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For queries and submissions, please contact the Editorial Office at editor@pragmaticsng.org; jo.ayodabo@acu.edu.ng

We look forward to your invaluable contributions to the advancement of knowledge in the field of pragmatics.

Sincerely,

Prof. Olatunde Ayodabo

Editor-in-Chief

[*Research in Pragmatics*](#),

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Manipulative Strategies in Wole Soyinka's *The Trial of Brother Jero* and *Jero's Metamorphosis*

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Introduction

The efficacy of language in any society or community can never be overemphasized; through it, communities are meaningfully structured and stratified. It is a major channel through which ideas and emotions are exchanged effectively. This means, communicating ideas and emotions is possible through the instrumentality of language. With the numerous known functions that language performs in a community, it is not an understatement to say that society cannot exist without language and vice-versa. It is in this light that scholars such as John Gumperz and Jenny Cook-Gumperz, "Studying language, culture, and society: Sociolinguistics or linguistic anthropology?" *Journal of Sociolinguistics* 12.4 (2008); Einar Haugen, "Dialect, Language, Nation" *American Anthropologist* 68.4 (1966); Florian Coulmas. "Sociolinguistics: The Study of Speakers' Choices" (2005); Richard Anthony Hudson, "Sociolinguistics" (1996); among others elucidate the social use of language for effective communication in any society.

The social use or function(s) of language are classified into transactional and interactional functions by Gillian Brown and George Yule, "Discourse Analysis" (1983). By transactional function, language is used for information purposes while the interactional function deals with the use of language to form and maintain relationships. An integral aspect of the interactional function of language is its manipulative function which is the focus of this present study.

The manipulative function of language or manipulative language, therefore, deals with the deliberate use of language resource(s) to gain an advantage at the expense of other(s) or to influence or control others in a witty manner. Manipulative uses of language can be in the form of euphemism, orwellism, doublespeak/obfuscation, slanting/innuendo, weasel words, sexist language, fine print discourse, glittering generalities, bandwagon expression, plain folks, and fear expression. It usually involves an element of the speaker's hidden but negative intention (s) which is obscure to the other interactant(s) in any

interactional engagement. This view is further buttressed by Akopova Asya (2013) when he says “Manipulative functions of discourse create a covert, masked layer of linguistic data that is not easily separated from purely informational content.” His view does not only foreground the notion of the speaker’s intention that is opaque as an integral component of manipulative language but also sees manipulative language as an act that goes beyond speech acting of informative language. As observed by Akpoya Asya (2013), manipulative language sits between legitimate information and a lie. It is important to know that a lie and manipulation are not necessarily the same. A lie and manipulation can be distinguished by the type of truth they are opposing; a lie opposes “semantic truth”, while manipulation opposes “pragmatic truth”. This makes manipulative language a discourse of pragmatics. Hence, to unpack manipulation either in oral or written discourse (text) there must be special recourse to context, which has the capacity not only to process intention but also has the power to unravel both said and unsaid contents of language. It is therefore a worthy enterprise to unravel manipulative function(s) of language in both oral and written texts as this will help to know different manifestations and strategies of manipulative language. It is in this light that this study studies the manipulation of intentions and goals through the instrumentality of language in Wole Soyinka’s *the trials of Brother Jero* and *Jero’s Metamorphosis*.

1.0. Situating the research

Extant on Wole Soyinka’s *The Trial of Brother Jero* and *Jero’s Metamorphosis* from linguistic perspectives, have focused on lexico-semantic features, fraud, speech acts, presupposition, and participant pragmatic roles. Simeon Ajiboye, “Pragmatics roles in Wole Soyinka’s *The trials of brother Jero and Jero’s metamorphosis*”. *Studies in Literature and Language*. (2020) examines various participants’ pragmatic roles in the text and the pragmatic functions that foreground those roles. He identifies a social-informed role which divides into a deceiver, debtor and creditor roles; and the religious-informed role which splits into prophet, discipler and disciple roles. Léonard Koussouhon Koussouhon and Moustafa Guezohouezon, “Human Comedy in Wole Soyinka’s *Jero’s metamorphosis: A Pragmatic Analysis*” *International Journal of Education & Multidisciplinary Studies* 4.1 (2016) use presupposition, implicature, illocutionary force and inference to explicate meaning in the text. Joseph Osoba “A Linguistic Analysis of Wole Soyinka’s *The Trials of Brother Jero*”

Crossroads: A Journal of English Studies 4:1 (2014) examines presupposition as an important tool to excavate meanings in the texts. Simeon Ajiboye's Discursive Context of Fraud in Soyinka's *The Trials of Brother Jero and Jero's Metamorphosis*". *Ibadan Journal of English Studies* (2013) provides a pragmatic approach to the issue of fraud in the text as he identifies two types of context, namely, the context of conflict and the context of leadership ambition. He also identifies various discursive strategies used in the identified contexts. Similarly, Balogun (2010), using Akin Odeunmi's "notion of contextual belief" (2005), considers the centrality of context to meaning production and generation. He identifies contextual features like shared knowledge of the topic of discussion, shared knowledge of the word choices, reference, inference and context as pragmatics resources drawn upon by characters in the text to process and negotiate meaning. Eke, "A Linguistic Appraisal of Playwright – Audience Relationship in Wole Soyinka's *The Trials of Brother Jero*". *Babel* 42.4 (1996) considers lexico-semantic and morpho-syntactic features of the text where he identifies the graphitic and graphological features of the text. Obilade (1993) works on the sociolinguistic variation of the text with emphasis on Pidgin English. He submits that Pidgin English is used in the text as a portrayal of characters which aids the understanding of the text at a deeper level. He believes that the use of Pidgin English in the text contributes to the meaning comprehension of the text. This is reflected in the character of Chume whose use of Pidgin English portrays him as a fool, an unintelligent and dull person.

Unlike the earliest studies of the text, especially from the pragmatic angle, none of them has looked at how language is manipulatively used to negotiate goals and intentions in the text which is the focus of this present study. Therefore, this study looks at various manipulative strategies used to negotiate intentions and goals in religious activity.

3.0. Theoretical perspective

Levinson's notion of activity types stems from Wittgenstein's language game which suggests that 'understanding a language, and by implication having a grasp of the meaning of utterances involves the nature of the role the utterances play' (Levinson: 1979). Stephen Levinson defines activity types as:

any culturally recognized activity, whether or not that activity is co-extensive with a period of speech or indeed whether any talk takes place in it all. In particular, I take the notion of an activity type to

refer to a fuzzy category whose focal members are goal-defined, socially constituted, bounded, events with constraints on participants, setting, and so on, but above all on the kinds of allowable contribution. (366)

There are six parts of activity as identified by Jenny Thomas, "Meaning in interaction" (1995), namely, the goals of participants (the goal of the individual interactants within an activity or in any interactional engagement rather than the overall goal of the speech event, and it is susceptible to change in the course of the interaction), allowable contribution (the limit of what and what cannot be said based on the nature of the interaction), the degree to which Gricean maxims are adhered to or are suspended (this deals with the observance or non-observance of the maxims of quantity, quality, manner, and relevance, and they are used to influence meaning in the interaction), the degree to which interpersonal maxims are adhered to or suspended (this deals with observance or non-observance of politeness maxim in a particular activity.), Turn taking and topic control (the extent to which an individual can use turn taking rules to his advantage and control the topic of discussion in order to establish his goal), the manipulation or pragmatic parameter (to what degree can language be harnessed to create power, social distance, obligation, right, formality and informality in a discourse). By and large, Stephen Levinson cited by Akin Odebunmi (2008) suggests that context is not just a situation in which participants find themselves interacting without purpose, but rather context is constructed in interaction. This is corroborated by Jenny Thomas when she says "Participants by their use of language, also contribute to meaning-making in any activity" (194). This theory is relevant, in this paper, as it is capable to reveal the participants' use of language, through its features, as a tool of manipulation to achieve interactional goals and intentions.

4.0. Methodology

Utterances from Wole Soyinka's *The Trial of Brother Jero* and *Jero's Metamorphosis* constitute the data for this study. The utterances are randomly selected based on their relevance to the issue under consideration as they reflect the issue of negotiation of goals and intentions in the text. The data were subjected to pragmatic analysis adopted for using Levinson's notion of activity type. This theory is selected because it is concerned with discursivity and

interactional nature, sequence and situatedness of discourse and participants' negotiated use of language to achieve goals and intentions.

The paper adopts a top-down analytical method to unpack different manipulative resources. This is realized through categorizing, defining, characterizing and exemplifying the names in tandem with the objectives of the study and in the application of aspects of the theoretical insights.

5.0. Analysis and findings

Each part of the analysis portrays the pragmatic design of the interaction, their contextual imports, and the manipulative strategies used by participants to negotiate their goals and intentions. It should be noted that these manipulative strategies are found in the context of religious fraud. Four discursively-manipulative strategies are identified in this text, namely, construction of situation and topic control which bifurcates into pre-empting, remembrance of the past and certainty of the future and prediction; investigation and shift of ground; prognostication, and construction of deception. Each of these is analyzed below.

5.1. construction of situation and topic diversion

Construction of situation and topic control refers to instances where a participant does not only control the situation but also dictates and controls what is to be discussed during interactional engagement to achieve his/her goals. This is done at various points where necessary, as the person with power does not only divert the situation of the event by changing the topic of discussion but also controls the situation surrounding the interactional event. This strategy manifests in the form of pre-empting; remembrance of the past and certainty of the future; and prediction. This particular strategy is used by Prophet Jero to achieve his goal of keeping people he interacts with as members of his church. Oftentimes, he changes the course of discourse based on the asymmetric power relation that exists between him and the people with who he relates. Each of these strategies is taken in turn for explication

5.1.1. Pre-empting

Pre-empting as a subsidiary of the construction of situation and topic diversion deals with assured anticipation about what is going on with another participant. It is used to forestall or prevent the other participant in any interactional encounter from saying what s/he has at heart, hanging on an assumption of knowing what is wrong with the person. Prophet Jero uses this strategy to prevent Chume from

saying and establishing his troubles because he wants to keep Chume as a member of his congregation.

Excerpt 1

1. JERO... I am glad I got here before any customer. I mean worshippers- well,
2. customers if you like. I always get that feeling every morning that I
3. am a shop- keeper waiting for customers... Stranger, dissatisfied.
4. Once they are full, they won't come again. Like brother Chume. He
5. wants to beat his wife, but I won't let him..... As long as he doesn't
6. beat her, he comes here feeling helpless, and so there is no chance of his rebelling against me.
7. JERO. (not opening his eyes). Pray with me, brother...
8. CHUME. (falling down at once). Help him, help him, Lord.
9. JERO. (rising). God bless you, brother.
10. CHUME. Good morning, Brother Jeroboam. (turn around).
Chume.
11. JERO. Chume, you are not at work. You've never come here before in the morning
12. CHUME, No. I went to work but I had to report sick.
13. JERO. Why, are you unwell, brother?
14. CHUME. No Brother Jero ...I...
15. JERO. An ah, you have troubles and you could not wait to get them to God.
16. We shall pray together.
17. CHUME. Brother Jero...I... (he stops altogether)
18. JERO. Is it difficult? Then let us commune silently for a while
(*CHUME fold his arm raise his eyes to Heaven*)
19. I wonder what is the matter with him...He is crude, but then that is to my advantage.
20. It means he would never think of setting himself up as my equal.

The interaction opens with Jero's explicit intention and goal of keeping and holding on to his flock by not only deceiving them but also by keeping them dissatisfied as obvious in lines 1 to 6. He denies the members of his church their various goals by not granting their various requests and by keeping the truth of his personality away from them. Jero's fraudulent act is revealed in the excerpt above through his utterances and his interaction with Chume. The excerpt shows a display of asymmetric relations between Jero and Chume. He uses his wielded religious power to control Chume and other members of his congregation. This is obvious not only in the manner Jero addresses Chume by his first name, while Chume uses honorific terms in lines 10 and 11 but also in the way Chume responds during prayer session in line 8. Though the act of kneeling is expected in any religious activities, especially during prayer sessions it also reveals power structure in a religious circle. Jero takes advantage of his wielded religious power to control Chume's situation and to divert the topic of discussion to manage and establish his fraudulent intentions.

Jero employs an inquiry device through an indirect speech act in line 10 and this also foregrounds the asymmetric power relation between Chume and Jero. Jero's use of pre-empting strategy is also seen through inquiry devices to control the situation and divert the topic of Chume's discussion in lines 6 to 15. Jero pre-empts what possibly could be happening to Chume, without yielding the floor to Chume to explain what is troubling him. He uses his wielded power to silence Chume in lines 15 to 18. This is the strategy he uses to keep Chume under control and as a perpetual member of his church. It is obvious in the above interactions that through the strategy of pre-empting, Jero does not only control the situation but also diverts the topic of discussion by holding on to the floor of interaction without yielding it to Chume to make his case known despite several interactional interruptions attempt from Chume.

