Turn taking in Ghanaian judicial discourse

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Abstract
Turn construction and turn allocation in social interactions have been studied from different theoretical and methodological perspectives, the most important and debated ones being conversation analysis and (critical) discourse analysis. Even though turn taking has been studied in informal conversations in Ghanaian languages, nothing has been done on turn taking in Ghanaian judicial discourse. This paper examines turn taking management in Ghanaian Western-based judicial interaction. Working within the conversational analytic framework and language and power, the paper investigated how speaker turns were managed, especially, how turn allocations were shaped by speaker roles and identities in judicial domains. Data for the study consisted of transcripts of nine hours of naturally occurring tape-recorded Ghanaian courtroom interactions comprising civil and criminal cases. The data were recorded in Accra and Koforidua between November 2018 and February 2019 and consisted of sixteen court proceedings and seventy-three speakers.

Results indicated that turn allocation was managed mostly by the judges with the other court participants, especially the attorneys and interpreters, occasionally self-selecting or selecting others, mainly, the disputants. Also identified was that not all linguistic resources for turn taking were equally accessible to all participants. In conclusion, the identities and roles of the court actors determine and constrain the available linguistic and pragmatic tools needed for effective turn taking management.

Keywords: turn taking, Ghana, judicial interaction, conversation analysis, language and power

Introduction

Ghanaian courtrooms, whether the traditional courts referred to as Native Courts or Customary Courts, or the Western-based courts, provide a site where different power forums clash and blend (Amuzu et al., 2020; Yankah, 1995; Manuh, 1988; Amissah, 1985). Distinct courtrooms also provide theatres where actors use language to index power. Particularly, actors index power for the control and management of *turns* (Obeng, 2018; Heritage, 1998; Sacks et al., 1974), *repair* (Schegloff, 1992; Schegloff & Jefferson, 1977), and *interruptive talks* whether competitive or non-competitive (Obeng, 2018). Thus, as Hale (2004) notes, it is in the courtroom that language, in its various forms and its associated ideologies, is employed to interrogate and be interrogated by persons serving in various positions and performing various responsibilities.

Furthermore, the courtrooms provide a space where judicial participants with different statuses use language to achieve their various interactional goals (Wesley et al., 2019; Heritage, 1998; Mondada, 2013). For judges and other judicial officials, it is a discourse arena in which disputants are controlled and where determinations are made as to whether the pronouncements of people of lower social hierarchies are sensible, thoughtful, or impactful (Wesley et. al, 2019; Mooney, 2014; Coulthard & Johnson, 2007; Wang, 2012) or are senseless. One also observes power and legal language intersecting in

the production and interpretation of meanings (Olsson, 2004; Stygall, 1994).

Moreover, courtrooms are observed as places where ritualized and formalized language is used (Obeng, 1999, 2018; Obeng & Stoeltje 2002; Stygall, 2012). Even though it is part of the legitimacy of United States law for non-judicial court participants to understand the language in trials, as Stygall (2012) notes, ritualized language, which is invisible (i.e., not understandable) to lay court participants, is often used in court. The lack of understanding of this genre makes it difficult for non-legal actors to perform effectively and this consequently leads to negative outcomes for them.

One thing that is missing in the literature on Ghanaian judicial interaction is how turns are managed by judicial discourse participants; this study fills that lacuna. Specifically, this study investigates how turn allocation is shaped by speaker roles and identities. In pursuing the above-mentioned issue, the linguistic means by which Ghanaian judicial participants in non-congruent power roles manage talk-in-interaction in judicial domains while initiating, holding, and terminating their turns at talk are identified and explicated. We aim to establish that in the Ghanaian courtroom, not all linguistic resources for turn taking are equally accessible to all participants. Also to be established is the fact that discourse interactional categories being performed as well as the identities and roles of the court actors determine and constrain the available linguistic tools needed for the successful performance of turn management.

We now discuss judicial interaction regarding its status as an institutional discourse.

Judicial communication as institutional discourse

Sarangi and Roberts (1999) characterize institutional discourse as a verbal exchange between two or more interlocutors in communicative domains with at least one institutional representative. The authors note that for any discourse to

count as institutional, the language used in the interaction, the goals of the interlocutors and the nature of the interactional exchange must, to some extent, be determined and regulated by the interlocutors' institution. In addition, at least one of the interlocutors must frame/consider the interactional exchange as being *work* or *doing something related to work.*

Freed (2017) supports Sarangi and Roberts' (1999) characterization of institutional discourse by noting that institutional discourses must occur in workplace settings and must consist of ordinary interactional units that identify them as institutional and not ordinary conversations. For their part, Heritage (1998), Mondada (2013) as well as Drew and Heritage (1992) emphasize that institutional discourse genre is different from that of natural conversational interaction. Obeng (2018, 1999), however, notes that sometimes the line between institutional discourse and ordinary non-institutional discourses may be opaque. Specifically, he notes that in Akan (Ghana) Native Court discourse, mitigation and politeness communicative strategies employed in everyday talk tend to be present in the judicial discourse albeit with some structural and discursive modifications.

