

The Impact of Face Maintenance and Elevation Strategies in Resolving Family Dispute Marital Issues in Shariah Courts of Northern Nigeria

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Abstract

In the effort to refurbish the justice process and ameliorate parties' problems, shariah-based Alternative Dispute Resolution (ADR) has been developed. This paper explores the impact of Face Maintenance and Elevation Strategies (FMES) in resolving Family Dispute Marital Issues (FDMI). The paper focused on 12 various cases on FDMI, and the data was obtained through audiovisual means in Bauchi state sharia courts, Nigeria. The data were coded and analysed using NVivo. Drawing on Brown and Levinson's (1987) theoretical framework of politeness strategies and the concept of face as articulated by Goffman (1967), the paper explores how interlocutors employ positive and negative face considerations to facilitate reconciliation and mutual acceptance in marital disputes. The paper situates politeness as a vital communicative tool in persuading offended parties towards forgiveness and compliance with court decisions, highlighting the cultural specificity of face and politeness in the Nigerian Shariah court context. This paper contributes to forensic linguistics by elucidating how culturally grounded politeness strategies underpin effective dispute resolution in Northern Nigeria's shariah courts, thereby advancing understanding of language's regulatory role in justice delivery beyond conventional litigation. To sum up, the paper argues that analyzing face maintenance and elevation strategies in Shariah courts is essential for enhancing the effectiveness of ADR in family disputes. It advocates for culturally sensitive approaches to politeness that respect the interlocutors' social identities and promote mutual understanding and reconciliation in marital conflicts. This paper contributes to filling the research gap on linguistic politeness in non-conventional court systems, with implications for improving justice delivery in Northern Nigeria.

Key Words: Forensic Linguistics, Shariah-based Courts, Alternative Dispute Resolution, Politeness Strategies, Northern Nigeria

Introduction

The impact of how language supports and moulds society in regulating social behaviour brands forensic linguistics essential. Language of the law influences content, form, and the interpretation of a legal message (Khoyi & Behnam, 2014). Meanwhile, the modern Alternative Dispute Resolution (ADR) concept was born out of the quest for alternative means of resolving disputes other than through litigation.

Without doubt, it is quite manifest that the adversarial system of litigation can no longer sustain the justice delivery process as the only access to justice. A common consensus resonating in the contemporary literary works on the administration of justice by legal scholars is that the litigation process is grossly inadequate to serve as the sole dispute resolution mechanism in a developing society. A lot of disaffection has been generated by the monopolistic hold of litigation in the administration of justice in Common Law jurisdictions (Gummi, 2009).

The reformation of the Court system as an alternative to the conventional Court services becomes operative to cover mediation, conciliation, arbitration, fact-finding and ombudsman. Hence, the language (i.e., politeness strategies) used in the courts during dispute resolution becomes relevant. In this respect, politeness is any form of behaviour a person displays to make the other feel comfortable or avoid making them uncomfortable (Green, 1996).

Politeness plays a crucial role in the life of interlocutors and their communicative affairs. On the other hand, interactions in reconciliation require a lot of persuasive expressions. Once a party in dispute sought the services of reconciliatory bodies in court, definitely someone is wronged or their liberty is infringed. Hence, the reconciliatory bodies are duty-bound to use lots of polite expressions during proceedings to persuade the offended party to forgive the wrongdoer(s) for the wrong action committed. The aim is also to urge the parties to accept the consequences of the decision reached by the committee for mutual interest. This is in line with the assumptions made by Brown and Levinson (1978) on properties of interactants, thus: that all competent adult members of a society have (and know each other to have):

- 1) 'face', the public self-image that every member wants to claim for himself, consisting of two related aspects:
 - a) Negative face: the basic claim to territories, personal preserves, rights to non-distraction – i.e., to freedom of action and freedom from imposition;

- b) Positive face: the positive consistence self-image or ‘personality’ (crucially including the desire that this self-image be appreciated and approved of) claimed by interactants.
- 2) Certain rational capacities, in particular consistent modes of reasoning from ends to the means that will achieve those ends (Jaworski & Coupland, 2006, p. 321).

Therefore, analysing the linguistic politeness is timely to appreciate the face maintenance and elevation strategies interlocutors use in the resolution of disputes.

For a very long time, different cultures of the world have used the concept of face as a metaphor (Vilkki, 2006). Metaphorically, the term face refers to the individual qualities and/or abstract entities to include honour, respect, esteem, and the self (Vilkki, 2006). Hu (1944) and Goffman (1967) can be traced as amongst the earlier studies on the notion of face. Anthropologists and sociologists were the first to examine the concept of politeness in an attempt to view how culture views “socially polite behaviour”. Goffman (1967) later developed the concept of “face” based on the Hu (1944) description of Chinese face, which he subsequently called “face-work” in the attempt to explain how people interact. Goffman (1967) further viewed “face” as a positive social value a person claims for himself in line with the assumption of others during conversation. The scholars further considered “face” an image of self-delineation in terms of approved social attributes-albeit an image that others may share. This is specific, when a person makes a good presentation for their profession or religion. In general, according to Coffman’s suggestion, for the sake of maintaining each other’s face (i.e., keeping positive face), people cooperate. Through the concept of face-threatening and face-saving, the politeness strategies have been postulated. In this, people involved in conversation with face-threatening and face-saving strategies in an attempt to protect and save themselves and others. The assumption here is that there is cooperation between interlocutors, and the feeling of social duty is to uphold face.

