

## OATH IN OROMIA COURTROOMS: ACRITICAL DISCOURSE ANALYSIS

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### ABSTRACT

*This article analyzes the oath currently in use in the Oromia courtrooms. The analysis mainly aims at examining the oath from the language as a social practice view point which depicts what users do with their language, and what language use does for its users. Its specific objectives include describing the linguistic devices the oath employs, exploring the discursive strategies it comprises, and explaining the nexus between oath, ideology and power in the attempt to boost the presentation of facts about cases. To attain these objectives, descriptive-interpretive design and qualitative methods which are social constructivism in orientation were employed to collect and analyze oath used in the study. Non-participant observation was the sole instrument employed to attend and record the oath judges prescribed to witnesses before the specific provision of testimony about the cases they saw or heard. The data recorded were changed into written Afaan Oromoo, translated into the English language and analyzed thematically. Fairclough's (1992) model of discourse analysis was used in the analysis. The findings show that abstract and concrete words, antonyms, repetitions, pronouns, conjunctions, parallel expressions, metaphors and speech acts (promising and self-cursing) are the dominant linguistic devices used in the oath. The main discursive strategies employed in the oath include authoring, associating, intensifying, self-mentioning and total submission. The devices and strategies used in the oath aims at impacting the mental spaces of witnesses by magnifying the negative consequences of perjury crime supposed to be happened on their livelihood source, offspring, dwelling and peace. They try to make witnesses accountable for the information they provide about cases. They also attached the values of telling truth and lie to the customary spiritual ideology and authority to which the witnesses are socialized their culture to provide truthful testimony.*

**Key words:** *Courtroom Discourse, Critical Discourse Analysis, Language and Law, Oath, Witness Oath*

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## 1. INTRODUCTION

This article examines the oath-swearing practice currently in use in the Oromia courts dealing with civil and criminal cases. Oath-swearing, the main focus of this article is religious by its very character. The development of its religious character flashes back on the pre-constitutional and the constitutional eras where supernatural being was supposed to have a magic power and principle that govern the whole life of people.<sup>1</sup>The development of oath-swearing is interlocked with religion which in turn is closely linked to law. <sup>2</sup> According to Currie and de Waal<sup>3</sup>, religion played significant roles in the development of law. In the courtroom of many countries, oath-swearing practices mainly take place for legal purpose as part of the procedure of trials to take actions.<sup>4</sup>It is believed that for the fear of divine retribution, swearers may refrain themselves from deigning to lie.<sup>5</sup>

However, the legal system of constitutional era is mostly non-accommodative to the diversified practices of religious faiths among the societies across the world. Unlike the pre-constitutional era where customary religious tradition, rules and principles govern customary system, the legal system is exclusive due to the religious ideology of the group occupying socio-political power in different nations.<sup>6</sup>Thus, the constitutionally implanted religious ideologies into the legal systems excluded the customary religious practices of the respective societies. Oath-swearing is one of the customary religious practices of social groups influenced by the ideologies of the selected religions fixed into the legal systems of nations. <sup>7</sup> The oath-swearing practices allowed in the legal systems of Ethiopia are not exceptional. The ideologies of Christianity and Islam implanted into the legal system of Ethiopia during the imperial regime, have dominated the customary oath-swearing practices of the people in the country. As a result,

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<sup>1</sup> Bothama, F., A legal History of Oath-swearing (Unpublished MA Thesis, 2017).

<sup>2</sup>*Ibid.*

<sup>3</sup> Currie and de Waal the Bill of Rights Handbook 3; Devenish 2012 Fundamina 3.

<sup>4</sup> See Bathama, *supra* note 1.

<sup>5</sup> Milhizer, E. R., 'So Help Me Allah: An Historical and Prudential Analysis of Oaths as Applied to the Current Controversy of the Bible and Quran in Oath Practices in America, Ohio State Law Journal(2009), Vol.70, No.1, Pp1-71.

<sup>6</sup>Ngong L. Studies in World Christianity; World Religions: African Traditional Religion (2009), Pp 46-63.

<sup>7</sup>*Ibid.*

the swearing practice in the courtrooms of the country references only to the faiths of the two religions using Amharic disregards the religious, linguistic, cultural and social diversities prevailing in Ethiopia.<sup>8</sup> The Gada System of Oromo, though egalitarian by its character to protect justice<sup>9</sup>, is one of the customary practices excluded from functioning in the formal situations of decision-making by the religious ideologies fixed in the oath-swearing practice of the Ethiopian legal system.

Following the change in political system from the socialist to the federal era of Ethiopia, Nation, Nationalities and Peoples to the country are allowed to exercise their languages in their respective courtrooms. However, the ideologies of Christianity and Islam implanted in the assertory oath-swearing practice to administer justice system in the courtrooms are continued to the current judicial practices of the people. Until 2016, it was common for all the regions in Ethiopia to practice oath-swearing in the names of God holding Bible or Allah holding Quran. From that year on wards, oath-swearing practices in the names of both religions in some of the Oromia courtrooms were replaced by cultural oath of the Oromo people. Courtrooms judges of the region have started ordering witnesses to practice the selected customary oath as a solemn pledge to attest statement of truth about the case they see, hear or know.

This study analyzes the oath from the language use view point in which a Critical Discourse Analysis (henceforth CDA) is the approach employed to describe the oath text and interpret the context in which it is consumed, and unmask the ideology and power relations embedded in it. The approach opens room to disclose the power relations fixed in the production, regulation and consumption of the oath-swearing practices in the legal milieu<sup>10</sup>. It explains the ideology guiding the discursive repercussions of realities presented in and through the oath.<sup>11</sup> According to Van Dijk, “CDA is

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<sup>8</sup> Kumsa, A., *The Oromo National Memories* in RUDN Journal of Sociology (2019), Vol.19, No.3, Pp 503-516.

<sup>9</sup> Asafa J., *The Oromo Struggle: Knowledge and Oromo Agency in the Age of Globalization*, Journal of Oromo Studies (2018), Vol. 25 (1and 2), Pp 25-61.

<sup>10</sup> Gee, J. *How to Do Discourse Analysis. A Toolkit* (New York and London: Rutledge, 2011).

<sup>11</sup> For example, see Hyland, K., *Meta-discourse. Continuum Guides to Discourse* (London, 2005).

a type of discourse analytical research that studies the way ideology and identity are produced and (re)enacted in social and political, legal texts and contexts".<sup>12</sup> He also states that CDA is a problem-oriented approach which systematically explores the interconnection between events and texts of wider socio-political structures, and uncovers the opaque as well as transparent relationships of dominance and discrimination used through discourses.<sup>13</sup>

## 2. OBJECTIVES AND METHODS

The general objective of this study is to examine the assertory oath-swearing practice currently used in Oromia courtrooms when dealing both civil and criminal cases. The specific objectives include describing the linguistic devices employed in the oath, exploring the discursive strategies it comprises, and explaining the nexus between oath, ideology and power in the presentation of facts about cases in the legal proceeding. To attain these objectives, descriptive-interpretive design and qualitative methods which is constructivist in orientation<sup>14</sup> are used to frame the data collected and analyzed in the study.

In 2019, I and two of my colloquies had been called to Sululta court to witness for a civil case. In the meantime, the courtroom judge had prescribed us the oath under this study which we had never practiced before in such a legal context before uttering what we knew about the case. That was the time when the oath attracted my attention to analyze it from the language use perspective. To identify weather or not the oath is used for other case (criminal, labor, etc.) in the courtroom and in the other courtrooms of the region, the researcher selected three courts, namely Sululta, Sabata and Burayu using a purposive sampling technique. The oath was collected in between 14 December – 4 March 2019 from these courts using a non-participant observation.

