

Politeness and Impoliteness Strategies in the Courtroom: An Analysis of a Trial Script

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Abstract

This research presents a conversation analysis (CA) study based on the data from an American reality TV show which aims at solving the following question: what type of politeness and impoliteness strategies are applied by the participants in the courtroom? Results from the trial conversation data show that the conflict between the speakers is the major factor that causes much greater use of impoliteness strategies. Among the impoliteness strategies, the most notable strategy is positive impoliteness in the way of using inappropriate identity markers, seeking disagreement and selecting a sensitive topic, making the other feel uncomfortable, and excluding the other from an activity. Moreover, when the conflict was solved, there was a remarkable turn in the application of politeness strategy. All the participants mainly use politeness strategies including negative and positive strategies. To be specific, in the positive strategies, common ground, conveying cooperation between speaker and hearer, and fulfilling hearer's wants are mostly used. The results reveal that the use of politeness and impoliteness strategies by the participants in courtrooms is one of the distinct ways of seeking the truth and pursuing justice. However, the unequal power status among the participants becomes a spotlight in the courtroom, which also stimulates the application of impoliteness strategies. The findings of the study may provide a relevant reference for the further study of politeness and impoliteness strategy in reality TV shows, particularly, in trial settings.

Keywords: Politeness Strategies; Impoliteness Strategies; Courtroom; Reality TV Show

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Introduction

This paper explores the politeness and impoliteness strategies that are applied by the participants in the courtroom. For this purpose, the literature on politeness and impoliteness strategies are reviewed, particularly, Brown and Levinson's (1978) politeness modal and Culpeper's (1996) impoliteness model. In this paper, combining with the theoretical models, the following question is discussed: *What types of politeness and impoliteness strategies are applied in the courtroom?* The data is drawn from an American reality television show named "Caught in Providence". In the normal courtroom, there are two parties of a case who require legal intervention to reach an agreement. The most important participant is the judge who has authoritative responsibilities and power for dealing with the dispute between two parties. In this case, the forms of interaction in the courtroom are multiple. However, in this paper, the context of the courtroom is different from other trials since the interaction is mainly between the judge and the person who violates the traffic regulations. On some occasions, the inspector will be involved in providing the document of violation or payment.

Literature review

This section consists of four aspects in terms of politeness and impoliteness, which are the concepts of the face-threatening act, politeness model, impoliteness model, and some literature regarding the (im)politeness in the legal context. Among these works of literature, this research is mostly based on Brown and Levinson's politeness theory (1978, 1987) and Culpeper's (1996) impoliteness model.

Face Threatening Act (FTA) and Politeness Strategies

Concerning the concept of face, Brown and Lavinson (1987) introduce the concept of face-threatening act (FTA), such as warning, threatening, commanding, ordering, etc. They present the purpose of politeness which is to redress the FTA as it is in everyone's mutual interest. They mention the following four strategies for performing FTAs (p. 69).

- (1) Bald On-record politeness: This strategy is used in situations where people know each other well or in a situation of urgency.
- (2) Off-record: This strategy is more indirect. The speaker does not impose on the hearer. As a result, the face is not directly threatened.
- (3) Positive Politeness: This strategy tries to minimize the threat to the audience's positive face that is the desire of being considered as a good human being, whereas negative face is
- (4) Negative Politeness: This strategy tries to minimize threats to the audience's negative face that is the desire to remain the freedom of actions.

Ide (1989, 1993) argues that some culture's politeness is not merely a matter of people's strategic choice in reducing FTAs, it is the issue of working out the position in a group and the social norms. Wolfson's (1988) "bulge theory" appears based on the face theory of Brown and Levinson. Her theory maintains that most solidarity-establishing speech behaviors happen among status-equal friends and acquaintances. Goffman's (1967) and Brown and Levinson's (1978) theories of the face have been

criticized since the theory only explains the personal and individual face. Spencer-Oatey (2005) argues that face can be a group-based phenomenon, and when it is applied to any group in which a person's face should be concerned about as a member of the group.

