
AN ANALYSIS OF THE ENGLISH MOOD SYSTEM IN COURTROOM DISCOURSE IN A SELECTED TRIAL CASE IN NIGERIA

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ABSTRACT: *This paper describes the English mood system in spoken legal discourse with particular focus on a courtroom discourse in a trial case of man-slaughter in a Nigerian court at Aba, Abia State. For the analysis in this paper, fifty (50) utterances are purposively selected from a transcription of a tape-recorded cross-examination of the trial case. Using Halliday's Systemic Functional Grammar model of the English mood system a descriptive analysis of the syntactic structures of the prosecuting counsel and the defendant's utterances is done with a view to highlight the different mood system. The findings revealed that the indicative interrogative mood is the most dominant. This affirms that the English mood system as instantiated in the sentences used in a courtroom discourse is a meaning-making resource for demanding and giving information. As the trial case entails an exchange and is a context in which the linguistic resources for statements and questions are deployed and manipulated, the paper concludes that language use in courtroom discourse provides a resource for explicating the English mood system as it contains a great variety of the indicative sentences through which the English indicative and interrogative moods for expressing assertions for or against a proposition can be described.*

KEYWORDS: English mood system, courtroom discourse, indicative mood, spoken legal discourse trial case, assertions

INTRODUCTION

The critical analysis of language use in different contexts has become an interesting area of study in linguistic and applied linguistic studies such as discourse analysis, sociolinguistics, pragmatics, forensic linguistics and functional linguistics. Such studies have emphasized that the context of language use determines and conditions the structural and functional patterns of language use (cf Labov's variation studies, Holmes, 2008, Wardhaugh 2010). Similarly, such studies reveal that language use is not only a social practice but also a mean of instituting and maintaining institutional power and social relation (Fairclough, 1996, 2001; Wodak, 2001). Hence, the pattern, form and functions of language use in different contexts are decipherable and can be associated rightly with appropriate fields of discourse, subject matter (topic), persons, temporal and spatial settings etc.

According to Gibbons (2003) and Harris (2003) the legal context is an overwhelming linguistic institution connected with the way and extent to which human rights and power are upheld, reserved or even denied through the use of language. Embedded in the use of language in legal contexts, such as the courtroom, is the realization and recognition that language plays a vital role

in the proceedings of the court. The processes and procedures of trial, explaining and upholding one's right (especially in trial situations), convicting and acquitting are affected through language. Therefore, language use in courtroom contexts is aimed at achieving different purposes. While the lawyers view language as a tool (Northcott, 2013) and use it specifically to give and demand information as they make a case for or against the defendants, the defendant and witness uses same as an instrument in attempts of self-defense, to enter into pleas for negotiations or even to convince the judge/magistrate/jury of his innocence. The judge/magistrate/jury, on his part, sees language as a process and uses it to create and maintain institutional power as he performs his speaking roles of directing, ruling and instructing. This shows that language use in the courtroom is procedural and an impressive platform through which a more extensive attention can be accorded to the comprehensive study of legal language.

Most studies of legal language have focused on written legal discourse (Northcott, 2013). Spoken legal genres have received less attention. Apart from courtroom discourse which has been extensively analyzed and reported in the forensic linguistics literature (Gibbons, 1999; Gibbons & Turell, 2008), little or no work has been done on the interactive nature of courtroom discourse. The spoken legal discourse provides an exciting context for the study of language as a form of social practice and an interactive event that integrates verbal language, bodily conduct and other semiotic resources (Mooney, 2014; Matoesian, 2010; Matoesian & Gilbert, 2010). As courtroom discourse is interactive it has linguistic features that distinguish it from any other discourse. These differences occur syntactically, lexically, semantically and pragmatically. Svongoro, Mutangadura, Gonzo & Mavunga's (2012) study of the linguistic features of courtroom discourse on an alleged rape case in Mutare, Zimbabwe revealed that features such as euphemism, sexually explicit register, technical (legal) jargon and syntactic complexity characterize the discourse. They contend that while some of the linguistic features serve purely legal functions, others serve important socio-cultural functions.