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<sup>12</sup>*Ibid.*

<sup>13</sup>Fairclough, N., *Critical Discourse Analysis: The Critical Study of Language* (London: Longman, 1995)

<sup>14</sup>Creswell, J. W., *Research Design: Qualitative, Quantitative and Mixed Methods Approaches* (London: Sage Publication, 3rd ed., 2007).

In consultation with judges of the courts selected, the dates arranged for witnesses to give evidence about cases were identified to attend the oath. On the dates identified, the oath prescribed by the judges and repeated by witnesses was recorded based on permission of the judges. The oath recorded was changed into written *Afaan Oromoo* using line based transcription system<sup>15</sup>. The transcribed script was translated into the English language and analyzed thematically. Fairclough's tri-dimensional model of CDA was employed in the analysis<sup>16</sup>. The analysis begins with describing the linguistic devices identified from the oath. The description was amalgamated with their context of use for interpretation. Finally, the analysis ends with explanation of the oath to uncover the ideology and power relations embedded in the oath.

Systemic Functional Linguistics (SFL)<sup>17</sup> and Speech Act Theory (SAT)<sup>18</sup> are the theories adapted to frame this study. According SFL, language use is neither neutral nor innocent; but it is ideologically (re)charged. In this regard, the theory enables me examine what the judges intend to do with the oath they administer to witnesses, and how the use of the oath to ensure the provision of truthful testimony about cases on trial. The use of SAT gives room to examine what judges and witnesses do with the words and expressions of the oath in connection the information required to give decision. Both theories frame the formal description, the contextual interpretations and the social explanations of the oath this study attempted to do.

### 3. COURTROOM DISCOURSE AND DISCURSIVE PRACTICES

Courtroom is an institution where defendants and claimants present their conflicting sets of ideas, witnesses testify about the cases they witnessed, and judges make decisions based on the evidence they collect from different

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<sup>15</sup>Chafe, W., The Analysis of Discourse Flow in Schiffirin, D. Tannen, D. and Hamilton H. E. (eds.), *The Handbook of Discourse Analysis* (2001), Pp.673–687.

<sup>16</sup>See Fairclough, Tridimensional Model (Description, Interpretation and Explanation) of CDA to systematically reveal ideological and power relations embedded in textual, discursive and social practices of a given group(1992).

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

sources. It is the place where justice is central for decision making.<sup>19</sup> According to Finnegan, courtroom is the stage for observing contesting discourses about criminal and civil trials that enable judges identify facts about cases to give decision.<sup>20</sup>

The comprehensive definition of discourse involves form and function of both the verbal and non-verbal practices. This is because, in a real context, one cannot communicate with form devoid of function, and function devoid of form. In connection with this interlocking nature of form-meaning, discourse is defined as “...the way of behaving, interacting, valuing, believing, speaking, reading and writing that is accepted as instantiations of particular identities by individuals or groups.”<sup>21</sup> Gee argues that discourse encompasses both the forms and functions of textual and non-textual means people use in their lives. This study sees discourse as the way we produce, comprehend and reflect realities in a legal system. It refracts and reflects the meanings courtroom actors intend to communicate in and through oath-swearing practice. All the interactions between actors and their intentions can be concluded as courtroom discourse.

Courtroom discourse, as a subgenre of discourse, is used in the process of fact finding and decision making about cases individuals and/or groups brought to courtroom for legal resolution.<sup>22</sup> It comprises both the verbal and the non-verbal actions and interactions between the claimants, defendants, witnesses and judges involved in the process of decision making about cases on trial.<sup>23</sup> Oath-swearing is one of the courtroom genres practiced in legal decision-making system. It is usually prescribed courtroom judges and applied by witnesses of the cases on trial, from the legal point of view, oath-swearing is seen as an assertory action takes place in the procedure of

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<sup>19</sup> Milhizer, *supra* note 5.

<sup>20</sup> For further details, see Finnegan, R. African Oral Literature: World Oral Literature Series, United Kingdom: Open Book Publisher, 2012), Retrieved from <http://creativecommons.org/licenses/by/3.0/>

<sup>21</sup> See Gee, J. P., A Sociocultural Perspective on Opportunity to Learn (2008, p.3) for the comprehensive definition and typology of discourse.

<sup>22</sup> Van Dijk, T., Discourse as Social Interaction: A Multidisciplinary Introduction Discourse Studies (London: Sage Publication, 1997).

<sup>23</sup> See Rigney, A., The Pragmatics of Question/Answer Structures in A Bilingual Courtroom (Paper presented at the Conference of the National Association of Judiciary Interpreters and Translators, Seattle, USA, 1997).

courtroom trial to obtain facts about cases.<sup>24</sup> In this case, assertory oath-swearing constitutes the crime of perjury, which can be seen as common law and statutory perjury.<sup>25</sup> From the view point of language use, oath swearing is seen as language in the context of use, where it is considered as language as a social practice. This view point, which this study mainly used to analyze the oath text presented in the appendix, mostly focuses on what people do with oath, and what the oath-swearing practice does for the users.

In courtrooms, the legal context is largely dependent on the discursive practices (the courtroom drama) between the plaintiffs, defenders, witnesses and judges. Discursive practice refers to the production, distribution and consumption of a text (in this case, oath). It mainly shows what people do with their language use and what language use does for its users in myriad contexts.<sup>26</sup> In both cases, language use is neither neutral nor innocent, but ideologically (re)charged. Discourse constitutes and is constituted by contexts where ideology is the guiding principle.<sup>27</sup> Ideology determines the power relations between discourse participants and the discursive strategies they employed in their interactions with each other and with the contexts in which the interaction takes place.<sup>28</sup> Discursive strategies are perceived as a

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<sup>24</sup>See Bathama,*supra* note1.

<sup>25</sup>Common law perjury was the breaking of an assertory oath prescribed to be taken during the course of civil and criminal cases. The statutory crime of perjury was the breaking of an assertory oath prescribed by legislation which also prescribed the consequences of such breaking (See Bothama, 2017).

<sup>26</sup> In the late 1970s, following the paradigm shift from the objective to subjective view in language study, considering language as a social practice is becoming more prominent than considering it as a formal system and a neutral medium of communication that reflects the social world. It is argued that language is an activity that people do in context where words do not merely say but do something. This argument mainly opposes the disconnected and decontextualized view of language as a system. Since language is its context of use, the difference in the context is inevitably resulted in different ways people employ it to perform, and the different roles the language performs for its users. Thus, language is seen as a part of society; a form of social practice, and a socially conditioned process which is entirely tied up with identity. See Austin, J.L., *How to Do Things with Words* (Oxford: Clarendon Press, 1962); Janks, H., 'Critical Discourse Analysis As A Research Tool.' *Journal of Cultural Politics of Education*(1997), 18(3), Pp 329-342.;Fairclough, N., 'Critical Discourse Analysis and the Marketization of Public Discourse: The Universities in Discourse and Society, (1993), 4(2), Pp 133-66.

<sup>27</sup>See Van Dijk, T. 'Critical Discourse Analysis', in Schiffrin, D. (eds.) *Handbook of Discourse Analysis* (2001, p. 352), Pp.352-371. Oxford: Blackwell.