Impoliteness Strategies Based on Culpeper's Model

Culpeper (1996) defines the strategy "instead of enhancing or supporting face, impoliteness super strategies are a means of attacking face" (p.356). Culpeper (1996) proposes the following five impoliteness super strategies (p.356):

- (a) Bald on record impoliteness: the face-threatening act (FTA) is performed in a direct, clear, unambiguous and concise way where the face is not irrelevant.
- (b) Positive impoliteness: the use of strategies designed to damage the addressee's positive face wants.
- (c) Negative impoliteness: the use of strategies designed to damage the addressee's negative face wants.
- (d) Sarcasm or mock politeness: the FTA is performed with the use of politeness strategies that are insincere, and thus remain surface realizations.
- (e) Withhold politeness: the absence of politeness work where it would be expected.

Mills (2003) states that aggressive behaviors in some certain contexts can be tolerant since they are appropriate in those settings and that they cannot be regarded as impoliteness. Watts (2003) presents the concept of accepted aggressive face work, which is set in participants' neutralizing face-threatening acts in interactions among family members, friends, competitors, or other organized participants. Terkourafi (2008) identifies unmarked rudeness which is achieved by force of conventionalized impolite expressions in contexts conventionally considered as face-threatening.

The Relationship of Politeness and Impoliteness

The linguists who agree with the theory of Brown and Levinson tend to think that politeness should be the main focus of analysis and that impoliteness is simply the opposite of politeness. Bousfield (2008) claims that impoliteness is the parasite of politeness in politeness research. Eelen (2001) shows that, if impoliteness is only considered as a lack of politeness, it will be very difficult to describe impoliteness properly. She emphasizes that impoliteness should be seen as the other side of politeness. Some researchers like Culpeper (2007), Bousfield (2008) show that impoliteness needs to be analyzed both separately in its own right and also concerning politeness. They believe that politeness in isolation from impoliteness is not reasonable, as politeness reveals its meaning from the potentiality of impoliteness.

Review on the (im)politeness Strategies in the Courtroom

The study of the trial context explains that the face work theory has been arousing people's attention. Brown and Levinson (1987) point out how the "formal protocol" of the courtroom can manage and reduce effectively any potential aggression between parties. Kurzon (2001) states that judges show a high level of formal politeness, and they are attentive to maintain politeness as much as possible, because of the high stakes in the legal environment. Harris (2011) shows how judges often use weakening devices in their interactions with both lay participants and legal professionals, even

when the lawyers have made mistakes which account for face-threats that directly affect the judges. Tracy (2011) argues that the practice of oral arguments in courtrooms demonstrates only minimal politeness. This is because a professional law-based relationship is different from how the same participants may relate to each other in “everyday” situations. Johnson and Clifford (2011) state how the defense counsel’s “impoliteness” often remains below the surface of the discourse, due to the surface politeness features. They argue that any analysis of courtroom trial interaction needs to take the “multiple goals” into account.

Methods

The data is drawn from an American reality TV show named *Caught in Providence*. In this program, the cases include traffic, parking, and arraignments for criminal offenses. For selecting the data from a reality TV show can be accounted for two reasons. First, although the trial on the reality TV show is not like the one in the formal courtroom, it reflects the power of the judge as other courtrooms do, and the trial is conducted by following the legal rules. Second, what happened in the reality TV show is a real traffic trial. The participants in the courtroom are not actors, and what they say before the camera is unscripted, which makes it a form of authentic discourse, albeit one that is not often studied.

The data is about an 8 minute-traffic trial which includes a second and third trial of the same case. In the first trial of the case, a woman, Tonya, got numerous tickets due to traffic violations. She was supposed to pay \$ 2,200 for those tickets. However, she had serious financial problems. The judge considered her situation and decided to give her a break with a condition. It means that all her tickets would be dismissed if she only paid 10 dollars a week for fifteen weeks. In other words, she would only pay 150 dollars. In the second trial, Tonya insisted that she paid all the money (150 dollars); however, it was said that she was 30 dollars short on her payment note. This is the main conflict of this trial. The latter part of the data is chosen from the third trial of her case in which her case came to an end positively. As it is a television program, subtitles are provided. But to analyze the discourse, the subtitle was converted into text by using discourse transcription symbols.

This paper tries to explore what politeness and impoliteness strategies are applied by the participants in this trial settings. The participants of the case are the Judge; Tonya, the woman who was fined the tickets; inspector Quinn, inspector Glen (appeared in the second trial), and inspector Carrigan (showed up in the third part of trial).

