

Pragmatics in Forensic Linguistic Development for National Re-orientation and Transformation in Nigeria

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Abstract

Pragmatics is the study of intended meaning. This is what differentiates it from semantics though they are closely related. Semantics is the study of Linguistic meaning i.e. the overt meaning of the sentence. But meaning in Pragmatics is interpreted based on the intention of the speaker or writer. Meaning in Pragmatics depends on many contextual factors such as the identity and social relationships of speaker or writer and listener or reader; the place, time, topic of conversation, the purpose of communication, the language used etc. Pragmatics is indispensable in Forensic Linguistics because people do not always say what they mean. That is their words do not always correspond with their intention. Furthermore, people's expressions are open to interpretation by their listeners thereby resulting to mistaken understanding, miscommunication and eventually conflict. Judge makes use of Pragmatics all the time in his/her judgement. Lawyers and Prosecutors make use of language 'to do things with words'. Therefore, this study looks at the role Pragmatics plays in Forensic Linguistics and how this can be developed for national re-orientation and transformation.

Keywords: Pragmatics, Forensic Linguistics, Prosecutors, Lawyers, Judges, Semantics

1.0 Introduction

People's utterances can be viewed from various perspectives. The same sentence uttered by somebody can have different meanings. The meaning of an utterance, at times can go beyond the surface meaning of the sentence. Consider the simple sentence 'it is five o' clock' uttered by a parent to his/her friend might mean that 'I am worried that my son is not back yet', even though 'worried' is not mentioned. It can also mean 'Time is up' when uttered by a teacher conducting a test for his students. Yet, time is not mentioned too. Also, when a policeman stops a car in the middle of the road and the police officer asks 'Wetin you carry' that is 'What is inside the car' we understand it as another way of asking for money from the bus driver even we understand it as another way of asking for money from the bus driver even though money is not stated in the utterance. Thomas (1990) gives an example that is in relation to this. 'It's hot in here', which can mean 'please open the window' or is it all right if I open the window? Or you're wasting electricity'. We can now see that people can mean something quite different from what their words say. The important question to be asked at this juncture is how it is that human language is comprehensible? Comprehensibility goes beyond knowing how to put words together in sequence to make grammatically well formed sentences. And it also involves an understanding of meaning that is different from knowing the meaning of words (Lexical meaning) and the meaning of syntactic features (grammatical meaning).

It involves knowing about the meaning of utterances in context, that is, pragmatics meaning. This broader use of context, which includes not just the verbal context, but also the surrounding circumstances and shared background information and assumptions, is the domain of what linguists call 'Pragmatics'.

2.0 Defining Pragmatics

Pragmatics has been defined variously by different scholars. We take a few of these: Leech (1983) views meaning in Pragmatics as relative to a speaker or user of the language. Yule (1996) in his definition of Pragmatics affirms that Pragmatics is concerned with the study of meaning as communicated by a speaker (or writer) and interpreted between a listener (or a reader). Grundy (1995) defines Pragmatics as being to do with the distinction between what a speaker's words (literally) means and what the speaker might mean by his words. Verschueren (2003)'s definition might seem a bit different on the surface level but at deeper level it is still related to the above definitions. He sees Pragmatics as the study of language use. Mey (2001) also maintains that Pragmatics studies the use of language in human communication as determined by the conditions of society. Levinson ((1983), after considering many options for definition comes to the conclusion that Pragmatics is the study of the ability of language users to pair sentences with the contexts in which they would be appropriate.

From the various definitions above, we can see that one thing is common to all of them. This is the fact, that Pragmatics does not study meaning in abstraction, but from the point of view of the users and speakers. This is an important aspect of definition of Pragmatics because language meaning depends on speaker's meaning. Also, sentence meaning is different from speakers meaning. In this regard, an operative definition of Pragmatics must include speaker's point of view. By viewing Pragmatics as being concerned with language in use, it means that Pragmatics studies language functionally. It is when it is studied in this respect that various meanings attached to the language can be clearly understood.

Levinson's (1983) definition also focuses on language a being used within the context of communication. Although this is not explicitly stated in the other definitions, all these definitions also imply this. This is because the issue of context is central to Pragmatics and that which differentiate it from other linguistics aspects like Sociolinguistics, Syntax, and Semantics etc. In Pragmatics, language is context dependents as sentences can have different meanings depending on the context which is used.