<sup>28</sup> See Dettenwanger, S., 'Witnesses on Trial: Address and Referring Terms in US Cases; Cao, D., 'Power of and to Language in Law,' in Wagner, A. and Cheng, L.(edt.), *Exploring*

more or less intentional plans designed to achieve certain goals.<sup>29</sup> They are planned and used in both written and spoken text in accordance with the functions intended to be achieved. In a courtroom, defendants and prosecutors can use dissociative discursive strategy in their written and/or spoken discourses to protect themselves from the potentially damaging implications judges and their rivals may be raised. At the same time, they can use an *associative* strategy which relates them to the potentially helpful ideas for their arguments.<sup>30</sup> Similarly, plaintiff and prosecutor in both civil and criminal cases may use claiming and blaming strategies to win their rivals and protect their rights respectively.<sup>31</sup>

The discursive strategy of presupposition also allows actors use the ideas and practices as a springboard for their argument. There might be self-mentioning strategy in a given text so that claimants, defendants and witnesses show their explicit presence in cases a courtroom is investigating.<sup>32</sup> Judges also use cross-examining and relabeling strategies to focus, conform and affirm admissibility of information about cases.<sup>33</sup> Thus, the discursive strategies and the corresponding functions and their linguistic realizations the courtroom participants use are based on the existing contexts of the legal system.

Linguistic devices realize the discursive practices and discursive strategies employed in a communicative context, in this case courtroom. They are ways

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*Courtroom Discourse: The Language of Power and Control*, (Ashgate Publishing Company, USA, 2011).

<sup>29</sup> Blackledge, A., *Discourse and Power in A Multilingual World* (Amsterdam: John Benjamin, 2005).

<sup>30</sup> Komter, M., *Accusations and Defense in Courtroom Interaction*, *Journal of Discourse and Society* (1994), Vol 5(2), Pp 165-187; Dettenwanger, S., 'Witnesses on Trial: Address and Referring Terms in US Cases' in Wagner, A. and Cheng, L. (eds.) *Exploring Courtroom Discourse: The Language of Power and Control* (2011).

<sup>31</sup> Wodak, R. Rudolf, de C., Martin, R. and Karin, L., *The Discursive Construction of National Identity* (Edinburgh: Edinburgh University Press, 2nd.Ed., 2009).

<sup>32</sup> Kiguru, G., 'A Critical Discourse Analysis of Language Use in Selected Court of Law in Kenyan (Unpublished PhD dissertation, 2014)

<sup>33</sup> O'Barr, W., *Linguistics Evidence: Language, Power, and Strategy in the Courtroom* (New York: Academic Press, 1982); Roy, C., 'Interpreters, Their Role and Metaphorical Language Use' in *Looking a head: Proceedings of the 31<sup>st</sup> Annual Conference of the American Translators Association*, A. L.Wilson (ed), Medford, NJ: Learned Information (1990), Pp.77-86.



of using language to realize social, cultural and psychological realities that frame and manifest the context.<sup>34</sup> The devices include vocabularies, grammatical features and rhetorical device. Vocabularies are the word forms such as wording, collocation, synonyms, metonyms, etc. that discourse participants use in their utterances to communicate their intended meanings. Grammatical features realize the discursive practices and strategies used in a discursive context. The devices comprise cohesive devices<sup>35</sup>, activation, passivation, etc.<sup>36</sup> Rhetorical devices, on the other hand, are linguistic mean of persuading people to take specified actions which realize the intended and used discursive practices and strategies people used in relation to the context which they interact with.<sup>37</sup> They realize experiential and relational values and mostly used as art of speaking.<sup>38</sup> Therefore, rhetorical devices are the productive and alternative ways of using language to describe, construct and argue circumstances in which people live. Circumstances that are the focus of rhetorical devices include political, social, legal, etc. that individuals or groups prefer to explicitly and/or implicitly compare arguments based on similarities and differences of ideas and actions, and replace personal entity with impersonal entity based on their relations. Thus, the oath encompass these rhetorical elements to present arguments for and against the cases on trial.

The literature reviewed on the courtroom interaction so far shows the interlocking nature of forms and meanings of texts and contexts of legal decision making. It indicates the discursive practices, strategies and linguistic devices produced and used by courtroom actors in the discourses of dispute and its resolution mechanisms to valuate, devaluate and reevaluate arguments about cases for legal jurisdiction. This article describes, interprets

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<sup>34</sup>See, Kwon, W, Clarke, I. and Wodak, R., *Micro-level Discursive Strategies for Constructing Shared Views around Strategic Issues in Team Meetings*, Journal of Management Studies(2013), DOI:10.1111/joms.12036.

<sup>35</sup>Cohesive devices are discourse markers that establish connection through backward, forward and outward ties to express certain meanings which presuppose and /or entail the presence of other components in a text.

<sup>36</sup>McCarthy, M. J., *Discourse Analysis for Language Teachers* (Cambridge: Cambridge University press, 1991); Halliday, M.A.K. and Hasan, R., *Language, Context and Text: Aspect of Language in a Social Semiotic Perspective* (Oxford: Oxford University Press, 1989).

<sup>37</sup>Zaleska, M., *Rhetoric and Politic* (Cambridge: Cambridge Scholars Publishing, 2012).

<sup>38</sup>Fairclough, N. *Supra* note 13.

and explains the discursive strategies and linguistic devices used in the oath-swearing practice serving in Oromia courtrooms since 2016

#### **4. RESULTS AND DISCUSSIONS**

This section discusses findings of the study. The discussion was made on the major themes identified from the oath in connection with the objectives set in section 2. One of the themes is the linguistic devices employed in the oath. The oath contains abstract and concrete words, antonyms, repetitions, pronouns, conjunctions, parallel expressions, metaphors and speech acts. These devices advocate the provision of desirable information about cases in the courtrooms. The next subtopics discussed these linguistic devices using illustrative examples taken from the oath presented in the appendix.

##### **4.1. CONCRETE AND ABSTRACT WORDS**

Concrete and abstract words build both semantic and pragmatic meanings of a text. Semantically, concrete words refer to something that we can have immediate experience of them through our senses and the actions we do. It signifies all the tangible qualities of things we can experience directly through our senses or actions. Abstract words refer to intangible qualities, ideas, and concepts which we know only through our intellect.<sup>39</sup> Pragmatically, text producers and users employ concrete and abstract words to communicate both transparent and obscured textual, contextual and social meanings.<sup>40</sup> The abstract words identified from the oath employed in Oromia courtroom presents concepts like truth and its relations with the beliefs in supernatural being. The concrete words used in the oath refer to objects and actions which concretize the beliefs about truth in the Oromo people. Both the abstract and concrete words used in the oath show the beliefs and practices of telling truth among the society. In what follows, the words extracted from the oath text presented in the appendix refer to this point.

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<sup>39</sup> Pollock, L. 'Concepts and Concreteness in Psycholinguistics (Unpublished PhD Dissertation, 2017); Brysbaert, M., Warriner, A.B., Kuperman V., Concreteness Ratings for 40 thousand generally known English word lemmas. *Behav. Res. Methods* (2013), 46, 904–911. <https://doi.org/10.3758/s13428-013-0403-5>.

<sup>40</sup> Fowler R., *Language in the News (Discourse and ideology in the Press*, London: Rutledge, 1991).

(1)

	<i>Abstract words</i>	<i>Gloss</i>		<i>Concrete words</i>	<i>Gloss</i>
(1)	<i>dhugaa ... soba ...</i>	'truth...lie'	(9)	<i>... guddate ...</i>	'...grew...'
(5)	<i>Waaqa...</i>	'God'...'	(11)	<i>... mul'ate ...</i>	'...visible...'
			(17)	<i>...qe.ee ... bofa ...</i>	'... home, snake...'
			(19)	<i>... booyyee</i>	'...pig...'
			(21)	<i>... dhala ....</i>	'...offspring...'
			(28)	<i>...faca'e ...</i>	'...sown...'
			(30)	<i>... marge ...</i>	'...germinate...'
			(34)	<i>...ija ....</i>	'...seed...'
			(48)	<i>... mana ...</i>	'...house...'