Findings and Analysis

According to the data, there is a strong contrast between the typical polite and impolite communication exchanges that occur among the participants in the courtroom. In the second trial, the participants mainly used impoliteness strategies. In the third trial, on most occasions, the same participants applied politeness strategies. As different strategies are utilized, it turns out to be a different outcome in each trial. In the impolite interaction, more face-threatening acts occurred, whereas there is more redress of face-threatening in polite interaction. In the following section, the details of these strategies will be discussed with the data.

Impoliteness Strategies

Bald on Record Impoliteness

Bald on record impoliteness strategy is used when there is face at risk and when a speaker intends to damage the hearer's face. In this strategy, the impolite language will be spoken directly and clearly. It is named the face-attack-act (FAA). The main difference between FAA and FTA (face-threatening act) is that there is a deliberate intention of the speaker and the speaker intends to damage the other's face in FAA (Bousfield, 2008). According to this theory, it can be seen from the following data that the utterance of the judge reflects bald on record impoliteness in line 033, 036, and 039. Inspector Glen defended his clerks who did not make mistake, his statement stimulated the judge's belief that Tonya was lying. The statement of inspector Glen and the note of payment cause face at risk to judge (or to the court), the judge thus tried to damage Tonya's face to convey the meaning that they were suspecting her maxims of quality, in other words, they believe what she said lacked adequate evidence. At the same time, Tonya lost her face due to bald on record impoliteness. To some extent, the unbalanced power between judge, inspector, and Tonya can account for the risk of loss of face.

Example 1

- 033 → Judge You got a disgusted look on your face? Fact of the matter is that(.)
034 you were here before.
035 Tonya Yes.
036 Judge I give you- I didn't give you a little break, I gave you a MONSTER
037 (.)break.
038 Tonya °Yes you did°
039 → Judge So(.) you're in here today like like you're fighting the world. right?
040 No one, everybody here is trying to [help you] (.)There is a
041 Tonya [enhen]
042 Judge legitimate dispute.

Positive Impoliteness

Positive impoliteness is the use of strategies designed to damage the hearer's positive face wants (his or her desire to be accepted). Culpeper points out some output strategies of positive politeness. Some of the positive strategies are applied by the participants in the data.

a. Seeking Disagreement and Selecting a Sensitive Topic

In the following example, Glen raked up the past and stated that Tonya was supposed to pay the original fine, 2,200 dollars. His statement is not only positive impoliteness but also negative impoliteness (this point will be discussed in the next section). As Glen reminded judge the fact for seeking the disagreement with what Tonya said while seeking agreement from the judge, hence this topic turned out to be a sensitive topic for Tonya. For saving Glen's negative face, Tonya used negative politeness

strategies to restrain herself, whereas she saved Glen's self-image centering on his wants. Therefore, she said, "*I'm grateful for that*" (line 127) to indicate or plead Glen to some extent not to mention the original fine since she couldn't pay a large amount of money.

Example 2

122 → Glen Your Honor, I also wanna point out that <because she didn't pay on
 123 time, technically the judgment should go back to the original fines>
 124 Judge °I know that°
 125 Glen And you're giving her another break
 126 (0.3)
 127 → Tonya I'm grateful for that ↓
 128 Judge °Administrator (.)Butler is quite accurate, that at the time that I
 129 impose this sentence, I indicated if you didn't do it that the fines
 130 were go back to the 2,200°
 131 Tonya °Yes you did, sir° (.)

b. Making the Other Feel Uncomfortable

The conversation below is a more tense part of this data since the acts of threatening hearer's face are rather explicit. The judge used the word *disgusted* three times continuously. These severe words led Tonya to burst into a cry, and she felt very uncomfortable about the direct comments of the judge on her performance. When she gave a response to the judge, she lost herself somewhat. Her unease can be seen from her fast pace of speech, trembling voice, the lump in her throat, and action of sobbing. Although she felt her face was threatened seriously, she was struggling to save her face by "apologizing" and explaining her poor condition.