3.0 Origin of Pragmatics

Yule (1996) has coined the term 'Pragmatics Wastebasket' to refer to the fact that for a long period of time in the study of language, Pragmatics had been neglected by the linguists. There has been a very strong interest in formal systems of analysis often derived from Mathematics and Logic. By then, the traditional concern of linguistics analysis has been the construction of appropriate and acceptable sentences. The focus has been on the abstract principles that form the core of language. Mey (2001) asserts that in the mid-fifties when Noam Chomsky developed his famous theory of 'generative-transformational grammar', he was aware that much of what he said the grammar could do was valid only for a limited subset of the language, with all the fringes cut off.

But the past three decades have been fruitful because Pragmatics has developed into a well-established discipline. Levinson (2002) affirms that the modern usage of the term Pragmatics is attributable to the philosopher Charles Morris (1938) who was concerned to outline the general shape of a science of signs or Semiotics. Within Semiotics, Morris distinguished three distinct branches of inquiry. *Syntactic* (or *syntax*), being the study of "the formal relation of signs to one another". *Semantics*, the study of "the relations of signs to the objects to which the signs are applicable" (their designate), and *Pragmatics*, the study of "the relation of signs to interpreters". (1938:6).

Since then, there have been seven international conferences as attested by Mey (2001). The International Pragmatics Association, IPRA, has been in existence for more than fifteen years, two international journals (the *Journal of Pragmatics* since 1977; *Pragmatics* since 1991) are currently publishing between the two of them, close to 3,000 yearly pages (in thirteen, respectively four issues). Many other official and unofficial) publications, newsletters and so on have seen the light; add to this an unestablished number of working papers, theses, dissertations, book series and books on Pragmatics topics (among the latter, at least six major reference works and textbooks as well as a concise Encyclopaedia of Pragmatics 1998) and the picture is complete (Mey 2001;3).

In addition to these is the influence of Austin (1962), Searle (1969) and Grice (1975) also have lasting impression on Pragmatics and can even be termed the actual foundation for modern Pragmatics.

4.0 The Scope of Pragmatics

The scope of Pragmatics is very broad. Green (1989) gives the broadest interpretation of Pragmatics when he is trying to determine the scope of Pragmatics thus:

Pragmatics is the study of understanding intentional human action. Thus, it involves the interpretation of acts assumed to be undertaken in order to accomplish some purpose. The central notion in Pragmatics must then include belief, intention (or goal), plan and act.

From the definition given above, we can see that the means and /or the end still involve communication. Then, it means that Pragmatics still includes all sorts of means of communication, including unconventional, nonverbal, non symbolic ones.

Belief and intentions (i.e. speaker's and addressee's beliefs and intentions about each other's beliefs and intentions) of this sort are typical of the most ordinary, straight forward uses of the language and such uses cannot be understood without reference to them (Green 1989:3). Yule's definition is also giving the scope of Pragmatics and he maintains that Pragmatics is the study of speaker meaning contextual meaning, how more gets communicated than is said and the study of the expression of relative distance.

Yule's definition is also extending the meaning of Green's definition further and the two complement each other in the determination of the scope of Pragmatics. But it is Osisanwo (2003) who elucidates it clearly by itemizing all the points embedded in the scope of Pragmatics which include:

- the message being communicated;

- the participants involved in the message;
- the knowledge of the world which they share;
- the deductions to be made from the text on the basis of the context;
- the implications of what is said or left unsaid;
- the impact of the non-verbal, aspect of interaction on meaning.

(Osisanwo 2003: 57)

Many aspects of Pragmatics are concerned with points listed above.

5.0 Pragmatics in Forensic Linguistics

Pragmatics plays a crucial role in Forensic Linguistics development. What differentiates pragmatics from Semantics is contextual factors that pragmatics relies on. Context is a major factor in Pragmatics. Therefore, pragmatics concepts such as context, cooperation, speech acts, and performatives are discussed below alongside their relationships with forensic linguistics.

5.1 The role of Context in Communication

In a speech community members of the same speech community share a common framework of beliefs and assumptions. These beliefs and assumptions in a speech community include memories of particular occasions and about particular individuals, general cultural assumptions, religious beliefs, knowledge of scientific laws, assumptions about the speaker's emotional state, and assumptions about other speaker's perception of speaker's emotional state etc (Blakemore 1997). All these beliefs and assumptions can be viewed in terms of context in a society. Context plays a crucial role in the communication process and successful communication depends largely on it. Context, therefore, has been understood in various ways, for example to include relevant aspects of the physical or social setting of an utterance. Leech (1983) defines context as any background knowledge assumed to be shared by speaker and hearer and which contributes to hearer's interpretation of what speaker means by a given utterance. Some scholars also view context as the link between linguistic items and the social and situational factors of communication. We are going to align ourselves to Leech's definition here, because he mentions background knowledge' which as we have noted before covers all kinds of context we can talk about. According to Spencer-Oatey and Zegarac (2002) the following features of the situational context have a particularly crucial influence on people's use of language.