On the content and structure of institutional discourse, Agar (1985) notes that institutional discourses tend to be monotopical and often consist of question-answer adjacency pairs. The question types that occur tend to be *yes/no questions* and *wh-questions* and they are typically followed by answers ranging from simple words to complex sentences.

Regarding the disciplinary nature of institutional discourse, *studies have shown that they are interdisciplinary (*Freed, 2017) and span such disciplines as *conversation analysis* (Liddicoat, 2022; Sacks et. al., 1974), *critical linguistics* (Pennycook, 2021), *pragmatics* (Austin, 1962; Searle, 1965; Sperber & Wilson, 2005), *psychology,* including academic counseling (He, 1994), psychotherapy (Ferrara, 1994) and therapeutic discourse (Labov & Fanshel, 1977), *gate-keeping*

interviews (Elgenius & Garner, 2021; Fiksdal, 1990), among others.

Regarding turn regulation in institutional discourses, research by Wesley et. al, (2019), Heritage (1998), Shuy (2010), Tkachuk (2008) and others, has shown that it is the institutionally dominant actors who regulate the turn taking system as well as the quantity of speech produced by court actors. With respect to Akan Native Court judicial discourse, Obeng (1999, 2018) notes that the arbitrators tend to be mostly responsible for the sequencing of discourse. They regulate the turn and topical openings and closings and also control the initiation of repair. Some disputants, Obeng notes, self-select when they want to challenge the validity claims of the arbitrators, refute an allegation leveled against them, raise an objection, or rectify or buttress an argument. To show that they are in charge of the courtroom interaction, the arbitrators instantaneously step in to restore what they view as normal interactional sequencing and decorum even when disputants self-select.

In this paper, we are interested in how turns are regulated and whether turn allocation is in any way impacted by speakers' roles and identities in the judicial discourse domain. Consequently, we examine the relevant available literature on turn taking.

Turn taking

Turn taking is organized differently in different social (including institutional) interactions. In institutional discourses, the works of Wesley et al. (2019), Heritage (1998), Mondada (2013), Shuy (2010), Tkachuk (2008) and others point to the fact that turn allocation and management may be predetermined based on participants' institutional status and roles as well as on other social variables such as age, gender, among others. According to Sacks et al. (1974), in ordinary conversation, turn taking (turn allocation) is under the collaborative management of the conversational participants. Thus, Sacks et al.'s (1974)

opportunity assignment rules that are put forward to explain turn taking in ordinary English conversations are said to be locally managed and are different from those that operate in institutional discourses. Specifically, the turn taking system in natural conversations is administered and controlled by interactional participants themselves, and modifications are made throughout the life span of an interaction. The turn taking system, according to Sacks et al. (1974, 196), is governed by a process that accounts for a methodical and systematic turn exchange between a current speaker and the next speaker. The rules are ordered, have options, and function on a turn-by-turn basis. From the rules, one observes that interactional participants do not begin their turns randomly but around *transition-relevance places* (TRPs). Two rules were posited by Sacks et al. (1974, 702-4) as follows:

Rule 1:   For any turn, at initial transition-relevance place (TRP) of an initial turn-constructional unit:

a)   If the turn-so-far is so constructed as to involve the use of a "current speaker selects next" technique, then the party so selected has the right and is obliged to take the next turn to speak; no others have such rights or obligations, and transfer occurs at that place.

b)   If the turn-so-far is so constructed as not to involve the use of a "current speaker selects next" technique, then self-selection for the next speakership may, but need not, be instituted; first starter acquires rights to a turn, and transfer occurs at that place.

c)   If the turn-so-far is so constructed as not to involve the use of a "current speaker selects next" technique, then current speaker may, but need not, continue, unless another self-selects.

Rule 2:   If, at the initial transition-relevance place of an initial turn-constructional unit, neither 1a nor 1b has operated, and following the provision of 1c, current speaker has continued, then the rule-set a–c reapplies at the next transition-relevance place, and recursively at each next transition-relevance place, until transfer is effected.