The abstract nouns *dhugaa* 'truth' and *soba* 'lie' present the desirability of telling the truth by contrasting it with the undesirability of telling a lie. The use of the noun *Waaqa* at the beginning of the oath intimidates witnesses in the name supernatural being not to give false information about a case. Witnesses are expected to declare their integrity to truth before testifying about a case under investigation in the name of God wrath. The concrete nouns denoting the properties believed to be influenced by God's punishment, in case witnesses tell lie, include *qe'ee* 'home', *dhala* 'offspring', *ija* 'seed/product' and *mana* 'house'. These nouns denote the basic foundations of life of the Oromo society. The choice of these nouns over the other words is to declare commitment to tell truth by reference to the foundation to witness's life. The Oromo use the expressions *qe'ee abbaabayyuu koo* 'my ancestor's home', *dhala koo* 'my offspring', *ija godhu* 'bear a seed/offspring' and *mana koo* 'my house' to demonstrate their attachment to the entities the nouns denote. For the people, the loss of these entities is as painful as the loss of life. Thus, for the Oromo swearing in the names of these entities is an assumption that their statement would amount to tell truth. Likewise, using concrete nouns which denote *bofa* 'snake' and *booyyee* 'pig' (17 and 19) which have enmity and gluttonous behaviors is to control witnesses to tell fact about cases. Witnesses call God's action to bring these impersonal characters on themselves if they perjury.

The verbs *faca'e* 'sow', *marge* 'germinated', *guddate* 'grew' and *mul'ate* 'became visible' used in (9, 11, 28 and 30) of the text represent concrete

actions. The actions are related to human and non-human growths which overtly show the bad future wished for the offspring and seed of a witness who tell a lie, conversely demonstrate a good future wished for he/she who tell the truth a case on trial in the courtroom. Specifically, the use of the verbs seems to wish self-perpetuation and sufficient subsistence for a person who tells truth, and the reverse for those who speak a lie about a case. In the perspective of functional grammar, such lexical items are also names ‘active words for they are triggering physical actions, and mainly emphasize on what words do rather than on the traditional grammatical descriptors.’<sup>41</sup>

**4.2. ANTONYMS**

Antonyms are the other lexical units identified from the oath used in Oromia courtrooms as an alternative way of discursively enforcing witnesses to give truthful testimony. Antonyms are words that are opposite with respect to some components of their meanings. It is argued that antonyms show disagreement with or present contradicting argument to a presupposed context.<sup>42</sup> Semantically, antonyms show linguistic opposition, whereas, pragmatically, they indicate context opposition as presented in the example below.

(2)

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(1)	<i>Dhugaa</i> ... <i>soba</i> ....	‘...truth; ... lie’
(23)	<i>Dhugaa</i> ... <i>soba</i> ....	‘... truth; ... lie’
(39)	<i>Dhugaa</i> ... <i>soba</i> ....	‘... truth; ... lie’
(51)	<i>Dhugaa</i> .... <i>soba</i> ....	‘... truth; ... lie’

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The paired words *dhugaa* vs. *soba* reiterated in the lines are opposite in meanings. The reiteration shows the emphasis to telling truth and lie – the socially and legally desirable and undesirable verbal practices respectively. The use of the words (true vs. false) with textually and contextually contradicting meanings has direct influence on witnesses to agree with the socially accepted and disagree with the unaccepted beliefs and practices. Consistent with this discursive argument, Clancy states that the pragmatic

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<sup>41</sup> Blackledge, A., Discourse and Power in A Multilingual World (Amsterdam:John Benjamins, 2005).

<sup>42</sup> McCarthy, M.J., Spoken language and Applied Linguistics(Cambridge: Cambridge University Press, 1998).

use of words with opposite meanings challenge unacceptable and favoring acceptable notions and practices in a given society.<sup>43</sup> Thus, the antonyms used in the oath encourages witnesses telling truth and discourages them telling lie about cases.

### 4.3. REPETITION

Repetition refers to the reoccurrences of words, phrases and clauses which mean the same things. In the literature on discourse study, repetition is seen as one of the pragmatic devices which keep text coherence and yield effects on social actors and actions through text.<sup>44</sup>The repetitions range from sounds to sentences to mainly focus on the necessity of telling truth, and the beliefs about the repercussions of speaking a lie. In what follows, repetition of the sounds comprised in the lines of the oath text was discussed.

(3)

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- (33) *kan daraare ija hingodhatin*  
 (35) *kan ija godhate hinyaatamin*  
 (37) *kan nyaatame naaf hinsifaa'in*  
 (44) **nagaan mana kootti na hingalchin**  
 (45) *yoo na galche, nagaana hinbulchin*
- 

The forms made bold in the lines of text (3) show repetitions of both consonant and vowel sounds. The repetitions include consonance, alliteration and assonance.<sup>45</sup> In the case of consonance, /n/ is reiteratively used at the end of each line of the text. The sound is also reiterated at the beginning of some words of the text (44 and 45). Similarly, the vowel sounds /a and aa/ are repeatedly used in the text. Our main concern here is not what but why

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<sup>43</sup> See Clancy, B., 'From Language as A System to Language As A Discourse (2018) available on:<https://www.researchgate.net/publication/328334800> .

<sup>44</sup> Fayyadha, H. M., *A discourse Analysis of the Linguistic Strategies in the Debate between Moses and Pharaoh*, Journal of Language and Literature (2014) No.13 <https://www.researchgate.net/publication/323704171>; see also Jackson, R. C., *The Pragmatics of Repetition, Emphasis, and Intensification* (Salford University: Unpublished PhD Dissertation, 2016).

<sup>45</sup> Consonance and alliteration refer to the recurrence of final and initial consonant sounds respectively. Assonance is the recurrence of a vowel sound in two and more words in a sentence (See Albashir, E. H. and Alfaki, I. M., *An Exploration of the Rhetorical Devices in Leila Aboulela's Novel*, American International Journal of Contemporary Research (2015), Vol.5, No.1, Pp 29-38.

the repetitions are used in that ways. The recursive use of these phonemes at the beginning and end of the words creates rhythmic sound which can attract attentions of audience towards the harmful effects of giving wrong factual information about cases brought to courtroom. This agrees with Robert’s observations in which the recursive use of both consonant and vowel sounds in words create musical effect that can hold listeners’ attentions towards the messages intended to be conveyed.<sup>46</sup>

The other repetitions observed in the oath include words and phrases. The following fragments show the repetitions.

(4)

<i>Repetitions</i>	<i>Frequency</i>	<i>Gloss</i>
<i>yoo</i> ....	x18	‘if...’
... <i>naaf</i> ...	x15	‘...to me..’
... <i>qe’ee</i> ...	x8	‘...home, ...’
... <i>qe’ee koo</i> ...	x6	‘...my home...’
... <i>dhala</i> ...	x4	‘...offspring,...’
... <i>dhala koo</i> ...	x2	‘...my offspring...’
... <i>ija</i> ....	x2	‘...seed/product....’

