout an interaction.

In my work on apology in Akan (Obeng 1999), I show that in Akan, politeness is embedded in socioculturally organized activities which warrant the use of specific pragmatic particles, specific lexical and grammatical forms, and other factors. I discuss politeness in Akan within the concepts of self, social group, and ethnic group. As far as politeness relating to 'self' is concerned, a person's face may be said to be threatened because of his own actions. Because individuals belong to social groups of various kinds (e.g., nuclear family, friends, school, church, etc.) and since members of such groups lead collective lives and care for one another, any face-threatening act affecting a member of the social group affects all other members of the group at varying degrees. Members of one's social group closest to the offender attract more disgrace than those not so close to him or her.

Furthermore, since one or more social groups constitute the ethnic group, the members of the ethnic group also share in the face-threat, face-maintenance, or face-elevation associated with persons and social groups within it. I note further that the

⁴ The data collected in Kumasi were collected by Professor Beverly Stoeltje (Institute of Folklore, Indiana University). I am grateful to her for making one of her tapes available to me.

importance of the concept of group face may be felt especially in inter-ethnic communicative encounters where it is common to hear people express concern or admiration about the repercussions of the action of an individual on the entire Akan ethnic group. I therefore argue that in looking at politeness in Akan equal attention must be paid to the self, social groups, and the entire Akan ethnic group.

However, I noted also that Brown and Levinson's negative politeness phenomenon, for instance, has some relevance for Akan politeness in such speech acts/events as apology and request (Obeng, in press) and the politeness strategies involved in managing such speech acts or events. Regarding apology, I noted in Obeng (1999) that an apology recipient's negative face may be threatened through an 'ethnic imposition' on him. Usually, a recipient must minimize because refusal of an apology mars his face since it is very common to hear people labeled 'wicked' because they refused to accept an apology and decided to take an offender to court. In a similar way, I argued that Nwoye's group or social face and politeness have some relevance for Akan politeness because people can by their actions threaten the face of their respective social groups. I conclude by noting that politeness in Akan is governed by an ethnopragmatic context within which persons, social groups, and the entire Akan ethnic group can be situated.

Unlike in Obeng (1997) where I examine the politeness phenomena used mainly by the chief intervener to persuade the jury during an appeal, this paper examines the structural linguistic resources employed by the *akyeame* and the litigants to show power or the lack of it. I also examine the social background or institutional roles of the discourse participants and how that influences their choice of various structural resources.

In my analysis, I look at the systematicity with which interactants' use of language unearths the extent to which language and culture inform each other. In particular, I do a pragmalinguistic analysis of the texts by examining the various lexical items, syntactic expressions, as well as indirectness devices like idioms used to mark power and politeness. I also explore how sociolinguistic variables like institutional role, age, and gender influence language use. I also examine the relevance of the discourse strategies for Akan politeness phenomena.

4. Discussion

4.1. Pragmalinguistic features used to mark power

An observation of the data points to the fact that expressions used in marking asymmetrical power and social relationship may be found in such speech acts as requests, expressions of thanks, apologies, and in (dis)agreements. Another observation is that the expressions marking asymmetrical power and social relationship provides insights into Akan politeness phenomena. The extracts below help to explicate this claim.

(2)

Context: A female litigant, AM, pleads with the court to allow her to explain her side of the story.

AM: *Agyanom, mo adaworoma, mesrɛ mo anidie mu, moma me nkyerɛ mu.*
elders your grace I-ask you respect in you-let me explain in

AM: 'Elders, by your grace, I respectfully ask you to allow me to explain it.'

(3)

Context: KH, a female litigant, apologizes to the court for not acting appropriately.

KH: *Nana, mepa mo kyɛw, mayɛ mfomsoɔ*
elder/chief I-remove your hat I-have-done wrong

KH: 'Elder/Chief, please / I beg you, I'm guilty.'

(4)

Context: A female litigant, AA, asks court to allow her to provide further details of a case she believes was hastily settled.

AA: *Nananom, mo adaworoma, asɛm no nana aka sɛ ɔde*
elders your grace case the nana has-said that he-with-it

akye yɛn deɛ nso asɛm no menim mu.=
forgive us though but case the I-know in

JP1: =*Wonim mu no wonim mu sɛn?*
You-know in emp. you-know in how?

JP2: *Nana akasa awie. ɔpanin adware awie a*
Nana has-spoken finish Elder has-bathed finished if

nsuɔ wɔ he?
Water be where

Monsrɛ kwan na monkɔ!
You-beg road and you-go!

AA: 'Elders, by your grace, Nana has said she's forgiven us; but I know the details of the case'

JP1: = 'What precisely do you mean (that is, are you suggesting we are unfair or unwise?)'

JP2: 'Nana has finished talking. Is there any water left over after an elder has bathed (that is, doesn't the female chief's speech end the discourse?) Ask for permission to leave!'

Lexical items (address forms) like *Agyanom* and *Nana* 'Elders' as well as deferential expressions like *mo adaworoma* 'by your grace', and *anidie mu* 'respectfully' are used by litigants who, by the institutional nature of the discourse, have lower status and

no power, to mark institutional asymmetrical role and status. In Akan politeness phenomena use of such address forms and deferential expressions by the litigants shows that they acknowledge the *akyeames'* high institutional role and status and the respect associated with the office. Thus, besides being used to signal power, the above address forms and deferential expressions are used to show politeness by the litigants (Obeng 1997, 1999.)

The admission of guilt in example (3) as well as the language in which the apology is rendered provide insights into the power-play in the discourse. Specifically, they show that the speaker recognizes her lack of power on the one hand, and the addressees' power on the other. The expressions *mepa mo kyɛw* 'please / I beg you' and *mayɛ mfomsɔɔ* 'I'm guilty', support the above claim. From the point of view of politeness, it may be argued that the polite address form *Nana* 'Elder' and the apologetic expression *mepa mo kyɛw* 'please / I beg you' both signal the communicative difficulty and hence face-threat inherent in the upcoming string *mayɛ mfomsɔɔ* 'I'm guilty'.