Without a doubt, the above rules do not always work in every ordinary conversation given that during interactions there are innumerable times when a potential next speaker does not wait to be designated as a next speaker before taking up the floor; a situation that gives rise to turn competitive or turn noncompetitive overlapping talk. Indeed, there are countless instances where a current speaker may select a potential next speaker, but s/he may decline the overture to take up a turn. Research has also shown that in a conversation of more than two participants, it is possible for some participants to conspire to leave out other participants by intentionally not selecting them or by interrupting them (Obeng 1987, 1989, 1999, 2018). It is also possible that the occurrence of turn-terminating features does not automatically imply that speaker change will occur. Noteworthy also is the fact that in an interaction, a transition relevance place (TRP), as Edmondson (1981) indicates, may not always be equally noticeable or palpable to all the interactional participants. The violability of the opportunity assignment rules is given credence by the occurrence of overlap or interruptive talk as well as overlap resolution. Thus, as Sacks et al. (1974)

and others such as Obeng (1999, 1989, 1987) and Edmondson (1981) have observed, if the rules were sacrosanct then overlap resolution should, under normal circumstances, be smooth and effortless, given conversational participants' awareness of TRPs.

The *conversational phonetic* view on turn taking espoused by Local et al. (1986), Local and French (1986), Couper-Kuhlen and Selting (1996), Local (1996), and Obeng (1987, 1989, 1992a, 1992b, 1999, 2018) has shown that phonetic cues have functional relevance in conversational management. In particular, the above authors have proved that a close and methodical attention to the relationship between speech activities (e.g., turn taking, overlap and repair) and the phonetic features of pitch height, pitch movement, loudness, pausal phenomena, tempo, rhythm, voice quality, etc., throws light on the functioning of turn regulation. For example, Obeng (1989) has indicated that in Akan conversations, crescendo or forte loudness, raised pitch, a glottal hold, accelerando tempo, creaky or plain phonation, and a clipped syllable-timed rhythm are projective of more talk by a current speaker. However, piano, pianissimo and diminuendo loudness deployed singly or jointly with a low pitch height, or a falling pitch movement, delayed-syllable-timed rhythm, breathy phonation, and a glottal release are turn-delimitative. Local et al. (1986) also found crescendo or forte loudness, raised pitch, a glottal hold, and accelerando tempo as turn delimitative in Tyneside English; these features were also discovered by Local and French (1986) in their study of English language discourses. The fact that Obeng's findings are more or less similar to those of Local et al. (1986) and Local and French (1986), goes a long way towards suggesting that the association between turn regulation and the phonetic cues in question is not specific to Akan or English.

In traditional Akan Native Courts run by the chiefs and their orators, Obeng (2018) showed that there are rules that regulate turn allocation. Particularly, he indicates that it is the arbitrators who determine who speaks and when. Interruptive

talk, he notes, is minimal and is often done by the arbitrators, given their dominant institutional power. Obeng notes further that interruptions are mostly resolved by the arbitrators either using forte loudness, a raised pitch height, command sentences, or by simply asking disputants to stop talking.

Next, we describe our data and method of its collection, and the theoretical frameworks within which this study is framed.

Data and method

The primary data for this study are nine hours of naturally occurring audio-recorded Ghanaian courtroom interactions consisting of civil and criminal cases. Transcripts were done as a referential tool for the analysis of the data using the Conversational Analytic model. Transcription conventions were based on those pioneered by Dubois et al. (1993). The proceedings, which were all bench trials, were audio-recorded over a three-month period (from November 2018 to February 2019) by the second author and two research assistants. Permission was obtained from the Chief Justice of the Republic of Ghana. A total of five district/magistrate courts were observed and recorded in Accra (Greater Accra Region) and Koforidua (Eastern Region); one circuit court proceeding was recorded in Accra. There were sixteen (16) court proceedings with a total of seventy-three (73) speakers. The participant breakdown was as follows: six (6) judges, thirteen (13) lawyers/police prosecutors, ten (10) interpreters and forty-four (44) litigants (defendants, petitioners, plaintiffs, respondents, and witnesses).

On the courts' hierarchical structure, the circuit court is one level higher than the district/magistrate court which is the lowest stage/level of Ghana's English Common Law-based court system. English is the official language of the courts; however, some court participants spoke either Akan (the most widely spoken Ghanaian language) or Gã (the language spoken by the indigenous ethnic group in Accra, Ghana's capital). We translated all non-English utterances into English. The total corpus of the

courtroom discourse was about 50,000 words. Next, we discuss the theoretical underpinning of the study, followed by the results of the study, a discussion, and the conclusions.

Theoretical framework

This study is done within the frameworks of *conversation analysis* (CA) developed by Garfinkel (1967), and Fairclough's (1989, 2015) theory of *language and power*. CA is elucidated in the seminal works of Sacks (1984), Sacks et al. (1974), Drew and Heritage (2006), and many others. CA takes as its object of study, the comprehensive ways in which members of a social group or society collectively constitute the social and interactional situations they are in, as well as the social actions and interactions they perform in those domains. Specifically, CA practitioners inductively and rigorously examine techniques that members of a social group themselves employ to account for and act within their own social ecologies to make sense of the talk-in-interaction they are engaged in (Garfinkel, 1967, Sacks et al., 1974). Therefore, in employing CA, we will focus on the means via which the turn taking system proceeds, how it is facilitated or hindered by the local interactional context, and what judicial interactional participants say as well as how they say it as it relates to the turn taking system. We will pay attention to various turn transitional indicators, instances of interruption and whether and how such interruptions are resolved. Emphasis would thus be put on the transcribed recorded data and the patterns recurrently displayed in them.