Nevertheless, the ideas of positive and negative face were equally proposed by Goffman in 1967. Afterwards, many scholars shared the same view (Harris, 2001;

Jaworski, Coupland, 2006; Enang, Eshiet, 2013 & Eelen, 2014) claiming that positive face entails the speaker's desire to be seen and accepted in society. In this context, a speaker is bound to participate within the rules of politeness. Whereas the negative face refers to the speaker's desire to be free and independent from society, thereby not necessarily following the rules of politeness. This is because he/she does not really bother about the society's perception of his or her face. Although the Goffman (1967) concept of face appears universal, however, Pizziconi (2003), Spencer-Oatey (2003), Spencer-Oatey, Xing (2003), and Vilkki (2006) argued that the concept has a different meaning across cultures. Therefore, the maintenance of face and the definition of politeness ought to be explored from the cultural perspective of interactants used for any study in question. This prompted the conduct of the current paper.

To identify the Face Maintenance and Elevation Strategies used in resolving Family Dispute Marital Issues (FDMI) used in Shariah Courts of Northern Nigeria, the paper adapted Brown and Levinson's (1987) Strategies for Face-Threatening Acts "FTA) theoretical framework.

Related Studies

An extensive review of empirical studies related to politeness strategies indicated a lack of sufficient attention, especially on persuasive strategies used in Shariah-based courts. Most of the existing studies are focused on modesty and humility in Chinese ritual activities as a form of pragmatic inferences, the opinion, and making refusal as a form of face-threatening speech acts by Chinese learners being a foreign language (Zhang, 1999; Zhang, 2012). Other studies are focused on politeness strategies employed in Editors' opinions and business English letters written by English natives or Pakistani (Mackiewicz, 2011; Gillani & Mahmood, 2014), while other studies paid more attention to the gender differences in Javanese indirect speech acts (Ramadhani, 2013). However, not much has been done towards the investigation of the politeness strategies used in ADR procedures of shariah-based Courts, especially from the northern part of Nigeria.

For instance, Gillani and Mahmood (2014) studied the politeness strategies used in Pakistani business letters written in English. The study investigated the distinction existing between American and Pakistani methods of using politeness strategies in exterior parts of business letters and emphasised the Opening and Closing in the written letters. A mixed methods approach was employed in the study, where 1000 Pakistani business English letters were collected within government and semi-government institutions. The Brown and Levinson (1987) model of politeness strategies was adapted and PBEL. ANTCOCONC software was used as an instrument for the calculation of the frequency of the politeness strategies used in PBEL. The result revealed that several tags have been added to the checklist due to the Pakistani illustrations. It was also discovered that the politeness strategies' model was not satisfying the slots of the analysis of the illustrations. Based on the findings, it has also been defensible that the PBEL corpus of 1000 Pakistani business English letters has distinct politeness strategies other than the American letters. The findings show that Pakistanis are more likely to display submissiveness to the reader or the authority, whereas Americans are less likely to display a submissive attitude due to the variation of cultural values and social norms of both countries. It is concluded that the Pakistanis are considered to be more polite in their writing attitudes than Americans. The Pakistanis employed their unique strategies, which do not even exist in the model of politeness given by Brown and Levinson (1987).

In contrast, Ramadhani (2013) conducted a study with the aim of identifying the types of Politeness strategies used and the gender variances in Javanese indirect speech acts. A descriptive qualitative design was used in the study. The data was collected and transcribed through interviews and recorded observation with an audio-visual recorder. The records of the Javanese social interaction were made during business transactions at 'Pasar Rebo', a traditional market located in Kampung Kolam, Pasar IX Tembung, Deli Serdang district, North Sumatra. Brown and Levinson's (1987) model of politeness strategies were used as an approach to the study, using Bald-on-

Record, Positive, Negative, and Off Record. It was discovered that gender variation determines the kind of indirect speech acts use by Javanese people. Males, for instance, predominantly used bald-on-record strategy, but females used positive politeness strategy most of the time. The study also shows that the understanding of Javanese indirect speech acts performed by females proved an indirect connection to politeness strategies and the culture of ‘indirectness’ in Javanese.