The maximal repetitions of the conjunction *yoo* ‘if’ at the beginning of the phrases and clauses used in the oath is to give emphasize to the supposed negative consequences of telling lie and positive impact of telling truth about a cases. Furthermore, on the repercussions, the nouns *qe’ee* ‘home’, *ija* ‘seed and *dhala* ‘offspring’ which refer to the basic foundations and self-perpetuation of someone are iteratively employed in the oath. Repetition of the noun phrases such *qe’ee koo* ‘my home’, *ija koo* ‘my seed’ and *dhala koo* ‘my offspring’ demonstrates one’s own reference and attachment to his/her properties. More importantly, repetition of the prepositional phrase *naaf* ‘to me’ accentuates the agreement witnesses should make to the actions God will take on their properties if they deny telling truth.

<sup>46</sup> Robert L., *Rhetorical Devices for Speechwriters* (Washington, DC: CQ Press, 2010).

Yet, if-clause is the other repeatedly presented form of the sentences in oath text to warn the witnesses about the potential danger of denying facts about cases they witnessed. The following text demonstrates this point.

(5)

(2)	<i>yoon soba dubbadhe....</i>	‘if I speak a lie....’
(4)	<i>yoon soba dubbadhe....</i>	‘if I speak a lie....’
(26)	<i>yoon soba dubbadhe....</i>	‘if I speak a lie....’
(40)	<i>yoon soba dubbadhe....</i>	‘if I speak a lie....’
(50)	<i>yoon soba dubbadhe</i>	‘if I speak a lie....’
(52)	<i>yoon soba dubbadhe....</i>	‘if I speak a lie....’

The form ‘If I speak a lie...’ is subordinate to the main clauses omitted from the text. The subordination is made by *yoo*, the conjunction productive in the syntactic constructions of if-clause in *Afaan Oromo*. The clauses are presented in first person singular point of view to enforce witnesses to self-curse not to lie about cases. It is reiterated in the oath to give emphasis to the cause, i.e., ‘If I speak lie...’ of the effect presented in the main clauses. With this, a witness confirms that he understood the effects of the curse presented in the main clauses of the sentences in the oath if he/she speaks lie. This leads us to see the sentence level repetitions identified from the witness oath. Actually, sentence repetition subsumes the sounds, words, phrases and the if-clauses level repetitions discussed so far. The text presented here under shows the case.

(6)

(1)	<i>dhugaa malee soba hindubbadhu</i>	(x10)	‘except truth, I don’t speak a lie’
(7)	<i>yoo naafkenne hinguddatin</i>	(x4)	‘in case he gave me, let it doesn’t grow’
(17)	<i>qe’ee koo bofti haa dhaalu</i>	(x4)	‘let snake inherits my compound’
(19)	<i>qo’een koo qe’ee booyyee haa ta’u</i>	(x4)	‘let my home is that of pig’
(27)	<i>kan faca’e naafhinmargin</i>	(x4)	‘let what I sow does not germinate’
(33)	<i>kan daraare ija hingodhatin</i>	(x2)	‘in case it flowered, let doesn’t give seed’
(45)	<i>Yoo nan galche, nagaan na hinbulchin</i>	(x2)	‘in case He returned me in peace, let Him not allow me stay the night in peace’

As shown in the text, a sentence in the oath texts is repeated a maximum of ten and a minimum of two times. The maximal repetition, as in the first line of the text, emphasizes the major theme, i.e., a promise/declaration to tell truth. The rest of the lines iterated two to four times in the oath text confirm

that witnesses have already declared their loyalty to tell the truth by overtly cursing their *offspring* (self-perpetuation), *germ* (livelihood) , *dwelling* (ancestral home) and *peace* in the name of God.

**4.4. PRONOUNS AND CONJUNCTIONS**

Pronouns and conjunctions link the presupposed and/or entailed forms and meanings of the oath by referring back and forth to the texts. This contributes to organization of the text and coherence of its intended meanings. Pronouns can serve for self-reference. Conjunctions can refer to cause and effects of an action. They both refer to subjects, object, possessions, effects, etc. by pointing to forward, backward, and even going out of a text to form and establish connection to certain presupposed and/or entailed meanings of other components in a discourse.<sup>47</sup> Thus, pronouns and conjunctions can refer and infer to the intended messages of a text. Consider this example.

(7)

<i>Conjunctions and pronouns</i>	<i>Gloss</i>
... <i>malee</i> ...	‘...except...’
<i>yoo</i> ...	‘if ...’
... <i>koo</i> ...	‘...my...’
<i>kan</i> ...	‘that...’
... <i>na</i> ...	‘...me...’

As shown in text (7),*koo* ‘mine’*kan* ‘that’ and *na* ‘me’ are pronouns recapped in the oath. The first two are possessive pronouns; the last one, i.e., *na* is personal pronoun used as an object. These pronouns refer to a witness and his/her possessions. The conjunctions *malee* ‘except’ in conjunction with the word *dhugaa*, together *dhugaa malee* ‘except truth’ shows an ultimate and sole preference of witness to tell truth. The clause depicts that the decision a witness makes to speak truth can ultimately avoid speaking *soba* ‘lie’. The conjunction *yoo* links dependent and independent clauses which show a promise to tell truth, and the consequences of dishonoring the promise, i.e., telling lie.

<sup>47</sup>Adugna Barkessa, The Discursive Construction and Representation of the *Waata* Identity (Addis Ababa University, Unpublished PhD Dissertation, 2017).



#### 4.5.NEGATIVE SENTENCES

Almost all of the sentences employed in the text of the oath are negative both in forms and meanings. This is reflected by the verbs of the sentences. Sample of the negative sentences taken from the oath are presented below.

(8)

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(3)	<i>Waaqni dhala naaf hinkennin</i>	‘let God doesn’t give me offspring’
(7)	<i>yoo naaf kenne hinguddatin</i>	‘in case He gave me, let it doesn’t grow’
(27)	<i>kan faca’e naaf hinmargin</i>	‘let what I sow doesn’t germinate’
(33)	<i>kan daraare ija hingodhatin</i>	‘in case it flowered, let doesn’t give seed’
(43)	<i>nagaan mana kootti na hingalchin</i>	‘let God doesn’t return me back to my home in peace’

---

Formally, the sentences in the text contain action verbs to which the discontinuous morpheme {*hin-....in*} is attached as a circumfix to mark negativity. The negative marker is productive in the verb morphology of *Afaan Oromoo*.<sup>48</sup> Semantically, all the sentences show the culturally and socially believed negative effects of the self-cursing a witness is expected to perform to prove that he/she is going to give factual information about a case on trial.<sup>49</sup>

#### 4.6. PARALLELISM

Parallelism is one of the rhetorical devices used in the oath a witness is expected to take in Oromia courtrooms. As an element of rhetorical device, parallelism is a product of balanced arrangement achieved through repetition of the same syntactic form. It creates a sense of symmetry and rhythm to draw attention to a particular part of message.<sup>50</sup> The use of parallel expressions helps to absorb the intended messages more effectively, retain and transmit them, and clarify the relationship between the messages.<sup>51</sup> The

<sup>48</sup>Addunyaa Barkeessaa, Sanyiifi Caasaa Jechaa (Addis Ababa, Keyline Printing Press, 2011).

<sup>49</sup> See subsection 5.8.2 for the negative effects of the self-cursing a witness who may lie has believed to have been encountered.

<sup>50</sup> Otieno, T.M., *Linguistic Description of the Rhetoric: Barack Obama’s Political Speeches*, Journal of Humanities and Social Science (2015), Vol. 20, No.9, Pp 80-92.

<sup>51</sup> Maadia, M, *Modern Political Speech – Personal Style or Register?* (MA thesis, 1985) Ramat Gan: Bar-Ilan University. Kayam, O., *Transformative Rhetoric: How Obama Became*

text below presents parallel expressions employed in the witness oath for similar purposes to these sources.