In employing Norman Fairclough's theory on *language and* power, we are fully aware that CA practitioners ignore such issues as the social groups of the participants, the formal or informal nature of the interaction and participants' relationships (i.e., whether they are friends or distant acquaintances). We however take all the above relationships into consideration in our analysis. Thus, even though we are aware of the distinct and even contradictory nature of the theoretical and methodological

orientations of CA and language and power, we employ both theories. We see the analytical benefit of bringing both theories to bear on our data, given the deeper understanding that they will provide about the 'local' interactional context and that of the 'larger' social relational context of the participants as they operate in the judicial ecology.

We align with Fairclough's (1989) claim that access to and participation in the power fora of society is dependent on having knowledge of the language of those power fora. We also agree with Fairclough in noting that using the language of power "enables personal and social gains to be achieved" (p. ix). We will therefore examine how and to what extent the interlacing of language and power shape each other during turn taking management in our studied power-ridden, socio-judicial institutional context. We anticipate the more powerful judicial participants having more interactional power and thus using the language of control to manage the turn taking system. To unearth this chiasmus of language and power in the judicial ecology, we will pay attention to the form or structure of the language used by all participants (as they relate to the turn taking system) as well as how the participants interpret the contributions of other actors via their inferencing or gap filling. We will especially take into consideration how participants respond to each other's texts by either assuming next turn speakership or interrupting current turn holders. We will identify and analyze the lexical and grammatical values of the texts by inspecting whether the words showed relationships between the interactants and how those relationships played out in the turn taking management. Next, we present and explain the results of the study.

Results

After a close examination of the data, two main means of determining speaker turns were identified. The first is when a current speaker selects the next speaker by directing a statement, question or command toward them. The second is when a

speaker self-selects and claims the floor of their own initiative. The frequency of occurrence of these means of turn allocation was moderated by the roles, identities and power of the various participants. These dynamics will be explicated below.

Current speaker selects next speaker

A methodical attention to the data reveals that there are cases of "current speaker selects next speaker" turn taking types as seen in Extracts 1, 2 and 3 below:

Extract 1

Context: Judge selects a lawyer via a question and the lawyer takes up the offer and becomes next speaker.

T1	**JUD:**	Chief (0.5) are we done?
T2	**LAW:**	Oh yeah.

Extract 2

Context: Same as (1) above but with an added task being put on the prosecuting attorney to complete the presentation of his case and questioning of a defendant.

T1	**JUD:**	I hope this one too you are finishing today.
T2	**LAW:**	Oh yeah (0.5) yes. I will finish.

In Extracts (1) and (2), JUD selects a prosecuting attorney, LAW, using what are syntactically *yes-no* questions; questions that require an answer to be located on a positive-negative spectrum or an answer with an affirmation or negation of the proposition in question. In Extract (1), the prosecuting attorney answers informally, using the pragmatic marker, *oh,* and an informal affirmation marker*, yeah*. Use of the informal marker suggests solidarity between the judge and the prosecuting attorney. In Extract (2), the judge's turn, even though a question, is framed as a statement to give the appearance of it not being an imposition. Note, however, that it is more

imposing than that of Extract (1), cognizant of the fact that it forces the lawyer to finish the presentation of his case as well as the questioning of the defendant. The prosecuting attorney's response is in the affirmative and is rendered in a unique way both syntactically and pragmatically. The pragmatic marker, *oh*, functions as a preface to a statement that seeks to correct a mistaken assumption in the prior talk. The judge's statement contains an inference that the lawyer is not likely to finish on time. The lawyer's use of *oh* in his response serves to dispute that. This is followed by an affirmation involving a repetition of certainty of completing his task, one in an informal form, *yeah,* and the other in a formal form, *yes*. These are then followed by another expression denoting affirmation, *I will finish*. Note that in Ghanaian courts, the interactions tend to be formal so the use of informality reflects the friendly atmosphere created by the judge between him and the other judicial professionals. This was not necessarily extended to the disputants.

The next extract, (3), is quite different from (1) and (2) because besides it being longer than (1) and (2), there are three speakers, namely the judge (JUD), an interpreter (INT) and the petitioner (PET). Also, two languages, English and Gã, are used. Given that the petitioner, PET, did not speak English, a court interpreter was employed.

Extract 3

Context:A Gã-speaking PET is seeking a divorce. The judge attempts to establish the facts of the case to ascertain that the case is ready for adjudication. The PET wrongly thinks that being separated from her husband meant he was no longer her husband and the judge corrects that misconception. The PET, even though surprised, accepts the judge's correction.