Similarly, line 5 reveals that Jero is not expecting Chume at the time he shows up, a situation that Chume responds to adequately. Up till line 7, the conversation/interaction observes Paul Grice's (1975) maxims of cooperation principle. He pre-empts what could be disturbing Chume in line 9 through interruption and consequently gives him instruction to take it to God in the prayer which Chume has to obey. He does not allow Chume to say his mind but interrupts him, a method he uses to gain control of the discussion and divert the topic of discussion to keep Chume his subordinate.

5.1.2. Remembrance of the past and certainty of the future

Remembrance of the past and certainty of the future is a subset of the construction of situation and topic diversion. This strategy deals with a situation where past events or occurrences are referred to in the course of the interaction not only to achieve a goal but also as a way to manipulate others to jettison their own desire/goal for another. This is usually done when situations are diverted or topics of discourse are changed entirely by the principal participant who wields power. It is obvious from the text that interactant(s) refer(s) back to the past event as a means of discourse or situation diversion as obvious in the excerpt.

Extract 2

- 1.CHUME. Brother Jero, you must let me beat her
2. JERO: what?
- 2.CHUME: (desperately). Just one sound beating and I swear not to ask again
- 3.JERO: Apostate. Have I not told you the will of God in this matter?
- 4.CHUME: Jus' this one time. I no go ask again...
5. JERO: Brother Chume, what were you before you came to me?
6. CHUME. Prophet...
- 7.JERO: What were you before the grace of God?
8. CHUME: A laborer, prophet...
- 9.JERO. And did I not prophesy you would become an office boy?
- 10.CHUME. You do' am, brother. Na so.
- 11.JERO. And then quick promotion? Did I not prophesy it?
- 12.CHUME. Na true Prophet. Na true.
- 13JERO ... have I not seen you at the table of the chief clerk? And you behind the desk, giving orders?
- 14.CHUME. Very true, Prophet, but ...
- 15.JERO. But? But? Kneel! (Pointing to the ground) kneel!
- 16.CHUME. Prophet! Kneel, sinner, kneel. Hardener of heart, harbourer of Ashtoreth.
- 17.CHUME falls on his knees.

In the above excerpt, Chume intends to seek permission from Jero to beat his wife; a point Jero capitalizes on and uses to achieve his intention of keeping him as a perpetual member of his church. To achieve his aim, Jero denies him permission to keep him as a member of his church which is his overriding goal. Here, as a result of the fluid nature of the interaction, there are mismatched goals and intentions in this context. The disparity in goals and intentions is negotiated and managed through remembrance of the past and certainty of the future through asymmetric power relations between the interactants. Based on the accorded religious power Jero wields, he successfully interrupts Chume from foregrounding his goal of beating his wife as indicated in lines, 4, 8 and 9 by denying the permission he sought for. To achieve his intention, he diverts the topic of discussion and situation by taking over the turn of not only events but also discourse and reminding him of his past condition; a diversion that is not relevant to Chume's utterance in line 5. It is obvious that Jero's responses to Chume's heart desire are a violation of the maxim of relevance (Paul Grice, 1975) but an avenue to divert the line of discussion and ultimately achieve his goal. It is not an overstatement to say that Jero, through remembrance of the past, manipulates Chume into jettisoning his goal. This strategy is pragmatically used to achieve, manage and negotiate his goal which eventually results in success for him but a pragmatic failure for Chume.

Not only does the remembrance of the past used but also the assurance of the future through former prediction to divert the situation of event and to control the topic of discussion as obvious in lines 9 -17. This strategy is also used as a remembrance of the past predictions that had come to fulfillment, and a point of assurance that the predicted ones which have not been fulfilled will eventually be fulfilled. It should be noted that this strategy is used to divert the cause of the situation and to control the topic of discussion through the power relation that exists between the interlocutors as obvious in the interaction above.

Of importance is Jero's display of power as obvious in lines 15 and 16 as he commands Chume to kneel for unwarranted prayer sessions, just because Chume also wanted to assert his goal. Jero; therefore, results in name-calling to exert his authority over Chume and to manipulate Chume into buying his own goal. He does this by alluding to the Bible as he tags Chume, a harbinger of Ashtoreth. Ashtoreth is a god of Syria (cf. Judges 6:10) that must not be worshipped by the Israelites otherwise they will face the wrath of God. He uses this allusion to paint

Chume a sinner that needs forgiveness on the one hand and to divert the situation and the topic of discourse, on the other hand. The metaphor of Ashtoreth is also used to manipulate Chume's goal as something forbidden and evil which needs not pursuing.

It is obvious, therefore, that for pragmatic success to be achieved, a participant's intention and goal have to be jettisoned through available means by the other participant. Also, the construction of diversion of situation and topic of discussion is a strategy used to manage and negotiate goals.

5.1.3 Prediction

Perdition deals with a statement about a future event that will come to pass which is not entirely based on experience. It is used in the text within the context of deception where the role of a deceiver is foregrounded. This strategy is manipulatively used in the text to achieve one particular goal or the other as exemplified below.

Excerpt 3

A man in an elaborate agbada outfit with a long train and a cap standing right, ... He is delivering a speech ... The prophet Jeroboam stands both upright as always, surveying him with lofty compassion

1. JERO. I could teach him a trick or two about speech making.
2. He's a member of the Federal House, a backbencher but with
3. one eye on a ministerial post. Comes here every day to rehearse
4. his speeches. But he never makes them... he is already member
5. of my flock. He does not know it...but he is my follower.
6. All I need do is to claim him...

The MEMBER stops, looks around, resumes his speech

7. MEMBER (*with great pomposity*). Go practice your fraudulence on another person of greater gullibility
8. JERO. Yes indeed. It is you. And you come as it was

9. predicted. Do you not perhaps remember me?... in
10. another world, in another body, we met and my message
11. is for you... Yes, brother, we have met. I saw this country
12. plunged into strife. I saw the mustering of men, gathered
13. in the name of peace through strength. And at a desk,
14. in a large gilt room, great men of the land awaited your
15. decision. Emissaries of the foreign nation hung on your word, and on the door, I read Minister of War...

The Member turns round slowly.

16. ... it is the position of power...

The member moves forward unconsciously. The prophet.....

The above excerpt is between Jero and a member of the House who usually comes to the beachside, close to Jero's church, to rehearse his speech. Jero, who is not unaware of the man's intention and goal, sparks up a conversation with him with the intention and goal of making him a member of his flock. It should be noted that the man intends to be a Minister whereas Jero intends to make the man a member of his flock. Jero familiarizes himself with the man to make the man a member of his flock. With Jero's understanding of the man's goal, he capitalizes on it and aligns his goal with the man to win him to his side. He metaphorically sees the man as a property to be claimed in his expression: "all I need is to claim him" in line 6. This pragmatically unearths Jero's fraudulent attitude and also his deceptive nature through which he manipulates people with both wielded religious power and oratory power. Though the man in lines 7 and 8 is initially reluctant and does not buy into Jero's scheme, this does not deter Jero. Realizing that the familiarization strategy does not work, he resorts to forecast as a means to negotiate his goal. He predicted along with the man's goal and intention based on Jero's *apriori* knowledge. At the instance of Jero's prediction which aligns with the ultimate goal of the man, the man succumbs and eventually becomes Jero's member.

Here, Jero negotiates his goal with his understanding of the man's goal. He manipulates the man through prediction which is in line with the man's intention to claim him as his follower. He aligns his goals through prediction to suit the goal of the man, hence there is a pragmatic success.

5.2. Investigation and Shift of Ground

Investigation and shift of ground refer to a situation where systematic inquiries are made about a certain situation to gain insight into it which will eventually lead to decision-making. This strategy is used to elicit information about a particular situation and the person involved, which ultimately leads to a little shift of ground for the goal to be negotiated, managed and achieved. This strategy is obvious in the excerpt below.

Excerpt 4

1. JERO: From the moment I looked out of my window this morning
2. I have been tormented one way or another by the daughters of Discord.
3. CHUME: (eagerly). That is how it is with me, Brother every day.
4. Every morning and night. Only this morning she made me take her
5. to thehouse of some poor man whom she says owes her money.
6. She loaded enough on my bicycle to lay a stage for a week, and
7. all the thank I got was abuse.
8. JERO: Indeed, it must be a trial, Brother Chume ... and it requires
9. great... *he becomes suddenly suspicions*
10. Brother Chume, did you say that your wife went to make camp
11. only this morning at the house of a ... of someone who owes her money?
12. CHUME: Yes, I took her there myself.
13. JERO: Er ... indeed, indeed (coughs). Is ... your wife a trader?

14. CHUME: Yes, Pretty trading, you know. Wool, Silk, Cloth and all that stuff.
15. JERO: Indeed. Quite an enterprising woman (Hema). Er ...
16. where was the house of this man ... I mean, this man who owes her money?
17. CHUME: Not very far from here. Ajete settlement, a mile or so from here ...
18. JERO: (to himself) so that is your wife.
19. CHUME: Did you speak, Prophet?
20. JERO: No, no. I was only thinking about how little women have
21. changed since Eve, since Delilah, since Jezebel. But we must be
22. strong of heart. I have my own cross too, Brother Chume. This
23. morning alone I have been there in conflict with the daughters of
24. discord ... (to himself with deep feeling). I'd wiling change crosses with you.
25. JERO: What, Brother (Chume)
26. CHUME: I was only praying
27. JERO Ah. That is the only way. But er ... I wonder really what
28. the will of God would be in this matter. After all, Christ himself
29. was not averse to; using the whip when occasion demanded it.
30. CHUME (eagerly). No, he did not hesitate.
31. JERO: In that case, since, Brother Chume, your wife seems such
32. a wicked, willful sinner, I think ...
33. CHUME: Yes Holly One ...?
34. JERO You must take her home tonight ...
35. CHUME. Yes ...
36. JERO: And beat her.

(Kneeling, clasps Jero's hand in his). Prophet!

The above interaction is between Jero and his follower, Chume, who he had earlier denied permission to beat his wife to keep him as a member of his church. But when he realizes, through investigation, that the woman he is owing is Chume's wife, he shifts his ground and aligns his intention with that of Chume. Jero's use of investigation strategy through inquiry proposition in lines 10, 13, 15, and 16 confirms the personality of Chume's wife as the same person he refers to in line 1. Realizing that Chume's wife is the one he is indebted to, he manipulates Chume into beating his wife using religious language in lines 27 and 28. The exchange in lines 1 to 2 reveals Jero's unpleasant experience with a woman which he metaphorically tagged as the daughter of discord. The metaphoric mapping of discord to women is borne out of his experience as he perceives women as instruments of conflict. This is a situation Chume corroborates based on his experience with his wife, Amope, in lines 3 to 7 but not without stylishly seeking permission to beat his wife. Chume's responses in lines 3, 4, 5, 6, 7, 10, 11 and 14 violate Grice's maxim of Quantity which generates an implicature and establishes Chume's intention and goal. The sudden realization of Chume's wife by Prophet Jeroboam through investigation and violation of the maxim of quantity to be the woman he owes changes his intention of denying Chume the permission of beating his wife to evade paying his debt. Jero's control of discourse through investigation does not only show that he tries to elicit information concerning Chume's wife but shows asymmetric power relation that exists between the two interactants as expressions such as 'No ...' in line 20, 'Yes Holy one' in line 33 and 'Yes' in line 33 show the inferior level of Chume and acknowledgment of the instruction given. Chume's intention and goal of beating his wife conformed to the emergent Jero's intention of getting his creditor off his back. Jero, in lines 27 and 28, alludes to the biblical situation of Jesus' use of the whip on traders in the temple to manipulate Chume into beating his wife. Reference/alluding to the Bible is done in such a manner that Chume is not aware of Jero's newly discursive emergent intention and colorizes the permission he grants Chume as the will of God. At this point, both interactants' goals are aligned and therefore, result in the pragmatic success of the interaction. To negotiate his goal, Jero strategically investigates and gathers information that is necessary which invariably makes him shift ground to achieve his emergent goal.

5.3. Speechifying and prognostication

Speechifying is a process where a particular individual sweet-talk a group or a person into buying his/her point of view, while, prognostication is a situation

where a statement is released about what will happen in the future. These strategies are used as manipulative strategies to negotiate intentions and goals in the text, especially in the context of conflict.