On the other hand, the interlocutors’ understanding of these politeness strategies minimize the face-threatening acts and ensure harmony in social interaction. However, this study has focused on gender differences; Ramadhani (2013) has claimed that Indirectness is one of the Javanese politeness features in communication. Other scholars shared opinion, such as Geertz (1960) as cited in Ramadhani (2013), indicated that a polite Javanese normally speaks indirectly. Additionally, the Javanese incline to speak more indirectly compared to the Bataks, who communicate more directly. Ramadhani (2013) further claimed that in Javanese tradition, the use of indirectness to indicate politeness is primarily carried out in conversation. Ramadhani (2013) further reports that Geertz (1960) concurred that two principles exist that motivate Javanese people to avoid being direct. These principles include *rukun* (harmony) and *hormat* (respect).

A study by Mackiewicz (2011) examined the Advisors’ use of politeness strategies at various levels of editing in an attempt to encourage product reviewers to increase their work. To achieve this objective, Mackiewicz (2011) categorised the Advisors’ comments about 60 product reviews based on levels of edit in an attempt to define how Advisors deal with editing as they try to address the concerns of technical editors, supporting readers, and mentoring writers. The study’s focus was on two forms of technical products: digital cameras and stand mixers. The reasons for this choice are that the two product categories generated numerous product reviews. They are also active and generate site users who have category-specific recognitions, including

advisor recognition. A Brown and Levinson (1987) politeness strategy was employed in the study.

In another study, Zhang (2012) focused on ‘refusal’ as one of the significant aspects of face-threatening speech acts (FTAs) of human communication. In the study, an investigation was carried out on how immediately to advance Chinese-as-Foreign-Language (CFL) learners’ perception of the accuracy and appropriateness of refusal connects to their production, in both first language context with native speakers of English and second language context with speakers of Chinese. The study further investigated how similar or different the interlocutors perform the speech acts of refusal in both the first language and the second language contexts, along with the likely reasons behind the inconsistency or nonconformity, the role of pragmatic transfer, and the possibility of cross-cultural misunderstanding.

On a similar note, Obeng (1999) 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 a 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 enables 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 uses speech patterns consistent with their institutional roles: social status, gender, and age. It was reported

that from late 1999 to 2007, the analysis on discourse power in court language is given much consideration by the academia (Wang, 2014).

Although Enang and Eshiet (2013) explored the Politeness in language use in the Nigerian context, the study is limited to the spoken Nigerian English. However, based on the findings of their study, it was concluded that Nigerian interlocutors' discourse has internalized the grammar of their regional or background language/s. The socio-cultural rules in speech situations, along with the principles overriding them have also been established, that is, the pragmatic competence. Hence, Enang and Eshiet (2013) recommended studies on politeness strategies used in different Nigerian language societies to reveal the conflicts that arise from embarrassment between speakers of different cultural backgrounds. Enang and Eshiet (2013) encouraged further Nigerian studies to identify the potential areas of convergence in the use of politeness. These studies could provide strategies used across cultures for the purpose of ensuring world peace through the appreciation of other cultures. Hence, the need to transfer traditional Nigerian verbal manifestations of politeness into the English language and establish how these manifestations exert an impact on effective communication.

It is obvious that many studies are available on language use in trials, court proceedings within conventional courts. The review also established that attention has been given to certain aspects of language that judges normally use, lawyers, defendants, plaintiffs, and witnesses in both criminal and civil cases. However, the outstanding issue is that most of these studies are barely overviews, and are limited to the language of conventional courts' proceedings on legal opinions, indictments, lawsuits, briefs, and pleadings. The cases are within the preamble of language and intellectual property law, language and criminal law, constitutional law, language rights, legal language, and legal interpretation, among others (Shuy, 2007). There is lack of effort on an empirical approach to politeness strategies used by arbitrators, mediators, complainants/claimants (i.e., plaintiffs), and respondents (i.e., defendants); in the discourse of shariah courts ADR proceedings.

Shariah-based Alternative Dispute Resolution (ADR, technically known as reconciliation) methodology is gaining popularity, especially these days, not only in the Muslim countries, but also in Western countries as well as from Muslim individuals. For the obvious reason that people (not even natural persons but co-operate bodies as well) are becoming extremely flustered over the expense, time, and emotional toll involved in resolving disputes through the usual avenue of litigation as in Courts of Law (Resolution, 2013). Moreover, this among other reasons prompted the expectation of the Shariah-based ADR to be developed in-order to meet the challenges of the changing circumstances, time and place, but unfortunately the situation is a complete opposite, substantially, due to the lack of attention of scholars to this aspect of Islamic Law (sulh/reconciliation). The problem is that, review of related literature regarding ADR revealed that most of the recorded studies are conceptual in nature. Some of these studies paid more attention on issues related to the meanings and scopes attached to ADR (e.g., Broadbent, 2009). Other scholars (e.g., Wali, 2009) paid more attention on the relationship of ADR with sharia law or the position of ADR in Islamic law.

To sum up, there are limited studies related to shariah Courts politeness strategies use on ADR of FDMI, making the current paper noble and timely. The paper adapts Brown and Levinson Strategies for Face-Threatening Acts “FTA” (1987) as theoretical framework in determining the choice of politeness strategy during ADR of shariah courts of Northern Nigeria. The paper focused on Face Maintenance and Elevation Strategies participants use.