Farinde (2006), Woods (2006) and Fairclough (2001) discuss the asymmetry roles between language users in legal contexts. Their studies have contributed to the understanding of how power relations in the courtroom are realized and negotiated through language use. They highlight the uneven power relations and roles observed among interlocutors in courtrooms, such as between lawyers and judges, defendants/witnesses and lawyers/judges and even among lawyers. Supardi (2016) examines the persuasive strategies used by lawyers in the opening statement in courtroom discourse. In terms of language use in courtroom discourse as inter-disciplinary study of social relations, Supardi (2016) notes that Bogoch (1999), O' Barr, (1982), Bradac, (1981) have examined various issues such as gender, power discrimination, and dominance in the courtroom. Other studies such Cotterill (2003), Ehrlich (2001) and Matoesian (2001) have analyzed discourse strategies in the courtroom as used in criminal trials while Stygall (1994) analyzed the discursive formations in a civil trial. These studies gave little or no attention to the grammatical component of the clause structure of those instances of spoken legal language they analysed. The present study intends to fill this gap by undertaking an analysis of the English mood system in courtroom discourse with a view to highlight the dominant mood of the courtroom discourse as portrayed in the utterances. Thus, the study examines courtroom utterances in a criminal trial, and establishes significant interpretations from the syntactic analysis of the mood system of the utterances.

Another justification for this study is that to the best of the researcher's knowledge, the linguistic analysis of courtroom discourse has not become an object of serious systematic study in Nigeria. Despite the close connection and importance of language in spoken legal discourse, neither Nigerian linguists nor lawyers have paid close attention to it. This study therefore attempts to analyse the mood system of spoken legal in a Nigerian courtroom discourse with specific focus on a case of manslaughter.

The mood system refers to the grammatical systems that reflect a set of syntactic and semantic contrasts signaled by alternative paradigms of the verb or sentential form that involves a wide range of meanings, especially the speaker's attitude towards the content of an utterance. The speakers in a courtroom discourse use different moods to express their propositions as they demand and give information. This means that the mood structures of spoken legal discourse are potent clues to what the speakers are saying.

Aim and Objectives

This study aims at describing the English mood system in spoken legal discourse. In specific terms, its objectives are to

1. identify and describe the linguistic expressions that signal the dominant mood patterns in courtroom interactions as used in a criminal trial.
2. establish the interpretations which are realized from the syntactic analysis of the utterances in courtroom discourse.
3. examine the level to which utterances in courtroom interactions contribute to giving evidence for and against defendants.

REVIEW OF LITERATURE

The English Mood System

According to Bankole (2015, p.32) Young (1980) describes mood as the "name given to those grammatical systems that express the speakers relation to a proposition, but this kind of meaning does not concern only the speaker and proposition". This means that the speaker takes up an attitude towards what he says or is saying for the sake of communicating with others; the addressees are necessarily involved in the exchange, message or representation being made, as the speaker may input to the addressees some relationship to the proposition.

For Crystal (2008, p.312), the term mood is used in theoretical and descriptive study of sentence/clause types) and especially of the verbs they contain refers "to" a set of syntactic and semantic contrasts signaled by alternatives paradigms of the verb, e.g. indicates (the unmarked form), subjunctive, and imperative". Crystal further contends that semantically, mood involves a wide range of meanings, especially speaker's attitudes towards the factual content of the utterance, e.g. uncertainty, definiteness, possibility, probability, vagueness etc. Syntactically, the contrasts, which mood signals, may be by alternative inflectional forms of a verb or by using auxiliaries. English mainly uses modal auxiliaries, such as can, will, may, shall, must etc and little use of inflections (e.g. loves, loved, jumps, jumped) to signal mood.

Ajiboye (2006) describes mood as a characteristic of the verb that can be analyzed at verbal group unit. Aliyu (2006) cited in Bankole (2015, p.32) explains that mood refers to the grammatical distinction in the verb forms that are used by the speaker or a writer to express some attitude. The moods of the statements are generally revealed through the use of inflections and auxiliaries. Some moods like the imperative, the air of certainty may be expressed with the same auxiliary “will”. The intonation or context of the statement will indicate the intention of the user.