In (4), the implicit nature of the disagreement by AA signals or provides insights into her lack of power. It would have been inappropriate for her to explicitly state that the court was in a rush judgment aware of the fact that it failed to consider the full details of the case. On the other hand, explicitness in both JP1's and JP2's strings suggest that the speakers have power. Not only do both strings question the appropriateness of AA's utterance, they reveal confidence of the speakers - a confidence emanating from the speakers' power because of their high institutional role. Thus, the institutional role and status of the *akyeame* provide them with the power to use language associated with power, whereas the relative lack of power of the litigants also puts restrictions on their speech. From the point of view of politeness, AA's utterance contains several politeness markers. Besides the address form *nananom* 'elders' and the apologetic formula *mo adaworoma* 'by your grace', the indirectness in the disagreement which is expressed through an idiomatic expression, *menim mu* 'I'm familiar with the details', is also for negative politeness (Brown and Levinson 1978, 1987). Telling the *akyeame* or the female chief that they have rushed to judgment would have been seen as an extreme case of insubordination. In spite of the mitigation and the indirectness, AA is still reprimanded by JP1 and JP2. The personal knowledge I have about the court in question is that, had AA directly told the court that it judged the case hastily, she would have been fined and reprimanded for her 'disrespectful' behavior. From the above discussion it may be noted that the politeness phenomena employed helped to minimize the effect of AA's questioning of the verdict.

The nature of JP1's question suggests he has power over the AA. He addresses her with the second person pronoun *wo* 'you' and without any politeness marker. The proverb used by JP2 also suggests that the court has power over the litigants. He renders the proverb in a rhetorical interrogative form. In Akan society it is required that elders have the final word in a discourse. If a young person decides to talk after an elder has given a final opinion on an incident, then the young person is suggesting that she or he is wiser than the elder. In excerpt (4), JP2 is suggesting that if AA had any misgivings about the case, she should have stated them before the elders gave their verdict. Grumbling after a verdict has been given is inconsistent with the institutional norms of communication. Finally, JP2's use of the imperative sentence *Monsrɛ kwan na monko!* 'Ask for permission to leave!' also suggests that he has power over the addressees.

Expression of thanks

Expressions of thanks or gratitude may also be used in marking asymmetrical power and social relationship between the litigants and the *akyeame*. In the data, such expressions have the structure: [NP₁ + VP + NP₂]. NP₁ is dominated by the first person plural pronoun prefix *yɛ-* 'we'; the VP by *da ase* 'thank (you)'; and NP₂ by a noun referring to the high status and hence power of the judicial personnel. Some of the nouns used to mark the institutional power of the addressee are *agya* (elder), *oburu* (royal status), and *nana* (elder or chief). For example:

(5)

Context: Litigants express thanks to court (by using polite terminal addressives that specify the judicial professionals' specific status) for settling their cases.

yɛda ase agya

We-thank elder

'We thank you, elder.'

yɛda ase oburu

We-thank royal-status

'We thank you, your royal highness.'

yɛda ase nana

We-thank elder/chief

'We thank you, elder/chief.'

When a litigant is not sure about the exact social or institutional title of the *akyeame*, then s/he may use the prolonged unrounded open vowel /a:/. This may prompt responses from the *akyeame* as to their exact social or institutional title.

(6)

Context: Litigants express thanks to court (by using polite terminal addressives that do not specify the judicial professionals' exact status) for settling their cases.

AA: *yɛda ase aaaa*

We thank you, high but uncertain status.

JP: *Oburu*

royal-status

AA: *yɛda ase oburu*

we-thank you royal-status

AA: 'We thank you, one whose high status we are certain of, but the exact nature or kind of status of which we are uncertain.'

JP: 'Royal-Status'

AA: 'We thank you, your royal highness.'

From the point of view of discourse structure, the lexical items used in marking power occur as terminal addressives. Thus, they are attached to the end of an utterance. Yankah (1991) has argued that such terminal addressives also act as politeness markers. In the above examples, therefore, there is a strong connection between power and politeness since the polite address forms also signal the power of the addressees.

Only two expressions of thanks used to mark the low institutional power of an addressee were found in the entire corpus. Both had a different syntactic structure from those used when the addressee had a high institutional power. The syntactic structure used is: [S₁ + S₂]. S₁ has [NP + V] structure and the NP is a possessive construction. S₂ has an [NP + VP] structure. The two excerpts found are:

(7)

Context: The queenmother uses an address form denoting the low social status of the addressee.

QM: *Me ná!ná mo; asɛm no ara na woaka no!*
my grandchild thanks case the emp. foc. you-have-said emp.

QM: My grandchild, thanks. You've hit the nail on the head!

(8)

Context: The queenmother uses an address form denoting the low social status of the addressee.

JP: *M'awuraa mo; wo ho nni asɛm.*
My-lady thanks your self not-have case

JP: 'My lady, thanks. You're innocent.'

Both examples (7) and (8) have address forms that show endearment and the idea of having either a lower institutional power or no power at all. In Akan, ordinary conversation, being addressed especially as *me ná!ná* 'my grandchild' suggests that the addressee has a lower social status than the speaker. Being addressed as *m'awuraa* is ambiguous in terms of whether the addressee has power or not. When used sarcastically, it suggests that the addressee is pompous and that the addresser wants to distance himself or herself from him/her. If the addressee is older than the addresser, it suggests either disrespect on the part of the addresser or that the addressee is acting inappropriately. On the other hand, when it is used in a superordinate-subordinate situation, then it suggests endearment (and hence positive politeness) and pampering. If only *awuraa* 'lady or young woman' is used without the possessive pronoun, it shows anger of the addresser and disrespect for the addressee.

Asking for forgiveness

In Obeng (1997), I discuss various politeness and persuasive strategies in Akan judicial discourse. Some of the persuasive strategies refer to asking for forgiveness. Among the strategies dealt with are: The use of hedges that allow room for negotiation; and acknowledgment of imposition. The hedges dealt with had conditional clause structure whereas the strings that acknowledged imposition were compound sentences with pragmatic particles like *deɛ a* 'if possible'. I also dealt with the use of indirectness strategies like idioms and proverbs to mark politeness and power. In the transcripts for the current study, besides the use of hedges and statements acknowledging imposition, we have such strings as *mesre nana* 'I beg nana', *mafom kakra* 'I've erred a little,' and *nana adaworoma ɔmfa nkyɛ yɛn* 'by nana's grace, she should forgive us.' Structurally, all the above excerpts are complete sentences. They all suggest lack of power of the speaker and the possession of power by the addressee. Regarding politeness, in Akan society asking for forgiveness is a sign that the speaker is humble enough to acknowledge his/her faults. Humility is seen as a sign of politeness so the speech act of asking for forgiveness could also be said to be a marker of politeness.

Forgiving

In Akan society, any one who has the power to forgive another person, in principle, has power over the person in that interactional context. In the judicial discourses for this study, all the expressions of forgiveness were produced by the *akyeame*. The expressions for forgiveness were either statements or commands. Two examples are cited below.

(9)

Context: A judicial professional expresses forgiveness for a litigant. His utterance is rendered in a statement form.