Brown and Levinson (1978 & 1987) developed a model of linguistic politeness. Based on the notion of ‘face’ derived from the Erving Goffman’s (1967) concept and from the English folk term, which ties face up with notion of being embarrassed or humiliated, or ‘losing face’. In linguistic politeness, face can be viewed as something that is emotionally invested, and which can be lost, maintained, or enhanced, and must

be constantly attended to in interaction. In other words, face is best understood as every individual's feeling of self-worth or self-image; this image can be damaged, maintained or enhanced through interaction with others. On the other hand, Vilkki (2006) pointed out that the notion of face, according to the interpretation made by a Chinese scholars, it basically refers to public and the positive concept, consisting of three positive face-types (Lim, 1994), and as a situational construct, as firmly embedded in situational interpersonal relations (Ho, 1994).

However, similar to Goffman, Brown and Levinson (1978) posited face as a universal notion. In this they opined that face is a public self-image in which every member of a society craves or wants to claim for. In that they identified two kinds of politeness which are: positive politeness and the negative politeness. The positive politeness is based on the concept of positive face which is the desire to be liked /admired /appreciated and approved of some people (e.g., Finegan, 2012). Consequently, positive face is the want of every member of society desirable to at least some others. It is explained that in positive politeness, people are allowed to feel comfortable and that their company and personality is appreciated to the extent of feeling that others are interested on their well-being (Brown & Levinson, 1987; Finegan, 2012). It is further mentioned that the best politeness strategies are established through common ground on face maintenance and elevation via exaggerated interest, approval, sympathy as well as searching for agreement (Brown & Levinson, 1987; Zhang, 2013).

On the other hand, negative politeness is based on the concept of negative face which rests on the fact that human beings respect one another's privacy, independence, and physical space (Brown & Levinson, 1987; Finegan, 2012). This implied that negative face is the wants of every 'competent adult' member of a society that his actions be unimpeded by others. Kobia and Miriri (2014) and Zhang (2013) claimed that negative politeness could be made possible when one avoids intruding on other people's lives. They added that to maintain face one should avoid being overly inquisitive about others activities, and should not try to impose ones' presence on them. The strategies

through which the negative face will be successful are by the acknowledgement of one's debt to others, showing deference, over emphasis on other's relative power, self-effacement and others (Finegan, 2012; Zhang, 2012). In this kind of instance, Kobia and Miriri (2014) discovered that Miraa traders employed face threatening act predominantly as a form of strategy in avoidance of being degraded by their prospective customers during business transaction. Hence, they established that insults, sarcasms, caustic remarks and abusive expressions are the commonest features of the negative politeness employed for the successful business negotiation by the Miraa traders.

Brown and Levinson, (1978) argued that negative face, with its derivative politeness of non-imposition, is familiar as the formal politeness that the notion 'politeness' immediately conjures up. But the positive face, and its derivative forms of positive politeness, is less obvious. Their argument is that the reduction of a person's public self-image or personality to a one's wants be desirable to at least some others can be justified in this way. The most salient aspect of a person's personality in interaction is what that personality requires of other interactants. In particular, it includes the desire to be ratified, understood, approved of, liked or admired.

The Brown and Levinson's (1978) theory of politeness further explains that "some acts are intrinsically threatening to face and thus requiring softening". Accordingly, three primary factors were described in broader terms by the Brown and Levinson (1978) as the level used in which politeness is based. These factors are: power between hearer and speaker, social distance between hearer and speaker, and the ranking of the imposition involved in the utterance. The description of these factors was done through their politeness model where particular strategies use for the politeness is on the protection of the face of the speaker and the hearer instead of the actual speech acts themselves. Brown and Levinson (1987) generated five different strategies used in conversation in relation to politeness and the risk of losing face based on the three

broader factors and politeness manoeuvres when faced with a “face-threatening acts” (FTA).

In the context of the mutual vulnerability of face, Brown and Levinson (1978) claimed that any rational agent will seek to avoid these face-threatening acts, or will employ certain strategies to minimise the threat. In other words, one would take into consideration the relative weightings of (at least) three wants: (a) the want to communicate the content of the FTA x , (b) the want to be efficient or urgent, and (c) the want to maintain H’s face to any degree. In such condition, according to Brown and Levinson (1978) S will want to minimise the threat of his FTA, unless (b) is greater than (c).

These strategies enable the speaker decides on how to manage the FTA for his face and that of the others. Considering the availability of these strategies to the speakers, Brown and Levinson (1978) affirmed that the notions of individuals’ face tend to vary based on the context and the relationship between the speaker and the hearer. In other words, normally, the increment of the power relationship of the participants determines the politeness level of an individual. And when there is rise in the degree of imposition then the level of the social distance between the participants’ increases. This study will consider the contextual factors as measurement of politeness.