T1 JUD: How do you know him?

T2 INT: *Nɛgbɛ nɔ ni okɛ le lɛ* 'In what way do you know him?'

T3 **PET:** *Mile lɛ akɛ be ko ni eho lɛ mihefatalɔ ni.* **'**I know him because a while back, he was my spouse.'

T4 **INT:** My lord…I know him…sometime ago…he was my husband.

T5 **JUD:** So now why are you here if he's not your hus band?

T6 **PET:** It's-(0.5) *e– e– e– lɛ eshwie mi..kɛɛ jeee yoo ni akɛ hiɔ shi ji mi.*

'He left me … he said I am not the type of woman one should be married to.'

hewɔ..ekɛ emami—

'So he and his mother— '

T7 **INT:** *Jeee nakai* question *abiɔ bo.*

'That's not the question you are being asked.'

T8 **JUD:** If you knew him as some time ago he was your husband then I don't know why you are before me with a petition for divorce. Then it means you're not married?

T9 **PET:** *Wɔbɛ..*separation*..hewɔ lɛ—*

'We are not together anymore … separation ... so— '

T10. **JUD:** *Hɛɛ* ..so irrespective of the separation he is still your husband.
'Yes..so irrespective of the separation he is still your husband.'
Aloo miimale ?
'Or am I lying?'

T11 **PET:** Oh okay.

In T1, the judge, JUD, selects the petitioner, PET, using a wh-question, a question requiring PET to provide an answer located on the spectrum relating to the condition, extent or degree of knowing the person about whom the question is being asked – her husband. By the rules of the court and mindful of the fact that PET did not speak English, the interpreter, INT, self-selects and translates JUD's question into Gã, the language spoken by PET. PET takes up the floor and answers JUD's question (T3). In assuming the floor in T4, INT prefaces his turn with the institutionally appropriate polite address form, *my lord*. INT's final stretch of his turn, *he was my husband*, is a complete sentence, the end of which is a TRP and hence an invitation for JUD to self-select, which he did. JUD's utterance in T5 is a question which selects PET to provide information regarding the reason for being in court if the defendant was no longer her husband.

When in T6 PET provides an answer that INT (and the court for that matter) determines to be irrelevant to the locus of JUD's question, INT immediately self-selects and tells PET that her answer did not address the question that was asked. In so-doing, INT interrupts PET so that PET can give no further details. JUD self-selects in T8 to comment on the absurdity of PET's answer. PET then assumes turn ownership in T9 to clarify the situation: the fact that she and her husband are separated. Before she can complete her turn, JUD self-selects in T10 to educate her on what constitutes a legal divorce. His interruption signals that he does understand some Gã and did not need an interpreter in this instance. His explanation is syntactically a complete sentence marked by the independent clause, *he is still your husband*. As this is a TRP, one would expect the interpreter to self-select and render JUD's turn into Gã. Instead, PET, in T11, assumes turn ownership by issuing the utterance, *Oh okay*, signifying surprise but acceptance of the explanation provided by JUD. In responding without waiting for interpretation, it becomes clear that she also understands English to some extent.

The question-answer adjacency pairs[1] in the above excerpt suggest that the turn taking system is institutionally determined and yet, collaborative. It is institutionally determined and thus controlled by the court officials because it is the institutional authorities who pose questions and make statements that invite other interactional participants, especially the complainants and defendants, to assume turn ownership to provide answers to the questions that are asked and to address issues that are raised in the statements made. It is collaborative because it comes under the management of all parties even if some parties exert more influence in the actual allocation of turns.

Turn assumption by interruption

In the next two excerpts, we do not find smooth current speaker selects next speaker turn-taking formats. Rather, we find interruptive or overlapping talks in which a judge interrupts a prosecutor (a policeman acting as a prosecutor), shown in Extract (4), and another in which a judge interrupts a plaintiff, shown in Extract (5).

Extract 4

Context: The police prosecutor asks the judge to adjourn the case till the next day but the judge refuses. While pleading with the judge to adjourn, the judge interrupts his turn.

T1 **PCP:** So, your lordship I I'll I will fini– I'll finish
tomorrow. I am pleading with–
[I'm pleading with you pl]—

T2 **JUD:** [Tomorrow so you want to g]ive me load for
tomorrow..but you don't want load for today..
let's go..*oya*.

T3 **PCP:** Oh..your lordship I'm I'm pleading with you
that I—

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[1] Pairs of utterances (such as question-answer, offer-acceptance) in which the occurrence of the first part requires the occurrence of the second part such that if the second part of the pair is missing it is still expectable (Levinson, 1984).