Bybee (1985, p.22) cited in Kreoger (2005, p.163) defines mood as an indication of “what the speaker wants to do with the proposition” in a particular discourse context. In other words, mood reflects the speaker’s purpose of speaking and it is context bound. According to Akmajian, Demers, Farmer & Harnish (2001, p.582) mood is a sentential form associated with specific communicative function (e.g. declarative, interrogative, imperative). This means that mood is a sentence property and as such is best analyzed at the sentence level as forms with certain conventional communicative function. They identify the major moods of English sentences as declarative, imperative and interrogative.

Akmajian, Demers, Farmer & Harnish (2001) also note that the declaratives perform certain communicative acts: that of assertion. The interrogative performs communicative acts of questions. However, they further argue that “He is kind” (assertion) and He is KIND? (question) are structurally the same, but their communicative acts are not the same. In spoken utterance, this distinction is signaled phonologically by the use of intonation. While the declarative that performs assertive function is uttered in a falling line. The interrogative that questions is uttered in a rising tune. This means that for one to understand the various moods in a spoken discourse, he needs to understand as well the force, content and intonation patterns associated with each mood.

Eka (1985, p. 98) also defines mood as “a set of syntactic and semantic contrast signaled by certain forms of a verb”. Eka (1985) also contends that such contrast could show the indicative mood, which is generally unmarked, and the imperative mood, often marked. The indicative mood may be declarative or interrogative.

For Halliday & Matthiessen (2004) mood is the principal grammatical component of a clause as an exchange which carries the argument of rhetorical exchanges forward. They contend that the variation between statements and questions is expressed by means of the mood system, which spreads over just one part of the clause. Hence, as a rule English has grammatical resources for statements and questions, which not only constitute an end in themselves but also serve as points of entry to a great variety of different rhetorical functions. And the expression of the rhetorical functions of clauses in English as an exchange is achieved through the mood system.

The above definitions and descriptions of the English mood system indicate that it is not only a property of the verbal group but also of the sentence that has syntactic implications on the forms of the verbal group and the structure of the clause as well as semantic import or the interpretation (meaning) of an utterance. In other words, it gives the listener or reader clue to what the speaker or writer is saying. Hence Osisanwo (1999) observes that the English mood system accounts for

two different options. First, utterances express the subject (if it is present in the discourse) by including or excluding it. Second, is the option of stating the expression of the action spelt out in the speech even as well as how the events are presented in the clause structure. What this means is that the mood system expresses the acts displayed in the communicative event presented in the clause as including the subject as one of its participants or not. In other words, there are different ways the mood system can be signaled.

Legal Language

In all societies, law is formulated, interpreted and enforced. These legal processes are realized primarily through language. Maley (1994, p.11) contends that language is a medium, process and product in the various arenas of the law where legal texts, spoken or written, are generated in the service of regulating social behaviour. In the legal system of every society, a discrete legal language is apparent, as it has its forms and organizational patterns. Hence, it is possible to describe and explain the form of legal English.

In Nigeria, English is the official language of the court. It is used exclusively where the judges, lawyers, defendants, witnesses, and prosecutors can speak it in carrying out courtroom proceeding. However, sometimes code-mixing and code-switching between English and indigenous languages (of the participants involved) depending on the location of the court and the proficiency of the participants in English, are used. In situations where such is not possible or where either party cannot cope with the linguistic requirements of interaction in English, an interpreter is engaged. Legal language is a highly specialized and distinctive discourse type or genre of English (Northcott, 2013). A wide gap exists between legal discourse and everyday discourse. The expressions that constitute legal language are found in a variety of legal situations. According to Pridalova (1999) there is no single legal discourse, but a set of related legal discourse. Each has a characteristic flavor as well as differs according to situation in which it is used. Thus, there is judicial discourse, the language of judicial decisions, either spoken or written, which is a reasonably flexible and varied but nonetheless contains recognizable legal meanings in predicable lexico-grammar. These judicial decisions, collected in reports make up what is known in the English-derived common law system as case law.