JP2: *ɔde mo ti akyɛ mo*
she-with your head has-spared you

JP2: 'She's spared you your heads, i.e., she's forgiven you.'

(10)

Context: A judicial professional expresses forgiveness for a litigant. His utterance is rendered in an imperative form.

JP1: *Monna ase na monsɔre nkɔ.*
You-pl.-give thanks and you-get-up go

JP1: '(You're forgiven); thank us and leave.'

In the above excerpts, (9) is a statement whereas (10) is a command. As noted

earlier, in Akan society, careless or wrongful use of power is seen as a sign of being tyrannical. Thus, a powerful individual should treat less powerful individuals kindly since failure to be kind may be seen as an act of bullying. The expression *ɔde mo ti akɛ mo* 'she's forgiven you', therefore, has relevance to both power and politeness. From the point of view of politeness, it shows that the speaker likes to be liked (positive politeness) and be seen as a good individual.

In (10), it is only the context that tells the listener or reader that the text is about forgiveness. Without the context, it could qualify perfectly as an expression of thanks. Regarding politeness, although the expression *Monna ase na monsɔre nkɔ* 'Thank us and leave' is a command sentence and the verbs *thank* and *leave* are in the imperative mood, it suggests that the speaker forgives.

Summons, address & reference

In Akan society, during normal conversation, it is considered rude to mention a person's full name. A person whose full name is mentioned may angrily respond:

(11)
Adɛn na wobɔɔ me din tuu ase?
 Why emp. You-mention my name dig beneath
 'Why did you mention my name in full?'

If the addresser is younger than the addressee, he/she may be instantly reprimanded by the addressee or even by onlookers or bystanders. If the addresser is older than the addressee, then mentioning the addressee's full name is not considered rude.

A close examination of the transcripts for this study reveals that some litigants' full name may be used while the *akyeame* are addressing or referring to them. Three examples are given below:

(12)
 Context: An *ɔkyeame* summons an inattentive litigant, KF, by mentioning his full name and changing the order of the names.

JP2: *Kofi Fofie! Kofi Fofie! Koofie! Fofie Kofi!*

KF: *Nana, me wɔ ha.*
 Elder I be here

JP1: *Wo Kofi Fofie oo sɛ hwan no, wasoɔden no*
 You Kofi Fofie or if who the your hardness-of-hearing the

woanhwɛ yie a, wobɛgye wo ho gye
 you-not-look carefully if You'll-get your self get

na wɔ ahemfie ha.
 difficulty in palace here

JP2: 'Kofi Fofie! Kofi Fofie! Koofie! Fofie Kofi!'

KF: 'Elder, I am here.'

JP1: 'You Kofi Fofie or whoever that is, because of your arrogance, if you're not careful, we'll teach you a lesson here in this palace.'

(13)

Context: JP1, an *ɔkyeame*, addresses AM, a litigant, with her full name.

JP1: *Wo Adwoa Mansa kasa na yɛntie.*
 You Adwoa Mansa speak so-that we-hear

JP1: 'You Adwoa Mansa, speak so that we may listen'

(14)

Context: A litigant, AK, addresses an *ɔkyeame* with a deferential address form, *nana* 'elder/chief'.

AK: *Nana Kyeame, nea ɛbaeɛ ne sɛ.*
 Nana Kyeame, what happened was that
 AK: 'Elder Orator, what happened was that.....'

In (12), JP2's turn is a summons and an attention getting device. In this turn, JP2, in calling the addressee, uses three forms of the same name. In the first two calls, he uses the order [Day-Name + Last Name], *Kofi Fofie! Kofi Fofie!* This is then followed by a hypocoristic form *Koofie* and then a change in the order of the names - [Last Name + Day-Name] - *Fofie Kofi*. In Akan, normal conversation, it is also common for someone with a higher social status to call a person of lower social status by employing the above strategies.

Having gotten KF's attention, JP1 addresses him with a form of address that immediately signals his high institutional role and KF's low institutional role. Specifically, he uses the string *Wo Kofi Fofie oo sɛ hwan no* 'You Kofi Fofie or whoever that is'. Use of the second person pronoun *wo* 'you', the full name of the addressee *Kofi Fofie* and the pragmatic marker of avoidance and disrespect *oo sɛ hwan no* 'or whoever that is' point to the fact that the addressee's status in the institutional or discourse setting is extremely low. In ordinary Akan conversation, addressing a person of a lower social status with such an address formula will most certainly make him/her angry leading to the exchange of words. In fact, addressing someone with his/her 'full' name or changing the order of the names marks disrespect especially if used in a subordinate-superordinate context.

In (13), use of the address form *Wo Adwoa Mansa* 'you Adwoa Mansa' suggests that the addressee's institutional role and status are higher and hence he is more powerful in the communicative context than the addressee.

Unlike in (12) and (13), in (14), use of the deferential address term *Nana* 'elder' suggests that the addressee's institutional role and power are higher than those of the

addresser. In the context in which excerpt (14) is produced, had the speaker addressed the orator without the deferential title, he would have been punished for insubordination and rudeness.

In the excerpts below, the address forms used suggest that although the litigants' institutional role is lower than that of the *akyeame*, their social status is comparable to that of the *akyeame* and that because of this high social status they (the litigants) are shown some amount of deference.

(15)

Context: An elderly litigant is addressed with a deferential title by a court official.

JP2: *Ɔpanin Agyaako, ma ababaawa no nso nkasa bi.*
Elder Agyaako let young-woman the also talk some

JP2: 'Elder Agyaako, let the young woman also talk.'

(16)

Context: An elderly litigant, MAM, is addressed with a deferential title by a court official.

JP3: *Maame Akua Mansa yɛbɛsrɛ na woama ababaawa*
Madam Akua Mansa we-will-plead so-that you-let young-woman

no nso aka ne deɛ.
the also say her own.

JP3: 'Madam Akua Mansa, we respectfully plead with you to allow the young woman to tell her side of the story.'

In (15) and (16) above, use of the deferential titles *Ɔpanin* 'elder' and *Maame* 'Mom' by the *akyeame* suggests that they recognize the age and hence high cultural status of the litigants or addressees. Had the interaction been an ordinary conversation, they would not have addressed the addressees by their ordinary names without a deferential title because the addressees were in their seventies and older than the two *akyeame* who are in their late fifties. This points to the fact despite their high institutional role, the *akyeame* show respect to older litigants when addressing them. In excerpt (16), beside using a polite address form, JP3 shows further politeness to the addressee by using the apologetic expression *yɛbɛsrɛ* 'we respectfully plead'. The point being made here is that although by their institutional role and power the *akyeame* control the turn taking mechanism in this institutional discourse, in so doing, they are guided by Akan politeness phenomena in which age is an important parameter.