Excerpt 5

1. JERO. (*going progressively into a sermonic charting style*).
2. Brother Chume, you should thank the good Lord, not blame
3. him for the situation in which you found yourself. When he, in
4. his wisdom saw fit to place wing on my feet and make me fly
5. upon desert beach away from your flaming cutlass of wrath, it
6. was hot, be assured, my life upon which he set such value. No,
7. Brother Chume, it was yours. Yours! ... In three months you
8. received tender one and treatment your good woman Amope
9. seeing her husband in danger of losing his reason proved once
10. again that a heart of gold beat beneath her shrewish nature ...
11. Oh Brother Chume, praise the Lord ... for the gift of reason
12. and the gift of life. Then praise him for the coming promotion, yes your coming promotion ...
13. CHUME: (hesitant) Promotion?
14. JERO: Of whose glad tiding I am made humble bearer ... make
15. your peace with Brother Chume and take with you this peace
16. offending. The good tiding of his coming promotion.
17. CHUME. Promotion? How can?

18. JERO (sternly). Do you doubt, Brother Chume? Do you
doubt my prophecy?

19. CHUME. Praise the Lord ...

Lines 1-12 are an obvious case of speechifying by appealing to Chume's sense of emotion to win him back to his flock. He manipulates Chume with his rhetoric that is embellished with appealing to his emotion stating why he should thank God for what happened to him. Realizing that Chume never interrupts him, which means that through speechifying strategy he has been able to win Chume's attention. To foreground his intention, he migrates from speechifying into prediction to fully gain his attention and ultimately achieve his goal in lines 9 to 12. Chume's response in lines 13 to 17 shows the perlocutionary effect of Jero's speechifying and prediction. At the jingle of prediction of promotion, Chume's attention is got, and this is consequent to the experience he had with Jero about previous predictions. Sensing that Chume does not argue with him, he capitalizes on the strategy to keep Chume under his control. In the instance of the prediction, the goal is eventually negotiated.

It is clear from the interaction that Jero manipulates Chume through prediction to negotiate his goal of making Chume his follower even after a seemingly sour relationship.

5.4. Construction of deception

The construction of deception in the context of this study is a systematic creation of dishonesty to achieve a certain goal in interaction. It is a situation when the truth of a matter is concealed. It is the creation of untruthful events to establish a goal. It could come through different devices depending on the nature of the interaction. In this study, the construction of deception manifests through prophecy by Jero, to get and keep people as members of his church. In a religious activity, deception is usually constructed through prophesy as obvious in the excerpt below:

Excerpt 6

JEROBOAM leaves them to continue their chorus, CHUME chanting Mercy, Mercy, while he makes his next remarks.

1. They begin to arrive. As usual in the same order.
2. This one who always comes earliest, I have
3. prophesied that he will be made a chief in his home

4. town. That is a very safe prophecy. As safe as our
5. most popular prophecy, that a man will live to be
6. eighty. If it doesn't come true...

Enter an OLD COUPLE, joining the chorus as before.

7. That man doesn't find out until he's on the other
8. side. So everybody is quite happy. One of my most
9. faithful adherents, unfortunately, he can only be
10. present at weekends- firmly believes that he is
11. going to be the first Prime Minister of the new Mid
12. North- East State – when it is created. That was a
13. risky prophecy of mine, but I badly needed more worshippers
- around that time.

He looks at a watch

14. The next one to arrive in my most faithful penitent.
15. She wants children, so she is quite a sad case. Or
16. you would think so. But even in the midst of her
17. most self-abusing convulsions, she manages to
18. notice everything that goes on around her. In fact, I
19. had better get back to the service. She is always the
20. one to tell me that my mind is not on the service.

The above interaction reveals Jero's deceptive act, and how he manipulatively keeps his followers under his control through the power of prophecy. Lines 1 to 18 reveal how he constructs deception, knowing full well that the man cannot become a Chief; he however prophesizes positivity to keep the man as a perpetual follower of his. He conceals the truth from the man to keep him as a member of his flock. He constructs deception based on his *apriori* knowledge of their conditions and intentions. Similarly, lines 7 to 12 show another deceptive act through the prophecy of becoming a Minister of yet to be created Mid-North-East State to keep the member under his control. The man intends to be a Minister which is obvious to Jero and to make him a member, he prophesizes along the man's intention. In this case, we could see an alignment of intentions through deception. The case is not different from lines 13 to 18. It is obvious in the excerpt that Jero conceals the truth from his members about his person and his prophecies. He manipulates them through the construction of deception which he achieves through prophecy.

6.0 Conclusion

The study has identified four different types of discursively-manipulative strategies, namely, investigation and shift of ground; speechifying and prognostication; construction of deception and construction of situation and topic control which divides into pre-empting, remembrance of the past and certainty of the future and prediction. Similarly, it has also shown that these strategies are contextually determined based on the activity. Therefore, within a religious activity, it is shown that language is used in a manipulative manner to establish intentions and goals. Similarly, language does not only perform transactional and interactional functions but also manipulative ones. This is reflected in Soyinka's use of the character of Brother Jero to reveal the manipulative function of language in the text through various pragmatic resources. Future research can, therefore, consider the interactional pattern of fraud in a religious context.

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**Pragmatic Markers in an Appellate Court Judgment:
General Brigadier, A. M. Adekunle (Rtd) vs Rockview Hotel**

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Abstract

Linguistics is the scientific study of language; however, its meta-implications in Appellate court judgment are given as much scholarly attention as other legal genres. Most studies on courtroom and particularly court judgement have focused on stylistic analysis, speech act and genre analysis, consequently, studies on non-propositional meanings are still lean. Therefore, this study in the bid to further describe the language of judges and account for how language is organised to achieve justice, investigated the nature and function pragmatic markers in a select Nigerian Appellate Court Judgement. Using a Purposive random sampling technique, the study selected a property case judgement titled General Brigadier, A.M Adekunle (Rtd.) V. Rockview from the Nigerian Weekly Law Reports (1999-2004). It adopted Fraser's 1996 Pragmatic Marker Theory and mixed method of analysis –The quantitative research method was used in analysing the frequencies of the types of pragmatic markers employed by the judge while pragmatic imports of the markers in the ApCJ were discussed qualitatively. These analyses revealed that the selected ApCJ, though linguistic, is also replete with the four variants of pragmatic markers: Basic (44.9% marker), commentary (37.8%) and discourse markers (10.35%) and parallel (3.45%) identified by Fraser's. The appellate judge used the basic markers particularly (the declarative markers) to build up the fact of the case and signal his opinions about them and the imperative markers were the verdict pronounced. Commentary markers with (37.8%) were the second class of pragmatic markers observed in the (ApCJ). It comprised the following: Hearsay (3.45%), evidential (13.8%), contrastive markers (3.45%) assessment markers (13.7%) and emphasis marker (6.9%). The judge used more evidential markers and assessment to predicate his judicial argumentation, implicitly justifying the trial court's judgement and thereby build logical bases for partly disallowing the appeal. In conclusion, the language of ApCJs is laden with pragmatic markers which serve essentially to build up issues and provide judicial argumentation and ultimately construct the verdicts. Pragmatic makers are greatly exploited by the appellate judge for effective

adjudication. Therefore, applied linguists and Forensic experts should critically investigate them to ascertain the correctness of the *ratio decidendi* and the judge's *obiter dictum* -crucial variables for establishing judicial accountability and fairness.

Key Words: Linguistics, Propositional, Meta-propositional, Appellate Court Judgments.

Word Count 420

1.0 Introduction

Justice is pivotal to social order and development. Thus, its sustenance is crucial. Nonetheless, the law does not sustain itself. Its sustenance overtly and covertly depends on legal language. Legalese or legal language is an umbrella term that could be used to address the whole spectrum of studying legal phenomena not only written, such as legislation, but also spoken, such as courtroom interaction, as well as non-verbal, such as physical evidence/witnesses. (Chenge and Danesi 2019). Legalese is not under-researched, while studies on Language and Law have been concerned with describing legal discourse and ensuring that the language of statutes and consumer goods are clear, brief and comprehensible, studies on Courtroom Language (CL) have focused on the language of courtroom personae such as accused persons, witnesses, lawyers, and other courtroom judges with only scanty attention of implicit meanings in appellate court judgements. Hence, this paper filled this gap, to describe how appellate judges implicitly build up the rationale of an appellate court judgement.

A court judgement (CJ) is the most important genre of the legal profession (the courtroom) (Chung, King, and Jian, 2008). 'It means the process of reasoning by which a judge decides a case in favour of one party and against the other (Harindranath 2012p.1). 'It is the statement given by the judge, on the grounds of a decree or order. (Abdwani 2014 p.1). Similarly, but distinctively, an appellate court judgement, (APCJ) provides the final directive of the appeal court by setting out with specificity the court's determination that the action appealed from should be affirmed, reversed remanded or modified. Hence, APCJ is not merely written to provide verdicts but constructed to provide specific logical premises as to why a trial court judgement should be allowed or otherwise.

A well-constructed judgement is pertinent to the legal institution, as it achieves judicial accountability, provides an explanation of the reasons (*ratio decidendi*)

for the court's decision reached to the unsuccessful litigant, as well as to everyone with an interest in the judicial process, including other institutions of government and the public. Thus, worthy judgement enhances the image and perception associated with the justice delivery process and increases public confidence in the judiciary (Blackshield 2007).

Pragmatic markers form one of such characteristics of language through which an appellate judge could justify their judgement. Pragmatic markers are implicit anchoring- windows through which one can make deductions about the speaker's attitudes and opinions' (Ostman1995 p.100). Therefore, a study on pragmatic markers in a court judgement would afford unsuccessful litigant and the general public to deduce opinions and attitudes of the appellate judge.

-Burgeoning literature exists on courtroom language and particularly on court judgement language (Cotterill1998, Mazzi, 2008; Kurzon 2001, Wetter, 1960; Solan, 1993a&b Chenge, 2008; Agangan 2007, Ogunsuji and Olaosun 2012, Cheng, 2008; Farinde (2008), nonetheless a paucity of studies exists on implicit meaning in (APCJ). Therefore, this study investigates the types and functions of pragmatic markers in a select Nigerian appellate court judgment to bring to the fore the linguistically encoded clues that the appellate judge exploits in building up the potential communicative intentions including judicial argumentation and judgement construction in a partly allowed appellate court judgement

Language and Law

Language is the oldest manipulative, seductive instrument for constructing verdicts and building up logical premises which serve to convince other litigants, readers and the society at large about the judges' intelligence, fairness and promulgation of social value system. Lending his voice to the connection, Gibbon (2003) posits that the law is an overpowering linguistic institution. (Denning 2004 p10) avers that language is a 'legal practitioners' vehicle of thoughts' and 'tool of trade'. Accordingly, Crystal and Davy (1969) 'whoever composes a legal document must take the greatest pains to ensure it 'says' (means) exactly what he wants it to say (mean) and at the same time give no room for misinterpretation' (p.192). They affirm thus:

The word 'say' is important in this context, because when a document is under scrutiny in a court of law, and if a composer happens to have used language, attention will be paid only to what, as a piece of natural language, it (the text) appears actually to declare; any intentions of the

composer which fails to emerge are not usually considered in arriving at what the document means and if the composer happens to have used language which can be taken to mean something other than he intended, he has failed in his job.

Going by Crystal and Davy's explanations above, this implies that legal documents should not have implicit meanings that are not linguistically encoded. Thus, this—study in the bid to account for the metalinguistic meanings exploited by an appellate judge in building up the *radio dicidendi*, of a partly allowed appellate court judgement investigates the role of the pragmatic marker in the genre.

This study is hinged on McMenamin's (2002) submission that the objective of the forensic linguist is to examine what language users know and do, and to make everyone in the courtroom a good 'backyard mechanic' of language for the duration of a case and on Syal and Jindals' (2010p.3) assertion that linguistic analysis entails 'studying how language is organised to fulfil human needs'.

2.0 A Review of Studies on Linguistics of Language and Law

Cheng (2008) through semiotic analysis investigates Chinese court judgement as a specific form of judicial discourse. Precisely, the study examines the discursive representation of judicial thinking, that is, how judges think, in particular; how they apply the principles and methods in judicial proceedings by way of adjudication, including how they entertain cases, trials and decision-making. The study adopted four frameworks (Sinclair and Coulthard (1975) discourse Analysis, Hassan's (1984) concept of GSP (Generic Structure Potential, Bhatia's (2004) Generic Integrity and Hassan and Hassan's (1989) notion of Generic Structure Potential).

The findings of the study are threefold. First, it discovers that court judgements in Taiwan and mainland China display regularity in terms of generic structure potential, while the Hong Kong judgements are more diverse in their actual GSP. Secondly, the study records that a study of variation of a particular genre within a jurisdiction (culture) and across jurisdictions (cultures) differs in semiotic nature of characteristics temporality and spatiality. Thirdly, the court in Mainland China and Taiwan speak with one monolithic institutional voice without dissent or concurrences whereas the court in Hong Kong speak both with a joint voice and with individual voices as represented in concurring opinion and dissenting

opinions. This paper is laudable but studied a foreign judgement and employed a semiotic framework.