There is also courtroom discourse used by judges, counsels, court officials, witnesses and other participants in court trials. In this context, legal language is concerned with texts instantiating registers in police interrogations, statements in evidence. Also, there is the language of legal documents: contracts, regulations deeds, Wills, Acts of parliament or statutes legal or formal. Finally, discourse of legal consultation between lawyer and lawyer, lawyer and client is another source of legal language. In all these legal discourse, a common theme in the legal language is lack of transparency and obscurity, with frequent use of formal words, deliberate use of expressions with flexible meanings, attempts at extreme precision and complex syntactic constructions (Northcott, 2013)

THEORETICAL FRAMEWORK

This study is anchored on the mood system of Halliday's Systemic Functional Grammar (SFG). Halliday (1985) and Halliday's Matthiessen (2004) describe language as a system of meaning potentials which is realized in use. Hence spoken and written texts construe meanings, and the resources of language are organized in open systems and are also functionally bound to meanings. SFG theory therefore describes language in use, creates systemic relations between choices and forms within the less abstract strata of grammar and phonology on one hand, and more abstract strata such as context of situation and context of culture on the other hand.

SFG has four main theoretical assumptions about language: i) language use is functional (ii) its function is to make meanings; (iii) these meanings are influenced by the social and cultural context in which they are exchanged and (iv) the process of using language is a semiotic process, a process of making meanings by choosing. As such "language is a resource for making meaning and meaning resides in systemic patterns of choices (Halliday & Matthiessen, 2004, p.23). And one of the systems through which SFG explains the structural and functional relations of sentence elements and meanings is the system of mood.

The SFG mood system reveals the structural operations that characterize the functional organization of clause structure and what meaningful choices can be analysed. In other words, it reveals the general relationship between elements of the clause that pervades language use in different contexts. Thus, the English Mood system theory is a relevant analytical tool with which a syntactic analysis of courtroom discourse can be done. Thus, as a theory that accounts for language in use by creating systemic relations between choices and forms within the clause and context of situations, SFG mood system is considered appropriate for this study.

Language use in courtroom discourse is interactive and the participants use language to express themselves in verbal exchanges, give and demand information. This means that courtroom discourse is an exchange. The mood system being the principal grammatical component of a clause as an exchange which distinguishes declarative, interrogative and imperative sentences is therefore appropriate for this study. Similarly, as a theory which reveals the attitude of speakers to a particular proposition through the choice of words (particularly the auxiliaries) it is therefore appropriate for decoding the semantics of courtroom discourse.

METHODOLOGY

This study is purely descriptive; hence its methodology is qualitative. The data for the study is purposively selected from the transcription of a tape-recorded courtroom discourse on a criminal trial case of manslaughter. A total of fifty (50) utterances selected from the opening and examination stages are analysed using the SFG mood system. For easy of analysis the fifty utterances are grouped into excerpts 1-10. Excerpt 1 comprises the opening utterances while excerpts 2-10 are the examination utterances.

Data analysis and results

The analysis identifies the mood system of the fifty (50) selected utterances in courtroom discourse and describes their mood structure using Halliday's SFG English mood system conventions. For easy of analysis and reference in the discussion the types of the mood of the utterances in the excerpts are numbered.