Idiom

An observation of the data shows that idioms are used to signal the power or lack of power of an addresser or addressee. In excerpts (17) and (18) below, two *akyeame* use idioms to

show that the queenmother, the judge and owner of an oath, has immense power even over them (the *akyeame*).

(17)

Context: JP3, uses an idiom to show respect for the queenmother of Asante, the custodian of an important oath.

JP3: *Kokonniwa yi emu yɛ du*
kokonniwa this it's-within be heavy

JP3: 'This kokonniwa oath (that is, the owner of the oath) is powerful.'

(18)

Context: A judicial personnel, JP2, uses an idiom to show the power of the queenmother of Asante.

JP2: *Kokonniwa na ɛda fam yi, ɛdeɛn na yɛde rekɔbɔ yɛn wura amanneɛ?*
Kokonniwa which it-lay ground this what foc. we-with go-tell our boss news

JP2: 'Kokonniwa (the oath) is lying on the floor, with what are we going to inform our boss, the Queenmother? - that is, the Queenmother's oath has been invoked carelessly and has therefore been degraded; how do we inform her royal highness about this taboo?'

In (17), the idiomatic expression *emu yɛ du* 'it's heavy' stands for importance, worthiness, fearsomeness, and respectability. This *Kokonniwa* is heavy because of its custodian, the queenmother. JP3 use the above expression to show the power wielded by the queenmother. Swearing by the *Kokonniwa* oath results in the breaking of a sacred taboo - the consequence of which can only be solved by pacifying the female chief executive, the queenmother.

In (18), JP2's utterance suggests that the owner of the oath is so powerful that merely invoking the oath demands that a fine be imposed immediately and the invocation reported to the queenmother for her immediate pacification. JP2 compares the invocation of the oath to the 'falling down' of a sacred object. His use of the expression *yɛn wura* 'our owner' or 'our boss' also marks power asymmetry and depicts the queenmother as having power. It also shows JP2's humility and politeness toward the queenmother.

From the discussion so far, one sees how language use in various speech acts - apologies, requests, expression of thanks or gratitude, address, summons, asking for forgiveness, forgiving, and others - as well as how various lexical items (especially nouns), grammatical constructions, pragmatic particles, and idioms used in the above speech acts signal the power relations among interactional participants in Akan judicial discourse. The discussion has also shed light on the close connection between grammar, power, and politeness.

4.2. Sociopragmatic features of power

In this section, I examine how such sociopragmatic features as institutional role, age, and gender influence language choice and use. In particular, I examine the specific aspects of social identity that order the various speech acts and speech forms occurring in Akan judicial discourse.

Institutional role

Judicial personnel, especially the court-crier and the *akyeame*, have power over the litigants; they therefore use specific power-laden linguistic forms and discourse-pragmatic markers. Such linguistic forms and discourse markers may even involve using derogatory attention-getting devices, issuing directives (in the form of command sentences), and using interrogative sentence types to question the authenticity of litigants' claims and their ethnic origins. Phonetically, the judicial personnel use an extremely loud voice (forte or fortissimo loudness) to assert their power (Obeng 1999).

Court-crier

The position of court-crier is usually occupied by a handicapped person (usually a hunchback). Such people are traditionally not well-respected due to beliefs about their disability. However, because of their institutional status, they can issue directives to people who may have higher social status than them outside the courtroom. The following are excerpts produced by some court-criers.

(19)

Context: The court crier orders litigants who are disturbing to keep quiet.

CC: *Koom ! ; koomyε. Hε mese monyε koom no woteeε*
silence! Silence attn-gt. (derog.) I-said you-be quiet when you-heard?

CC: 'Order! Order! HE (attention-getter derogatory) didn't you hear the order to keep quiet?'

(20)

Context: A woman who is not supposed to be talking, is talking and a court crier is ordering her keep quiet.

CC: *Hε awuraa yε dinn wɔ hɔ.*
attn-gt (derog.) young-woman be quiet at there

CC: 'Hε (attention-getter derogatory), young woman, shut up over there!'

(21)

Context: The court room is noisy and a court crier is threatening that whosoever disturbs will not have their case heard on that day.

CC: *Wo a wobεkasa no, yεremfrε w'asεm εnnε.*
You who you'll-talk emp. We'll-not-call your-case today

CC: 'If anyone disturbs, we shan't call their case.'

(22)

Context: Two litigants are dissatisfied with their long wait and complain to the court crier. The court crier angrily tells them they should either be patient or leave the court room.

CC: *εnnε monkɔ ε*
then you-should-go derog

CC: 'You may leave!'

In (19), because of the court-crier's institutional status and role, he is not only able to use the language of control - commanding the litigants to keep quiet - , he is also able to show social distance. Use of the derogatory attention-getting marker *hε* as well as rendering the command in the interrogative form are consistent with the court-crier's institutional role and status. Had such an utterance come from a litigant, it would have been considered inappropriate and impolite because it is not within a litigant's power to maintain order in the court. In Akan discourse, the expression *mese* 'I say . . .' preceding a command reinforces the command. The expression *woteeε?* 'did you hear' (that is, are you not paying attention?) is derogatory. It suggests that the litigants' behavior (that of ignoring an initial order to remain silent) is inappropriate. Regarding politeness, despite the apparent rude nature of CC's utterance, the litigants do not interpret it as rude. The institutional role of the CC makes his utterance 'acceptable' to the litigants.

Although (20) is an insult, like (19), it is appropriate given its consistency with the speaker's institutional role as someone charged with maintaining order in the court. Use of the indefinite noun *awuraa* 'young woman' instead of the litigant's real name is for distancing. In ordinary Akan conversation, the string *yε dinn wɔ hɔ* 'shut up!' can start an argument and possibly a fight. The above discussion suggests that institutional role and/or institutional status has relevance to politeness in Akan judicial discourse. The institutional role of court criers provides them with the communicative license to verbalize what is otherwise an impolite string without being held accountable for it. What this also points to is that in dealing with politeness in Akan, attention must be paid to the social or institutional domain of the discourse as well as the power of the interactional participants.

The Akyeame

An observation of some utterances of the *akyeame* also shows the close connection between language and power in Akan judicial discourse. Given their institutional power, the *akyeame* are able 'do things with words'. Thus, like the court criers, the *akyeame* can use

utterances containing pragmatic particles which in other discourse contexts may denote disrespect and verbs that are in the imperative mood and by that get the litigants to act as directed.

(23)

Context: The court wants to begin hearing a case but a litigant's witness is absent thus delaying the hearing. A judicial personnel, JP1, orders the litigant to mention the name of her witness so that proceedings may begin.