Kurzon (2001) investigates the politeness (judicial behaviour) of judges in American and English Judgements. He takes a look at politeness phenomena in American and English judicial opinions. As against previous findings that judges do not make extensive use of politeness phenomena even where there is disagreement, Kurzon's findings show that American and English judicial verbal behaviours differ considerably, especially among American appellate judges who do not often mitigate their criticisms of colleagues on the same bench and judges in lower courts with whom they disagree. This paper is laudable but also studied a foreign judgement

Mazzi (2008) investigates the linguistic features of judicial argumentation. The study is premised on the fact that most researches focus on the process of legal decision-making merely considering argumentation from the point of view of legal theory and legal philosophy, without giving much emphasis to the role of language in the construction of argumentation, and in particular on features of auxiliary argumentative lexis such as connectives and meta-argumentative expressions. The data for the study are the corpus of 221 judgements (1,646,182 words) issued by three courts. Secondly, it focused on the use of the meta-argumentative expressions ground and reason from a three-fold perspective: textual function, genre structure and argumentative voice. The results presented by the paper showed that ground and reason act as effective argumentative signals in the judicial text. Although this study is laudable, it has only studied one of the acts the judge engages in the judicial process

Agangan (2007) studied Speech acts in the Lawyer-Witness Courtroom interactions in the High Court of Lagos in Nigeria while Ogunsiji and Olaosun (2012) through Searle's Speech acts framework investigated pragmatic acts in a Nigerian court ruling tagged 'Supreme Court's judgement on Obi Versus Nba.' The study accounts for how the acts in the discourse are actions of certain sorts. Findings from the study show that court-ruling discourse was not only merely composed of syntactically complex utterances, but was characterized by assertive, declaratory, directive, and representative acts. These studies are a major contribution to studies in language and law in Nigeria; however, they study simply applied speech acts theory and therefore do not account for specific pragmatic features that enable the judge to construct logical premises of the judgement

Summary of Gaps

Most of the existing studies have been on trial court judgements and the few on utterance meaning only studied speech acts. Consequently, studies on utterance meaning in appellate court judgement are inadequate and therefore the need for this study.

Pragmatics

Tracing the origin of the concept 'pragmatic', Osisanwo (2003) posits that the morpheme 'Pragma' is a Greek word which denotes 'deed' or 'action' in a text. Yule (2006), in his distinction of language analysis, defines pragmatics as the study of the relationships between linguistic systems and the users of those forms (Yule 2002).

Fraser (1996) takes pragmatics to be 'an account of the process by which the language user takes a sentence representation provided by the grammar and the given context in which the sentence is uttered to determine what messages and what effects the speaker has conveyed' (p.1). On the foregoing premise, this study examines what appellate judges do with words as evident in the pragmatic markers they employ.

The Framework

Pragmatic Markers

'Pragmatic markers are implicit anchoring- windows through which one can make deductions about the speaker's attitudes and opinions' (Ostman199 p.100). Fraser (1996), in accounting for propositional and non-propositional meanings, designed a pragmatic framework tagged 'pragmatic markers'. With this framework, he makes three claims: first is the claim that every message has a Direct Message Potential (DMP), derived from sentence meaning. DMP is a specification of messages that can be potentially communicated by the utterance of the message, although it is hardly possible to derive all completely as performance features and context modify the actual message conveyed by the utterance.

The second claim is that semantic meaning (the information encoded by linguistic expressions) comprises two separate and distinct parts: a propositional content and non-propositional content. Propositional content is a proposition simple or complex which represents a state of the world that the speaker wishes to point to the Addressee's attention. The non-propositional part of sentence meaning can be analysed into different types of signals tagged 'pragmatic markers' which

correspond to different types of potential direct messages a sentence may convey. These pragmatic markers taken to be separate and distinct from the propositional content are the linguistically encoded clues with which the speakers communicate potential communicative intentions.

The third claim is that Pragmatic messages and hence their pragmatic markers fall into four types: A single basic message (the message which uses the propositional content of the sentence as its message content); commentary messages (messages commenting on the basic message); parallel messages (messages which are in addition to the basic message); and discourse messages (messages signalling the relationship between the basic message of the current sentence and the preceding discourse).

This framework is deemed apt as it enabled the researcher to identify all the types of pragmatic markers in the select appellate court judgement.

Tools of Analysis

Basic Marker- for the analysis of the core message content

Commentary Marker- for identifying the appellate Judge's comment on the basic message

Discourse marker- for analysing the relationship between the basic message and other discourses

Parallel marker: for identifying the additional relational information to the basic message

3.0 Methodology

This paper investigates pragmatic markers in a purposively selected rejected human right/ property case judgement appeal from the *Nigerian Weekly Law Reports (1999-200)*. The data comprises 135 sentences out of which 13 utterances tagged excerpts were strategically selected for analysis. The study adopts Fraser's 1996 Pragmatic Marker Theory and mixed method of analysis. Quantitative analysis is employed for analysing the frequencies of the types of pragmatic markers in the appellate court judgement, while qualitative is employed in discussing the imports of the markers in the selected appellate court judgment. Simple underlining of instances of the markers, tabulation method and discussion are employed for the analysis

4.0 Data Analysis

Excerpt 1: Speaker: The Appellate Judge

The plaintiff claimed that sometime in early June 1997 the defendant lodged in its premises and accumulated a bill of the sum of Six Hundred and Forty-Eight "Thousand Naira (N648,000.00) only, resulting from room rate, food, beverages, telephone and other services (S.1)'

Type of Marker	Basic marker	Commentary marker	
Specific Type	Declarative structure	Hearsay marker	Deed The appellate signals his neutrality
Signifier	Structure	'Claimed'	

Interpretation: The hearsay marker *claim* is synonymous with the expression: *the appellant alleges* but antonymous to the expression: *the appellate judge alleges*. The polarity between the two expressions signals the judge's intention to underscore that he is reporting what he predicates of the plaintiff's submission. Aside from this, the hearsay marker *signals* the appellate judge's supposed neutrality, objectivity, and detachment as well as lack of confidence in the report.

Excerpt 2:

Speaker: The Appellate Judge

Whereof the plaintiff claims the sum of two million Naira (N2, 000,000.00) only against the defendant made-up as follows: The sum of Six Hundred and Forty-Eight Thousand Naira (N648,000.00) only being the cost of the defendant's room, food, beverages, telephone and other services while he stayed at the hotel (S.1)

Type of Marker	Basic marker	Commentary marker	
Specific Type	Declarative structure	contrastive marker	The judge projects the fact of the case
Signifier	Structure	'whereof'	

Interpretation: The commentary contrastive marker *whereof* is employed by the appellate judge to project the contrast between the plaintiff’s claim and the defendant’s claim

Excerpt B3:

Speaker: The Appellate Judge

‘Whether the respondent as plaintiff was entitled to general damages or not given the circumstances of the case? (S.26)

Type of Marker	Basic marker	Commentary marker
Specific Type	Interrogative structure	Evidential marker:
Signifier	Structure	‘Whether’

Interpretation: The evidential marker *whether* is employed by the judge to signal his doubt and weak confidence about the truth of the basic message that is the plaintiff being entitled to damages or not.

Excerpt 4

Speaker: The Appellate judge

Type of Marker	Basic marker	Commentary marker	
Specific Type	Declarative structure	Assessment marker	The appellate judge assesses the trial court judge’s judgement
Signifier	Structure	Not Irrelevant	

The considerations taken by the trial court judge were not irrelevant (36)

Interpretation: The appellate judge employs the commentary assessment marker to positively assess the judgement of the trial court. And thereby foregrounds that the appeal should be disallowed.

Excerpt 5:

Speaker: The Appellate Judge

Thus, the grant of general damages by a trial court is discretionary and can hardly be set aside on appeal except where: (S.41

Type of Marker	Basic marker	Discourse marker	Commentary marker	
Specific Type	Declarative structure	Inferential marker	Assessment marker	The judge organizes the discourse and assesses the action of the trial judge,
Signifier	Structure	Thus	Discretionary	

Interpretation: The inferential marker *thus* explicitly signals that the force of the basic message is a conclusion which follows from the preceding discussion. The assessment marker *discretionary* is employed by the appellate court judge to assess the premise on which the trial court judgement made his judgement.

Excerpt B6

Speaker: The Appellate Judge

Caribe-Whyte, JSC in Okonkwo v. NNPC (1989) 4 NWLR (Pt. 115) 296 at page 315 E-F observed: "Counsel to the appellant was in error to have relied on cases enunciating principles for the recovery of damages in actions in tort as applicable to breaches of contract." (S.51)

Types of Markers	Basic marker	Commentary marker (for Commenting)	
Specific Type	Declarative structure	1. Evidential marker (observed)	Deed <u>Judge projects evidence from the trial court judgement</u>

Signifier	Structure	2. Assessment marker (was in error)	

Interpretation: The evidential marker *observed is* synonymous with the verbs *scrutinized* and antonymous to *neglect*. The illocutionary act above is a typical instance of projection: the first clause Karibi Whytes’ opinion is projected in Okonkwo’s judgement and now in this current judgement. There is a relation of interdependency between the three cases; one being primary and the others secondary and all being presented by the speaker as having the same status-they are *parataxis*. The implication of the foregoing is that there is undoubtedly a degree of author’s interference in the ‘quoting’-the Appellate judge reports a similar case to the current one to control the way the current discourse should be contextualised and to further build up a justification of evidence for his claim. Thus, the assessment marker reveals the judge’s belief in Karibi Whytes’ judgement.

Excerpt 7:

Speaker: The Appellate Judge

It is discretionary and it is my understanding from the above dictum that the justification for the award of the general damages is to ameliorate or rather, compensate the respondent in reciprocating the trust, confidence, honour and respect the respondent had for the appellant (S.61).

Type of Marker	Basic marker	Discourse marker	Commentary Marker
Specific Type	Declarative structure	Manner of speaking marker	Assessment marker
			Deed The judge provides an assessment for his personal opinion on the

				issue of the case
Signifier	Structure	‘It is my understanding	‘Discretionary’	

Interpretation: With the Manner of speaking marker ‘It is my understanding the appellate judge reveals that the premise of his assessment is in his personal opinion (obiter dictum)

Excerpt 8:

Speaker: The Appellate judge

The general principle of the law on the award of damages made by a trial court is

Type of Marker	Basic marker	Commentary marker	
Specific Type	Declarative structure	Assessment marker	<u>Deed</u> The judge implicitly states his powerlessness by assessing and affirming the prerogative right of the trial court.
Signifier	Structure	‘Does not interfere	

that an appellate court does not interfere (71)

Interpretation: The commentary assessment marker does not interfere is synonymous to: *Stay off, meddle not, out of jurisdiction* but antonymous *interfere*. Thus the judge uses the marker to comment on the power of the trial court judge and thereby supports her judgement.

Excerpt 9

Speaker: The Appellate judge

The appellant did not at any time contend that he does not owe the respondent or that he did not lodge in the hotel. (S.81)

Types of Marker	Basic marker	Commentary Marker	
Specific Type	Declarative structure	Emphasis marker	Deed The judge builds-up evidence
Signifier	Structure	‘At any time	

Interpretation: The appellate judge exploits the emphasis marker ‘At any time’ to emphasise that the accused person is guilty of the allegation as he did not at any time refute the allegation of debt levelled against him. Implicitly, the judge buttresses his support for the trial court judgement.

Excerpt 10:

Speaker: The Appellate judge

I have in mind the case of Federal Capital Development Authority v. Alhaji Musa Naibi (1990) All NLR 475 (1990) 3 NWLR (Pt138)270."(91).

Type of Marker	Basic marker	Commentary marker	
Specific Type	Declarative structure	Evidential marker	Deed The judge builds up evidence
Signifier	Structure	Personal names, year and number	

Interpretation: The Appellate judge buttresses his submission with shreds of evidence- specific court cases consisting of specific names, personal names, years and case numbers.

Excerpt 11

Speaker: The Appellate Judge

On the issue of the award of 645 000 00 in place of 648,000 00 (a difference of N3, 000.00) it appears the respondent did not cross-appeal on that.

Type of Marker	Basic marker	Discourse marker	Commentary marker	
Specific Type	Declarative structure	Topic change marker	Evidential marker:	<u>Deed</u> The judge presents the case and signals his opinion about it
Signifiers	Structure	On the issue of the award of...	The specific amount of money: 645,000,64 8000,3,000	

Interpretation: The topic change marker *on the issue of the award* is synonymous with *discussion on the award of 645 000 00 in place of 648,000 00*, but antonymous to the component *other issues for determination*. The synonymous relationship indicates that the Appellate judge wants his addressees to know he is addressing a new issue for determination, that is, an issue different from the preceding one.