In T1 in the above excerpt, we see the prosecutor, a policeman (PCP), pleading with JUD for a one-day adjournment of the case he is prosecuting, a plea JUD did not grant. JUD interrupts PCP (T2) and we observe that PCP does not engage in turn competition; he gives up his turn. JUD continues with his turn until he reaches a TRP, the end of a sentence marked by the expressions, *let's go* and *oya* 'let's go' (a Yoruba expression). Repeating his decision to continue with the case with expressions from two languages is interactionally significant. First, he uses the formal language of the courtroom, English, then he codeswitches to an in-vogue informal code, Yoruba. Note that even though Yoruba is spoken in Nigeria, because over a million Ghanaians emigrated to Nigeria in the 1970s[2], words and expressions from several Nigerian languages have been borrowed, especially into Ghanaian Pidgin English (a language of wider communication), so the Yoruba expression, *oya* 'let's go', is in vogue in Ghanaian Pidgin English. In addition, expressions from Nigerian languages have been popularized in Ghana through the many Nigerian films and songs that dominate the entertainment industry. Using a foreign language instead of repeating the English expression, *let's go*, is consistent with dealing with face-threat. Obeng (2012), Movahedi (1996), and others have shown that face threatening acts (FTAs) are sometimes easier to deal with in a foreign language.

When JUD finishes his turn (T2), PCP comes back to the floor in T3 to plead further, his request for adjournment of the case. The fact that PCP terminates his turn when he is interrupted and only assumes turn ownership after JUD finished his turn is indicative of the power dynamics in the courtroom. The non-congruent nature of the interaction is made manifest and the dominant actor's (JUD's) power in turn allocation and management is brought to bear on the discourse domain.

In Extract (5) below, we observe a next speaker selection overlapping a current speaker's turn during a news receipt.

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[2] Nigeria deported the Ghanaian immigrants in 1983.

Extract 5

Context: A plaintiff's (PLT) case was transferred to ADR (Alternative Dispute Resolution) for resolution. He returned to the court to inform the judge about the success or otherwise of this arbitration method. The judge thought that ADR was unsuccessful in finding a resolution. When the plaintiff mentions that the case had been resolved, the judge is pleasantly surprised.

T1   **JUD:**   Have I seen you here before, I've seen ADR[3]
#ADR why you didn't settle?

T2   **PLT:**   We've se[ttled].

T3   **JUD:**   [Oh] you settled. Oh that's good...
that's good.

The interruption in T3 occurs because the next speaker (JUD) recognizes that PLT's turn in T2 is coming to an end. In T1, JUD had asked PLT "Why, you didn't settle?". "We've settled", was thus an expectable answer in the question-answer adjacency pair. Given that the answer was predictable after the phrase, *we've*, and the initial syllable, /**se.**/**,** JUD could reasonably assume that this was a transition relevant place (TRP) i.e., the end of a sentence. The interruption was thus turn non-competitive.

In T1 of Extract 6, we have a TRP marked syntactically by a sentence ending. The lawyer, LAW, interprets the end of the syntactically complete sentence as a TRP and consequently issues the supportive, *mm hm*, to encourage the current speaker, INT, to continue his turn. It therefore comes as no surprise when INT's utterance, *At Miotso*, overlaps LAW's continuer, *mm hmm*.

Extract 6

Context: In this case involving a dispute over pay for work done on a new construction, the lawyer interrupts the interpreter to <u>prompt him about</u> problems in his interpretation.

[3]   ADR stands for Alternative Dispute Resolution

T1   **INT:**   So my Lord the defendant took me to the site.

T2   **LAW:**   [Mm hm]

T3   **INT:**   [At Miotso] (0.5) where he is putting up a building..@@ He just arrived.

T4   **LAW:**   Oka=y no (0.5) I think you have not finished the con— he said something.

T5   **INT:**   Yeah he has been working for [him]

T6   **LAW:**   [No] he said [₂when he]—

T7   **JUD:**   [₂He went with me] to the site and I met—

T8   **LAW:**   [₃Ahaa⁴]

T9   **INT:**   [₃Oh](1.0) sorry.

       The smooth speaker exchange between INT and LAW in T3 and T4 occurs at a TRP marked by a sentence ending, *He just arrived*. LAW's initial word, *Oka=y* is a news receipt marker. The speaker exchange between LAW and INT in T4 and T5 is also smooth with the end of the sentence, *He said something*, being turn delimitative. Like the previous adjacency pair, T3 and T4, INT's first word, *yeah,* in T5, signals agreement with some received information.

