



Court Metalanguage: Ethno-Semantic Analysis In Akan

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ABSTRACT

The court metalanguage abounds in words and expressions that are related to the Akan ethnographic and semantic elements in linguistics and paralinguistics. This can clearly be seen in polysemy, which deals with the multiple meanings of words that are all related by extension (Yule, 2009) and the metonymy, which also deals with the use of one name for something closely associated with it. (Agyekum, 1999). Some words, which are recognized as having denotative meanings and for that matter, used regularly in Akan, have their corresponding connotative meanings in the legal expressions in English and therefore, pose translation problems for Akan scholars. The Akans have their ethnographic ways of speaking and doing things with words. Some words and expressions are tagged as taboo and so, there is a ban on their usage in public but this is trespassed in the legal language. Also,

some body languages which are considered derogatory in Akan also have the same degree of negativity in the court room and for that matter, offenders are frowned at and considered as bringing the reputable institution into disrepute hence some degrees of punishment meted out to the offender.

This work aims at analysing the polysemy of the verb 'di' - to eat in relation to the court register. The use of metonymy as used in the Akan language will also be scrutinized with the court jargon. An attempt will be made to find out whether kinesics in the Akan societies is applicable to the courtroom compartments. The Akan ethnographic ways of speaking will also be compared with the legal language and finally, the denotative meanings of some Akan words and expressions will be analysed in relation to the court language.

Keywords: *Ethno-Semantic, Akan,*



I. STATEMENT OF THE PROBLEM

The court metalanguage and proceedings are so complicated that they render lay people in court redundant and the interaction is more often between the judges and lawyers. Some legal jargons are so complicated that, even intellectuals find it difficult to comprehend them and litigants who do not have lawyers to advise them are found wanting in the court room to the extent of falling prey to some legal ethics.

Some litigants harbour sentiments against judges who find them guilty of an offence to the extent of contemplating to committing atrocities to them if they have their own ways. This work explains the processes of dispute settlement. Judgment to a case is a hybrid of the opinion of a judge, how the feuding factions present their cases, court precedents and evidence from witnesses. All these contribute to the pronouncement of a judgment, therefore, it is not based on the unilateral decision of the judge(s). Some litigants have negative perception of the court and have narrow ideas about the ethics of the court. This work addresses some of these problems to enable lay people comprehend some precepts of the law court.

II. INTRODUCTION

Semantics is the study of the meanings of words, phrases and sentences. In semantic analysis, there is always an attempt to focus on what the words conventionally mean, rather than on what a speaker might want the words to mean on a particular occasion, (Yule, 1985:114).

Lyons (2002) on the other hand defines semantics as the study of meaning. According to Lyons (2002), this study of semantics includes the study of how meaning is constructed and paraphrased. The emphasis is not only on conventional meaning but a hydride of meanings that the word portrays. This assertion of Lyons is not different from how Finnegan and Besnier (1989:171) define semantics. They are of the view that, semantics is the study of systematic ways in which languages structure meaning, especially in words and sentences.

These definitions from Lyons and Finnegan and Besnier have some variations with that of Yule (1985) that emphasis is placed on what the words conventionally mean rather than on what the speaker might want the words to mean on a particular occasion.

According to Thakur (2007); Palmer (2002), both the denotative and connotative aspects of words and expressions are analysed in semantics. They define denotative meaning as the basic part of meaning and assert that this type of meaning is that which is found in dictionaries (i.e. The dictionary meaning of a word). To them, denotative meaning can therefore be referred to as ‘the most core, specific or literal meaning of a word as opposed to its figurative sense or connotation (‘Secondary’ meaning, ‘emotive’ or ‘associative’) meaning.

Some aspects of this work will look at the denotative meanings of some words in Akan as expressed connotatively in the legal language. The Akans, the predominant ethnic group in Ghana, have a rich cultural heritage that is manifested in their speech utterances and unique ways of showing reverence and decorum to people in authorities. This has some similarities with the court ethics. The Akans perceive some expressions and practices as taboo and try not to adhere to them. Decorum is observed in all speech events and trespassers are frowned at. An attempt will be made on how these cultural practices are enshrined in the court processes.

III. THE POLYSEMY OF THE WORD ‘DI’.

Saied (1997:64) postulates that, “there is a traditional distinction made in lexicology between homonymy and polysemy but both deal with multiple senses of the same phonological word but polysemy is invoked if the senses are judged to be related”.