Example 3

069 Judge Not withstanding your attitude(.) like this ((crossing arms pose))
 070 → and <you're [disgusted]>
 071 Tonya >[I'm sorry]<
 072 >because my arms are gonna keep swinging< Your Honor.
 073 → Judge And a disgusted look=
 074 Tonya =So this is how I'm controlling myself ((a lump in her throat))
 075 → Judge °And the disgusted look on your face°=
 076 Tonya =Because I am disgusted (.) (crying) And the reason why I am
 077 disgusted is because every single dollar that I HAD (sobbing)
 078 >tried to put it at that above buck 50< That's what I paid ((tremulous
 79 breath)) And I apologize if they can't find my payment

c. Excluding the Other from an Activity

In example 4 and example 5 both Glen and the judge used “*she*”, the personalized third-person negative reference (in the hearing of target) implied Glen and the judge were on the same side except Tonya. From the video of the case, it can be seen that Tonya showed the look of being wrong and made some sound to hint that she was misunderstood. Both Glen and the judge applied positive impoliteness strategy via direct speech and personalized third-person negative reference (*she*), which led to a face threat to Tonya. There is a pause between the turn of Glen and the judge. During this pause, Tonya was silent and didn’t take the turn since she realized she was excluded from this activity temporarily. If they used another pronoun like “you”, she might be included in the conversation and the degree of impoliteness may be decreased.

Example 4

060 →Glen She MADE payments but [she only made up to 120 dollars]
061 Tonya [((showing the look of being wronged))]

062 (3.0)
063 → Judge She alleges that [somebody back] someone back there-(.)
064 Tonya [Haaa:.....:]
109 →Glen She's very ru::de and disrespectful to my clerks at the front window?

Example 5

110 →Glen (.)When I came outside, when I went out to talk to them about the
111 payment, they were- they knew exactly who I was referring to? (.)
112 and they had told me that they had double and triple checked (.) to
113 make sure that- to see if she had paid the 150 dollars. And it's 120
114 dollars She's 30 dollars short she knows that she's 30 dollars short
115 Tonya ((shaking head))

Negative Impoliteness

Negative impoliteness output strategies are classified by Culpeper (1996) as it is mentioned in the literature review section. The data of this paper reflected the following negative impoliteness strategies: frightening, emphasizing power and putting the other’s indebtedness on record, and interrupting.

a. Frightening and Putting the Other’s Indebtedness on Record

In example 6, Glen applied negative impoliteness to attack Tonya’s negative face on line 122 and 125. Glen reminded judge the fact that Tonya was supposed to pay the original 2200 dollars. He was aware clearly that Tonya had no money to pay, this is his means of frightening Tonya via his power. Although Glen has lower power than the judge, he was attempting to emphasize that his power is higher than Tonya’s in this situation. Both Glen and Judge put Tonya’s indebtedness on record by applying the rule of trial as an agent. Particularly, Glen’s threat acts made the conflict tenser,

and he succeeded in gaining bias of judge which contributed to saving his negative face.

Example 6

122 →Glen Your Honor, I also wanna point out that <because she didn't pay on
123 time, technically the judgment should go back to the original fines>
124 Judge °I know that°
125 →Glen And you're giving her another break
126 (0.3)
127 Tonya I'm grateful for that ↓
128 Judge °Administrator (.)Butler is quite accurate, that at the time that I
129 impose this sentence, I indicated if you didn't do it that the fines
130 were go back to the 2,200°
131 Tonya °Yes you did, sir° (.)

b. Interrupting

Another strategy of negative impoliteness is interruption. In example 7, both negative impoliteness and bald on record impoliteness strategies are applied. Tonya interrupted Glen with “*I didn't say, you didn't apply it*” (line 105). This became a face-threatening act for Glen, hence he applied bald on record impoliteness to attract Tonya's face by saying “*I- I- I did not, I did not interrupt you, please don't interrupt me*” (line 106). Afterward, Tonya answered with “*sure*” which sounds polite, but her gesture (crossing her arms) implied her dissatisfaction. Her nonverbal performance and interruption can be understood that she was fighting for her negative face, meanwhile, it turned out to be a threat to Glen's positive face.