- The participants: their roles, the amount of power differential (if any) between them, the degree of distance- closeness between them, the number of people present.
- The message content: how 'costly' or 'beneficial' the message is to the hearer and /or speaker, how face- threatening it is, whether it exceeds or stays within the rights and obligations of the relationship.
- The communicative activity (such as job interview, a lecture or a medical consultation):
- How the norms of the activity influence language behaviour such as right to talk or ask questions, (Oatey and Zegarac 2002: 83)

From the points enumerated above, we can see how crucial context is in pragmatic analysis. It influences what people say, how they say it and how others interpret what they say.

In making legal judgements, we use context all the time, not just to glean which of the several senses of a word was intended, but to also to determine why the speaker uttered the statement at all. It is the nature of context that specifies how the legal institution is organized. According to Bloor and Bloor (2007) legal institution, requires the use of specialized legal documents with its own format, layout and structure. Within the operation of the law, there have developed many formal discourse genres which professionals need to master and which can cause problems for the lay person.

These genres, spoken and written become established through custom and general agreement of the communities involved, established through custom and general agreement of the communities changing gradually as social needs change or technologies dictate. These genres include written court procedures, which specify the legal participants, (for example, Judge, Jury, defendant, prosecuting council, defending council, court recorder, and so on), the order of events the formal methods of announcing a verdict or sentencing etc. All these constitute aspect of context.

5.2 Cooperative Principle

At the heart of Pragmatics is the cooperative principle of Grice (1975) which is also very important in the Forensic Linguistics development. Grice theory is a general principle which states “Make your contribution such as required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged”. Cooperative is indispensable in communication. Interlocutors engage several strategies to accomplish this goal. Grice labels these strategies ‘maxims of conversation’. These are:

Quantity: Make your contribution as informative as is required for the current purpose of the exchange: Do not make your contribution more informative than is required.

Quality : Do not say what you believe to be false; Do not say that for which you lack evidence.

Relation : Be relevant !

Manner : Avoid obscurity of expression.

Avoid ambiguity

Be brief;

Be orderly

The Cooperative principle given above reveals not just how we generate utterances, but also how we comprehend them. In essence, when interlocutors are engaging in conversation, they do generally follow the maxims of conversation and also cooperating between themselves. So, in order for communication to be meaningful, the interlocutors in a discourse must share some common principles of how it does work. According to Bloor and Bloor (2007) “If I believe that nothing that you say has any relevance to anything that I say or do, or that anything you say will be a lie not much communication will take place. If I systematically talk according to the principle of making the message I wish to convey as obscure as possible, or always give masses of unnecessary details or say only a little bit of what I mean, and if you assume that is what I am doing, communication will not be facilitated, to put it mildly”

In courtroom discourse participants also observe the cooperative principle. If the witnesses or the defendants are given irrelevant answers to lawyer’s interrogation or questions, the lawyers are always quick to call them to order and order them to keep strictly to their line of arguments

In police-suspect discourse, the interrogating police officers, (IPO) are also always torchy when the suspects give them irrelevant answers to their questions because they know that this will not enable them to unravel the truth of the case. This is vividly revealed in Farinde’s (2010) study of police-accused interrogation. In some cases, the prosecuting lawyers deliberately disallow the defendants to give their own version of reality and in this regard, they are allowed to give very little of it. The lawyers do this so as to present their own version of reality forcefully to the court. In courtroom discourse, lawyers sometimes make use of obscure, technical and legal jargons to consciously confuse the witnesses and the defendants in order for them to win their cases.

Luchjenbroers' (1997) study reveals how barristers in a murder case make use of leading questions to limit the defendants 'and witnesses' answers and thereby presenting their own version of reality.

5.3 Speech Act

Speech Act is first conceived by J.L Austin and later developed by John Searle. This concept is also very important and crucial to Forensic Linguistic development. Solan and Tiersma (2005) affirm that utterances not only convey meaning but can also function as acts that have an impact on the surrounding world beyond mere communication of information. Austin (1962) asserts that in every utterance a person performs an act such as stating a fact, stating an opinion, confirming or denying something, making a prediction, or request, asking a question issuing an order, giving permission, giving a piece of advice, making an offer, making promise, thanking somebody or condoling somebody, these are speech acts. Actions performed in utterances are called speech acts.