Methodology

This paper used qualitative design and focused on ethnographic approach. With the aid of the approach, participants were drawn from court officials, parties in disputes and their representatives. This is because, ethnography approach handles information on group of people. Scholars also established that ethnographic designs are qualitative procedures suitable for analysing, interpreting and describing a culture-sharing group’s, who shared patterns of behaviour, beliefs and language that developed over time (Hymes, 1972; Creswell, 2012). To this effect, Titscher, et al. (2002) highlighted

a distinction that can be drawn between the various ethnographically oriented contexts. It is more or less an elaborated method of analysis applicable to texts and grounded theory. In fact, with ethnography of speaking one can describe the modes of speech according to speakers' construct and reflection of social life within particular speech communities (Fitch & Philipsen, 1995).

Data were collected in selected shariah courts within Bauchi State of North-Eastern part of Nigeria. The collection of the data was done through an in-depth audiovisual recordings and observations of 12 different shariah court's dispute resolutions as unit of analyses. Purposive sampling strategy was adopted during the data collection via snowballing. The rationale was to select the case proceedings suitable for the paper. The basis was that many courts usually deal with various cases within the five working days every week.

People from different walks of life and of different personalities usually file their complaints or are being summoned to answer claims against them. Sometimes they are summoned to contribute as witnesses in the courts based on shariah legal system. Therefore, purposive sampling strategy was employed in the paper, which led to the obtainability of information rich data for in-depth description, interpretation and explanation of the participants' (court officials, disputing parties & witnesses) use of Face Maintenance and Elevation Strategies (FMES), FTA as reflection of their behaviours in resolving FDMI.

The collection of the data was made possible through the support and guide of the court officials (Creswell, 2012). The court officials and parties in dispute were informed and consented before the commencement of the data collection. The data analysed were strictly on Family Disputes Marital Issues (FDMI) using the coding category involved in the Interactive Turn-Taking (ITT) of participants in ADR.

The data was transcribed and subsequently reviewed by experts to authenticate its trustworthiness (Patton, 1990; Creswell, 2012). Then the paper employed the strategies of familiarisation with the data transcripts as recommended by scholars (e.g., Boyatzis, 1998; Braun, Clark, 2006 & Creswell, 2012). Upon completion, the researcher used qualitative analysis software (i.e., QSR Nvivo) for data management, coding, generating themes and creating models before interpretation. The general features of the cases used as unit for analyses consist of matters relating to mismanagement of trust, child abuse, immorality, divorce, abuse of marital obligations and many others. These issues mostly occur among couples. The total numbers of participants used for the paper were 72, while the overall duration of the whole proceedings analysed was 5 hours, 35 minutes and 15 seconds.

The paper is guided by Brown and Levinson (1978) conditions for politeness strategy. Based on the ethnographic methodology approach, the researcher was able to collect the data systematically and define the target population successfully. The participants were dealt with in accordance with their ethnolinguistic status, interpersonal relationship, and ethnic group among other social characteristics as buttressed in Wolfson (1983). Regardless of the diversity of the participant's social background, the researcher was able to unify the analyses of this paper on the use of FMES on dispute resolution relating to their ethnolinguistic paradigm within the shariah courts ADR in Northern Nigeria.

Results and Discussions

Participants FTA as Reflection of Behaviours

Speakers can use FTA as politeness strategy to reflect their behaviours in many ways. However, this paper focuses on the use of Face Maintenance and Elevation (FMES) as FTA Politeness strategy in resolving Family Dispute Marital Issues (FDMI) in Shariah Courts ADR proceedings. FMES is an aspect of politeness strategies that deals with the speakers' use of face threatening acts to persuade the addressee/s. In linguistic politeness, face can be viewed as something that is emotionally invested and can be lost, maintained, or even enhanced. Most constantly it can be attended during

interaction. In fact, FMES reflects the speaker’s social value vested over the addressee/s or for him/herself.

Face Maintenance and Elevation

This sub-section provides findings on Face Maintenance and Elevation politeness strategy as part of the speakers’ FTA as reflection of behaviours during ADR proceedings on FDMI. Face Maintenance and Elevation has to do with the act of benediction or invoking divine blessings, protection or approval for the addressee as a positive Face strategy in ADR by speakers in the attempt to praise or show respect to the addressee/s.

Using Nvivo analysis software as demonstrated in Figure 4.1 and Table 4.1, the findings show that Maintenance and Elevation as part of the FTA on reflecting the speakers’ behaviours is commonly used in ADR with 36 sources having utilised 167 ITT within the 12 cases being used as unit of analysis in the paper. Court officials were identified as the most common users of this strategy having twenty participants from the total number of the entire ones used for the paper.