       T5 and T6 also constitute an adjacency pair, a statement-disagreement pair in which LAW, in T6, disputes the fact stated by INT in T5. The first word of LAW's turn (T6), *No*, overlaps the last word of INT's turn, *him* in T5. INT, in T5, does not continue his turn even though his statement is disputed by LAW in T6. What is interesting is JUD interrupting LAW's turn to

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⁴ *Ahaa* is a discourse-pragmatic marker commonly used in Ghanaian languages and Ghanaian English. It is used in a situation where there is some ongoing debate or lack of consensus regarding a set of facts. The production of *ahaa* signals that the speaker is satisfied with or agrees with the position taken by the previous speaker.

provide the needed clarification to settle the matter. Afterall, he is the only one writing down the proceedings and therefore has the most accurate record. Consequently, LAW, in T6, truncates his turn. JUD, after winning the turn, then truncates his turn. In T8 and T9, LAW and INT come in at the same time with LAW expressing satisfaction with the clarification by his deployment of the interjection *ahaa,* while INT issues an apology ("Oh sorry") for his failure to interpret accurately. What is important, however, is that both LAW and INT treated JUD's truncation of his utterance (T7) as a TRP. LAW takes the opportunity to express pleasure at finally getting the interpretation he wants, and INT takes the opportunity to issue an apology.

From the above excerpt and our elucidations, we discover that the turn taking system is under the collaborative management of the judicial professionals with the judge being the dominant actor given his institutional status as well as the fact that he is the one with access to all the records.

Self-selection and its consequences

In several of the extracts examined, self-selection has been observed. This occurs when no participant has been specifically selected as speaker by another by way of directing a question or statement at them. For example, in T7 of Extract 3, the interpreter self-selects to tell off the plaintiff for deviating from the issue at hand. In T7 of Extract 6, self-selection is done by the judge to correct a record. Self-selection is also a component of interruptive talk because the speakers take it upon themselves to claim the floor from another speaker when there is no obvious TRP. We observed in our data that self-selection was predominantly carried out by more superior court participants such as judges and lawyers and even interpreters. Indeed, when less powerful participants such as defendants, plaintiffs and witnesses self-selected to obtain the floor, they would on occasion be met with a sharp reprimand, whereas other more powerful participants suffered no consequences for similar behavior. In Extract 7 below, a witness is warned by

the interpreter to desist from speaking when he has not been directly addressed. In effect, the interpreter warns him against self-selection in order to gain the floor.

Extract 7

Context: An interpreter tells a plaintiff that if he has not been asked a question, he must not speak.

T1	**JUD:**	Please you can step down,
T2		You are discharged.
T3		Are you going to call a witness?
T4	**PTF:**	Can I call [##]
T5	**DEF:**	[*Amɛyɛ biɛ nɔŋŋ*]. 'They are right here'
T6	**X:**	@@@
T7	**INT:**	*Kɛ abiko bo sane lɛ kaawie*. 'If you haven't been asked a question, then don't speak.'

In T1-T3, JUD informs PTF that he is discharged and queries him on whether he has a witness. In posing the question, JUD selects plaintiff (PTF) as the next speaker, to which PTF obliges and proceeds to respond with a question of his own, the premise of which provides an affirmative response to JUD's inquiry. However, before PTF's turn is complete, he is interrupted by the defendant (DEF) in T5, who, anticipating the identity of the witness, offers information on the witness's location ("*Amɛyɛ biɛ nɔŋŋ.* 'They are right here.'"). This unauthorized claiming of the floor is met with a telling off from INT, who engages in the same self-selection he chides DEF for. Similarly, in Extract 8, an interpreter berates a defendant for self-selecting.

Extract 8

Context: An interpreter scolds a defendant for claiming the floor without prior approval from her.

T1   **DEF1**: <GA *Nɔ ni ewieɔ lɛ fɛɛ #jeee #nakai.. Mi*

minako lɛ daŋ GA>. 'All that he is saying is not true. Me, I have never seen him before.'

T2   INT: …I put it to you...all what you are telling the court… is not true...I have never set…my eyes on you.

<AK *Nea woreka kyerɛ* **court** *no nyinaa no ɛnnyɛ nokware..Me menhuu wo da* AK>.'All that you're telling the court is not true. Me, I have never seen you before.'

T3   DEF2: <AK *Mepa wo kyɛw*— AK> 'Please—'

T4   INT: <AK *To wo bo. Waba ha aba ha aba ha. Woahu sɛnea adeɛ no yɛ yɛ no* AK>. 'Be patient'/ 'Wait!' 'You have come here over and over again. You are familiar with how things are done.'

..Aha. Aha. 'Okay!'

..<AK *Afei yi ano. Wote ye=s ansa na woayi ano wai* AK>. 'Now, answer. When you hear, "yes" then you answer okay?'

After the first defendant (DEF1) presents his rebuttal in T1 in the Gã language, INT claims the floor as is demanded of her professionally and interprets it into English and then Akan (T2). The end of INT's turn is turn delimitative as it is sentence-final. The second defendant (DEF2) immediately claims the floor by speaking up (T3) but is quickly interrupted by INT who tells him to wait his turn to speak. Specifically, she scolds him for violating the turn-taking rules of the court even though, as a frequent court user, he should know better.