(9)

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(9) <i>yoo guddate hinmul'atin</i>	'in case it grew, let it be invisible'
(11) <i>yoo mul'ate hindubbatin</i>	'in case it is visible, let it be dumb'
(19) <i>qe'een koo qe'ee booyyee</i>	'my compound is the compound of pig'
(21) <i>dhalli koo dhala yuuyyee</i>	'met my offspring is the of spring of poor'

---

The paired parallel expressions presented in the text are composed of equal linguistic forms: sentences, words and syllable. The expressions in (9) and (11) are complex sentences containing dependent and independent clauses which contradict each other. Each of the parallel sentences is composed of three words and eight syllables. The sentences also contain similar repeated forms such as {*yoo...u...ate...hin...atin*}. In short, the two sentences are parallel because they are formed from the same number of words having the same forms, and the same sentence type. Similarly, the parallel expressions in (19) and (21) are simple and affirmative sentences. Each of the sentences is formed from four words with similar forms and repetitions in the words. The parallel forms reiterated in each sentences are {*koo...-yyee*}. The parallel structures give more attention to the negative effects of telling lie a witness believed to have encountered. According to Otieno<sup>52</sup>), parallel structures used in any texts create an effect of balance, create rhythm, reinforce impact of the message, and echo intensity of the message of a text.

#### 4.7. METAPHOR

Metaphor is the other rhetorical device identified from the witness oath. It associates non-human characters with that of human capitalizing on their similarities. It also constructs realities by comparing things implicitly.<sup>53</sup>In everyday language practice, people choose metaphor to explain and reflect

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*the New Face of America: A Linguistic Analysis*, Journal of Language and Cultural Education (2014), Vol. 2(2), Pp179-198.

<sup>52</sup> Otieno, T.M., *Linguistic Description of the Rhetoric: Barack Obama's Political Speeches*, Journal of Humanities And Social Science (2015), Vol. 20, No.9, Pp80- 92.

<sup>53</sup>Adugna Barkessa, *Discursive Strategies of Oromara Integration: A Critical Discourse Analysis of Abiy Ahmed's Political Rhetoric*, Ethiopian Journal of the Social Sciences and Humanities (2019), Vol. XV, No. 2; Van Dijk, T. A., *Politics, Ideology and Discourse* (Spain: Elsevier Ltd, 2006).

their attitudes and values to others, and to react to other's attitudes towards them in an implicit manner.<sup>54</sup>The metaphors identified from the witness oath are presented and discussed as follow.

(10)

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(18)	<i>qe'ee koo bofti haadhaalu,</i>	'let snake inherit my home'
(19)	<i>qo'een koo qe'ee booyyee haata'u</i>	'let my home be that of the pig'
(21)	<i>dhalli koo dhala yuuyyee haata'u</i>	'let my offspring be that of the poor'

---

As presented in the text, *bofa* 'snake' and *booyyee* 'pig' are entities expected to perform humanly activities such as *dhaaluu* 'inheriting' and *ta'uu* 'being' in the oath. In the the Oromo culture, children have birthrights to inherit both the tangible and the intangible heritages of their family. The witness oath we are analyzing denies this cultural practice of inheritance among the people, and wishes snake and pig occupy the rite of passage. In the culture, snake symbolizes cruelty and enmity. Pig symbolizes gluttonous behavior. It is believed in the oath that the inheritance of one's home and properties by these animals detach a witness from human beings. Thus, a witness is expected to curse him/herself to be inherited by the behavior of these animals, which are simple to understand in the culture of the people, if they lie. Robert<sup>55</sup> writes that analogy compares two things in which the more complex one is explained in terms of the simpler one. The other metaphorical expression used is *dhala yuuyyee* 'the offspring of poor'. The expression compares the offspring of a person required to give evidence for the case brought to a court with the offspring of an impoverished person. This is also wishing something bad to offspring if fails to tell truth.

#### 4.8. SPEECH ACT

Speech act refers to speaker's commitment towards the proposition of their utterances. It is the act speakers or writers perform by words. Based on the communicative contexts, participants ask questions, give commands, and ask

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<sup>54</sup> Zubair, S. Silent Birds: Metaphorical Constructions of Literacy and Gender Identity in Women's Talk in Journal of Discourse Studies (2007), Vol. 9, No.6, Pp766–783.

<sup>55</sup> Robert, *supra* note 46.

for apology, etc.<sup>56</sup> The speech acts employed in the witness oath include *Waadaa galuu* ‘top promise’ and *of abaaruu* ‘to self-curse’. As clearly presented in the oath text, a witness is expected to perform the speech acts sequentially or one after the other. Thus, a person called to a courtroom begins with a promise followed by self-cursing before providing information about a courtroom trial. Both speech acts are presented in explicit performative verbs which simultaneously name and perform the actions denoted by the verb in a text. The speech acts are described using illustrative examples in the next subtopics.

**4.8.1. *Waadaa Galuu* ‘to promise’**

*Waadaa galuu* is the speech act used in the witness oath to commit a witness to provide truthful evidence about a case. A promise is a type of speech act that a speaker employs to commit him/herself to some future actions. It depends on speaker’s sincerity to confirm the intended action.<sup>57</sup> The oath a person required to give evidence about a case in Oromia courtroom take begins with promising to give genuine information about the case he/she knows. Let’s see this example.

(11)

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(1)	<i>dhugaa malee soba hindubbadhu</i>	‘except the truth, I don’t speak a lie’
(13)	<i>dhugaan dubbadha; dhugaa hinhaalu</i>	‘except the truth, I don’t speak a lie’
(23)	<i>dhugaa malee soba hindubbadhu</i>	‘except the truth, I don’t speak a lie’
(39)	<i>dhugaa malee soba hindubbadhu</i>	‘except the truth, I don’t speak a lie’
(51)	<i>dhugaa malee soba hindubbadhu</i>	‘except the truth, I don’t speak a lie’

---

The text promises not to tell lie about the case on trial in courtroom using the clause *soba hindubbadhuu* ‘I don’t speak a lie’. The expression *dhugaa malee* ‘except the truth’ demonstrates witnesses’ determination to provide only admissible information about the case they know. This indicates their understanding of the moral, social, psychological and legal benefits of telling truth, and crises of telling lie. Repetition of the lines in the text declare witnesses’ promise to telling truth, and their strong commitment to keep the

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<sup>56</sup> Jay, T. and Janschewitz, K., *The Pragmatics of Swearing*, Journal of Politeness Research, (2008), Vol.4, No. 2, Pp267-288.

<sup>57</sup> See Haung, Y., *Prgmatics* (Oxford: Oxford University Press, 2007).

promise before providing the information they have about the issues they observe.

#### 4.8.2. *Of Abaaruu* ‘to self-curse’

*Of Abaaruu* is the main speech act a witness is expected to perform immediately after he/she vowed or promised to tell truth. The illocutionary forces of the self-cursing focus on four themes. One of the themes is *dhala ofii abaaruu* ‘cursing one’s own offspring’. Consider the following text.