JP1: *Bɔ w'adamfo no din na yɛmfrɛ asɛm no ɛ*
mention your-friend the name so-that we-call case the derog.-particle

JP1: 'Will you mention your friend's name so that we call her (derog.)!'

Secondly, because of their institutional role as persons capable of giving judgment, imposing a fine or calling litigants and the court to order, the *akyeame* can get the addressees to act in various ways. Two examples are cited and explicated below.

(24)

Context: A judicial personnel, JP3, is pronouncing judgment after hearing a case in which a man is accused of refusing to pay back money he borrowed from a woman.

JP3: *Sɛ wamfa asɛm yi amma ahemfie ha ɛna wohyiaa no abɔnten so*
if you-not-take case this not-come palace here and you-meet her street on

na wofaa abaa bi bɔɔ no kum no a, anka woadi no aboa.
and you-took stick a hit her kill her if then you-take-as her animal

CC: *Mompene no ɛ!*
You-should-agree her response-particle

AUD: *ɛɛɛ*
agreement

JP3: 'If you hadn't brought this case to this palace and if you had instead met her and hit her with a stick, you would have violated her right as a human being by treating her as an animal. (That is, by your action, we find you guilty of violating her right to live as a normal human being.)'

CC: 'If you members of this assembly agree with the verdict, then let us hear you say 'yes'.'

AUD: 'Yes! (Yes, we-agree with the guilty verdict)'

(25)

Context: A woman who insulted another woman because of her disability is found guilty

and the *ɔkyeame* pronounces judgment and imposes a fine.

JP1: *Aberewatia se asɛm yi wodi fɔ.*
old-woman-short say case this you-be guilty

ɛsɛ sɛ wopata awuraa yi sidi
must wo-compensate young-woman this cedi

mpem du; na nana nso mpem mmienu ne senaapo akɔtoa—abrokyire deɛ.
Thousands ten and nana also thousands two and schnapps bottle —abroad one

Daakye bi no sɛ wohu sɛ obi nam hɔ na sɛbe
Future a emp. If you-see that someone walk there and excuse-me

ɔyare a, na woaka wo-ano ato mu.
he-is-disabled if then you-bring your-lips close in

JP1: 'The court finds you guilty. You are to compensate this woman (the plaintiff) ten thousand cedis (about \$12); the court cost is two thousand cedis (\$2.40) and a bottle of imported liquor 'schnapps'. In future, if you see a disabled person, you ought to shut up and not make fun of them.'

In (24), an *ɔkyeame*, JP3, uses a formulaic expression in pronouncing a verdict and in sentencing. By using such a formulaic expression, the guilty verdict is handed down to the guilty party. The court-crier's call on the assembly to show support for the verdict by saying 'yes' and the audience's response all help to make the decision formal and not reversible by the court (unless of course the accused decides to appeal through the chief intervener later).

Excerpt (25) involves an imposition of a verdict of guilty on the defendant and imposes a fine on him. Thus, by his words, and in view of his institutional role as someone recognized by Akan law as having the power to pronounce judgment, JP1 gets the defendant to pay certain amounts of money to certain groups of people.

Another sociopragmatic issue relating to the *akyeame*, is that, like the court crier, they can assert their authority by asking the litigants to keep quiet. This may be done by the use of pronouns and 'adverbs of power'. One excerpt is cited below.

(26)

Context: An elderly litigant talks after the queenmother has brought proceedings to a close. His attention is drawn to the fact that his behavior is against the court's mode of operation.

JP2: *Agya yɛsrɛ wo, gyae. ɛha no Nana kasa a, yɛnom yɛnom koraa*
elder we-beg you stop here emp. Nana speaks if we we even

obiara nni ho kwan sɛ ɔka bi.
no-one not-have self right that he-say some

JP2: 'Elder, please, stop. Here, when Nana speaks, we, even we have no right to talk again, i.e., Excuse me, Sir, you must be aware of the communicative norms in this palace. When Nana speaks, not even us the *akyeame* (who, by our institutional role and status, have power), have the right to continue the discourse; dare you continue the discourse!'

In (26), JP2 shows deference to the addressee, because of the addressee's age, by addressing him with a deferential address form *agya* 'elder' and an apologetic expression *yεsrε wo* 'we plead with you'. He however asserts his power and institutional role as someone allowed to keep order and regulate turns in the court by asking the addressee to 'get off' the floor and end the discourse. JP2's power enables him to use the string *yεnom yεnom koraa* 'even us'. In ordinary Akan conversation, it is only someone with a higher social status than an addressee who can use such an expression. Use of such an expression among equals will be seen as a sign of boastfulness; if used by a person of a lower social status to someone with a higher social status, this will be seen as very disrespectful. In the courtroom, use of the above expression by a litigant either while talking to another litigant, and more especially to the *akyeame* will definitely be viewed as an act of insubordination and may attract a fine or hurt the speaker's case.

Given their institutional power, the *akyeame* may speak what is otherwise an unspeakable. For example, they may question a litigant's ethnic origin. In Akan society, it is considered a taboo to question the ethnic origin of any one, especially a person of whose ethnic origin one is fully aware. Questioning an Akan about his/her ethnic origin is tantamount to challenging their 'Akanness' and by that classifying them as outsiders. In excerpt (27) below, two *akyeame* question the Akanness of two litigants.

(27)

Context: Two litigants, AP and TK, are behaving contrary to behavior expected of litigants believed to be Asante. Two judicial personnel, JP2 and JP1, question their ethnic origin.

JP2: *Na wei no ɔyε deɛn ni? ɔyε deɛn ni?*
But this emp. She-be what folk She-be what folk

JP1: *Hε, moyε εhe foɔ?*
attn.gt.(derog.) you're where folks

AP: *Yεyε Asantefoɔ.*
We-are Asante-folks

JP2: 'And this 'person', what manner of person is she (that is, to what ethnic group does she belong? To what ethnic group does she belong? —Certainly, she can't be Asante!)

JP1: '(Attn. Gt.(derogatory+distancing), of what ethnic group are you?)

LG: 'We're Asante'

In (27), the *akyeame* use deictic forms: (a) pronoun prefix *ɔ-* 'she'; and (b) demonstratives *wei* 'this (person)' and *deɛn* 'what'; as well as (c) a pragmatic particle for distancing *hε* 'derogatory attention getting device' to question the 'Asanteness' of the litigants. In an ordinary Akan conversation, use of the above devices to question someone's ethnic origins could result in a sharp argument. From the context of the discourse, the *akyeame* were questioning the ethnic origins of the litigants due to their unfamiliarity with the courtroom interactional norms. Thus, although on the surface their utterances involve impoliteness, it is used as a strategy for questioning the pragmatic incompetence of the litigants involved. From another perspective, it may be argued that the *akyeame* may not be said to be impolite since the institutional domain sets different politeness standards for them and the litigants.