Excerpt 12

Speaker: The Judge

I order each party to bear his own cost in this appeal

Type of Marker	Basic marker	
Specific Type	Imperative structure	Deed <u>The judge is judging</u>
Signifier	The performative phrase ' I order	

Interpretation: With the imperative basic marker (a performative) the appellate

Type of Markers	Basic marker	Parallel marker	Commentary marker	
Specific Type	Declarative structure	Solidarity marker	Emphasis marker:	Deed The judge emphasises his stance
Signifier	Structure	'I agree'	[Fully, full, and partly]	

judge having built the ground for his judgement with the meta propositional markers especially the commentary markers pronounces his overt judgement that the appeal be partly allowed

Excerpt 13

Speaker: Judge 2

I agree fully with his reasoning and conclusion and adopt them in full in partly allowing the appeal

Types of Pragmatic Markers	Specific Marker Types	Percentages of the Markers
Basic Markers (44.9%)	Declarative	38%
	Imperative	3.45%
	Interrogative	3.45%
Commentary Markers (37.8%)	Hearsay	3.45%
	Evidential marker	13.75%
	Contrastive marker	3.45%
	Assessment marker	13.8%
	Emphasis marker	6.9%
Discourse Markers (10.35%)	Inferential Marker	3.45%
	Manner of Speaking Marker	3.45%
	Topic Change Marker	3.45%
Parallel Marker	Solidarity marker	3.45

Interpretation: The personal pronoun ‘I’ is synonymous with *Trial court judge, and appellate court judge defence counsel* - underscoring the appellate judge’s explicit attachment to the judgement given. The commentary markers ‘*fully*’ is synonymous with: *Concur, totally, absolute concession* but antonymous *disagree- the appellate underscores his concession.*

5.0 Discussion of Findings

The result revealed that the judge employed all four classes of main pragmatic markers Basic, commentary, discourse and parallel markers in constructing the partly allowed appellate court judgement. The frequencies of the components of the Basic markers are as follows: 1. Basic markers (44.9%) comprising (Declarative markers (38%) imperative (3.45%) and interrogative (3.45%)); These results reveal that out of the three categories of the basic marker, the judge employed more of the declarative marker (38%). Declarative markers are constative, hence, the judge employs them simply to present the fact of the case at hand and to assert his beliefs in saying what the sentence's propositional content represents in a true state of the world. The lower frequency of the interrogatives reveals the judge hardly asks questions. The last categories are the imperative markers, although very few, they are the performative act; loaded canons themselves- the final verdict.

Commentary markers with (37.8%) form the second class of pragmatic markers observed in the Appellate court judgement. The result further revealed that the judge employed the following five commentary markers at the following frequencies: Hearsay (3.45%), evidential (13.8%) and contrastive markers (3.45%) assessment markers (13.7%) and emphasis marker (6.9%). Evidently, the judge used more evidential and assessment markers to construct his judicial argumentations for supporting the trial court, and the logicity for disallowing the appeal on the other hand.

Next to the evidential marker are the assessment markers which the judge employs to evaluate issues from the lower court and to establish the premise for the rejection of the appeal. Emphasis marker follows with (6.9%). It was employed by the judge to emphasise the force of the basic message. However, hearsay markers (3.45%) and contrastive markers (3.45%) were scantily used. These results reveal that the judge hardly uttered expressions in which he had no evidence or confidence. Lastly, the scantiness of contrastive markers shows the judge hardly contrasted his sentences.

The result on the discourse marker type (10.35%) reveals that the appellate judge ensured coherence in the judgement as he constantly signals the relationship between the basic messages and the foregoing discourse with the following markers: inferential marker (3.45%), manner of speaking marker (3.45%), emphasis marker (3.45%) and topic change marker. The result on the parallel marker reveals that the appellate Judge employed a solidarity marker (3.45%) to signal agreement and association with the lower court judge on some issues of the case.

6.0 Conclusion

This paper examines the types of pragmatic markers exploited by an appellate judge in a partly allowed Nigerian appellate court judgement titled General Brigadier, A.M Adekunle (Rtd) V. Rockview The findings reveal that the partly allowed appeal appellate court judgements are replete with the four variants of the pragmatic markers (Basic, commentary, discourse, and parallel markers) identified by Fraser 1996. The basic declarative markers which are propositional components were used by the judges in presenting the issues/fact of the case and for signalling their opinions while the few imperative makers were the final verdicts articulated. The judge used the Commentary markers for his argumentations to assess and provide evidence for issues raised thereby building up the rationale for the rejection of the appeal. The discourse markers functionally served to achieve coherence and lastly, the parallel marker provided additional information to the basic message.

Overall pragmatic markers are veritable tools which the appellate judges use proportionally to build up the fact of a case, construct argumentations, and logical premises for/against an appeal and pronounce a final verdict (s) of an appeal. In alignment with (Ostman1995p100), pragmatic markers are ‘implicit anchoring or windows’ through which unsuccessful litigants, the government, people who care about the efficacy of courtroom language and the public at large can make deductions about the appellate judge’s attitudes, opinions, intellectual strength, fairness, objectivity, variables that are crucial to judicial accountability.

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Neurological Examination in Telemedical Consultations in Stroke Diagnosis. Multimodal Practices of Computer-Mediated Collaboration²

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Abstract

Over the past years, the importance of telemedicine has increased considerably for patient care, also in Germany. In the case of acute neurological symptoms, telemedical consultations between rural clinics and expert neurologists in medical centres may shorten the door-to-needle time and contribute to a suitable treatment decision. Using methods of multimodal conversation analysis, we examine the interplay of talking, examining, and professional perceiving in a triadic face-to-screen and face-to-screen constellation of telemedical stroke consultations. The multimodal and multimedia practices used by the participants within the collaborative engagement in neurological testing are the central issues of the current study.

Keywords: Telemedicine, Video Consultation, Neurological Consultation, Multimodality, CMC, Conversation Analysis

1 Introduction

Telemedicine is not only gaining ground because of the growing technological possibilities. It is driven by the guiding principle of bundling medical expertise in large specialist centres, based on models such as Denmark. Another aspect is the economic considerations of clinics in rural areas, which lead to closures, and the great distances to medical centres that make it difficult to provide comprehensive care for patients. In outpatient care, e.g., rehabilitation medicine, telemedical consultation hours can maintain contact with patients with restricted mobility and support rehabilitation. In the coronavirus pandemic, further advantages of telemedicine have become clear: It can prevent medical care facilities from becoming outbreak sites of infectious diseases by avoiding direct contact between medical staff and patients through the use of communication media.

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Also in emergency care, telemedicine is becoming increasingly important, especially in rural areas without comprehensive medical care. That led to the development of TEMPiS “Telemedical Project for Integrated Stroke Care in the Region of South-East Bavaria” (<http://www.tempis.de>, accessed on October 29, 2023) in 2003. Twenty-five hospitals in southeast Bavaria are connected to the TEMPiS network and receive a teleconsultation service from the two Stroke Centers of the *Medbo district clinic* in Regensburg and the *Munich clinic Harlaching*. Both are consulted around 10,000 times a year. In teleconsultation, experienced specialists for “vascular neurology” connect via video conference calls to perform an anamnestic and neurological examination of the patient to make recommendations for further treatment. A stroke requires immediate medical attention and, depending on whether the cause is bleeding or an occlusion. In the case of the latter, treatment with thrombolysis, i.e., the administration of blood-thinning medication is indicated. According to the dictum “time is brain,” there is only a short period of approximately four to five hours for the so-called “lysis therapy” to prevent permanent brain damage. In case of bleeding, however, this treatment would be fatal. To avoid incorrect treatment, neurological consultations are mandatory before the use of lysis therapy.

The current study is based on data obtained from telemedical neurological consultations in the event of a suspected stroke. In these interactions, there is a continuous triadic participation structure of neurologists connected via video as telemedic (TM), on-site treating physician (LD for local doctor) and the patient (P), thus involving face-to-screen (TM and LD/P) and face-to-face constellations. The diagnostic process involves exploring the symptoms and a physical, neurological examination of the P by the TM, which requires instrumental and/or physical access to the patient. The solution to this dilemma lies in the involvement of the treating hospital doctors. They take on assistance functions in a collaborative participation constellation (for assistance as a form of cooperative engagement, see Zinken/Rossi 2016). This paper focuses on the unique requirements that arise for those involved and how they meet them. Section 2 gives a brief insight into telemedicine, and outlines the state of research in conversation analysis. Section 3 explains the study, the questions and the methodological approach (3.1) and gives an overview of the data corpus used (3.2). Section 4 embeds the activity of the neurological examination within the triadic consultation before section 5 presents the analysis results. The article closes with a comprehensive discussion in section 6.

2 State of Research: Telemedicine in Conversation Research

Telemedicine is part of what the World Health Organization (WHO) calls e-health. The latter is defined as follows: “eHealth is the use of information and communication technologies (ICT) for health.” (Jorzig/Sarangi 2020: 96, cf. a. <https://www.who.int/ehealth/en/>; accessed on October 29, 2023). It includes public health monitoring, patient administration, training of medical staff and health services research, etc. While a lot of it is unquestionably indispensable, the treatment of patients is still met with reservation, especially in Germany, where the so-called “remote treatment ban” was only lifted in 2015. However, personal contact remains prioritized, and the use of communication media is assigned a subsidiary role.

Telemedicine has proven to be particularly valuable in multidisciplinary teams. The meta-study by Aghdam/Vodovnik/Hameed (2019) on articles found with the search terms “telemedicine” and “multidisciplinary team” in the PubMed database shows the advantages of telemedicine over traditional settings in a wide range of specialist disciplines. They lie in the practical and tailor-made patient care, as collaboration and medical expertise increase and diagnosis, treatment, and follow-up treatment are improved regardless of their location. In the acute medical field, such as in stroke care, telemedical consultations also shorten the transfer of information. In emergencies, they help ensure adequate patient care quickly and over a distance. They shorten the so-called *door-to-needle time* (cf. Bergrath/Czaplik 2016).

Medical conversation analysis does not question the importance of personal relationships, it rather confirms the relevance of the doctor/patient conversation to develop a stable relationship of trust, which is a prerequisite for successful treatment (Birkner 2017). However, concerning the question of how mediatization affects the interaction and participation in the doctor/patient conversation, research in conversation analysis is still limited. Closing the gap is generally seen as a desideratum (cf. Miller 2011; Pappas et al. 2019, Pappas/Seale 2009, Seuren 2020). On the one hand, that involves fundamental research on the conditions and requirements of mediatized interactions, on the other hand, from an applied linguistic perspective, it enables the development of training material and the foundation of the training of medical staff (Beul 2013).

In a comparison of face-to-face and video-mediated consultations with postoperative cancer patients for injury control and discussion of histological findings, Stommel et al. (2020) show that the use of conversational actions in video consultations may be adapted to the possibilities of mediatization. They find that the "How are you" question is used significantly more frequently in opening video consultations than in the face-to-face corpus. It receives functions on the relational level that are fulfilled differently in face-to-face consultations, for example, through small talk, when the interactions begin with calling in the patient from the waiting room and then going to the treatment room together, etc. In video consultations, interactions start with a check of the internet connection. In face-to-face conversations, "How are you" opening questions are treated as establishing ambiguous response relevancies between a medical and a mundane agenda (Groß 2018, Boluwaduro/Groß 2019). Stommel et al. (2019) argue that this ambiguity may be used systematically in teleconsultations to serve phatic communication. In this context, the "How are you?" question expresses other-attentiveness in a particular way (Stommel 2019: 287), while at the same time, its relevance to health makes it thematically connectable to the main topic of histological findings.

Another study on the same corpus examines the wound control process (Stommel/van Goor/Stommel 2020). While the doctors in the face-to-face situation have the wound shown (15 out of 17 cases), in the video consultations, they rely more frequently on the verbal descriptions of the patients (19 out of 22 cases). It becomes clear that the final assessment is achieved differently depending on mediatization. The patients play a fundamentally different role in the video consultation since their descriptions are treated as sufficient for assessing the healing process.

The adjustments that teleconsultations require include specific visibility management (Lanwer 2019: 107), with which co-presence is constantly processed and secured under the conditions of video communication. Physical examination at a distance is challenging for those involved; consequently, video consultations tend to be the exception for acute concerns. They require assistance, e.g., from another doctor or medical staff on site. Seuren, et al. (2019) examined seven video consultations of patients with heart failure and community nurses over FaceTime, during which check-ups were carried out. The authors describe recurring problems when

patients are instructed to carry out the examination (e.g., blood pressure measurement, etc.) independently in such a way that visibility for the nurses via video is ensured at the same time. Seuren, et al. conclude, that the development of a training course is necessary before implementing this pilot project, as well as the exploration of further possible challenges for various patient groups.