(12)

---

(4)	<i>yoon soba dubbadhe...</i>	‘if I speak a lie...’
(6)	<i>waaqni dhala naaf hinkennin</i>	‘let almighty God not give me a child’
(8)	<i>yoo naaf kenne hinguddatin</i>	‘in case He gave me, let Him not grow it for me’
(10)	<i>yoo guddate hinmul’atin</i>	‘in case it grew up, let it be invisible’
(12)	<i>yoo mul’ate hindubbatin</i>	‘in case it became visible, let it be dumb’

---

The self-cursing expressions presented in the text begin with cause and ends with effects. The cause presented is speaking lie (4). As the line demonstrates, speaking lie is resulted in the effects reiteratively appear in (6, 8, 10 and 12). With the cursing statements mentioned on these lines, a witness is expected to show his/her commitment not to lie wishing negative effects on their self-perpetuation. The independent clauses *hinkennin* ‘let Him not give’, *hinguddatin* ‘let it not grow’, *hinmul’atin* ‘let it not visible’ and *hindubbatin* ‘let it not speak’ show agreement to the belief in which God punish offspring of witnesses’ who tells lie. Like any other individual in the world, an Oromo is may worry for his/her self-continuity. He/she wants to have offspring for generation link or not to create generation gap. In the culture of the people, offspring is a valuable asset. There is no mercy for anyone who comes to an Oromo in the name of his/her children.

The other theme against which the self-cursing used is crop production. Crop production is the main livelihood source of the Oromo and the Ethiopian people in general. It is believed that witnesses give truthful testimony if they swear against the livelihood source. The example below illustrates this point.

(13)

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(26)	<i>yoon soba dubbadhe</i>	‘if I speak a lie,’
(27)	<i>kan faca’e naaf hinmargin</i>	‘let what I sow does not germinate’
(29)	<i>yoo marge naaf hinguddatin</i>	‘in case it germinate, let it doesn’t grow for me’
(31)	<i>yoo guddate naaf hindaraarin</i>	‘in case it grew, let it doesn’t give flower’
(33)	<i>yoo daraare ija hingodhatin</i>	‘in case it flowered, let it doesn’t give seed’

---

These statements curse the series of actions expected in the crop production. The actions focused through the curse include geminating, growing, flowering and producing seed. The performative verbs *hinmargin* ‘let it not geminate’, *hinguddatin* ‘let it not grow’, *hindaraarin* ‘let it not flower’ and *ija hingodhatin* ‘let it not give seed’ are cursing the steps at which crops are produced. The curse wishes negative impact on the consumption and the consumer as well. It is, therefore, one of the terrifying strategies courtroom judges use against witnesses to boost acceptability of the information witnesses tell to the judge about the disputable case in courtroom.

Yet, the other theme of the curse a witness is expected to perform refers to dwelling. Cursing one’s own home is the strategy of frightening a person not to tell lie. The next text presents lines of the curse.

(14)

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(16)	<i>yoon dhugaa haale</i>	‘if I deny truth’
(17)	<i>qe’ee koo bofti haadhaalu,</i>	‘let snake inherits my compound’
(19)	<i>qo’een koo qe’ee booyyee</i>	‘let my compound is that of pig’

---

In these lines, witnesses are expected to call snake and pig on their dwellings. In the Oromo culture, both animals are presented negatively because of their characters. Snake is a poisonous and potential enemy of human being. Pig is a symbol of gluttonous behavior which is not acceptable in the culture. Inviting the poisonous and gluttonous behaviors of the animals using the expressions let snake inherit my dwelling and let my dwelling is the home of a pig’ (17 and 19) symbolizes the inconvenient and harmful residence wished to a witness who lies about a case he/she observes.

In both expressions, associating dwelling of a witness who lies with the residence of the animals is also dissociating him/her from human being. Thus, it is believed that witnesses tell truth because they don't want to face the inconveniences mentioned in the curse.

*Nagaa* 'peace' is the other theme against which self-cursing is expected to be performed by a witness. Self-cursing by referring to peace aims at widening the probability of telling truth about cases on trial and narrowing the ways of speaking a lie. Seemingly, peace is used as one of the themes of the oath due its prioritized sociocultural values among the Oromo people. This inevitably contributes to the reason why judges have chosen and brought the oath to courtroom to enforce witnesses to tell truth. Let's see the example below.

(15)

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52 <i>yoon soba dubbadhe,</i>	'if I speak a lie,'
53 <i>nagaan mana kootti na</i>	'let Him not return me back to my home in
<i>hingalchin</i>	peace'
55 <i>yoo na galche nagaan na</i>	'in case He returned me in peace, let Him
<i>hinbulchin.</i>	not allow me stay the night in peace,

---

The expressions on the lines (53 and 55) are used to wish a bad fortune for the soul of a witness if he/she provides untruthful information. The bad fortune wished to negatively impact peace includes not going back to home and not stay the night in peace. This is emphasized by the phrase *not in peace* used in the text. With the curse witnesses are expected to make against their existence, the judge trust the evidence witnesses provide about cases.

In sum, promising and self-cursing are the main speech acts contained in the witness oath employed in Oromia courtrooms. Before giving information about cases on trial, a witness is expected to declare to tell only what he/she knows. Witness first promises to give trustable information, and then curses his/herself calling negative impact onto their children, germs, dwellings, and peace, if they give wrong information about the case observed. The negative impact of telling lie is extended from affecting offspring to germ, from germ to dwelling, from dwelling to livelihood source and then to peace. This is against the philosophy and livelihood sources of the Oromo people. Philosophically, the Oromo are highly valued self-perpetuation that link

generation. Germination is the main source of livelihood for them. Both self-perpetuation and germination link with the environment where they live. Above all, the Oromo value peace for existence. Therefore, it is believed that witnesses can be trusted when they swear in the elements discussed so far. The court judges seem to know such heart bit of the people and indigenized the witness oath in the courtroom. They are very much conscious to use the self-curse as a strategy of investigating truth. Unlike using Bible and Quran, which the people have little evidence in their culture and even most of them do not know the history and the examples given in the holly books, the witness very much aware of the consequence of the curse they have in their cultural memory.

#### 4.9. DISCURSIVE STRATEGIES USED IN THE OATH

Discursive strategy is the other theme discussed in the section. The linguistic devices discussed so far realize the different discursive strategies identified from the witness oath employed in the courtrooms. The strategies identified from the oath are mainly corresponding with boosting admissibility of the information expected from witnesses. Among others, *authorizing*, *associating*, *intensifying*, *self-mentioning* and *total admission* are the major discursive strategies used in the witness oath.

Authorizing strategy allows involvement of the socio-culturally accepted customary power of the Oromo people in the legal decision making system in courtrooms. It is a legitimation by reference to tradition and law. It is also vested in impersonal traditional authority to legitimize (if already exist) and to constitute (if not exist) the beliefs and the custom people use for socialization and confirmation of the socio-cultural values<sup>58</sup>. Interestingly, the attempt began to involve customary practices in legal decision making system in Oromia courtrooms seems legitimizing the role of traditional authority to solve cases brought to the legal context. This, hopefully, creates co-operation between courts and people to safeguard justice.

Associating the other discursive strategy identified from the courtroom oath, brought customary practices and beliefs to the legal decision making system

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<sup>58</sup> Van Leeuwen, T., *Discourse and Practice: New Tool for Critical Discourse Analysis* (Oxford: Oxford University Press, 2008).



The strategy associates the behaviors witnesses are supposed to acquire as a consequence of lying with the enmity and gluttonous of pig and snake. The association shows the socially and culturally accepted beliefs about the negative effects of telling lie on livelihood sources and generation link. This may enforce witnesses to give reliable information about the cases they know. Thus, it is reasonable to conclude that using culturally produced and accustomed oath is near to the psychology of people to enable them tell truth about cases.