Age

Close attention to my transcripts reveals that age is a significant factor in the relationship between language, power and politeness in Akan judicial discourse. For example, to stop young litigants from talking, the *akyeame* may yell at them. The yelling is expressed through the uttering a sentence that is in an imperative mood without a down-toner in a high volume when addressing such litigants. Example (28) below helps to explain the above claim.

(28)

Context: Two litigants whose behavior in court is seen by the court as inappropriate, are called to order.

AG: *Nana kyerε [sε,]*
Nana reason that

JP1: *[Mo]nyε koom wɔ hɔ! ɔpanin rekasa a, na mo nso morekeka bi.*
You-be quiet over there elder is-talking if then you also you're-talking some
----mezzoforte----- norm----- rallentando-----

AG: 'Nana, the fact of the matter is [that]'

JP1: '[YOU] SHUT UP OVER THERE! If an elder is speaking, dare you speak!'

In the above excerpt, JP1 interrupts AG in the middle of his sentence and asks him to leave the floor. He draws AG's attention to the communicative decorum expected in the court - young people are supposed to remain silent when older people are on the floor. The high degree of loudness used is motivated by the *akyeame*'s high institutional power and the addressee's young age. Because of his age and high institutional status, JP1's use of the mezzoforte volume and a command sentence is not perceived as impolite.

However, from the transcripts, one observes something completely different when the *akyeame* are asking a relatively older litigant to leave the floor. In such a situation, whenever the imperative is used, it is accompanied by a down-toning string instead of the

bald on-record form used when the addressee is relatively younger than the *akyeame*. One excerpt is cited below to explain the above claim.

(29)

Context: KK, an elderly litigant, attempts to explain a point of view at an unacceptable time (when court is about to make a decision). He is asked, politely, to remain silent.

KK: *Moma me nkyerε mu.*
You-let me explain in

JP3: *Ɔpanin yεsrε wo gyae kasa ma yεn kakra wae.*
Elder we-beg you stop talking for us little ok?

KK: 'Permit me to explain it.'

JP3: 'Elder, we plead with you to stop talking (for us) okay?'

In the above excerpt, in addressing KK as *Ɔpanin* 'elder', JP3 is giving recognition of KK's age. This address form mitigates the speech act of asking the addressee to stop talking. JP3's utterance also contains the down-toner *yεsrε wo* 'we plead with you'. Use of this down-toner makes the command seem like a 'humble' or polite request. In some of the examples cited earlier involving the *akyeame* or the court crier and younger litigants, it is common to find such a pragmatic particle as the impolite and derogatory attention getting particle *hε*. Excerpts (28) and (29) and other excerpts of similar nature, lend further support to the assertion that besides institutional status, age is significant factor in politeness and power in Akan.

Another speech act in which the correlation between age and power is made manifest is disagreement. In disagreeing with a young litigant, an *Ɔkyeame* uses an interrogative sentence produced with a mezzoforte loudness. Obeng (1999) and Obeng and Stoeltje (in preparation) provide further insights into language and power in disagreement tokens in Akan juridical discourse. One example is cited below.

(30)

Context: AB, is accused of disregarding an injunction placed on her by the complainant barring her from setting foot on a disputed farmland until the case is fully settled. A court official, JP1, employed forte loudness while disagreeing with AB.

JP1: *Enti afuo no woakɔ mu.*
So farm the you've-gone in

AB: *Nana menkɔɔ mu.*
Nana I-not-go in

JP1: *Yεbεyε dεn na yεagyε wo adi? Woakɔ mu.*
We'll-do what so-that we-accept you accept you've-gone in
-----Forte----- <-----<

JP1: 'So you've been to the farm.'

AB: 'Nana, I've not been there (farm)'

JP1: 'HOW CAN WE BELIEVE YOU? YOU'VE GONE TO IT (FARM)'

In the above excerpt, the *Ɔkyeame*, JP1, in disagreeing with AB questions the truth in AB's statement. Structurally, the disagreement is rendered in an inversion followed by a statement. The loudness associated with the inversion part of JP1's second turn is forte; that associated with the statement is increasing loudness (notated as <-----<). In ordinary Akan conversation, use of the above syntactic and phonetic resources in the speech act of disagreement among equals is seen as a sign of domineering. In a subordinate-superordinate interaction involving a disagreement, the subordinate, who uses these would be seen as disrespectful; if a superordinate uses them, it may be seen as a sign of impatience.

However, in disagreeing with an elderly litigant, the *akyeame* use the structure: [factive formula + statement]. The factive formula, *wo ara wonim* 'you yourself know', is used to show the speakers' recognition of the addressee's high social standing and hence power although this power may be lower than that of the *akyeame* since they suggest the addressees' knowledge or awareness of the point being made.

(31)

Context: AH, a complainant, asks a court to return her land 'unlawfully' taken by the accused, KD, to her. A judicial personnel, JP3, disagrees with AH but renders the disagreement in a polite form due to his respect for AH's age.

AH: *Enti asaase no deε Ɔno ara nim sε εyε me dea.*
So land the as-for she emp. know that it-be my own

Enti mesrε na mo adaworoma mode maadeε ama me.
So I-plead so-that your grace you-with my-own give me

JP3: *Sε wo ara wonim sε yεde ma wo saa a, εnyε yie.*
Emp. you emp. you-know that we-with give you that-manner if it-not-be good
-----pianissimo-----

AH: 'So as far as the land is concerned, she knows that it is mine. So, I plead with you, so that, by your grace, you give me my land.'

JP3: 'You know very well that it is impossible for this court to give it to you in the manner you're asking us to act.'

Both the factive formula *wo ara wonim* 'you yourself know' and the pianissimo loudness indicate politeness. Use of the factive formula *wo ara wonim* 'you yourself know' suggests that speaker acknowledges the pragmatic sophistication of the litigant and that he is not attempting to teach him the communicative norms of the court (Obeng 1996). The

above discussion points to the fact that both the *akyeame* and litigants recognize age as an important factor in Akan conceptualization of politeness and power in Akan judicial discourse.

Gender

A close observation of the transcripts reveals that male litigants use bald on-record speech forms more than female litigants. In the entire corpus, there are only four instances in which male speakers used down-toners; three of the instances involved elderly litigants and the other involved a twenty-five-year old man. None of the female litigants used bald on record speech forms. In another vein, the female litigants used more polite addressives than did the men. The four excerpts below as well as other examples like (1), (2), (3), and (4) cited earlier help to explain the above claims.