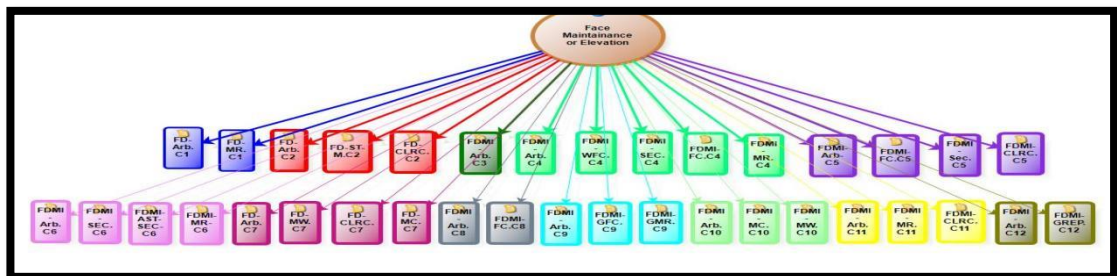


Figure 4.1 Sources Model of Face Maintenance and Elevation as Politeness strategy as reflection of the speakers’ FTA behaviours during ADR

Based on individual participants, FDMI-Arb.C8 was found to be the participant with the highest usage by having 26 ITT (15.57%), followed by FDMI-MC.C10 for having 17ITT (10.18%). On the other hand, 11 participants, consisting of arbitrator, Islamic cleric, Sectaries, complainants, guardians and a witness, were identified with a single turn of Face Maintenance and Elevation each at 0.60%. Examples are illustrated with

excerpts based on the general patterns of Face Maintenance and Elevation as Politeness strategy as appeared in the data.

Face maintenance

Based on the study data, Face maintenance is viewed from the negative politeness perspective as it is a strategy mostly employed by speakers in ADR to reflect their behaviour and intention of avoidance of making unpleasant remarks through being too formal, as demonstrated in the following excerpts:

- [FDMI-MC.C10: ITT 119] “No, they won’t say it.”
- [FDMI-MC.C10: ITT 133] “Ummm” -yes.
- [FDMI-MC.C10: ITT 168] “May Allah forgive Mallam, it is alright.”
- [FDMI-MC.C10: ITT 235] “...eeh” -yes.
- [FDMI-MC.C10: ITT 245] “Eh!”
- [FDMI-MC.C10: ITT 247] “That’s right.”
- [FDMI-MC.C10: ITT 254] “That’s right.”

In response to the FDMI-Arb.C10 claims the Male complainant in excerpt [ITT 119] used face maintenance politeness strategy to indirectly avoid saying; “I don’t agree with what you are saying.”

Table 4.1

Sources and interactional categories of turn-taking of Face Maintenance and Elevation as Politeness strategy

S/N	Cases	Sources	Interactive Turn-Taking	Percentage
1	1	FD-Arb.C1	1	0.60
2	2	FD-Arb.C2	2	1.20
3	7	FD-Arb.C7	3	1.80
4	2	FD-CLRC.C2	1	0.60
5	7	FD-CLRC.C7	1	0.60
6	7	FD-MC.C7	2	1.20
7	10	FDMI-Arb.C10	5	2.99
8	11	FDMI-Arb.C11	7	4.19
9	12	FDMI-Arb.C12	9	5.39
10	3	FDMI-Arb.C3	2	1.20
11	4	FDMI-Arb.C4	9	5.39
12	6	FDMI-Arb.C6	4	2.40
13	8	FDMI-Arb.C8	26	15.57

14	9	FDMI-Arb.C9	5	2.99
15	5	FDMI-Arb-C5	3	1.80
16	6	FDMI-AST-SEC-C6	2	1.20
17	11	FDMI-CLRC.C11	6	3.59
18	5	FDMI-CLRC.C5	1	0.60
19	4	FDMI-FC.C4	1	0.60
20	5	FDMI-FC.C5	1	0.60
21	8	FDMI-FC.C8	11	6.59
22	9	FDMI-GFC.C9	1	0.60
23	9	FDMI-GMR.C9	1	0.60
24	12	FDMI-GREP.C12	11	6.59
25	10	FDMI-MC.C10	17	10.18
26	11	FDMI-MR.C11	5	2.99
27	4	FDMI-MR.C4	3	1.80
28	6	FDMI-MR-C6	4	2.40
29	10	FDMI-MW.C10	9	5.39
30	4	FDMI-SEC.C4	1	0.60
31	5	FDMI-Sec.C5	2	1.20
32	6	FDMI-SEC.C6	1	0.60
33	4	FDMI-WFC.C4	3	1.80
34	1	FD-MR.C1	4	2.40
35	7	FD-MW.C7	1	0.60
36	2	FD-ST-M.C2	2	1.20
Total	12	36	167	100.00

Similarly, the complainant has reflected his behaviour of being obedient to the opinion of the constituted authority through the use of back-channel expressions as his replies [ITT 133] or pause fillers [ITT 1235 & 245] in order to maintain the face of the arbitrator. This is equally demonstrated in excerpts [ITT 168, 247 & 254] when the male complainant, in order to maintain the face of the arbitrator, avoided disagreement for he may likely lie if attempted to answer the question which has been raised. Hence, since keeping quiet may amount to rudeness, and to respect sharia the Islamic law as well as being submissive to the rule of law for his being a Muslim, he then used face maintenance strategy by affirming the claim of the speaker.