Pappas et al. (2019) examine multi-party video consultations of patients, nurses, specialists, and general practitioners during diagnosis and therapy decisions. They conclude that the professionals are very well versed in dealing with the various modes of interaction and switching between consultation and inter-professional exchange. But while nurses feel comparatively empowered, patients show very little participation in these conversations (cf. also Pappas/Seale 2009). However, it is difficult to determine whether this is due to the video setting or the overrepresentation of the intra-professional institutional representatives.

So far, there are no indications of fundamental and insurmountable interactive hurdles in the implementation of teleconsultations. Lanwer (2019), who compared conventional telephony and video telephony, observes that in mundane video conversations, the interlocutors coordinate their actions as a virtual co-presence and simulate the visual reciprocity of the face-to-face situation. The same is likely to apply to medical video consultations, even if the requirements and procedures for successfully dealing with virtual presence still need to be explored.

3 Data and Methods

In the following, we present the methodology and the questions as well as the data collected.

3.1 Data Corpus and Setting

The data of the study consists of 34 consultations recorded between 12/2014 to 5/2015 at TEMPiS in the Munich Clinic Harlaching. The conversations usually last between ten and twenty minutes. In our study, we considered only responsive patients capable of giving their consent.

3.1.1. The Recording Situation

The conversations were recorded in Munich in the TEMPiS rooms with an additional camera. It is positioned next to the TM with a view of the three-part screen; this way, it quasi-assumes the perspective of the TM. Figure 1 illustrates this:



Figure 1: The Camera Perspective of the TM.

The TM can be seen on the right-hand side of the picture aligned with the three-part computer screen. He is only partially captured by the recording but is visible in the front of the middle screen in the small window. The left of the three screens makes the current computer tomography image available. On the right screen, the examination is documented on a form that the TM fills out during the examination or afterwards. The video from the hospital is broadcast in the middle of the three screens. In the large section, you can see the patient positioned centrally opposite the camera, lying on a bed. On the right edge of the picture is the LD holding the documents in her hands. In the small section at the top left of this screen, the TM can be seen as he is transmitted to the affiliated hospital by the camera attached to a frame above the screen. Under the computer screen, one can see controls that operate the camera (zoom and pan).

Figure 2 shows a view of the opposite side.³

³ This opposite view comes from an information film on the TEMPiS homepage and thus from a different recording situation. The data corpus of the project has so far only consisted of recordings from Munich Harlaching; Recordings from the widely scattered network of affiliated hospitals are not available.



Figure 2: The view inside the hospital (Source: Tempis.de).

There is only a single screen mounted on a frame with the camera; it is filled almost entirely by the head and part of the shoulder area of the TM. Here, too, the usual monitor window in the upper left edge shows the transmitted image, but it is probably not recognizable in detail for those present due to the distance. The patient lies on a hospital bed positioned in front of the screen and camera, with the treating LD sitting beside it.

In this triadic participant constellation between a) LD and b) P in the regional hospital and c) the TM, sometimes family members of the P or other hospital staff are present, too.

3.2.2 The Neurological Examinations

For differential diagnosis, several neurological tests are carried out within these telemediated consultations. The most common tests are:

- Eye Tracking Test

A finger (or an elongated object) is moved back and forth horizontally and vertically in front of the patient's face to check the eye movements. The P should follow the movements with his gaze.

- Field of View Test

This test checks the extent of peripheral vision in the right and left edge areas of the eyes. To do this, the doctor gradually brings his arms into the field of vision from behind, and P should announce the point at which they will be perceptible in the periphery of the field of vision.

- Sensor Test

To check whether both halves of the body perceive contact equally, the doctor lightly strokes both sides of the body with the hands.

- **Motor Function Test**

The P is asked to make precise facial movements, e.g., squinting the eyes or sticking the tongue out to test whether all facial muscles move easily and symmetrically. Checking the symmetry of the muscle strength in the patient's arms provides indications of neurological impairment.

- **Gait Test**

The P is asked to walk up and down in a straight line in the examination room.

Depending on the course of the examination, additional tests are occasionally carried out, but these will not be relevant to the present study.

3.2 Questions and Analytical Procedure

The conversations were transcribed entirely according to the GAT2 conventions (Selting, et al. 2009). In the analytical process, the primary verbal transcriptions of selected sequences were gradually refined in a multimodal manner, using stills of significant moments of the interactional conduct (Stukenbrock 2009). The published transcripts are focused on the aspects studied and adapted to the requirements of anonymization.

The conversations were analysed according to the theoretical-methodological principles of conversation analysis (Birkner et al. 2020), taking into account previous findings from medical conversation research (e.g., Busch/Spranz-Fogasy 2015) and multimodal conversation analysis (Mondada 2011). We aimed to capture the participation structure during the conduction of neurological testing (see section 4). Therefore, our analysis focuses on the complex verbal, bodily, instrumental and media-oriented actions of the three participants TM, P and LD as a step-by-step, coordinated construction of joint action (e.g., Haddington 2014, Deppermann 2018, Mondada 2018). First, we ask about the nature of these practices, second, about the tasks they have to overcome, and, third, about potential hurdles that arise, among other things, due to computer-based mediatization.

4. The Neurological Examination as part of the Teleconsultations

Before turning to the internal activity structure of the telemedical consultations, it is worth mentioning that they are part of a more complex consultation process. It begins with a call from the LD in the specialist centre to the TM. During this call, the first reports are transmitted, and the

telemedical consultation appointment is agreed upon. The diagnosis and therapy planning then occur in the next step or are deferred to telephone calls between TM and LD, supplemented by written documents and CT images. Figure 3 shows the course of the three phases of the overall consultation:

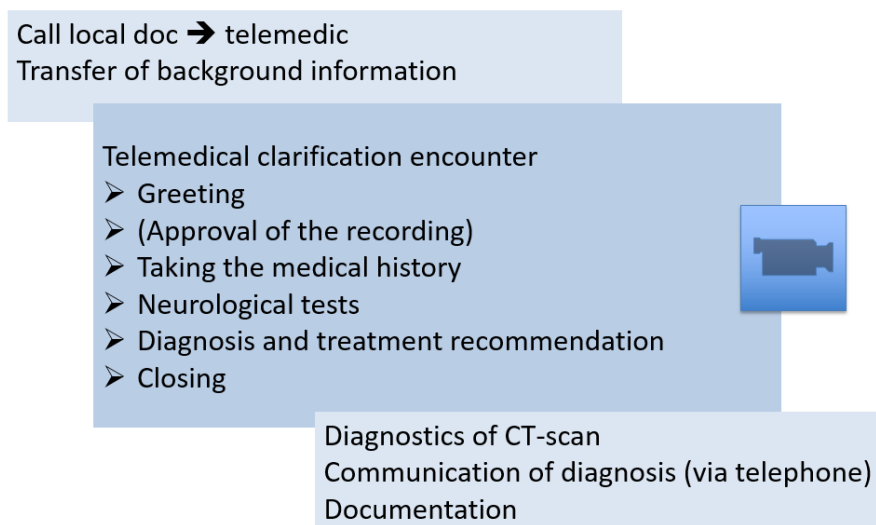


Figure 3: Schematic Representation of the entire consultation process.

The TM and LD are involved in all phases, but the P is only present in the telemedical consultations (=Telemedical clarification encounter), which represent the middle part of the three-step procedure. The neurological examination for diagnosis takes place at this point. Thus, the whole consultation process is divided into clearly delimited interaction events. Verbal references to the previous and next conversations occur, but the process is self-contained and characterized by specific participation.

The telemedical consultation, as documented in the data corpus, begins with the greeting which – due to the data collection – is usually connected to the approval of the recording. It is followed by an anamnesis in which the TM asks the P, among other things, about the type of complaints and the temporal development of the occurrence of the symptoms. Subsequently, the neurological examination is conducted. With the help of the neurological tests described above and the imaging procedures, it should be clarified whether there is a neurological cause for the symptoms described, especially a stroke. A diagnosis and treatment decision, on the other hand, do not always occur, though pre-diagnostic statements are uttered regularly (cf. Spranz-Fogasy 2014). In addition, the TM carries out written documentation.

At the end of the conversation, get-well wishes for the P are uttered, and, if necessary, appointments are made about the next steps with the LD.

Since our analysis focuses on the conversational practices that interlocutors use to perform the tests, the neurological examination within teleconsultations will be described in more detail. The overarching conversational tasks which the interlocutors face in the activity of the neurological examination include:

- initiating,
- performing,
- ratifying and completing the tests

as a joint project which requires finely coordinated temporal and spatial conversational alignment and embodied collaboration between the interacting parties in medially conveyed, fragmented interaction spaces (*fractured ecologies*, according to Luff et al., 2003). This activity consists of recursive directive-response sequences to initiate and perform the individual tests.

While the anamnesis takes place almost exclusively as an activity between the TM and P, the LD, who is often aloof but visibly on “standby” during the anamnesis, comes into play, i.e. with the initiation of the neurological examination, the participation structure changes.

In the medially conveyed neurological examination, a division of labour between the TM and the LD is established when the test is carried out. While the TM is responsible for the selection and diagnostic evaluation of the tests, the LD participates in some tests as an “extended arm” for the test execution. For this purpose, the updating of practical medical knowledge on the part of the LD as well as its verbal, bodily and instrumental implementation is necessary. At each single step of the examination, the P must also understand what actions he/she has to perform to complement the activities of the LD. Each test requires a specific participation structure, which must be newly established (LD: shine into the eyes, P: keep your eyes open; LD: make movements in front of the field of vision, P: follow with your gaze, etc.) and maintained or modified during test conduction.

The termination of the test performance via ratification requires the negotiation of corresponding responsibilities, constructed along the possibilities and limitations of professional perception under the circumstances of video mediatization. While examining the line of sight, the

affordances of media technology allow for close viewing so that the TM can evaluate the performance. Tests that require a tactile assessment (e.g. when checking the muscle strength of the hands), on the other hand, have a diagnostic limitation for the TM: multi-sensoriality (e.g. Mondada 2019) is only possible between the LD and P. Thus, sensory impressions (apart from visual) gained by the LD are announced to the TM while being translated into medical categories.

The logical requirements of initiating and possibly modulating other people's actions – the TM must instruct actions by the LD and/or P, and patient actions must be initiated and, if necessary, modified – are reflected in a corresponding conversational dynamic of the testing: Complex multimodal and multimedial directive-response sequences turn out to be the “heart” of this activity.

5 Results

In the following, we will show the practices of how participation is negotiated, how (instrumental and embodied) action is projected and how evaluations of sensory-motor test performance are made available while initiating, performing and completing the tests. The following excerpts will show that the interlocutors ascribe and negotiate medical knowledge *en passant* while preparing and conducting the test. Also, the participation of the patients in this joint project should not be neglected, since their preparatory actions show a high level of cooperative anticipation of the prerequisites and requirements for action as well as of the goals of the tests.

5.1 Initiate the examination in a coordinated manner: Establish participation frameworks, instruct actions with epistemic sensitivity, and create bodily-instrumental prerequisites

One of the tasks that the TM sets at the beginning of each test is to call up the upcoming examination and, if necessary, to convey the necessary knowledge for performing the test. In doing so, the required forms of participation (here in particular: the extent to which the LD is involved) and collaboration (which task is assigned to the interlocutors) must be clarified. The LD and P are asked to understand the respective preparatory actions and noticeably implement them. Since the TM is the one who has to assess the examination from a computer screen, corresponding visibility management is required, which makes it possible to follow the demonstrations of the physical

reactions in a valid manner. On the one hand, this concerns using media-technical equipment (camera settings, e.g. zooming in), especially for eye examinations, to create good conditions for visual perceptibility. On the other hand, the LD's test execution must be oriented towards the camera so that the TM can observe it on the screen.

Excerpt 1 shows how the TM prepares the test execution and creates the necessary knowledge and prerequisites for action.

Excerpt 1: Creating conditions for the examination⁴

01 TM: hm_hm, (-)

02 okay

03 <<f>gut-> =
good

04 dann würd ich sie gErn mal noch unterSUchen?
then i'd like to examine you again

05 (3.00) ((mouse clicking for camera zoom))



#1

07 dann blEiben_se a:ls Erstes (-) einfach mal #1SITzen?=
then just first remain on your sit

08 =dann (.) fangen_wa mal mit den AUgen an?
then let's start with the eyes

09 (---)

10 TM: ich komm grad mit der kAmera mal NÄher,
I'll come closer with the camera

11 (3.8) ((camera zoom))

⁴ For the sake of better visibility, the still images in transcripts are cut in such a way that one can better recognize the TM and the situation in the hospital. The left image represents the TM, the right image the LD and /or P.

