Eurasian Journal of English Language and Literature, Vol. No. 2(1): 75-91

Available online at https://dergipark.org.tr/en/pub/jell

Taxonomy and Role of Illocutionary Acts of Request in Shariah-Based Reconciliation Case Proceedings of Northern Nigeria

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Abstract
In the attempt to overhaul the justice process and ameliorate individuals or parties' problems, Shariah-based Alternative Dispute Resolution (ADR/Reconciliation) is developed. Hence, this paper explored the illocutionary acts of request employ in the sociopragmatics aspect of the Hausa Muslims of Northern Nigeria, West African Shariah-based reconciliation Courts judicial discourse. With the aid of audiovisual recorder, 12 various case proceedings of family disputes on marital issues were recorded. The data were coded and analysed using Nvivo, focusing on Searle's Directive taxonomy speech acts of request. The results revealed that the Request utterances are dominantly utilised during the Shariah-based Reconciliation Case Proceedings (RCP). A total of 39 participants used 140 Interactive Turn-Takings (ITT) and court officials, especially the arbitrators were found as the common users of the Request utterances either to seek audience, agreement, explanation or permission to speak. Court officials also utilised Request utterances to ask question, require confirmation and or to maintain order when any speaker is getting out of track during the RCP. Finally, the study demonstrates that it is a cultural practice of speakers in RCP to use the phrase "for Allah sake" to show the level of their politeness and to minimise the thought of imposition by the addressee/s, together with the rhetorical use of the word "Allah" and metaphorical expressions. By implication, the common use of request utterances in RCP, suggest Arbitrators' level of interest in ensuring peaceful solutions to issues brought before the Shariah-based reconciliation Courts.
Key Words: Sociopragmatics, Request, Speech Acts, Shariah Courts, Reconciliation, Northern Nigeria

1. Introduction

In Islamic Law, reconciliation is institutionalised as a form of dispute resolution process, other than litigation or adversarial method (Barkindo, 2009). Other modes of Alternative Dispute Resolution (*ADR)* use in Islamic law include arbitration (*Tahkim),* Mediation *(Wasatah/Wasatiyyah) or* Intercession *(Shafa'ah)*. Islam can be referred to as 'submission' and 'peace', which implies that every Muslim is obliged to submit to the Will of *Allah (SWT)* in all his/her socio-economic, political, religious and all other social interactions or activities. In other words, all human activities should be conducted in accordance with Islamic Law teaching (ADR inclusive). In essence, Shariah which is Islamic Law is made to guide human being towards conformity and coordination of their activities in accordance with the Will of Allah. According to Islamic injunction (Shariah), a Muslim ought to conduct all his/her

activities, be it spiritual, social, economic or political based on the precise body of laws as stated in the Quran and Sunnah (Wali, 2009).

Meanwhile, Shariah-based ADR known as *'reconciliation'* is expected to develop in-order to meet the challenges of the crucial situations, time and place. However, unfortunately the situation is completely opposite, substantially, due to colonialism which halted the development of almost all aspects of Islamic Law beside that of spirituality, through replacing it with secular legal systems, which as a result discouraged the scholars from paying due attention to this aspects of Islamic Law (*reconciliation*). Despite the importance which Islamic Law attached to the rapid resolution of disputes or conflicts among its community and the availability of legal materials on it derived from the Qur'an, hadith the ijmaa'a (i.e., consensus) of the Muslim jurists, yet it has become regrettable as the area remained scarce of studies on the language of modus operands used in *English/Hausa*. This is probably due to lack of efforts in conducting research in this important area of Islamic Law, which, the Muslim Community has been craving for (Keffi, 2009). This suggests that the sociopragmatic aspect of reconciliation speech acts of request is a novel idea.

Wali (2009) claims that more than 80% of the litigation in almost all Shariah States in Nigeria go to *Shariah Courts/Area Courts*, and the bulk majority of the cases litigated therein are social (i.e. marriage, inheritance, small business/trade disputes and other related issues) in nature, among or between blood relations, friends and business associates. Most of those litigations are doing more harm than good to the relationship of the litigants as well causing more economic hardship, backwardness and in terms of resources and time. It also creates enmity among the families and it contributes to the cases of divorce and other attendant consequences. However, in order to avert all these mentioned unsolicited consequences and gain the intended solace, the trend is now shifted to Shariah-base session rooms. In view of the above, it is now high time for the Shariah States, particularly in northern Nigeria, to give serious attention to this aspect of Islamic Law (*Reconciliation*), by developing and encouraging its concept and application. Supporting this assertion, Carr, Schrok and Dauterman (2012) strongly suggests the conduct of researches in order to capture the nature and practice of speech acts use in various medium, and establish the insights attached with. This study focuses on providing insights on the role of illocutionary acts of *Request utterances* use in resolving *family disputes on marital issues in shariah-based RCP* within Northern Nigeria of West Africa.

The impact of how language support and moulds our society in regulating the social behaviour of any society brands forensic linguistics as essential and outstanding discipline to study (Khoyi & Behnam, 2014). Meanwhile, less attention is paid as regards to the Sociopragmatics aspects of Shariah-based reconciliation judicial court discourse. Obviously, it was felt as motivation to explore the illocutionary acts of request used in RCP practices within the Shariah-based of northern Nigeria. Meanwhile, the paper focuses on the Arbitrators, parties to disputes and their witnesses, representatives or guardians under the umbrella of civil disputes (Family Issues) Shariah-based RCP.