Arbitrators mostly used face maintenance strategy to minimise imposition and in order to avoid being perceived as if they are behaving partial or acting with biasness as shown in the following excerpts:

[FDMI-Arb.C4: ITT 226(1-2)] *“And in both your statements, none has mentioned a particular wrong one is committing to the other or this or that. What she is saying now is something that could or could not have happened.”*

[FDMI-Arb.C4: ITT 277] *“Ok mallam.”*

[FDMI-Arb.C4: ITT 279] *“There is no problem.”*

[FDMI-Arb.C4: ITT 281] *“Affirmative and nothing is wrong with that. This is okay.”*

[FDMI-Arb.C8: ITT 21] *“Ok. –“eh”.*

[FDMI-Arb.C8: ITT 23] *“Ummm”*

[FDMI-Arb.C8: ITT 31] *“Eh”- yes.*

[FDMI-Arb.C8: ITT 53] *“Umm”- ok.*

The excerpts [ITT 277, 279 & 281) demonstrate how the arbitrator used face maintenance as strategy to avoid making the Respondent have the feeling of being forced. In other similar instances, as exemplified in [ITT 21, 23 & 53], the arbitrator equally used back channel and pause filler expression indicate his affirmative support in avoidance of displeasing the opinion of the speaker, as clearly implied in the excerpt [ITT 53], as the fact well known that as a judge he will not believe her (FDMI-FC.C8] until he heard the other person (FDMI-MR.C8).

[FDMI-Arb.C8: ITT 75] *“We ought to invite Dan Ghana.”*

[FDMI-Arb.C8: ITT 77] *“What do you think?”*

[FDMI-Arb.C8: ITT 79] *“We should invite Danlami and Shuaibu, or what do you think?”*

[FDMI-Arb.C8: ITT 99] *“Because it may not be a surprise for you to end of discovering the case turn out to be different from your expectation and they are not around. Is it understood?”*

In the above excerpt [ITT 75], he further tried to show concern but instead of just directly saying ‘we will not listen to your complaint without their presence’, he used face maintenance strategy by giving a sort of viable suggestion. And then he continued in excerpt [ITT 77 & 79] with seeking her opinion as if he may rely on what she may suggest, for in reality he will never make judgement without hearing the other party’s version. To this end, the arbitrator with the aid of face maintenance strategy reflected

his behaviour by acting too formal positively as the MR.8 self-esteem is supposed to be protected till all other evidences are established that he was the one who said it.

This kind of behaviour was also reflected in so many instances within RCP as also exemplified with FDMI-Arb.C7 when in [ITT 12] said: “*umm*”- yes’ in affirmation to assert reciprocity and maintain the face of speaker. Even though it was not the right reply he received from the FDMI-MC.C7 yet he affirmed it. And after he explained the position of sharia-based law regarding the issue in dispute in [ITT 40], he said: “*it is up to the one who is not satisfied with the ruling...*” in order to act formal and provide liberty for free decision by the parties in dispute. On the other hand, even complainants do reflect this kind of behaviour by using face maintenance in their expressions to demonstrate their respect to constituted authority as shown in [ITT 170] when FDMI-FC.C8 said: “*umm*”- ok’ as reply to assume reciprocity as her mind must have been thinking at the time while she added by saying “it is so..” in [ITT 172] as she does not seem to share same view with the arbitrator.

Face Elevation

In this regard, it is identified that speakers use Face elevation as a form of positive politeness strategy to reflect their behaviour of being less formal. They also show their closeness to the speakers as demonstrated in the following excerpts:

[FDMI-Arb.C12: ITT 43] “What concerns his younger brother since he is doing his study?”

[FDMI-Arb.C12: ITT 54] “Everyone knows you. Sir! Who doesn’t know you?”

[FDMI-Arb.C12: ITT 56] “No one that doesn’t know you...!”

[FDMI-Arb.C12: ITT 105] “Did you see your husband? Not only in Bauchi, but in the whole of this country, no one that doesn’t know him. if you do your moral training, then you have done yours, and you are exonerated from every angle.”

In excerpt [ITT 43], the FDMI-Arb.C12 in order to boost the morale of the FDMI-MR.C12 younger brother used face maintenance strategy to positively encourage his action. This is also demonstrated in [ITT 54, 56 &105] when the arbitrator elevated

the face of the addressee by showing how famous he is in the community for his good reputation. In a similar finding, the arbitrator of case 4 also utilised face elevation strategy by attributing the FDMI-FC.C4's guardian with high esteem when in excerpt [ITT 65] he directed his secretary by saying: "you should record it that she has come along with her greatest and eldest brother Mohammed Mustapha Mohammed." And this kind of utterance was also employed in ranking the position of FDMI-MR.C4 in excerpt [ITT 75], when he said: "*you are a man. And you are the one who is supposed to have done something about it.*"

Other participants in RCP were also identified of using Face elevation strategy through affirmation of the speaker's statement as in [ITT 234] when FDMI-CLRC.C11 said: "*it is for sure.*" Sometimes it is to show how closed the speaker is with the addressee as in excerpt [ITT 155] when FDMI-GREP.C12 said: "*I became affiliated to his father based on religion.*"

Discussions

The speakers use politeness strategies during ADR in their attempt of achieving amicable resolution of disputing issues brought before the shariah-based courts. The paper showed the participants used Face Maintenance and Elevation politeness strategy as part of the speakers' FTA as reflection of behaviours during ADR proceedings on FDMI in accordance with the norms and values of Islam against individual personal benefits.