12 TM: stell mir ihre AUgen mal ein?

adjust your eyes for me

13 (3.0)



#2

14 TM: frau^{#2} Hebler würden sie bitte nochmal die: (.) des eh:m die

BLICKfolge testen,

Ms. Hebler would you please do the eye tracking test again

The excerpt begins with the TM ending the anamnesis with multiple discourse markers (Z. 01-03). This is followed by the announcement of the neurological examination, in which the TM is positioned as an actor in the following test phase due to the choice of the personal pronoun 1st pers. Sg.: *then I would like to examine you again?* (line 04). The request to remain seated (line 07) then specifies the part of the patient's action required for the first examination. In the following announcement, she informs the TM and the P about the first focus of the examination: = *then (.) let's start with the eyes?* (line 08). It is not initially clear whether "we" here is an inclusive pronoun (TM, LD and P) or whether the TM is opening a dyadic project of action.

Through *online commentaries* (e.g. Heritage/Stivers 1999, from now on OC) (lines 10, 12), the TM documents her media-instrumental actions of zooming in with the camera, starting in line 08, which serves as preparation for the investigation. This is made available for the LD and the P, although they cannot observe directly the modalities of doing (how it zooms) and the consequences (how close does the P's face appears on the screen; see stills #1 and #2).

Heritage/Stivers define OC for face-to-face discussions in medical practice as "the talk that describes what the physician is seeing, feeling or hearing during physical examination of the patient" (Heritage/Stivers 1999: 1501).

Another function of OC is shown here: the TM use them during the preparation of the examination and documents with them what they are *doing*. In doing so, TM take into account that their media-technical actions, as well as their effects (the enlarged camera image and better view), are not accessible to the other parties involved in the course of the process. In addition, OC make transparent for the P what is in the focus of the examination by the doctors so that the former can adapt their bodily behaviour (namely: look into the camera if possible, open their eyes, etc.). Another function of the OC is to bridge the verbal pauses resulting from creating the examination's technical prerequisites. That also shows that TM is assigned the right to conversational initiatives. The metaphorical expressions "I'll come closer" and "I'll adjust your eyes for me" are interesting insofar as they suggest the – at least partial – overcoming of the spatial and media-induced bodily intermediacy between the therapist and patient and, at least from the therapist's perspective, visually narrow the participation framework to the dyad of therapist and patient.

In line 14, the TM then issues a request to the LD. The initial onymic addressing (Günthner 2016) defines the LD as the addressee and actor in the required action. Since the computer-mediated interaction offers no direct eye contact and no possibility of turning towards the LD or the P, the addressee of instructions must be disambiguated. Particularly in the present sequential context of medical requests and instructions that require prompt execution, it is of essential importance for the successful implementation of the response (i.e., the execution of the required action) to disambiguate the addressee. The onymic addressing not only contextualises the interactive problem of double addressing and addressability in the triadic participant constellation; its use may also indicate that the LD appears less accessible due to the camera setting focused on P and must be "called into" the conversation again as a bystander. As a deontic marker, the onymic addressing further projects a directive to follow.⁵

The participation framework for carrying out the following neurological test is also established by the use of a practice that we call *knowledge-*

⁵ In the conversations studied, there is also evidence of requests in which onymic or nominal forms of address ("Herr Kollege") are used in an utterance-final manner, sometimes after a pause. In these cases, the deontic character of the addresses is emphasised even more.

presupposing requests.⁶ These requests contain technical terminology (*gaze sequence, field of vision*) and are only minimally explicit (for the patient) as they only specify the purpose of the investigation. The single steps that are specifically necessary for the implementation of the test remain just as implicit as the actions of the P. They require knowledge on the part of the LD about the technical terminology used as well as about the goal and the execution of the test. The LD is thus ascribed expert knowledge, which they comply with by adequately executing the test. The attribution of professional medical knowledge to the colleagues on site is also an epistemically sensitive, face-saving practice that refers to the co-expertise of LD and TM. In that the LD is the addressee of such requests, they constitute a form of intra-professional speaking. Since these *knowledge-presupposing requests* are successfully decoded in many cases and translated into an adequate test implementation, this request practice also proves to be the most economical form of "getting things done" (Ehmer, Helmer, Oloff, Reineke 2021) for neurological testing.

The fact that the P also uses hints in the request to align his bodily action to a smooth implementation is shown by a minimal facial reaction of the P: He narrows his eyes on the word "look", which signals his understanding in the form of a minimal bodily reaction and cooperation for the following investigation (patient's eyes not shown due to ethical considerations).

In excerpt 2, the interlocutors use the emerging syntactic structure and the thematic roles of the predicate to establish the framework for participation. As soon as the grammatical object is produced, not only the addressee is disambiguated but also who is going to take the active lead during the upcoming test.

⁶ "Knowledge presupposing request" is a translation from German "epistemisch voraussetzungsvolle Aufforderung". These are requests that require a certain knowledge to comply, and by uttering them they ascribe it to the addressee.

Excerpt 2: Grammatical object as address-marker



#3

#4

01 TM: vielleicht könnten sie^{#3} DAzu einmal der patientin-^{#4}
perhaps you could shine into the patient's

02 TM in die AUgen reinleuchten-
eyes

The physical reaction of the P shows that she uses TMs request addressed to the LD to decode her role as a recipient: She looks up to the LD immediately after having heard “the patient’s” (the dative object, #4). This example also clarifies that Ps not only create the necessary physical prerequisites for the upcoming examination when prompted but that they, as recipients, derive indications for their form of participation in the upcoming test from the talk between the LD and TM. In the conversations examined, it is regularly proven that the P performs bodily (e.g., head posture, gaze, even blinking) or instrumental (putting on glasses, putting away handbag) actions at this point, which show their understanding of the corresponding examination requirements and goals, and signal a willingness to cooperate (=participate in the conversation) and collaborate (=contribute to the success of the examination). In doing so, they actively shape the framework of participation: In anticipating their upcoming role in the test, they quit their role as a “patient” overhearer of intra-professional talking and, at least on a physical level, display a more active form of collaboration at this point. The multimodal conversation-analytical approach to fine-tuning the medical and patient-side conversational action can thus reveal that the execution of the

test does not only begin with the addressee-specific verbal instruction of the LD to P but that the P already presents himself beforehand as a "thinking object to be examined", who derives his action partly from the request to the LD and creates the corresponding physical conditions. Conversations in which the P has to correct such anticipatory actions – self- or other initiated – show that this point of the examination process is a sensitive one, as happens several times in excerpt 3:

Excerpt 3: Self-correcting anticipatory actions



#5

01 TM: würden sie bitte noch einmal das geSICHTSfeld überprüfen, #5
would you please check the field of vision again

02 (0.7)



#6

#7

03 LD: JA-#6
yes

04 (--#7--)



#8

#9

05 LD: (passen sie bitte auf) o_ob#8 sie meine HÄNde sehn;#9
(please take note) whether you see my hands



06 WANN#10 sie sie sehen;=ja?
when you see them yes

07 LD: welche [Seite sich bewegt;
which side is moving

08 P03: [hm_hm,

09 (3.3)

At the beginning of the excerpt, the TM asks the LD to identify the patient's field of vision, i.e., check their peripheral vision. Immediately after the last word of the request, the patient moves both hands up to chin level and holds them there for a moment in a "trembling" motion (still #5). With the understanding documentation of the LD (line 03, still #6), the P moves her hands further up to the sides of her glasses to lower them again (without the glasses) (still #7). While the LD is instructing her (line 05), the P then takes off her glasses briefly (still 7) and puts them back on – notably simultaneously with the perception verb *see* (line 5, still #9) – to do the test. The LD prepares this by moving behind P's bed (still #10). That makes it clear that preparing for the test also means creating visibility for the TM.⁷

Overall, the example shows how the instrumental actions of the P signal the online disambiguation of the prerequisites necessary for carrying out the test. While the patient is gradually deriving the necessary information from the instruction of the LD, the alternating raising and lowering of the arms or touching the glasses after the request of the TM indicates an interpretation problem: She cannot deduce from it whether it is relevant that their eyes are accessible for the LD and TM (glasses off) or whether it is about a visual

⁷ A teaching video for medical students at the University of Mainz demonstrates how the visual field test is carried out in a dyadic face-to-face constellation; here the doctor sits in front of the patient (Angelika Gutenberg, <https://www.youtube.com/watch?v=-1HWupXahKI>, accessed on September 27, 2023).

performance on her part (glasses on). In another conversation (see excerpt 4), this is what is explained in preparation for the pupil test:

Excerpt 4: Explaining test intention and clarifying necessary patient action

01 TM: °h jetzt würde ich grade mal die kamera SO einstellen-

now I would just set the camera in such a way

02 dass man ihre AUgen ganz genau sehen kann-

that one can see your eyes very clearly-

03 sie bitten die brille kurz ABzunehmen?

can you please take off your glasses for a moment

04 für die ERSte untersuchung,

for the first examination

The TM here not only comments on her instrumental actions, as we have already seen in excerpt 1, but also explicitly explains in a final sentence their immediate purpose: the improvement of her own visual perception. Her request in lines 03 and 04 also clarifies not only the necessary action required from the patient's side but also its relevance to the subsequent examination of the pupils.

5.2 Conduct the examination collaboratively: Instruct and correct others actions, make one's own actions visible

The collaborative action of the LD and the P as a mandatory part of the response to the TM's request is the conversational core of performing some of the neurological tests. As a rule, this requires preparation on the part of LD: The purpose of the examination (testing the line of sight, checking the field of vision, etc.) as specified in the TM's request must be translated into target-oriented action steps that are coordinated between the LD and P. For the LD, this means that they have to update their medical knowledge and implement it in embodied and instrumental actions to carry out the examination. Further, it is necessary to adjust the implementation of the test to the triadic face-to-screen constellation and ensure visual accessibility for the TM. In most consultations, this task is handled *en passant* and appears to be unproblematic, insofar as the test performance is usually directed towards the camera. Cases like the following, in which the test execution must be corrected, show that making one's medical activities visually available for a third party can be a challenge for the LD.

Excerpt 5: Establishing visibility

14 TM: frau liebler würden sie bitte nochmal die: (.) des eh:m die
BLICKfolge testen?

Ms. Liebler would you please do the ehm: the eye tracking test again

15 (4.9) ((mouse clicking for camera zoom))



#11

16 LD: sie müssen bloß auf die (-) #11SPIt[ze] schauen;
you only have to look at the (-) tip

17 TM: [<<p>hm_hm,>]

18 LD: und dann (mit_n [AUGen folgen])
and then (follow with your eyes)

19 TM: [können sie blsschen zur SElte gerad treten?=
could you step a little to the side



#12

20 =dass ich die #12AUGen SEHen kann?
that I can see the eyes

Excerpt 5 follows excerpt 1 discussed above. It was reported that the examination modalities (it is about the eyes) were conveyed in the preparation of the gaze following test using OC and that visibility for the TM would be relevant in the following. Nevertheless, a problem arises in the following response: The TM initiates the test with a *knowledge-presupposing request* to the LD (line 14) and zooms in on the P's face from the beginning of the request and during the following rather long verbal pause of almost five seconds (lines 14-15). While the LD is now issuing an

instruction to the P, she moves in front of the P with a pen raised in front of the P's face and begins to move the pen from one side to the other (still #3). However, this optimal physical alignment of the LD to the P, typical for a face-to-face situation, obstructs the TM's view of the P's eyes, which the TM had previously set (see excerpt 1, line 12). Correspondingly, the TM interrupts the test instruction and the beginning of its implementation (lines 18 and 19) by initiating a correction of the physical alignment of the LD, which she promptly complies with (still #12). The increment in line 20 accounts for the correction by explaining the TM's intention to see the test performance with her own eyes. By initiating this correction, the TM modifies the modalities of medical action and changes the participation structure defined by the LD to the extent that she defines herself as the primary addressee of the test performance.

In addition to what has been said so far about the special features of performing, documenting, and making medical action available in neurological examinations, the examples shown so far illustrate that to carry out individual neurological tests, it is necessary to explain the action part of the P with appropriate instructions to make it understandable. In tests where the LD is used as an extended arm of the TM for implementation, this interactive task can be assigned to the LD. In contrast to the *knowledge presupposing request* of the TM to the LD, the (partial) actions that the P are supposed to carry out are specified in the instructions. On the other hand, the main purpose of the respective test is usually not explained for the P.