2. Relevant Literature

2.1 Speech Acts theory and Origin

It is obvious that apart from the physical activities we do such as driving, writing and cooking, we invariably convey our intentions and feelings such as desires, love, reasons, and problems through verbal acts. The conveyance of the intentions is made in unlimited events

including face-to-face conversation, phone calls, social media conversations (e.g., Facebook chatting, twitter chatting and skype talk). Other aspects include giving jobs application and a host of other speech events. In fact, People indulge in verbal action of various kinds to meet up with their needs and wants.

According to Finnegan (2012), speech acts refer to the everyday activity of informing, instructing, ordering, threatening, complaining, requesting, campaigning among others through verbal or written form of language. Theoretically, the actions that are accomplished through language are called speech acts. Speech acts and their study, called speech-act theory, is a prominent part of pragmatics. Although, the speech act theory was introduced by a British Philosopher J.L. Austin in the 1960s. It has been studied in many fields, to include philosophy (Austin, 1962 & 2005; Searle, 1969). Other prominent scholars who examined the speech acts in linguistics, sociolinguistics and anthropology includes Bach and Harnish (1979). However, the approaches of these researchers differ in terms of the speech acts investigation, even though the underpinning theory was more or less the same. Hence, this paper focused on the Austin (1962) illocutionary acts being the pioneer and comprehensive theory.

2.2 Austin Theory on Performative Utterances

John Austin established the speech acts theory in an effort to elucidate how certain utterances operate within a natural language. In fact, what really attracted Austin (1962), was to identify and provide information and facts regarding how words seemed to carry action. He attempted to distinguish between the phrases for example (i) “I see a boy” and (ii) “I promise that I will come tomorrow”. In (i), the speaker provides information about what is in his sight only, no more or less. However, in the second instance (ii) the speaker offers a promise apart from the information he provided about his tomorrow’s plans. The phrase “I promise...” functions differently because of the force contained within the words. These “force words” were classified as Performatives by Austin (1962) and are contrasted with the ordinary statements and assertions such as in (i) above. In fact, when one uses these performatives, he is simply performing the utterance. Additional examples of these performatives that a speaker can use include, “I declare, warn, apologise, beg, request, invite…” among others.

The next step Austin took then after identifying the special functions of performatives was differentiating them from assertion and other kind of utterances. Stapleton (2004) reported that Austin theorised that there were rules for using the performatives in a way that the force of utterance would be valid. It is basic to use the first person in the utterance to become speech act performatives. The instance where one says (iii) “she promises to be here” is rather descriptive than performative; therefore, it cannot be considered as one of the functions attributed to speech act performatives, simply because the power to accomplish or fulfil the promise is never in the speaker’s hand to control. Austin (1962 & 2005) postulated another rule where performatives is applied as performatives of authority. This can be illustrated in the instance where somebody shouts from the crowd, (iv) “You’re out!” during a baseball game, Austin (1962) proven that the force of that performative is not fulfil due to lack of authority in the speaker. This is because in that context, the assigned referee holds the absolute mandate to utter those words to fulfil the speech acts. However, the same kind of “shouts” made by the umpire cannot be considered performative acts of authority if made addressing a bar attendant. This is because the referee has no constituted authority over the attendant.

Austin (1962, p. 14-15) provided certain number of extra linguistic requirements that must be fulfilled for a speaker to perform the intended action. These conditions are of a social and psychological nature:

"(A.1) There must exists an accepted conventional procedure having a certain conventional effect, that procedure to include the uttering of certain words by certain persons in certain circumstances, and further,

(A.2) The particular persons and circumstances in a given case must be appropriate for the invocation of the particular procedure invoked.

(B.1) The procedure must be executed by all participants both correctly and

(B.2) completely.

(C.1) Where, as often, the procedure is designed for use by persons having certain thoughts or feelings, or for the inauguration of certain consequential conduct on the part of any participant, then a person participating in it and so invoking the procedure must in fact have those thoughts or feelings, and the participants must intend to so conduct themselves, and further

(C.2) Must actually so conduct themselves subsequently".

Elena Collavin (2011) explained that performatives could either be successful or unsuccessful, felicitous or infelicitous, instead of being true or false. Collavin (2011) further stated that to this end Austin discerned two major ways where performative utterance can fail. When conditions of A and B are violated then MISFIRES are produced; because the performance of the act is purposeful but due to the lack of the required social convention, persons, and circumstances it becomes void. When conditions are violated under C Abuses are produced. The act could be professional but hollow due to lack of the appropriate psychological state or consequent behaviour. According to Austin (1962) for performatives to be successfully executed, it may require uptake from the interlocutor. He pointed out that a person individually can issue an order or give permission all by his own, but he can never able to constitute a bet solely without the cooperation of the interlocutor. On the part of the psychological state of an individual, Austin clearly stated that "*a promise uttered without intention to fulfil or honour is problematic in nature, in fact the promise been issued remains valid for all social purposes, "our word is our bond*" (Austin, 1962, p. 10).

Subsequently, other certain conditions were formulated for the above fundamental rules of performatives by Austin after scrutinizing how they fail when "infelicitous". These conditions are called "felicity conditions" for performatives. Afterward, Austin compared utterances using the felicity conditions and tested truth statements to measure validity of the utterance. For example, if a speaker says, (v) "I swear that the president lives in Kansas", he is using a performative that represents truth for his belief system in "I swear.." but the true value of the utterance may be seen as either true or false. When dissecting the utterance (v) further, the performative phrase remains true because the speaker may truly believe that the president lives in Kansas, but the subordinate sentence, when taken alone, is false. From this notion of felicity and truth statements, Austin realised that speech acts must further be explained by dividing them in separate categories because one could not always distinguish between a true performative and other utterance (Stapleton, 2004).