Example 7

099 Glen Your Honor, I've been here almost three years. <Every penny that's
100 come into this office ↓has been (.) to the right account (.)Nothing
101 (.)not one penny is misplaced. Everything is in everyone's
102 account> For this young lady to say that there's a payment that we
103 didn't apply somewhere, it's upsetting to me. We've bent over
104 [back:wards.]
105 →Tonya [°I didn't say°] °you [didn't apply:] it°
106 →Glen [I- I- I did not] I did not interrupt you↓ please
107 ↓don't interrupt me
108 Tonya Sure ((crossing her arms))

Politeness Strategies

In this section, the third trial of the case will be focused since the register of conversation is different from the second trial despite the same main participants. The

politeness strategies will be talked about in this section to look at how the same persons changed their strategies from impoliteness to politeness. In terms of politeness, the context of this paper, each participant was polite and unthreatening, for the sake of respecting the other's ground, seeking the cooperative maxim. The politeness strategy theory is from the work of Brown and Levinson as reference. They divided the politeness strategies into two categories of positive and negative politeness strategies. Both positive and negative politeness strategies happened in the data, yet the focus of the paper is on positive politeness.

Negative Politeness

Negative face is threatened when an individual does not avoid the obstruction of participants' freedom of action. It may lead a damage to the speaker or the hearer, and makes one of them give up their will for saving the other's face. Freedom of choice and action may be deprived when the negative face is threatened. For avoiding the threat of negative face, people cooperate in maintaining face during the interaction.

In the following case, the judge reminded Tonya of her bad attitude that she had three weeks ago, the negative face of Tonya is threatened. His act created pressure on Tonya. However, Tonya utilized negative politeness by apologizing (line 152). Consequently, Tonya humbled her face to make good for the judge and accepted debt to maintain the judge's face.

Example 8

149 Judge Do you recall that?
150 → Tonya Yes I do
151 Judge Okay↓
152 → Tonya \$And I sorely apologize for that day\$
153 Judge \$You have a much better attitude today\$

Positive Politeness

As Brown and Levinson (1987) state that all people have face needs which is a need to be appreciated and to be protected. The desire to be appreciated, respected, and approved is the positive face and the act of meeting this need is positive politeness. Therefore, people use some strategies to fulfill their needs during the interaction. In the data of this paper, some common strategies for saving positive faces are reflected which are seeking common ground, implementing cooperative acts of speaker and hearer, and fulfilling hearer's wants.

a. Seeking Common Ground

Brown and Levinson (1987) argue that claiming common ground in communication is a major strategy of positive politeness, such as a commonality of knowledge, attitudes, interests, goals, and in-group membership. In the following example, for saving the positive face of participants themselves or others, these acts of seeking common ground are presented explicitly.

Judge's words in line 163 show that he was trying to reduce the social distance with Tonya and show his concern for the interest of Tonya. Afterward, he upgraded his statement to seek common ground with Tonya in terms of human nature (line 166). In this way, the judge lowered his power and position and tried to put himself in the same position as Tonya. Meanwhile, his positive politeness strategies got the echoes from Tonya since she gave a positive response by saying "yes" and nodding her head. It turns out that the judge fulfilled Tonya's needs and wants by showing their commonality.

Example 9

163 → Judge °We're not here to intimidate anybody. We're trying to help you to
 164 help yourself°
 165 Tonya Yes ↓
 166 → Judge °Okay° But I will say (.) we all have those days (.)You know
 167 Tonya okay
 168 Judge ((clear throat)) so you had a bad day I ↑[understand that]°You
 169 Tonya [\$ ((nodding head))\$]
 170 → Judge know °(.)We're not perfect
 171 Tonya \$Yes\$

b. Conveying cooperation between Speaker and Hearer

Another aspect of positive politeness strategy is the cooperativeness of the speaker and hearer. This strategy shows awareness of and concern for the hearer's wants as a way of indicating cooperation. In example 10 below, to "distract" Tonya from potential face threat and previous face threat she experienced three weeks ago, the judge began the conversation with "*how are you today*". Tonya also replied with "excessive" politeness on line 144. The successful cooperative act paves a good way for the smoothness of the case.

Example 10

143 Judge °Tonya Lay(.) how are you today°
 144 Tonya °\$I'm doing good\$ Your Honor. Thank you for asking. Good
 145 morning to you°
 146 (0.2)

In example 11, inspector Carrigan offered positive evidence for Tonya, which made the cooperation triangle. Inspector Carrigan reported the result of payment, his report was one way of cooperating with Tonya indirectly to fulfill her wants. The judge announced the accomplishment of her payment to strengthen the truth of information, which minimized the threat to her face greatly.