In excerpt 3 above, which is being referred to again here, the instructions from the LD to the P appear on a verbal level in lines 05 to 07. Formally, they are designed – in contrast to the requests to the TM – as imperatives. In other conversations, infinitive constructions (e.g. *looking straight ahead*) or V2 constructions with the deontic modal verb “*must*” are also used (see excerpt 5, line 16). LD touches the patient's upper arm, as can be seen in stills #8 to #10, calling for P's reciprocity. Together with the verbum cogitandum “to pay attention” in the matrix sentence of the request, the required focus of attention on the visual is defined and concretised in several successive subordinate clauses by breaking it down in small steps into a WHAT (the hands of the LD), then the WHEN and the WHERE. The corresponding subtask of P, that she should not only accomplish the required visual perception but also verbalize it accordingly as soon as a hand

appears on the right or left in the periphery of the field of vision, is only implied by the instruction.

In excerpt 6, which is directly linked to excerpt 3, a problem of understanding arises, which among other things, follows from the segmented instruction:

Excerpt 6: Correcting patient's actions



#13

10 P03: #13((nickt)) JA;
((nods)) yes

11 SEH ich;
I see it

12 (0.4)

13 LD: oKAY,
(0.4)

15 welche SEIte,
which side

16 P03 (--)<<pp>rechts;>
right

17 LD: welche SEIte,
which SIDE

18 P03: ä:h RECHTS,
right

19 LD: hm_hm,

The verbal responses of the P in lines 10 and 11 appear immediately in response to the hand moving towards the visual centre with which the LD performs grasping movements. However, they only start after an earlier nod and a small, sweeping movement with the right hand (still #13). The exact

point at which the LD's hand appears in the field of vision is visible to the TM but not to the LD. Failure to name the stimulus side still leads to a doctor's initiation of correction (line 15), at which point the P articulates the word *right*, not audibly but visibly for the TM (as well as for the analyst) (line 16). Following the renewed initiation of the correction, the P repeats (after a hesitation marker), now clearly audible, the correct side (line 18), which the LD ratifies.

This small repair sequence in the test execution, which the LD and P have to cope with here, reveals, on the one hand, that the P only understands after the initiation of the repair that she should name the side where she perceives the stimulus. On the other hand, the P has the task of correctly decoding the action parts assigned to them, which the P only understood in excerpt 6 - possibly due to the fragmented instructions and the lack of clarification about the purpose of the examination - after a "stagnation" in the progress of the joint action.

Secondly, the minimal gestural and articulation-mimic feedback from the patient in excerpt 6 shows an (additional) addressee orientation towards the TM, which fits in with the fact that the LD also makes the test performance visible for the TM. The interactive task for P, therefore, is to derive from the instructions of TM and VM and the physical actions of VM, for whom she should primarily make her visual perception inter-subjectively available. In contrast, this interpretation is unproblematic in excerpts 1 and 3 shown above, in which medical OC have it clear that the test performance should be visible for the TM. Even if this is no guarantee that the test will be carried out without problems (see excerpt 5), in our opinion, it can be considered as best practice to clarify the primary addressee (= perceivers and assessors) of the performance before each examination.

5.3 Completing the examination: Making perceptions inter-subjectively available & evaluating test performance intra-professionally

To complete the examinations, the interlocutors must agree to cease the bodily-instrumental actions required to carry out the neurological tests. Recurrent ratifications after the implementation reflect that the TM sees it as their interactive task to recognize the required test performance as sufficient or even to evaluate it in the direction of diagnostic findings. In the following

excerpt, we see the commonly observed case where the timing of the completion is determined by TM.

Excerpt 7: Terminating test performance

01 TM: einmal bitte die ZUnge rausstrecken?

please ((Part.)) stick out your tongue

02 (1.34)

03 und nach RECHTS und LINKS bewegen die zunge?

and move your tongue to the right and left

04 (1.48)

05 JA;

yes

06 SUper-

super

The point of termination is closely linked to the TM's perception of the horizontal tongue movement, which is documented through minimal positive ratifications (lines 05 and 06) indicating that the test performance was sufficient. The evaluation *SUper-* (line 06) also provides P and VM with clues regarding the diagnostic assessment, namely that the performance is to be classified as inconspicuous.

Pre-diagnostic commentaries, which – in contrast to dyadic situations – are addressed primarily to the LD in the present triadic constellation, are also documented as the termination signal of the examination sequences. See the following excerpt:

Excerpt 8: Visual impressions of the LD and TM

258 TM: die schauen soweit ganz (-) isoKOR aus,=

they look quite isochore

259 =die kamera licht reaktion haben Sie wahrscheinlich besser gesehen als ICH;

you probably saw the camera light reaction better than me

260 (0.87)

The pre-diagnostic commentary by TM in line 258 is not only used to end the test performance. In contrast to the minimal ratifications in excerpt 7, it further reflects an uncertain state of knowledge concerning one's diagnostic conclusions, resulting from the limited visibility of the pupillary reaction. In

this way, the TM presents their visual perception as something that needs to be intersubjectified and negotiated intra-professionally towards a corresponding diagnosis. By assigning better perception in line 259, the LD is positioned as the person responsible for validating his visual impression after he had "only" assisted in the previous implementation phase of the light reaction test. The factor of direct access to diagnostically relevant knowledge through the perceptibility of test performance proves to be constitutive for the design of test completion, as it necessitates different forms of division of labor between VM and TM after the test procedure - specifically, for intra-professional perception, perception documentation, and evaluation.

Especially when examining muscle strength, the sensory accessibility of the TM is characterized by restrictions due to the mediatization: The TM cannot derive directly, but only visually from the camera image, how strong the arms of the P are when stretching or bending. Consequently, they are not only dependent on the assistance of the VM as an "extended arm" in carrying out the corresponding examination procedures; in the final phase of this test, the VM also has the task of perceiving tactically on behalf of the TM. Excerpt 9 shows how the LD, but also the P make their perceptions intersubjectively available and thus provide the TM with indications for a diagnostic assessment:

Excerpt 9: Gaining intersubjectivity by tactile perception

06 TM: und fra:u LIEBler sie versuchen,
and Ms. Liebler you try to

07 (--)

08 TM: [di:e ähm Arme (-) ABstrecken;
stick out (-) your arms

09 LD: [JA;
yes

10 TM: sozuSagen.
so to say

11 geNAU.(--)
exaCTLY

12 FEStE,

firmly

13 (1.2)



#14

14 P11: ((P squints his eyes and groans))^{#14}



#15

15 LD: also die linke^{#15} (.) HAND gibt nAch;
so the left hand gives way

16 (---)

17 TM: hm_HM?

18 weil das SCHMERzen macht,
because it hurts

19 Herr Elfer?
Mr. ELfer

20 P11: ja.
yes.

At the beginning of the example, the somewhat complex implementation of the test is instructed (lines 06-10), ratified (line 11) and modulated online (line 12). It stipulates that the P bends his arms and should hold them against the force of the LD, which happens for one second (line 13). In the completion of the test procedure, a finely coordinated timing between the physical, paraverbal, and verbal actions of VM and P is visible: the patient

gives in with his arms and squints his eyes. The subsequent groaning (line 14) also signals physical discomfort (cf. Heath 2002) and provides an account for the marked situation that the execution is terminated by him and not by the LD or TM. Partly overlapping with the groaning, the LD documents her tactile perception with an OC by describing the reaction of the left hand to the counterforce exerted (line 15). To convey her impression to the TM, she turns to the camera (still #15), after having positioned herself with her back to the camera during the procedure, treating the examination as a dyadic project in this way. The TM documents her understanding of the physical reaction (the abrupt loosening of the arm) as caused by pain by asking the patient to confirm (line 20).

Excerpt 9 shows that the LD has the task of professional perception and intersubjectification of this perception if this is not fully accessible to the TM. In the case of tactilely perceptible test performances, this task is taken over "automatically", without this having to be negotiated beforehand; while the TM has to inquire about the visual impression of the LD in excerpt 8, the LD forwards her observations in excerpt 9 to the TM on her initiative. For his part, the P uses facial and vocal resources to make his pain perception available.

Overall, it becomes clear that the interlocutors fine-tune the timing of the end of the test performance and shape it, taking into account their own medially conveyed perception and the ascribed other's perception. During the termination phase, the more or less fragmented sensory accessibility to the respective other interaction space is reflected in complex ratification processes. The least laborious case is that the TM initiates the termination with full sensory access to the test performance, often with minimal final signals (e.g. *hm_hm, okay, good*). Positive evaluations (*super*) give the other two interlocutors additional information about the diagnostic valence. Limited visual perception on the part of the TM requires either corrections in the test performance (see excerpt 5), a (more or less direct) demand for the assessment of the LD and negotiations to intersubjectify the mutual "professional view". When the LD has the task of vicarious tactile perception, as we saw in excerpt 9, they verbalize the sensory impressions for the TM.

6 Summary and Conclusion

The present article aimed to outline the interactive tasks involved in collaborative neurological examinations within a triadic participant constellation in the medical context of teleconsultations for stroke diagnostics. Furthermore, it sought to identify and analyze the multimodal and medial practices which the interlocutors deploy in the initiation, implementation, and completion of neurological examinations.

The analysis has shown that the division of labour between the LD and TM does not imply that the former merely acts as an "extended arm" of the TM, but rather as a "knowing executive arm". The participation structure and forms of collaboration can change rapidly depending on the required test modalities and throughout the phases of initiation, implementation, and termination.

The initiation of the individual tests has proven to be a relevant task in which the TM must establish the required participation structure (who takes part in the test actively, who is a bystander). Alongside onymic forms of addressing the LD, typically there are *knowledge presupposing requests* of the TM to the LD, in which implementation modalities of the respective examination steps are implied. The P cooperate early on a physical level by anticipating the goals and implementation prerequisites to create the examinations' physical conditions.

However, the necessary forms of collaboration are not always clarified in the conversations we examined during the initiation of the tests, and in the case of a test implementation coordinated between VM and P, this task often falls to the former. Anticipatory cooperative actions on the part of the P turn out to be dysfunctional for the execution of the test in some cases due to the lack of knowledge about the implementation and purpose of the examination. From an applied CA perspective, the best practice would be to enable adequate patient cooperation at this sensitive point through explanations.

The analysis has also shown that the TM uses online commentaries to document their actions, which are more or less accessible to the other interacting parties, both in the preparation and the implementation of the individual tests, primarily zooming in on relevant parts of the patient's body with the camera. The TM thus contribute to making professional activity

transparent. The fact that verbal pauses are also filled through such comments reveals their overarching right to conversational initiatives, reflecting also a local gap in professional responsibilities in the consultation.

To conduct the tests, the LDs must decode *knowledge-presupposing requests*, instruct P and coordinate the interaction between their own and the patient's instrumental-bodily actions. Additionally, there is the interactive task of visually making the test performance available to the TM. The conversations show that LDs usually instruct P's actions in small steps. The dual interactive task for P, to quickly understand the action requirements and also to disambiguate who the primary recipient of the test performance is, proves to be an interactive stumbling block in some conversations, leading to brief delays and repairs in the test execution. For the termination of the individual neurological tests, it has been shown that the patient's actions are completed by documenting the medical perception of the test performance via ratification. If the P and LD are engaged in the execution, it is terminated by the TM or LD. The termination with the P is treated differently (cf. excerpt 9). In visual impressions, the speciality is that the "professional looks" of the TM and LD have to be intersubjectivized and brought into harmony. Here and in an extreme form with tactile assessments, the media-related restrictions on accessibility to the patient's body are particularly evident.

Following on from a desideratum formulated by Beul (2013) to name the necessary communication skills of telemedicine practitioners, a suggestion would be to "straighten out" the interactive tasks required in parallel for the P by a) clarifying the orientation of the testing (for the LD or TM), and b) conveying more knowledge about the purpose of the test in the announcements or instructions. Further studies are both possible and necessary here.

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Transcription conventions (Selting et al. 2009)⁸

[word wo]rd	overlap and extension of simultaneous talk
[words]	
°h/h°	audible in-/outbreath
(.)	micro pause, estimated, up to appr. 0.2 sec
duration	
(-)	short estimated pause, up to appr. 0.2-0.5 sec
duration	
(--)	intermediate estimated pause of appr. 0.5-0.8 sec
duration	
(---)	a longer estimated pause of approximately 0.8-
1.0 sec. duration	
(0.4)	measured pause of 0.4 sec duration
and_uh	cliticizations within units
eh, uhm	hesitation markers, so-called "filled pauses"
((coughs))	non-verbal vocal actions and events
<<coughing> >	non-verbal vocal actions with indication of scope
until >	
(such a)	assumed wording (in an almost unintelligible
passage)	
=	latching of intonation phrases
:	lengthening
?	cut off with glottal closure
SYLlable	focus accent
sYllable	secondary accent
?	rising to high

⁸ For the complete set of transcription conventions refer to <http://www.gespraechsforschung-online.de/fileadmin/dateien/heft2011/px-gat2-englisch.pdf>

,	rising to mid
-	level intonation
;	falling to mid
.	falling to low
<<f> >	loud, scope until >
<<p> >	low, scope until >