Every speech act has several principal components, which include the utterance itself and the intention of the speaker in making it. Therefore, Austin, realising that actions within words were not always transparent, reconstructed his classification of performatives into three kinds of acts. These are locution, illocutionary and perlocutionary acts (Austin, 1962 & 2005; Levinson, 1983). Austin (1962) further argued that, if the business of a speech act is for the speakers to do something with the words he or she utters, then a theory of speech acts must explain in which respect saying something may amount to doing something. His argument is

that 'doing something' is relative and could be a very vague expression. However, when something is said invariably three types of acts where performed simultaneously. First, every utterance is represented by a sentence with a grammatical structure and a linguistic meaning; this is called locution (Finegan, 2012). While according to Collavin (2011), a locutionary act is the uttering of a sentence with sense and reference. In his view, locutionary act can be categorised based on phonetic act, a phatic act as well as a Rhaetic act. This proves that a speech act is often the utterance of a phone, a phoneme and rhyme**.** Phone, phoneme and rhyme in (linguistics) refer to one of a small set of speech sounds that are distinguished by the speakers of a particular language (Abubakar, 1983). In simpler terms, locutionary act refers to the basic act of making an utterance containing a literal meaning. Stapleton (2004) claimed that for any utterance to be accepted or considered as being a locutionary act it has to possess comprehensive meaning. To buttress this assertion, he cited an example with a situation where someone uttered "wellnnib yhleer", as gibberish in the perception of the hearers since the meaning of what is said is not only vague but unpredictable. Alongside this view, Austin is of the opinion that people never utter anything without a reason.

The second type of speech act is the illocutionary act. It refers to as utterance meaning-where a sentence is said, written, or signed in a particular context by someone with a particular intention. In other words, when speakers have some intention in uttering the locution, and what they intend to accomplish is called the illocution (Finegan, 2012). In the technical point of view, Austin (1962 & 2005) described Illocutionary act as the action performed by virtue of the force allied with a particular linguistics expression. This simply refers to the performance or an act in saying something, in contrast to the performance of an act of saying something. This level of action is subject to the social conventions that allow the speakers verbally to carry out clearly recognisable actions, such as making a bet, or a promise, or an offer among others. This occur and made possible through the direct or indirect application of the force within the performatives which required certain conditions known as felicity conditions as well as the truth-value testing. For instance, by saying (vii) "I will give you a car" a locutionary act is performed by the speaker stating the utterance, along with the illocutionary act of giving a car. With the aid of a given utterance, Finegan (2012) further illustrated the relationship of locutionary and illocutionary acts, thus; consider the utterance, "can you shut the window?" He attested that, the locution is a yes/no question about the addressee's ability to close a particular window; as such, convention would enable the addressee to recognise the structural question as a request for action and to comply or not. Both Collavin (2011) and Finegan (2012) shared the same opinion with Austin (1962 & 2005) assertion that when discussing speech acts, it is common for the illocutionary act itself to be called the speech act. Pragmatically, when one describes an utterance as an order, a request, a suggestion, a statement, a promise, a threat, and others, one is referring to its illocutionary force 'speech acts'.

The third type of speech act is called perlocutionary act. This type of act is viewed as the effect of the utterance received by the hearer in the given context. Stapleton (2004) cited an example of a situation where John screams to Paul (viii) "Shut the door!" and claimed that the perlocutionary act would be only effective if and when Paul really shut the door. Similarly, Collavin (2011) asserted that perlocutionary act is the production of a consequence by the utterance. In contrast to what happens at the illocutionary level, the achievement of the perlocutionary act is not directly through the conventional force of an utterance. The effects could be intentional or unintentional, at times even unexpected effects contrary to the ones of an illocutionary act are achieved. Collavin (2011) reports ascertained that perlocutionary can further occur at a higher level, such as the interlocutor's actual reaction to the speech act. In the instance of the perlocutionary effect of the utterance "the tea you are drinking is drugged"

might be that one's interlocutor would either get puzzled and pour the tea on the ground, or annoyed and splash it on the other party close by. In this paper, the focus is on the role of illocutionary act of request made during RCP.

2.3 Speech Acts of Reconciliation

Comprehensive review of related literature on reconciliation revealed that the major problem confronting the issue of conflict resolution, restitution and peace-making is lack of empirical studies on reconciliation procedures. Most available studies on reconciliation are conceptual in nature dealing with issues ranging from social healings through justice approach; transitional justices for native people in a non-transitional society to the politics of truth and reconciliation for the natives of USA Hawaiian, South Africans and the Japan-Ainu reconciliation initiatives. The prominent among them include Obrey (2009), Ramsbotham, Miall and Woodhouse (2011). Others studies focused on the conceptual writing on native narration of sincere information and communal methods to reconciliation toward legitimisation of the post-apartheid state and the political affairs of reconciliation in culturally diverse people (e.g., Wilson, 2001; Bashir, 2008; Corntassel, 2009; Kymlicka and others) while the scope of some studies in on the working definitions of reconciliation and political dialogues (e.g., Philpott, 2007; Hamber & Kelly, 2008).