(32)

Context: Male litigant tells court to go ahead and hear his case although his witness did not appear in court.

JP4: *Enti seesei wopε sε yenni asεm no anaa sε yεntwεn w'adanseni no?*
So now you-want that we-settle case the or we-must-wait your-witness the

AD: *Asεm no yεbεdi.*
Case the we'll-settle

JP4: 'Do you want us to go ahead and hear this case or would you like the court to wait for your witness?'

AD: 'This case must be settled (now).'

(33)

Context: A female litigant pleads with the court to adjourn her case and to invite a witness.

JP3: *Wopε sε yenyε dεn seesei?*
You-want that we-do what now

TA: *Nana mesrε sε Ɔpanin Agyei wɔ ha a, anka, mo adaworoma, mεpε.*
Elder/chief I-beg that Elder Agyei be here if would-have your grace I-like

JP3: 'What do you want us to do now?'

TA: 'Elder/chief, by your grace, I plead with the court to invite Elder Agyei.'

(34)

Context: A male litigant denies a plaintiff's charge.

JP2: *Wo na wokaa nkwan no guiε anaa?*
You emp. you-push soup the fall Q

KM: *Enyε me a.*
It-not-be me

JP2: 'Are you the one who poured the soup?'

KM: 'It's not me.'

(35)

Context: A female litigant denies a plaintiff's charge.

JP4: *Awuraa yi se woadidi no atεm sε εtε si n'ani so.*
Young-woman this says you've her insult that cataract be her-eyes on

Kyerε yεn nea esiε.
explain us what happened

AB: *Nana, mesrεka sε enyε nokorε.*
Elder/chief I-beg-say that it-not-be true

JP4: 'This young woman says you've insulted her that she has a cataract on her eyes. Explain what happened.'

AB: 'Elder/chief, I beg to say that it is not true (that is, I did not say that).'

In (32), the male litigant, AD, does not only use the bald on-record form, he in fact, uses a sentence in which he does not give the court a choice. The auxiliary verb *bε* 'shall' involves an obligation. In ordinary Akan conversation, AD's utterance will be considered not just impolite, but rude. It comes as no surprise when later in the discourse he is heavily criticized for his insubordination.

Unlike the male litigant in (32), the female litigant in (33) uses a deferential mode of address *nana* 'elder/chief' and two down-toners - *mesrε* 'I beg' and *mo adaworoma* 'by your grace' - and by that makes her utterance polite and acceptable to the court. (34) and (35) both involve litigants denying charges brought against them. However, whereas the female litigant, AB, in (35) uses a 'pre-difficult' (Obeng 1996) to mitigate her denial of the charge, the male litigant in (34), KM, uses a direct or bald on-record utterance. In Obeng (1997), I argue that use of mitigators, down-toners, and other politeness phenomena help in persuading the judicial personnel. The same claim can be made about the data for this study. In quite a number of the cases in this study, fines are intermittently imposed on litigants (most of whom are males) who, in the opinion of the court, are rude. Such fines are penalties for sub-issues settled in the course of a larger issue.

5. Discussion and conclusion

The analysis presented in this article points to the fact that linguistics, culture, discourse context, and speaker intentions play significant roles in showing the close connection between language, power and politeness. An important linguistic subsystem which figures prominently in the data and which needs close attention is address forms and how they relate to power and to politeness. An observation of the data points to the fact that pronominal forms and offensive and endearment terms can be employed as reference and/or address forms. In all the discourses, the second person singular pronoun *wo* 'you' is used as an address or reference form by the *akyeame* or the court crier who, by their institutional status, have power over the litigants. Use of this pronoun connotes power on the part of the speaker. Use of an offensive and a derogatory particle like *hE* also signifies power of the user since in Akan juridical parlance people without power are incapable of using such particles.

Polite kinship terms like *nana* 'elder' *agya* 'elder' and others are used by younger litigants as honorifics to either refer to or to address the *akyeame*, and by that express deference. Younger litigants never address the principal court officials (either the *akyeame* or the queenmother) or elder litigants with bare names. However, the court officials and older litigants use names for younger litigants. The court officials sometimes also address young litigants by reciprocating the kinship terms (for example, *me ná/ná* 'my grandchild') thus expressing intimacy and endearment. Mufwene (1988) reports a similar phenomenon among the Kituba of the Democratic Republic of Congo. Mufwene, notes that this usage extends to non-kin, where it also connotes deference or endearment. He notes further that like in other West African societies, professional titles in Kituba are often used not to express formality and social distance but rather deference and social closeness (p. 441). In the data for this study, use of the professional title *Nana Kyeame* as an address form expresses formality, social or institutional distance, as well as deference.

Thus, the choices of forms of address made by interactional participants, like those in Yoruba (Nigeria, West African, Oyetade, 1995) are guided by the perceived social relationship that exists between them. The principal indices of address are institutional status, age, and social status. The dichotomy of power versus solidarity (Brown and Gilman 1960) becomes blurred with respect to address forms used in Akan juridical discourse. In particular, the use of the solidarity address form *m'awuraa* 'my lady' in *M'awuraa mo; wo ho nni asEm* 'My lady, thanks; you're innocent' does not necessarily imply equality. Neither does the use of deferential address forms like *ɔpanin* 'Elder' in *ɔpanin Agyaako, ma ababaawa no nso nkasa bi*. 'Elder Agyaako, let the young woman also talk' nor *Maame* 'Mom' in *Maame Akua Mansa yɛbɛsrɛ* necessarily imply power of the addressee. In all the three instances given above, the addressors who are judicial officials, have power (at least institutional power) over the addressees. The use of the above address forms is for politeness. Thus, although the court officials have institutional power over the litigants and use several address forms to show their institutional power, they sometimes display respect by addressing the litigants with address forms used to signal solidarity. Wood and Kroger (1991) examined and found that status is more important than solidarity and therefore call for a revision of Brown & Levinson's weightiness formula to accommodate

status.

Interactants in a judicial discourse generally employ speech patterns consistent with their institutional role (social status), age, and gender. In particular, there is a match or correlation between speakers' status and role, and the kind of speech acts or speech form considered appropriate for that role or status. Speakers who produce speech acts or speech patterns inconsistent with their role or statuses are immediately reprimanded or corrected and made to engage in correction.

Some of the speech strategies used by the judicial personnel (the court crier and the *akyeame*) to mark power are: Repair initiation, overlap, verbs in imperative mood, interrogatives (especially yes/no questions), and addressing litigants with their full names with or without deferential titles. The judicial personnel also use speech acts like forgiving, reprimanding, and commanding to mark power.