Excerpt 1 Interlocutors and their Utterances	Types of Mood
Judge: Clerk, please read the charge to him (Clerk reads...)	IMPER 1
Clerk: XY, Do you understand what was read to you? Defendant: Yes	INTER 1 DECL 1
Judge: Are you guilty or not guilty? Defendant: I am not guilty	INTER 2 INDI DECL 2
Excerpt 2 Interlocutors and their Utterances	Types of Mood
Counsel: You have been a police officer for how many years? Defendant: for more than 20 years; exactly 23 years now.	INDI INTER 3 INDI DECL 3
Counsel: On 19th of September 2009, you said you were part of a team detailed at Ogbor Hill. What were you doing there? Defendant: It was a pin-down. When a place is a black-spot, policemen will hide themselves there, as they do check and search.	INDI INTER 4 INDI DECL 4
Counsel: At that time, were you hiding? Defendant: As a driver, I was inside the vehicle but some others were doing the stop-and-search and others were hiding.	IND INTER 5 INDI DECL 5
Counsel: At that time were you also hiding? Defendant: (Silent)	INDI INTER 5
Excerpt 3 Interlocutors and their Utterances	Types of Mood
Counsel: On that particular day, you said the vehicle was parked, was it hidden? Defendant: Yes, it was parked by the roadside and I was inside it.	INDI INTER 6 INDI DECL 6
Counsel: At that time you were inside the car you were receiving signal? Defendant: I parked the vehicle; beside the vehicle I was receiving a message with my head inside the vehicle, on the driver's side when I saw the light.	INDI INTER 7 INDI DECL 7
Excerpt 4 Interlocutors and their Utterances	Types of Mood
Counsel: At that time you were one of the most junior of the team? Defendant: I was the most junior	INDI INTER 8 INDI DECL 8
Counsel: Who did you inform?	INDI INTER 9 INDI DECL 9

Defendant: By the time I brought out my head as I sighted out the vehicle...	
Counsel: Did you tell anybody of the content of the message you said you received?	INDI INTER 10
Defendant: There was no time for me to move when I sighted the vehicle	INDI DECL 10
Counsel: So, you told nobody?	INDI INTER 11
Defendant: I had no time to move to the inspector of the team	INDI DECL 11
Excerpt 5 Interlocutors and their Utterances	Types of Mood
Counsel: You claimed the vehicle wanted to knock you down, that was why you shot?	INDI INTER 12
Defendant: I fired up because he attempted to knock me down	INDI DECL 12
Counsel: Tell the court the efforts you made to stop him	IMPER 2
Defendant: I waved him, he flashed his light and still continued with speed, so I had to fire up	INDI DECL 13
Excerpt 6 Interlocutors and their Utterances	Types of Mood
Counsel: in your evidence before the court you said you shot; did you hold the trigger?	INDI INTER 13
Defendant: you will hold the trigger down to shoot.	INDI DECL 14
Counsel: you then held it down?	INDI INTER 14
Defendant: No, I only shot once but AK-47 can enter rapid.	INDI DECL 15
Excerpt 7 Interlocutors and their Utterances	Types of Mood
Counsel: You were told someone was hit by a bullet?	INDI INTER 15
Defendant: yes, but I was not told it was the bullet I fired.	INDI DECL 16
Excerpt 8 Interlocutors and their Utterances	Types of Mood
Counsel: I put it to you that you did not observe due diligence when you claimed to have shot into the air.	INDI DECL 17
Defendant: I was careful as trained PMF personnel.	INDI DECL 18
Counsel: As a trained policeman, is dangerous driving tantamount to armed robbery?	INDI INTER 16
Defendant: the movement of the vehicle at that hour and the route he followed is enough to suspect that type of person.	INDI DECL 19
Excerpt 9 Interlocutors and their Utterances	Types of Mood
Counsel: Did you see the occupants of the vehicle?	INDI INTER 17
Defendant: I did not see them.	INDI DECL 20
Counsel: Did you notice any form of ammunition with them?	INDI INTER 18
Defendant: I didn't see.	INDI DECL 21

Counsel: the only thing you saw was that it was heading towards you and driving dangerously? Defendant: Yes.	INDI INTER 19 INDI DECL 22
Excerpt 10 Interlocutors and their Utterances	Types of Mood
Counsel: I put it to you that you did not receive any message and you did not exercise diligence before shooting. Defendant: I received message.	INDI DECL 23 INDI DECL 24
Counsel: I put it to you that you shot directly. Defendant: I did not shoot directly.	INDI DECL 25 INDI DECL 26
Counsel: I put it to you that you were negligent. Defendant: I was not, as I carefully handled the gun.	INDI DECL 27 INDI DECL 28

key: INDI INTER: indicative, interrogative; INDI DECL: indicative declarative; IMPER: imperative.