Notwithstanding, few empirical studies being reviewed were centred on issues related to attribution of blames, analysis of the power of a healing safety model or pattern in global political affairs, the struggle over apartheid and the national reconciliation processes in places as South Africa and Latin America (e.g., Pupavac, 2004; Staub, 2006; Gibson, 2006) among others. Singh, Kaur and Thuraisingam (2011) on the other dimension, explored the Language of resolution of dispute in spiritual speech by conducting an analysis of inconsistencies in the religious lectures using *Critical Discourse Analysis CDA*. In the study, 43 flaws were discovered via the action conceptual framework. Ivey (2012) equally, conducted a study on appeasement concerning religion and sexual personality between Lesbian, Gay, Bisexual, and Transgendered (LGBT) members. The participants were all Christians and the data were collected using qualitative approach. Similarly, Van der Merwe (2003) examined church duty in encouraging understanding and appeasement in *South African post-TRC*. However, despite these, on the broad basis, there are limited empirical studies, if at all exist, regarding the analysis of the language of reconciliation most especially on other areas of human endeavours in resolving disputes/misunderstandings through Shariah-based alternative dispute resolution, in such social activities as: family disputes, small businesses, minor quarrels/social disagreement, minor criminal offences among others within Islamic Law. This makes the area scarce and open dearth need to conducting works on it.

2.4 Discourse of Law in the Courtroom

Discourse of law covers a wide range of areas, especially the language use in the courtroom. Language use exists in: court proceedings, trials in both criminal and civil cases. The language could equally be used by judges, lawyers, arbitrators, mediators, parties to a case and witnesses (Shuy 2007; Khoyi & Behnam 2014). Among the significant contributions linguistics can offer to other disciplines is to the legal domain, since almost if not all the works conducted in law are accomplished through language. Be it in written or spoken form. The activities that must require language use in the courtroom include: legal opinions, indictments, lawsuits, briefs, pleadings, while, certainly, both laws and statutes are explained and documented via language. The testimonies, oral evidences and appearances even though originally appear in oral format, they subsequently must be reduced into written format or

transcripts (Shuy 2007). This shows that language and law are naturally interwoven. In the western world, particularly the US, researches on language and law received an outstanding attention on certain areas: language and intellectual property law, language and criminal law, constitutional law and language rights, legal language and legal interpretation among others. Nevertheless, due to the lack of thriving desire of scholars in exploring this area couple with the limited appreciation of language in legal professions by the professionals, yet the area has inadequate materials (Yonghong, 2014).

2.5 Analysis of Legal Discourse in Courts

The first to introduce social factors into the research on court language during 70s were the sociolinguists (Du, 2004; Wang, 2014). An analysis of the differences involving social status in explaining the linguistic phenomenon in court was conducted by (Du, 2004). An analysis of the questions and answers' sequencing as well as the turn taking between lawyers and witnesses were conducted by Atkinson and Drew in (1979). In the research, Atkinson and Drew (1979) contended that the court's arrangement and the power distribution in the court enable preservation of order. However, the order, on the other hand, brings about pressure on the part of the defendant and witnesses to a case. In another paper, Hudson (2000) established that power distribution could be best understood through linguistic analysis. This is because language can provide possible reflection of various levels of influence among different personalities.

On a similar note, Obeng (1999), in his study established that grammar and pragmatics play significant roles in showing the close relationship that exists between language, power and politeness, specifically in Akan judicial communication. This assertion was made after thorough analysis of how officials and litigants in Akan native courts employ certain content and functional words, idioms and inherent expressions along with certain phonetic resources as loudness to show power, politeness. The study also analysed various attitudinal and correlative interactions in form of distancing, closeness, anger, politeness phenomena in establishing the existence of a close relationship between power and politeness in Akan native courts judicial proceedings. The result enable Obeng (1999), to establish that politeness in Akan is governed by an ethnopragmatic context within which persons, social groups, and the entire Akan ethnic group can be situated. Hence, culture, discourse context, linguistics, and the speakers' intention are the ingredients that bring together language, power and politeness while the parties judicial discourse normally use speech patterns consistence with their institutional roles: social status, gender and age. In fact, it was reported that from late 1999 to 2007, the analysis on discourse power in court language is given much consideration by the academia (Ma & Xie, 2007; Lv, 2006; Wang, 2014).

2.6 Language of Legal Proceedings by Judges

The interlocutors' discourse in court, being interactive form of language exchange is known as legal proceeding (Liao, 2003). The right to manage and handle discourse in court is not equally shared among the speakers and the listeners due to the divergence existing among the parties in form of status and social class (Lv, 2011). Judge/s dominates legal proceedings in courts and is considered the highest authority in exercising power and control of language use or discourse of both litigants (Yu, 2010; Wang, 2014). This is specifically, on defendants through the use of numerous language conventions/practices. Judges dominate and control the legal proceeding processes as a result of their exclusive and exceptional identities and social status being confirmed on them. The quality of the judges' language plays an important role in assuring justice and fairness of adjudication and proceedings (Yu, 2010; Wang, 2014). However, the personal preferences reflecting on the judges' language certainly pose

noteworthy impact over their final decisions and judgements which may inclusively affect fairness of the proceeding (Yu, 2010).

This is why; Wang (2014) conducted a study on the language of judges in a case proceedings of physically challenged persons used for organised begging activities. Wang's (2014) study was the first of its kind in China. The focus of the study was on the real life case court proceedings and the value and emotion it reflects. The study targeted to discover issues involved in the languages and their solutions such as objectivity and fairness, legality, preciseness as well as appropriateness of the language use. The study further examined matters as relate to deliberate and non-deliberate use of language by judges with the aim of providing useful recommendations that will help in improving their language usage and the general standard of jurisdiction for feasibility.