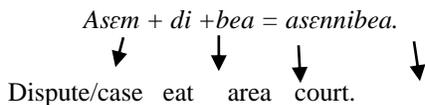
Agyekum (2002:101) defines polysemy as a semantic phenomenon where a word has different related meanings. He continues that it is a phenomenon where the same word has two or more senses. Lyons (1977:551) notes that, “the major feature which



differentiates polysemy from homonymy is that of relatedness verses relatedness of meanings”.

Systematic polysemy, according to Appresjan (2009) “is a situation where several senses of at least two words regularly imply a similar semantic structure”.

The denotative meaning of the verb ‘di’ in Akan is ‘to eat’ and the word ‘court’ is translated into Akan as ‘*Asennibea*’. This word is morphologically expressed as:



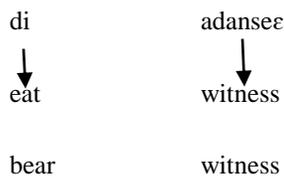
This is literally expressed as a place where disputes/cases are eaten (cases are settled).

In court, disputes are settled and this is translated into Akan as;



Settle a dispute/case

Witnesses are called to testify in a dispute resolution. They are called to bear witness and it is expressed in Akan as;



Prior to the commencement of dispute settlement, the plaintiff, defendant and the witnesses are compelled to swear an Oath that they will say nothing but the truth. Christians use the Bible, Muslims use the Holy Quran and the traditionalists invoke the lesser gods. They all swear that if they tell lies they should be punished by the God they worship. The swearing of an oath is translated into Akan as *nseddie* an oath swearing.



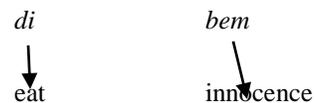
Swear an oath.

Whenever a judge sits to adjudicate a dispute, there is a victor and a loser. One of the litigants will be innocent and the other will be guilty. This is said in Akan as;



To be guilty.

And



To be innocent.

Yule, (2007:121), stipulates that “relatedness of meaning accompanying identical form is technically known as polysemy, which can be defined as one form (written or spoken) having multiple meanings that are related by extension”. He cites examples like the word head, used to refer to the object on top of your body, or on top of a glass of beer, person on top of a company or department etc.

The Akan language abounds in expressions with the verb “di” – to eat. Some of them are:



to deserve to be beaten





eat alcohol/drink
to drink excessively

di asa
↓ ↓
eat dance

to dance

di obaa
↓ ↓
eat a woman.

To have sexual intercourse with a woman.

We can have more than fifty polysemy expressions associated with the verb “di” in Akan.

An attempt is made to ascertain why the word ‘di’ - to eat is used in court language but not any other word. In the case of ‘di asem’ – to settle a dispute, we can explain that when one is eating, he delves deep into the food and makes sure he is satisfied. The food also permeates into the body and the exhausted body is revived. Whenever a judge sits to settle a dispute, he goes into the intricacies of the matter making sure the disputing factions get justice. This is done just as one is eating. Some food is masticated so much so that it does not cause any havoc such as indigestion. Perhaps the verb ‘di’ is used here because dispute settlement also needs meticulous approach.

“Di nse” To swear an oath means the person has drunk the God or deity to the extent that if he tells lies he invites these deities to hold him accountable for that. A person bearing witness also swears an oath

that he will say nothing but the truth. He commits the crime of perjury if he tells lies.

“di fo” - to be guilty

and

“di bem” - to be innocent

Inculcate some level of melancholy and joy respectively. The former develops some sort of anguish and sorrow which permeate into every nook and cranny of his life just as food has been eaten. It is digested and absorbed into the blood stream. The innocent person is high spirited and feels joy and the guilty is down trodden.

3.1 USING INDIRECTION IN COURT LANGUAGE:

The use of “di” - to eat in sexual disputes.

The Akan language prohibits the use of some expressions relating to sexual matters and offenders are considered uncultured and immature. In the court language, however, there is a ban on the use of indirections. Witnesses and litigants are to mention the word and the expression in their ‘original form’.

An Akan woman would say:

Barima no afa me
↓ ↓ ↓ ↓
Man the has taken me

The man has taken me.

The man has had sexual intercourse with me.

OR



Barima no ne me ada.

Man the and me has slept.

The man has slept with me.

The man has had sexual intercourse with me.

OR

Barima no de ne ho aka me.

Man the take his body touch me

The man has had body contact with me etc.

The man has had sex with me.

These forms of indirections are prohibited in court language. The plain word “di”-to eat/to have sex with, which is tabooed in Akan is rather used.

Barima no adi me.

Man the has eaten me

The man has eaten me.

The man has had sex with me.

The sexual organ which was also used in the sexual act is also mentioned. Instead of saying:

Barima no afa me to- The man has taken my buttocks,

Barima no adi me tunumu- The man has had anal sex with me, is said in court.