Intensifying strategy magnifies power of the oath used in the courtroom to impose witnesses to support legal decision making system. The strategies magnify the illocutionary force of the speech act, for instance self-cursing, focuses on creating generation discontinuity, subsistence scarcity, human insecurity and residential crisis. It is believed that the self – cursing is resulted in negative effects, if a witness gives wrong evidence, and positive effects, in case he/she tells truth about the case under investigation. It is also believed that telling truth nourishes and telling lie deserts one's well-being.

Self-mentioning is the discursive strategy employed in the oath. Self-mentioning shows explicit presence of a speaker by using the frequent use of first person pronoun and possessive adjectives which show stance and a contextually situated determination of a speaker<sup>59</sup>. The frequent use of first person singular pronouns *ani* 'I', *na* 'me' and the possessive adjective *koo* 'my' used in the oath demonstrate the explicate presence of a witness in the oath. This explicit presence of a witness and their verbal actions in the oath discloses accountability for the information they provide about a case. It also unveils a witness's determination to agree with the effects of the self-cursing believed to be happened for the information he/she gives to a courtroom trial. Each lines of the oath text used first person singular pronoun to show accountability of a witness for his /her words about a case under legal jurisdiction.

Total admission, as the other discursive strategy used in the oath, obliged witnesses to fully accept the belief about telling truth in a similar way to

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<sup>59</sup> On Self-mentioning Strategy, see Hyland, K, *Meta-discourse* (London: Continuum Guides to Discourse, 2005).

Komter's observation in courtroom discourse where admission is taken as supportive.<sup>60</sup> This in turn, insists they believe in the alleged consequences of speaking a lie. The strategy blocks any alternatives of undesirable information and attempts to engage them in providing only facts whether it strengthens or weakens either of the disputed ideas. Unlike defenders and accusers who may partially admit a case to support the justice system, and/or partially deny it to defend themselves based on their own intentions, the oath limits witnesses to be one-sided, i.e., supporting justice.

#### **4.10. OATH, IDEOLOGY AND POWER IN THE PROVISION OF TRUTHFUL TESTIMONY**

The linguistic devices and discursive strategies discussed in the preceding topics and subtopics reveal that oath, ideology and power are inextricably linked to each other to boost the admissibility of information about cases. The devices and strategies used in the oath are framed by the culturally and socially constructed spiritual ideology that aimed at governing mental space of the witnesses. The ideology magnifies the negative discursive representation of untruthful testimony on self-perpetuation, livelihood source, dwelling and peace which are powerful to influence witnesses to tell truth about the case they observed. Involving such an oath with customary spiritual ideology in the legal decision-making process contributes to safeguarding justice.<sup>61</sup> This provides substance to the institutional power vested in the courtrooms. Following Althusser, it is learnt that the power relations, by their very character, are always asymmetrical.<sup>62</sup> The asymmetrical power relations, which are part of its ideologies, are negotiated and perpetuated through the oath-swearing practices in the courtroom. Therefore, it is argued that the study of oath used in courtroom is part of the study of its ideology and power.

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<sup>60</sup> Komter, M. L., *Accusations and Defenses in Courtroom Interaction: Discourse and Society* (1994), Vol. 5, No.2, Pp165-187.

<sup>61</sup> Milhizer, *supra* note 5.

<sup>62</sup> Althusser, L., *Ideology and Ideological State Apparatuses in Lenin and Philosophy and Other Essays*, (1971), Vol.34, No.5, Pp.121-173.

The impersonal traditional authority and the power vested in the oath influences the witnesses to give factual information about the cases they know. Involving the cultural oath in the process of legal decision making is making the traditional authority complement to the legal authority to give the right decisions about cases on trial. Thus, analyzing the witness oath used in Oromia courtrooms is analyzing the role of the traditional authority embedded in the oath in the legal decision making process.

## **5. CONCLUSION**

To conclude that the discussions made so far on the findings of the study demonstrate the linguistic devices and discursive strategies employed in the oath are powerful to impact witnesses to tell truth about cases they knew. The devices and strategies communicate the traditional values about speaking truth and lie already situated in the mental set-up of the Oromo people. With this, they activate the values witnesses have in their mental space and warn them not to lie by referring to the negative effects believed to be happened in their life. More importantly, the oath magnifies the negative effects of lying on livelihood source, offspring, dwelling and peace supposed to be happened in witnesses' life. Seemingly, the oath is incorporated into the legal decision making context based on its convening power to provide factual information to support justices. It can also be concluded that the language employed in the oath provides substances to both customary (religious) and legal authorities, and reflects the interlocking nature of language, law and power which determine the asymmetrical power relations between participants in courtrooms.

*Appendix*

1	J	:	Dhugaa malee soba hindubbadhu
2			Yoon soba dubbadhe
3	W	:	Dhugaa malee soba hindubbadhu
4			Yoon soba dubbadhe
5		:	Waaqni dhala naaf hinkennin
6	W	:	Waaqni dhala naaf hinkennin
7	J	:	Yoo naaf kenne hinguddatin
8	W	:	Yoo naaf kenne hinguddatin
9	J	:	Yoo guddate hinmul'atin
10	W	:	Yoo guddate hinmul'atin
11	J	:	Yoo mul'ate hindubbatin
12	W	:	Yoo mul'ate hindubbatin.
13	J	:	Dhugaan dubbadha; dhugaa hinhaalu
14			Yoon dhugaa haale ...
15	W	:	Dhugaan dubbadha; dhugaa hinhaalu
16			Yoon dhugaa hale
17	J	:	Qe'ee koo bofti haadhaalu
18	W	:	Qe'ee koo bofti haadhaalu
19		:	Qo'een koo qe'ee booyyee haata'u
20	W	:	Qo'een koo qe'ee booyyee haata'u
21	J	:	Dhalli koo dhala yuuyyee haata'u
22		:	Dhalli koo dhala yuuyyee haata'u
23	J	:	Dhugaa malee soba hindubbadhu
24			Yoon soba dubbadhe
25	W	:	Dhugaa malee soba hindubbadhu
26			Yoon soba dubbadhe
27	J	:	Kan faca'e naaf hinmargin
28	W	:	Yoo faca'e naaf hinmargin
29	J	:	Yoo marge naaf hinguddatin
30	W	:	Yoo marge naaf hinguddatin
31	J	:	Yoo guddate naaf hindaraarin
32	W	:	Yoo guddate naaf hindaraarin
33	J	:	Yoo daraare ija hingodhatin
34	W	:	Yoo daraare ija hingodhatin

35	J	:	Yoo ija godhate hinyaatamin
36	W	:	Yoo ija godhate hinyaatamin
37	J	:	Yoo nyaatame naaf hinsifaa'in
39	J	:	Dhugaa malee soba hindubbadhu
40			Yoon soba dubbadhe
41	W	:	Dhugaa malee soba hindubbadhu
42			Yoon soba dubbadhe
43	J	:	Nagaan mana kootti na hingalchin
44	W	:	Nagaan mana kootti na hingalchin
45	J	:	Yoo na galche nagaan na hinbulchin
46	W	:	Yoo na galche nagaan na hinbulchin.
47	J	:	Dhugaa malee soba hindubbadhu
48			Yoon soba dubbadhe
49	W	:	Dhugaa malee soba hindubbadhu
50			Yoon soba dubbadhe
50	J	:	Kan dhalate naaf hinguddatin
52	W	:	Kan dhalate naaf hinguddatin
53	J	:	Kan faca'e naaf hinmargin
54	W	:	Kan faca'e naaf hinmargin
55	J	:	Qe'ee ko bofti haadhaalu
56	W	:	Qe'ee ko bofti haadhaalu
55	J		Nagaan mana kootti na hingalchin
56	W		Nagaan mana kootti na hingalchin