Judges in most cases have to decide, based on a person's utterance, whether he or she performed a specified speech act. In courtroom, lawyers and judges make use of words to solicit, threaten, request, command etc; all of these are speech acts with significant legal consequences. Farinde's (2009) study illustrate how lawyers manipulate all these speech acts to their advantage. These speech acts are usually best characterized by the speaker's intention in making the utterance, which is referred to as its illocutionary force in pragmatics. Illocutionary force is what the speaker is intending his/her utterance for. The function of the utterance is the illocutionary force. For example, the statement "I will be there this evening" can have the force of a promise and "I have a gun" may well have the illocutionary force of a threat.

5.4 Performatives

A very crucial and integral category of speech acts include performatives. Performative verbs are used to produce acts that really show illocutionary force. For example, "i name the ship queen" and "I order you arrested". Here, certain acts had been performed- the act of "naming" and the act of "ordering". These are examples of performative acts. According to Solan and Tiersma (2005) one indicator that a sentence is being used as a performative is that it allows for the insertion of "hereby" before the verb. Thus our examples will reveal "I hereby name the ship queen" and "I hereby order you arrested". The relevance of the theory of performatives to legal domains has been studied in detail by Tiersma (1992). Judges make use of performatives a lot especially during verdict giving. For example "I hereby sentence you to ten years imprisonment with hard labour".

6.0 Need for Forensic Linguistics in Nigeria for National Re-orientation and Transformation.

Having discussed the indispensable role pragmatics is playing in forensic linguistics developments; there is the need to show how this can be utilized in Nigeria for national re-orientation and transformation. Nigeria patterns her law system to that of law system of Britain. In the Western countries such as United Kingdom, United States, Australia and Canada, there is a body called Forensic Linguistics/Language and the law. According to French and Coulthard (1994) among others, the body's duties include:

- Forensic speaker identification undertaking from audio recordings by phoneticians: methodologies, reliability, practice in different countries;
- Reliability of speaker recognition evidence provided by witnesses;
- Organization of speaker identification parades and voice live-ups for lay witnesses;
- Uses of auditory phonetic and acoustic analysis in determining the content of noisy and difficult audio recordings;
- Speaker profiling: uses of Phonetic, Sociolinguistic and Dialectical data in determining e.g. regional and social background of unknown speakers in criminal recordings;

- Forensic comparison of handwritten samples
- Uses of lexico-grammatical analysis in resolving authorship of disputed texts;
- Lexico-grammatical and semantic methodologies for the determination of bias in judicial summaries; and
- Semantic analysis and the use of data from psycholinguistics studies in the resolution of copyright and patenting disputes over brand names, slogans and advertising texts.

In this regard, there is the need for the formation of Forensic Linguistics that will be addressing all the issues that her counterparts in the United Kingdom and the United State of America have been addressing. In Nigeria today, the system of interrogation between police and suspects is entirely different from that of the Western Countries. There is force, coercion, torture and threats in Nigerian police interrogation. Some people are being killed without trial. But if there were such a body like Forensic Linguistic, the specialists in Linguistics, Laws, and Philosophy will be writing to address this.

The language of caution in Nigeria is also posing problems for both the police and the suspects. This problem also occurs in the United Kingdom and United States of America where English is used as native language. With the formation of this body many scholars in Linguistics and Law will be writing to address this.

In addition, the Linguistic situation in the Nigerian courtroom also needs to be addressed. There is the empowerment of English language over the three major Nigerian languages: Hausa, Igbo and Yoruba in Nigerian courts. The law of the country is coded in English language. In this regard, there is the alienation of the language of the law from the populace. The formation of Forensic Linguistics will be able to address this by specialists writing on this critical issue.

Experts in linguistics offer experts opinions on some knotty language problems in the western courts. These are native speakers' countries. Nigeria using English as her official language needs services like this in the Nigerian courts from linguistics experts. Many innocent people are being convicted in Nigeria because of English language confusion. The formation of Forensic Linguistics will be able to solve this problem through specialists in English Language helping to unravel knotty problems of English Language.

There are several injustices within the legal system of the country. Some group of people have power and can influence the decision of the court. Many people are been detained for several years and many died in detention without proper trial. It is high time masses became aware of their rights within the law. The formation of Forensic Linguistics will raise this awareness.

Conclusion

From the foregoing, we have seen the intricate relationship that pragmatics and Forensic Linguistics share. Pragmatics tenets such as Contexts, Speech acts, Cooperative principle, Performatives which are very central to pragmatics are also indispensable to Forensic Linguistics in its development. In making legal judgement, judges make use of speech-act and performatives in most cases. Prosecuting lawyers, defence lawyers, prosecuting police officers also make use of cooperative principle and speech act to present their version of reality. Defendants and witnesses also employ speech act and cooperative principle to project their views. After an extensive discussion of all these, we have revealed how Forensic Linguistics can be used for national re-orientation and transformation in Nigeria.

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