It is clear from these extracts that there are norms when it comes to organizing and managing turn allocation in the courtroom. These norms are different for courtroom actors of

different statuses and power. Judges, who sit atop the hierarchy, have freedom to assume turn ownership whenever they deem it appropriate, even when another participant is speaking. Lawyers too have some freedom to decide when to speak up. In courtrooms with interpreters, these interpreters also possess a lot of power which they employ to manage turns. Lay participants have the least power, as seen in the constraints placed on them regarding the ability to speak up when they choose. Below, we sum up our findings and discuss their implications.

Discussion and conclusion

From the above results and their explications, we proved that institutional role is important in turn taking in Ghanaian English-based judicial interactions. Specifically, we showed that it is the institutionally powerful actors who, in the main, allocated the turns at talk. Principally, the judges, who by their institutional status had the most power, controlled the turns at talk. In terms of control over turn-taking, judges were followed respectively by the attorneys, police prosecutors, and court interpreters. The disputants (complainants, petitioners, and defendants) had the least power in turn allocation and turn management and came in only when selected.

The above-mentioned observations bolster the claims identified in earlier studies by Wesley et al., (2019), Obeng (2018), Heritage (1998), Berk-Seligson (2009), Rigney (1999), and Adelswärd et al. (1987) who discovered that the speaking turns of powerless court actors are constrained and are constituted mainly by information the court needs from them to ascertain the facts of their cases. Obeng (1999, 2018), for example, found similar patterns in Akan Native Court interactions where the arbitrators (the powerful court actors) were mostly responsible for turn management. The results of our study and those found in the literature point to the fact that powerless actors speak only when the more powerful actors speak to them or ask them to do so.

This study also supports Agar's (1985) claim that institutional discourses are dominated by structures consisting of question-answer adjacency pairs that give the powerful court actors control of the interactional management, including the turn taking system. From our data, we also observed that besides the question-answer adjacency pairs, there were statement-reaction pairs. The second parts of the statement-reaction pairs were produced almost always by the dominant institutional actors.

Moreover, we discovered that on occasions when interactants with lower socio-institutional statuses self-selected, they did so to accept a point being made by a person of higher institutional status. In some cases, when self-selection from lay participants was considered interactionally inappropriate, their turns were curtailed, and they were admonished by the more powerful participants against taking such liberties.

In cases where there were overlaps, such overlaps were turn non-competitive. Of significant importance was the fact that such overlaps were initiated by the participants with institutional power, with the judges being the main interactants who initiated such overlaps. Also, such overlaps were short and were thus resolved quickly with the interactants with less power terminating their turns. Extracts 5 and 6 exemplified the above assertions. The above findings align with those of Obeng (2018), Heritage (1998), Mooney (2014), Wang (2012), Coulthard and Johnson (2007), as well as those of Berk-Seligson (1999, 2009), Rigney (1999) and Adelswärd et al. (1987), among many others about the relevance of institutional status and power in turn construction, turn management and overall interactional management in judicial domains.

Structurally, this study has demonstrated that in Ghanaian judicial discourse, transition relevance places – places where turns ended – were marked by sentence (questions and statements) endings. Phonetically, pausal phenomena were found to be turn delimitative. Also, some overlaps occurred when pauses were

present and interpreted by next speakers as current speaker's intention to terminate their turns. Other overlaps occurred when potential next speakers came in to challenge the validity claims of a current speaker.

In conclusion, by employing conversation analysis (and thus using transcripts of naturally recorded court proceedings) and language and power, we have learned about the social construction of law and order in Ghanaian jurisprudence. Particularly, this study has shown that interactional management (especially, turn allocation) in the Ghanaian judicial domains is impacted by speakers' roles and identities. The study has shown further that due to the non-congruent nature of the interaction between judicial professionals (judges, lawyers, and prosecutors) and the non-judicial professionals (i.e., defendants, witnesses, and plaintiffs), self-selection by the powerless actors in turn taking is problematic. However, such a problem is easily solved with an interruption by the powerful actors, thus emphasizing the courts' appropriation of considerable power over the dominated actors and therefore restricting the dominated actors' interactional role in turn taking in particular, and interactional management as a whole.

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Appendix – Transcription Conventions

DEF:	defendant
INT:	interpreter
JUD:	judge
LAW:	lawyer
PTF:	plaintiff
PET:	petitioner (in divorce case)
X:	unknown speaker
..	pause (less than 1 second)
…	pause (more than 1 second)
#	unintelligible syllables
#who #did	uncertain hearing
@	laugh pulse
<AK AK>	codeswitching to Akan
<GA GA>	codeswitching to Gã
[word]	overlap
–	truncated word
—	truncated turn
=	lengthened syllable