The findings equally revealed that with reflection of behaviour, speakers used FTA beyond the premises of Brown and Levinson (1978) viewpoints. With FTA speakers reflect their behaviours in ADR as the social value vested upon the addressee/s in the attempt to show politeness which could be positive or negative depending on the nature of the disputing matter brought before the court. This paper revealed FTA reflecting the participants' behaviours via **Face Maintenance** and **Elevation Strategies (FMES)**.

Findings also revealed that during ADR speakers normally use the **FMES** in invocation of divine blessings, protection or approval for the addressee. They equally employ **positive Face strategy** in ADR in the attempt to praise or show respect to the addressee. Essentially this strategy was discovered to be amongst the most common FTA practices the speakers used in reflecting their attitudes during the ADR. Court officials were specifically found as the common users. Basically, arbitrators employed the strategy the most. From various classes of speakers found in ADR, FDMI-Arb.C8 was the prevalent, followed by FDMI-MC.C10.

Speakers employed **face maintenance** as negative politeness in avoidance of unpleasant remarks by being too formal, which was highly demonstrated by male complainants. The complainants mostly reflect the attitudes of obedience to the constituted authority with the use of *back-channel expressions* in their replies or *pause fillers* in order to *maintain the face* of the arbitrators without being rude. This implies that most complainants reflect respect to sharia and submissiveness to the rule of law in accordance with the Allah's saying: "*whoever submits his whole self to the Allah and is a doer of good has indeed grasped the most trustworthy hand-hold....*" (Q31, p.22). In contrast, arbitrators mostly used **face maintenance strategy** to minimise imposition and to avoid being perceived with partiality or biasness. However, they used *back channel* and *pause filler expression* too to indicate their affirmative support and in avoidance of displeasing with the opinion of the speakers. Similarly, arbitrators reflect their behaviours with the aid of **face maintenance strategy** act too formal positively by protecting the complainants/respondents' self-esteem before all other evidences are established.

In contrast with **Face maintenance strategy**, speakers used **Face elevation strategy** as a form of positive politeness to reflect their behaviour of being less formal. Arbitrators normally show their closeness to the disputing parties by boosting their morale and sometimes with affirmation of their statements. This confirmed the Enang

et al. (2013, p.3) views that “*positive expressions signal in or introduce an atmosphere of encouragement, praise and or reward to the addressee or recipient.*”

Expression of wants also constituted another FTA strategy speakers used during ADR to declare their wishes/interests. With this strategy the behaviour of the speaker is reflected in the attempt to reduce the face threatening and sometimes to threaten the face of the addressee. In this paper, the finding revealed that speakers used this strategy moderately by almost all classes of speakers found in ADR, thereby played important role in reflecting their attitudes and intention. Court officials used the strategy the most while the complainants and respondents used it at proportionate level. Normally arbitrators used the strategy through indirect means to express want for the addressees to fear Allah over their decisions and actions. Sometimes they express their needs for the disputing parties’ guardians to employ more effort in convincing their daughters to remain in matrimonial homes. On certain instance, they show persisted desire of ensuring such directives were stand to be carried out by the complainants.

Conclusions

From the discussion above, it is clearly shown that Face Maintenance and Elevations strategies attracts significant impacts in successful resolution of FDMI in shariah Courts ADR of Northern Nigeria. Hence, with the understanding of the result of this paper, court officials and jurist could easily curtail the rate of divorce and strengthens the institution of marriage in the northern Nigeria. The paper will equally facilitate easy and quick resolution of dispute by both the court officials and the disputing parties during ADR. More so, the paper will provide practical contribution in recognising and appreciating the role of guardians in disputing resolution, which in turn may serve as avenue for the earned respect in the face of disputing parties. The paper will serve as guide to know how court officials respond to issue/s in ADR and how they prompt to them with the aid of the religious quotations, declaratives statements, verdictives, and hints, among others. This in turn installed obedience to the command of Allah and the Sunnah of the Holy Prophet Muhammad (PHB).

These results, to certain extent, will contribute to policy making on the proper speech act model for the ADR. It will also serve as practical contribution by giving the court officials insight about what speech acts, they use as well as reference on how their strategies and practices contribute to resolution of dispute/s. It will equally encourage the Muslim communities to engage knowledgeable men as guardians of the disputing parties even if they are not blood relations in order to enhance faster phase of resolution of dispute/s during ADR.

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