This analysis reveals that the courtroom discourse consists of twenty (20) utterances in the indicative interrogative mood, twenty-eight (28) in the indicative mood and two (2) in the imperative mood.

With two interrogatives in the opening state (excerpt 1) the clerk seeks to affirm defendants understanding of the charge and direct his plea of innocence. The counsel (lawyer) uses eighteen (18) indicative interrogatives in excerpts 2-9 to ask questions.

With the structures in the indicative declarative mood in excerpts 7 and 10, the counsel ask questions, expresses reservations, make suggestions, resists the claims of the defendant and makes hypothetical statements. With the imperative structures in excerpts 1 and 5, the judge and the counsel express the desire for the action expressed in the sentences to take place.

On the other hand, the indicative declarative mood structure dominated the utterances of the defendant. He used such mood structure to make factual statements, express opinion, defend himself and give detailed information (answers) to the counsel's questions.

DISCUSSION OF FINDINGS

With the dominant rhetorical structure of the indicative interrogatives, the counsel presented the propositions of each clause (his utterances) and used intonation contour of polar questions to make his utterances have question forms. This is because as a particular component of the clause as exchange carries a specific argument forward, the counsel's use of the rhetorical exchanges includes the subject in the exchange in order to affirm the information he demands from the defendant. Similarly, by stating the expression of the defendants actions out in the clause structures of the indicative interrogatives (e.g. 7 excerpt 3; 12 excerpt 5; 13 excerpt 6) the mood system gives the listeners, in this case the defendant, and the judge due to what the counsel is saying and demanding answer. Thus this affirms Osisanwo's (1999) view that the English mood system accounts for different option: syntactic and semantic.

The analysis also reveals that the counsel combines the traditional role of questioning with that of making assertions (statements) using declaratives. 95.65% of his utterances are indicative interrogatives and indicative declaratives. With these mood structures, he evidently makes assertions about the cases. This affirms Huddleston's (1988) claim that language users normally use factual assertions in the declarative form. Also progressive use of the indicative mood either for questioning or asserting a statement or an action establishes the meanings of the utterances in the analysed discourse. This affirms Halliday & Matthiessen's (2004) views that meanings are built into utterances as the speakers use the declarative or the interrogative mood to indicate either the starting point of the message or show the resting point of the argument.

Additionally, the declarative show the speakers are either being protective, resistant or offended or even detailed as Eades (2008) suggest. The use of the indicative declarative mood the utterances of the defendant enables him to challenge some of the propositions of the utterances of the counsel (12 excerpt 5; 14 excerpt 6, 18 excerpt 8; 19 excerpt 8; 24, 26, 28 excerpt 10). Thus, his use of this mood presents a trend of self defense in courtroom trials. The indicative interrogative mood structures used by the counsel also reveal a verdictive stance that is aimed at influencing the judge. In the same when the imperative mood structure (in IMPER 1 excerpt 1 and 2 excerpt 5) shows the fact-finding, evidence-searching undertone of courtroom discourse, particularly from the judges and the counsels.

CONCLUSION

An analysis of the mood system of spoken legal language as used in courtroom discourse has shown that language is a meaning-making resource. The mood structure of courtroom utterances has established the clause as exchange and as well portrays how social roles and relations of language user are maintained and sustained in courtrooms contexts. This affirms Halliday & Matthiessen's view that there is a close relationship between language and mood.

Every grammatical category in language has syntactic and functional realizations whose uses in a discourse are conditioned by the context. Hence as the analyzed courtroom discourse consists of mainly indicative interrogative and declarative mood, the utterances in this mood have clearly defined grammar: syntactic, functional and semantic structures. As a context in which language resources for statements and questions are fully deployed, and participants engage in acts of demanding and giving information, challenging and evaluating responses, courtroom discourse therefore provides a good source from which the great variety of the rhetorical functions of English language mood system can be instantiated. This study has therefore contributed to the explication of Halliday's SFG mood system by revealing the linguistic mechanism through which speakers in courtroom discourse construct meanings thereby portray the clause in its exchange function.

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