Example 11

172 → Carrigan °Your Honor everything is paid on this (.) She has made all the
173 payments °
174 → Judge ((clear throat)) °All right° so I wanna congratulate you.
175 Tonya °Thank you°

c. Fulfilling Hearer's Wants

One of the positive politeness strategies is fulfilling the hearer's wants by giving "gifts" to the hearer. In the following situation, the judge dismissed Tonya's tickets that she desperately needed. In the first trial, the judge was informed that Tonya has a serious financial problem. Therefore, the judge considered her situation and gave her a break with a condition. If Tonya paid 150 dollars in 15 weeks, all her tickets (\$2,200) would be dismissed. Although some "tragedy" happened in the second trial, the judge dismissed a huge part of her tickets. As for Tonya, dismissal of the case was a big "gift" (line 183), the judge fulfilled her wants by utilizing a positive politeness strategy.

Example 12

182 Tonya °Thank you, Your Honor°
183 → Judge °So the case is gonna be dismissed°
184 Tonya \$Thank you so much, I appreciate it\$
185 Judge So good luck.
186 Tonya \$Thank you\$

Discussion

In this paper, Brown and Levinson's (1978,1987) politeness model and Culpeper's (1996) impoliteness strategies model is used to explore what particular strategies are applied in the courtroom and the reason of application. The result of the data reveals that politeness and impoliteness strategies appear to be used by the participants in the courtroom. However, positive impoliteness and positive politeness strategies are used more frequently than other strategies, indicating that the participants are likely to attack or save other's positive face. Particularly, the judge and Tonya used various strategies at a different time which led to different outcomes. As for the judge, one possibility of using impoliteness is the display of his power. He was in charge of the courtroom, and he was directing the activity, hence, he could choose to speak accordingly. The reason why the judge applied politeness strategies may be a desire of the judge to facilitate smooth proceedings in the courtroom. In other words, this is the result of following a cooperative principle strictly. Regarding Tonya, the result shows that she used fewer impoliteness strategies and more politeness strategies in the whole case. Some reasons can account for Tonya's different (im)politeness strategies including her less power status, inadequate evidence for convincing her payment, her intention, and on-the-spot emotion.

Trial context is a complex interactional setting as the power and hierarchy are involved in it. Therefore, in this paper, the influence of power played an important

role which stimulates the application of impoliteness strategies. The difference in the level of power in the interaction may affect the use of impoliteness strategies. This result is corresponding to previous research.

Conclusion

In this paper, an attempt was made to explore the views of impoliteness and politeness strategies that are used by the participants in the courtroom (judge, inspectors, and Tonya). In the second trial, as there was a discrepancy in payment between the record of the court and the statement of Tonya. This conflict was the major factor that caused much greater use of impoliteness strategies. More specifically, *bold on record impoliteness, positive impoliteness, negative impoliteness, and withhold politeness strategies* are applied by all participants, particularly, judge and inspector Glen. Among those impoliteness strategies, the most notable strategy is positive impoliteness in the way of *using inappropriate identity marker, seeking disagreement and selecting a sensitive topic, making the other feel uncomfortable, excluding the other participant in an activity*. In the third trial, there is a remarkable turn in the application of communicative strategy. All the participants mainly use politeness strategies including negative and positive strategies. To be specific, in the positive strategies, common ground, conveying cooperation between speaker and hearer, and fulfilling hearer's wants are mostly used.

The politeness and impoliteness strategies the participants use in courtrooms is one of the distinct ways of seeing the truth and pursuing justice. However, the unequal power status among the participants becomes a spotlight in the courtroom. Particularly the use of impoliteness strategies of the judge, for the audience of the reality TV show, is one of the ways that they derive pleasure or give sympathy by recognizing the gap between the (im)politeness values of the language used by the participants and their real motives. The general note is that the judge has few restrictions on his or her interactions with other participants. This is rather apparent in the data presented here. In this paper, both politeness and impoliteness strategies in a legal context are involved in the analysis. The findings of the study may provide a relevant reference for the further study of politeness and impoliteness strategy in reality TV shows, particularly, in trial settings.

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