Theoretical basis of language use in legal proceedings by Judges have shown that, the discourse power entails the prevailing part of a dialogue in positioning a powerful choice of discourse. Judges can therefore, control a particular topic from the beginning to the end of proceedings. They could also express their emotion in such discourse while the litigants being parties with weaker/limited power and restriction cannot control nor decide on a topic in the court proceedings. Hence, the discourse of the less powerful parties relied on the emotional inferences of the dominant side and must be altered based on the requirement of the powerful side (Lv, 2006).

In a similar study, Yu (2010) indicated that different parties have different levels of power as a result of their social status in legal proceedings. Judges are the most influential during court proceedings being the representative of the state vested with the power to adjudicate cases. Yu (2010) further pointed out that most of the judges are professional and equally obtained vast knowledge of legal paradigm, unlike the litigants whom are mostly laymen and incapable of understanding or answering the questions put to them by the judges as a result of knowledge gap. Due to the lack of appropriate legal knowledge, litigants are mostly left in limbo specifically in criminal trials. These, according to (Lv, 2011), among other things add to the demerit of the litigants.

In terms of rank judges are prominently the highest in the court followed by the prosecutors and lawyers, while litigants and the witnesses are the lowest. This in fact, is the reason judges are also considered the most figures in the court and can entertain pressure to anyone within the court proceedings (Lv, 2011). In another view, Ma and Xie (2007) contended that a situation where unfairness exists in social relations, the most powerful is ought to influence the actions of the others. The argument is same with discourse, hence judges as a matter of fact, must be considered as having the most powerful discourse due to their dominant role in courts (Ma & Xie, 2007). To conclude, Yu (2010) established that the whole part of the proceedings is controlled by a presiding judge, be it identification of the faulted party and declaration of judgements. Any comment or statement intended to be made by party or parties must be sought from the judge before one speaks. For instance: Seeking elaborations, clarifications from the litigants as well as making interruption of irrelevant statements are the sole power of the judges' discourse in the proceedings. Other issues that are also within the power of the judges include: summary of litigants' opinions and determining the topic of discussions. Judges can issue orders as questions, interruptions and commanding sentences to their discretions during proceedings (Lv, 2006).

3. Methodology

This paper employed a qualitative ethnographic design on the exploration of the illocutionary acts of request during RCP in Bauchi State Shariah Commission. Through ethnographic approach, the paper determined the sociopragmatic aspect of the participants' typology of request employed in RCP in accordance with Creswell (2012:161). The paper obtained its data on December, 2019 at *Bauchi State Shariah Commission (BSSC)* of the *North-Eastern part of Nigeria* through audiovisual recordings and observations of 12 different Shariah court's RCP. Purposive sampling strategy was used in the selection of the 12 cases used for the paper based on Creswell (2012) viewpoint. The participants were informed and consented before the commencement of the data collection in line with Creswell (2012) and Keyton (2015).
The data as derived from *family disputes (FD)* and *Family Disputes Marital Issues (FDMI)* was subjected to transcription and later authenticated by colleagues through member checks in the attempt to assure its validity and reliability (Patton, 1990). Afterwards, the data transcripts were imported into the Nvivo software program, coded, thereby generating themes and models (Boyatzis, 1998; Braun & Clark, 2006). The kind of disputes employed as unit for analysis ranged from immorality to divorce and abuse of marital obligations known as domestic or communal issues.

The coding category being generated from the data are as follows: *FD* stands for family dispute and *FDMI* for family dispute marital issues. On the other hand, the coding pattern for the court officials takes the features as in the following: *Arb* represent arbitrator, Sec means sectary, and *CLRC* refers to Islamic cleric while *WH* represent ward head. Regarding the parties involved in disputes they were coded in accordance to their role during the RCP and these include: *FC* stands for Female Complainant, *MC* means Male Complainant, *MR* represent Male Respondent, *FG* for Female Guardian, *FREP* stands for Female Representative, *WFC* for Witness to Female Respondent while ST.M refers to Step mother to Female respondents respectively.

According to Austin (1962) and Searle (1975), an utterance could be considered appropriate in as much as the addressee is able to perform the act being requested for, he desire to do it and the predicative used is in future tense. The paper adapted Austin (1962) and Kreidler (1998) Directive acts of request (illocutionary acts of request). Directives are the speakers' utterances made in the attempt to get the hearer to do something (Searle, 1969; Kreidler, 1998).

4. Result and Discussion

Illocutionary act of Request is viewed in this paper as a sort of expression of directives on what the speaker desires/craves the addressee to do or refrain from doing during or after the RCP. Contrary to the illocutionary act of command, this paper revealed that in RCP, the addressee has a choice of either to comply or not, with the request made by the speaker. Hence, this correspond with Kreidler (1998) view that speaker's illocutionary act of request has no assumed power over the decision of the addressee.
Furthermore, the paper revealed that speakers in RCP are fond of using various form of request utterances. The general patterns of the illocutionary acts of requests found in RCP include the use of request to: *seek an audience, permission to speak or ask question, seek explanation, require confirmation* and *to maintain order* when another speaker is getting out

of track during the interaction. In fact, these are achieved through the use of the phrase "*for Allah sake*" to indicate how polite the speaker is and to minimise the thought of imposition by the addressee, the speakers also employ: the *use of indirectness*, *mild imposition*, *metaphorical expressions* and *rhetorical* use of the word "*Allah*". This is shown in the following excerpts:

1) For Allah sake

[FDMI-Arb.4: ITT 301] "If this is in your mind then please for Allah sake do not waste our time of fixing another time to come and sit."
[FDMI-Arb.4: ITT 343] "Apart from this, please for Allah sake, think it over to see whether there is something that you may feel you are doing to him."
[FDMI-Arb.4: ITT 230(11)] "…if there is something that to warn her about or you may wish us to warn her about, for Allah sake say it."
[FDMI-Arb.4: ITT 19(9)] "for the sake of Allah, if what a person committed is stated and he/she is pretty sure and sincerely knows that its true then he/she should endeavour to fear Allah and accept his/her offense."
[FDMI-Arb.5: ITT 3] for Allah sake bring them out for us to see."
[FDMI-Arb.5: ITT 31(2)] "…for Allah sake you should stop leaving whenever we are working."
[FD-Arbi.1: 87] "For Allah sake, keep quite! Keep quite by Allah sake!"
[FD-Arb.C2: ITT 106(23)] For Allah's sake, we don't want anything to get wrong again…"
[FD-Arb.C2: ITT 108(5)] "…. by Allah, you are urged to support him."

In view of the cited excerpts above, it shows that the name of "Allah" being the Supreme Being plays a significant role in calming the minds and feelings of the addressee/s to change their opinion over certain matters in question. Equally, the attachment Allah's name in the request utterances by the speakers also depicts their outstanding sociopragmatic behaviour of using language in resolving conflicts.

2) use of indirectness

Indirect speech acts are mostly idioms of direct speech acts (Searle (1975).

[Arb.C1: ITT 71(47)] "…I want us to be talking in our position as Muslims faithful..."
[Arb.C1: ITT 71(49)] "Will you be patient and allow the boy to stay with him since the boy is sick?"

The likelihood of using indirectness in making request by the Arbitrators as shown in the excerpt 71 (47) and (49) suggests the striving effort of convincing the addressee without giving him the feelings of being imposed to carry out the needful acts with the aid of certain phrases; (47) *'I want us'* instead of *'I want you'* or (49) '*will you be patient'* instead *'you must be patient'*.

3) mild imposition

[FDMI-Arb.4: ITT 19] "What I want you to do, is please whatever will be said here, look at the greatness of Allah, look at the fear of Allah and said the truth."
[FD-Arbi.1: 85] "I beg you in the name of Allah, Rauta to be patient."
52-Arbi.1: (request/making a polite request) let me ask you something.
[FDMI-Arb.4: ITT 107(2)] "…we need to hear what you will have to say."
[FDMI-Arb.4: ITT 107(7)] "… we want to hear what you have to say on this complain she brought about you."
[FDMI-Arb.4: ITT 220(18)] "…I want both of you to fear Allah."

[FDMI-Arb.4: ITT 137] "Please we plead with you because of Allah to ensure he abide by this."
[FDMI-Arb.4: ITT 137(14)] … that is why, I plead with you by Allah!"
[FD-Arb.C2: ITT 112(7) "….for this reason I begged you in the name of Allah to go and be patient with them."
[FDMI-Arb.8: ITT 113] "I said; between you and Allah?!"
[FDMI-Arb.11:181(4)] "…but for Allah's greatness try and go before the Monday."

Mostly, the use of indirectness (2) and mild imposition (3) by Arbitrators being the court officials depicts negative politeness strategies to attract the attention of the addressee to comply with the directives intended by the speakers. It has been viewed by many scholars that indirect speech acts as resulted due to frequent divergence between the speaker's utterance and the sentence meaning (Searle, 1975; Collavin, 2011).

4) metaphorical expressions

Searle (1975) considered several factors in establishing his understanding and hypothesis of indirect speech act. These include putting into consideration the idiom theory and other inferred uses of language, such as irony and metaphor. Here, Metaphoric expressions are employed in making request by court officials and this is shown in the excerpts:
[FDMI-Arb.4: ITT 196(2)] "I am coming."
[FDMI-Arb.4: ITT 214] "I am coming!"
The illocutionary force of the phrase "I am coming" in [ITT 196 and 214) metaphorically implied "please, wait let me speak or allow me to speak, please!" but expressed it in such a way as if the speaker is requesting the addressee/s to wait for him till he arrived or return from somewhere.

5) *To seek explanation, require confirmation*

Arbitrators usually do politely request additional information of the state of facts as in [FDMI-Arb.4: ITT 35] "Yes, he used to ask you to be patient till he got money?" court officials equally utilised request utterances in seeking agreement confirmation of what they explained in the course of RCP as shown in: [FDMI-Arb.11: 115(8)] "…Do you get it?" on the other hand, the speakers sometimes show their dissatisfaction with the way a party to a case is making prolonging his version of the issue involved in the case through polite request as shown in: [FDMI-Arb.3: 53] "is this how we are going to be talking all the while?" to ensure successful conclusion of a case, Arbitrators mostly seek agreement of the aggrieved party by requesting by seeking confirmation from him/her as in this excerpt: 141. Arbi.1: ITT 141] Baba! *[ITT 141(2)]* If this is executed, is it okay with you?" however, there are instances; when the speaker employs the name of Allah rhetorically as form of informal swearing in his request for affirmation from the addressee. This is shown in excerpt where [FDMI-Arb.3: 87] indirectly requested FDMI-MR.C3 to swear, thus: "Allah?"