On the other hand, litigants use speech acts and forms to mark their lack of power. Such speech acts and forms include apologizing, requesting, expressing thanks, deferential modes of address and reference, polite terminal addressives, and implicit disagreement.

Young litigants also use polite addressives, avoid challenging moves, mitigate disagreements, and avoid lengthy speech, to show respect and lack of power. There is no reciprocity from the judicial personnel since they hardly ever mitigate their utterances addressed to young litigants. However, in view of the importance of age in Akan politeness phenomena, elderly litigants are treated as near-equal in status with the *akyeame*. Given their age, it is assumed that elderly litigants are familiar with Akan judicial discourse and politeness systems. A greater burden is thus placed on them to use linguistic and pragmatic words and expressions to mark institutional role asymmetry.

On politeness, this study has, to some extent, shown that Akan women tend to be more polite than men. Lakoff (1989) discusses, in some detail, politeness in courtroom discourse. She notes that politeness serves largely symbolic functions in the discourse of the American trial courtroom where conflict is an intrinsic element. In particular, she notes that in courtroom discourse, distancing politeness signals that different communicative rules are in operation. Non-polite behavior can be systematic and normal in courtroom discourse context. Power relations between participants in such discourse context helps to determine the discourse patterns.

In sum, this study has shown that grammar and pragmatics play significant roles in showing the close relationship that exists between language, power and politeness in Akan judicial communication.

References

- Adelswärd, Viveka, Karin Aronsson, and Linda Jönsson (1987) The unequal distribution of interactional space: Dominance and control in courtroom interaction. *Text* 7.4: 313-346.
- Brown, Roger and Albert Gilman (1960) The pronouns of power and solidarity. *American anthropologist* 4.6: 24-29.
- Brown, Penelope and Stephen Levinson (1978) Universals in language use: Politeness phenomena. In Esther Goody (ed.), *Questions and politeness*. Cambridge: Cambridge University Press, pp. 256-311.
- Brown, Penelope and Stephen Levinson (1987) *Politeness: Some universals in language usage*. Cambridge:

Cambridge University Press.

Bresnahan, Mary I. (1991) When a response is not an answer: Understanding conflict in non-native legal testimony. *Multilingua* 10.3.: 275-293.

de Kadt, Elizabeth (1998) The concept of face and its applicability to the Zulu language. *Journal of pragmatics* 29: 173-191.

Goffman, Erving (1967) *Interaction ritual*. New York: Anchor Books.

Goffman, Ervin (1972) On face work: On analysis of ritual elements in social interaction. In J. Laver and S. Hutcheson (eds.), *Communication in face to face interaction*. Harmondsworth: Penguin, pp. 319-46.

Goldman, L.R. (1986) A case of 'questions' and a question of 'case'. *Text* 6.4: 349-392.

Harris, Sandra (1995) Pragmatics and power. *Journal of pragmatics* 23.2: 117-135.

Hutchby, Ian (1996) Power in discourse: The case of arguments on a British talk radio show. *Discourse and society* 7.4.: 481-497.

Keating, Elizabeth (1997) Honorific possession: Power and language in Pohnpei, Micronesia. *Language in Society* 26.2: 247-268.

Labov, William & D. Fanshel (1977) *Therapeutic discourse: Psychotherapy as conversation*. New York: Academic Press.

Lakoff, Robin Tolmach (1989) The limits of politeness: Therapeutic and courtroom discourse. *Multilingua* 8.2/3: 101-129.

Matsumoto, Yoshiko (1988) Re-examination of the universality of face: Politeness phenomena in Japanese. *Journal of pragmatics* 12.4: 403-426.

Matsumoto, Yoshiko (1989) Politeness and conversational universals: Observations from Japan. *Multilingua* 8: 207-221.

Mufwene, Salikoko S. (1988) The pragmatics of kinship terms in Kituba. *Multilingua* 7.4: 441-453.

Nwoye, Onuigbo (1992) Linguistic politeness and socio-cultural variation of the notion of face. *Journal of pragmatics* 18: 309-328.

Obeng, Samuel Gyasi (1996) The proverb as a mitigating and politeness strategy in Akan discourse. *Anthropological linguistics* 38.4: 521-549.

Obeng, Samuel Gyasi (1997) Communication strategies: Persuasion and politeness in Akan judicial discourse. *Text* 17.1: 25-51.

Obeng, Samuel Gyasi (1998) *Prosody in Judicial discourse: Phonetic detail of disagreement tokens*. Sociolinguistics Circle Meeting, Indiana University, Bloomington, November 1998.

Obeng, Samuel Gyasi (1999) Apologies in Akan Discourse. *Journal of pragmatics* 31.5: 709-734.

Obeng, Samuel Gyasi (in press) Leading litigants into speaking the unspeakable: A linguistic analysis of cross-examination strategies in Akan traditional courts. In Christina Jones (ed.), *The impact of court administrators in Africa on judicial proceedings*.

Obeng, Samuel Gyasi and Beverly Stoeltje (in preparation) *Disagreement in Akan dispute settlements*. Indiana University, Bloomington.

Oyetade, Solomon Oluwole (1995) A sociolinguistic analysis of address forms in Yoruba *Language in society* 24.4: 515-535.

Pearson, Bethy (1988) Power and politeness in conversation: Encoding of face-threatening acts at church business meetings. *Anthropological linguistics* 30.1: 68-93.

Stewart, John (1989) Kwa languages. In John Bendor-Samuel (ed.), *The Niger-Congo languages*. Summer Institute of Linguistics: Lanham, MD. University Press of America.

Stoeltje, Beverly (1999) *Performing litigation at the queen mother's court*. Mimeograph.

Thomas, Jenny A. (1985) The language of power: Towards a dynamic pragmatics. *Journal of pragmatics* 9: 765-783.

Van Dijk, T. (1998) On the analysis of parliamentary debates on immigration. Working paper for the project *Racism at the top*. Unpublished Manuscript.

Wetzel, Patricia J. (1993) The language of vertical relationships and linguistic analysis. *Multilingua* 12.4: 387-406.

Wierzbicka, Anna (1985) Different cultures, different languages, different speech acts. *Journal of pragmatics* 9: 145-78.

Wood Linda A. and Rolf O. Kroger (1991) Politeness and forms of address. *Journal of language and social psychology* 10.3: 145-168.

Yankah, Kwesi (1991) Oratory in Akan society. *Discourse and society* 2: 47-64.

Yankah, Kwesi (1995) *Speaking for the chief: Okyeame and the politics of Akan royal oratory*. Bloomington: Indiana University Press.