6) Request to seek permission

Request utterances are also identified to being utilised in *requesting an audience/seeking permission* to speak through the use of *prayers/expression of wishes* as in the following excerpts:
[FD-Cleric.C1: ITT 140] "Peace be upon you!"
[FDMI-Cleric.C7: ITT 107] "Peace be upon you!"
[FDMI-Arb.3: ITT 85] "Let me ask you Mallam Abubakar."
From the analysed data the study is able to figure out some directives utterances that seem to hover between request and suggestion and the instances are shown in the following excerpts:

[FD-Arb.C2: ITT 81(4)] "...and you on your part you should forgive her. [ITT 81(5)] You should put her sympathy in your heart."
[FD-Arb.C2: ITT 83(3)] "...you should do what we asked you to do!!"
[FDMI-Arb.12: ITT 37] "You should be patient Hajiya."
[FDMI-Arb.4: ITT 19(18)] "...you too Abdullahi should answer with sincerity and the fear of Allah about the truth upon what happened."

The use of phrases '*you should*' instead of *'you must*' in the excerpts [FD-Arb.C2: ITT 83(3)], [FDMI-Arb.C12: ITT 37]and [FDMI-Arb.C4: ITT 19(18)] above in their request utterances while highlighting to the addressee/s what is required of them to do or avoid in resolving the issues in dispute suggest court officials polite attributes in RCP. This also implies the use of positive face as a sociopragmatic nature of the court officials in requesting parties to agree or understand their position in the case/s.

With the aid of Nvivo analysis software, the generated results clearly shown that request utterances in RCP are normally used to achieve peaceful solution through resolution of concurrent and situational dispute brought before it. the use of Request utterances are dominantly utilised throughout out the 12 cases being used as unit of analysis of this study with 39 sources as participants using 140 number of interactive turn-takings (ITT). This is evidently shown in Figure 1.1 (p. 18) and Table 1.2 (p. 19) as shown below.

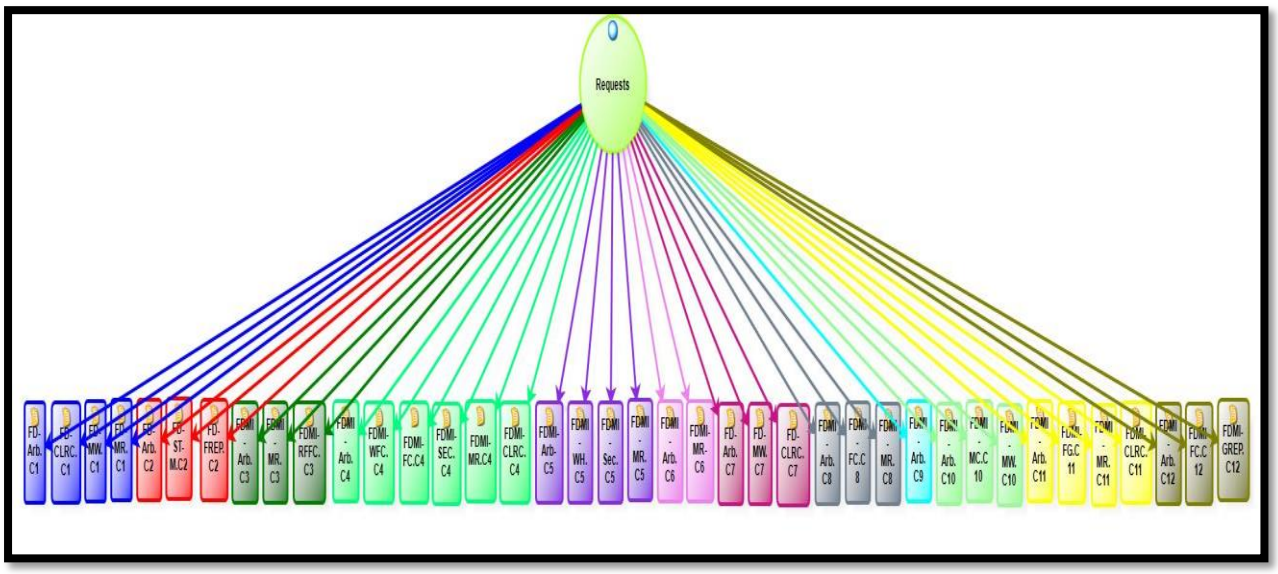

Figure 1. Sources Model on Request utterances reflecting who expressed wants as directed to the addressees on RCP

Based on individual users of the illocutionary act of requests in RCP, the result has suggested that court officials are the dominant users as found across the whole 12 case proceedings used as unit of analysis. FDMI-Arb.C4 is the most common user of Request utterances with 19 ITT (13.57%), while FD-Arb.C1 and FD-Arb.C2 with the moderate number of usage at 11 ITT (7.86%) each. The finding shows 10 participants who ranged from Islamic clerics, Respondents, witnesses, representatives as well as FDMI-Arb.C7 with 1 ITT (0.71%) as the least number of usages. These results clearly justified the assertions of Yu (2010) and Wang (2014) stating that Judge/s are the dominants figures in courts during legal proceedings and are considered the highest authority in exercising power and control of language use or discourse of both litigants. And that Judges dominate and control the legal proceeding processes as a result of their exclusive and exceptional identities and social status being confirmed on them. Similarly, the dominant use of Request utterances by Arbitrators do not

contradict the findings of other studies as Yu (2010) and Wang (2012) who claimed that the judges' language plays an important role in assuring justice and fairness of adjudication and proceedings.

Table 1. *Sources and interactional categories of turn-taking with percentage of Request utterances*

S/N	Cases	Sources	Number of turn-taking	Percentage
1	1	FD-Arb.C1	11	7.86
2	2	FD-Arb.C2	11	7.86
3	7	FD-Arb.C7	1	0.71
4	1	FD-CLRC.C1	1	0.71
5	7	FD-CLRC.C7	1	0.71
6	2	FD-FREP.C2	2	1.43
7	10	FDMI-Arb.C10	2	1.43
8	11	FDMI-Arb.C11	7	5.00
9	12	FDMI-Arb.C12	4	2.86
10	3	FDMI-Arb.C3	5	3.57
11	4	FDMI-Arb.C4	19	13.57
12	6	FDMI-Arb.C6	3	2.14
13	8	FDMI-Arb.C8	2	1.43
14	9	FDMI-Arb.C9	8	5.71
15	5	FDMI-Arb-C5	7	5.00
16	11	FDMI-CLRC.C11	5	3.57
17	4	FDMI-CLRC.C4	2	1.43
18	12	FDMI-FC.C12	2	1.43
19	4	FDMI-FC.C4	5	3.57
20	8	FDMI-FC.C8	4	2.86
21	11	FDMI-FG.C11	2	1.43
22	12	FDMI-GREP.C12	2	1.43
23	10	FDMI-MC.C10	6	4.29
24	11	FDMI-MR.C11	1	0.71
25	3	FDMI-MR.C3	3	2.14
26	4	FDMI-MR.C4	2	1.43
27	5	FDMI-MR.C5	1	0.71
28	8	FDMI-MR.C8	1	0.71
29	6	FDMI-MR-C6	2	1.43
30	10	FDMI-MW.C10	1	0.71
31	3	FDMI-RFFC.C3	1	0.71
32	4	FDMI-SEC.C4	1	0.71
33	5	FDMI-Sec.C5	2	1.43
34	4	FDMI-WFC.C4	2	1.43
35	5	FDMI-WH.C5	3	2.14
36	1	FD-MR.C1	1	0.71
37	1	FD-MW.C1	2	1.43
38	7	FD-MW.C7	2	1.43
39	2	FD-ST-M.C2	3	2.14
Total	12	39	140	100.00

In fact, just as in Yu (2010) findings which suggest that the personal preferences reflecting on the impact of judges' dominant use of language may inclusively affect fairness of the proceeding. Similarly, it is observed that in spite of the fact that request utterances are within the addresses' discretion to comply or not (Kreidler, 1998), on the contrary in RCP, it appears as if the addressee may much likely overlooked such privilege due to attachment of Allah's name with the request utterances. This could be so obvious due to the impact of Islam in the lives of the addressees' and that once the name of Allah is mentioned the addressee may leave with no option but to comply.

Besides, the right to manage and handle discourse in conventional court is not equally shared among the speakers and the listeners due to the divergence existing among the parties in form of status and social class and the judge is never likely to produce any request utterances (Lv, 2011). On the contrary, the finding of this study shows that all parties are considered equal before the arbitrators and this could be the possible reason why, the arbitrators are not only using the illocutionary acts of request utterances in their speeches but are identified as the most common users throughout the RCP. The rationale for the dominant use of Request utterances in RCP could be due to the sociopragmatic reasons that since RCP are based on Islamic injunctions and cultures which focus on making peace between the addressed parties involved in a case. in addition, most at times, the illocutionary acts are considered felicitous for simple fact that the requested party is at liberty to act upon the desired request or not. Furthermore, it is a general phenomenon that parties in RCP obviously out of their free will chooses to entertain their issue/cases in accordance to the shariah-based legal jurisprudence within reconciliation institution other than conventional courts. The automatic embracement of Islamic creed could also influence the decision of the addressee in compliance with the request made on him/her in contrast with addressee in conventional courts.

5. Conclusions and Implications

This study has attempted to provide insight about the impact of Directives Speech Acts of Request utterances in RCP. It is a common practice by participants in RCP to use request utterances. To sum up, one can conclude that the directive SA of Request utterances are dominantly utilised by Arbitrators throughout the 12 cases being used as unit of analysis of this study. 39 sources were found to have participated using 140 numbers of interactive turn-takings (ITT). The study shows that the illocutionary act of request is commonly utilised with various intents raging from seeking audience, permission to speak, seeking explanation, confirmation or request to maintain order during RCP. The findings equally show that the most common pattern of making request utterances is through utilisation of Allah's name attached with the utterances. This implies that the speakers' act of request utterances are being influenced by positive politeness, mild imposition, indirectness and metaphorical expressions and Islamic culture has significant influence in their speech acts most especially, the illocutionary act of request. Hence, the study has equally contributed in revealing the role of Islamic Law, norms, culture and language in resolving disputes (FD and FDMI). This suggests that the speech act of request play a significant role in attaining mutual understandings between Arbitrators/court officials and the parties involved in disputes. Similarly, this paper will serve as insight to both the linguists, legal practitioners and courts officials in understanding the nature and the persuasive language use in resolving misunderstanding. Equally, this paper is an eye-opener to how the Hausa Muslims of Nigeria employ the illocutionary acts of request in resolving disputes in the court of law. With these, we recommend further research on other taxonomies of speech acts related to shariah-based RCP.

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