The word ‘*tunumu*-the anus’ is a taboo word in Akan and so ‘me to’ – my buttocks is rather used.

OR

Barima no de ne nsa awowɔ m’ase - The man has fondled me.

Should be;

Barima no de ne nsaawowɔ me twe - The man has fondled me.

M’ase is more polite than *me twe*. They all mean my vagina.

A plaintiff who uses indirection in court risks losing her case unless there is a lawyer who intervenes by saying:

What do you mean by saying:

Barima no afa me? - The man has taken me.

Did he take you at his back? etc.

Yankah (1995: 51) estimates that, “the perceived power of the spoken word among the Akans calls for the deployment of the various strategies of speaking that may obviate crises. These include avoidance of discretionary uses of verbal taboos, apologizing for their use, using euphemism or resorting to indirection. To Yankah, before a taboo word is used, the user has to render an apology by saying;

Sebe or *mesre meka* – I

beg to say

to demonstrate some decorum in the usage of the tabooed word.

This view of Yankah (1995) is counteracted by Keith Allan, Kate Burrige (1987:21) that:

“When you speak of the anus you call it by a name that is not its own, why not rather call it by its own? If it is indecent, do not use even the substituted name, if not, you had better call it by its own”



IV. THE WORD COURT USED AS METONYMY.

Adjei and Angostinge (2006:107) define metonymy as a figure of speech in which the term for one thing is applied to another thing with which it has close relationship.

Agyekum (1999:62) also defines metonymy as “the use of one name for something closely associated with it as, “the crown” for the “king”.

What these scholars postulate is that, a word can be used to represent an entity. Titles of people in authority are used to represent the collective or unilateral decision taken by people to insulate them from any criticism that might emerge from the discharge of their duties. Metonymy is again used to diffuse the mind of outsiders that the decision taken was a unilateral one.

In court proceedings, sometimes, a judge sits alone to adjudicate dispute and he decides how a case should be judged. He bases his judgment on burden of proof, i.e. the litigant should prove beyond reasonable doubt, and the precedent from court ruling coupled with evidence from witnesses. In this case, the ruling has been based on so many principles of the court hence the judgment of the court.

Instead of saying; judge ‘A’ has ruled that..., we rather use the term; court saying: *Kɔto/asennibea a ɔwɔKumaseahyɛse* A Court in Kumasi has ordered that

This is done in order not to attribute the judgment to the judge as a person.

Those arraigned petition a court by saying for example:

Mesre kɔto se -I pray the court to instead of saying;

“Mesre ɔtemuafoɔ A se ɔmfa me bɔne nkyɛ me” - I beg judge A to pardon me for my offence

A judge calls himself court by saying:

Court has adjourned your case to - *Kɔto atu w’asem no ahyɛ*

A court clerk appeals to people in a court room to stand when a judge enters to start the day’s business. He first says, “Court ready” to announce the coming of a judge. If the judge enters the court room, the clerk again says “court rise” and everybody gives the judge a standing before he starts court proceedings. Whoever refuses to stand can be cited for contempt of court. The same rule applies when the judge ends proceedings and he is leaving the court room or when he retires to his chamber.

Government is translated into Akan as “*Aban*”. All functionaries or arms of government are called government. For example, if the police acts in a manner that the public think is inimical or in contravention with the law, government is blamed for doing that.

A country’s economic hardship is said to have been caused by the government but it might have been caused by the collective irresponsibility of the citizenry such as the corrupt practices of some civil servants, the judiciary or the legislature. We often hear a statement like:

“Abanyiamawanyi mu aye den” – This government has created hardship for this country.



This is said as if it is the unilateral contribution of the president.

Manhyia is the traditional seat of the Ashanti Kingdom in Ghana, West Africa, and the Otumfoo (The Almighty) is the king of that kingdom. He takes decision with his entourage and he sometimes vetoes and it is communicated as news from Manhyia not from Otumfoo.

Some news from Manhyia is packaged as;

Nkra a efiri Manhyia se

News from Manhyia says

You will hardly hear of such information attributed to Otumfoo alone. In the traditional dispute settlements, the king or the chief is portrayed as an absolute authority who gives final verdict. He sits in his throne with the entourage to find amicable solutions to disputes. He first allows his subjects to make their inputs and after that, he, including the queen mother and the entourage excuses the feuding factions to consult “*Aberewa*” (the old lady). This is the time they take collective decision and declare it to the people. The final verdict is declared after the consultation. The old lady, is a grown up person who is presumed to be knowledgeable and has solutions to problems. In actual fact, no old lady is consulted. It is a calculated attempt to conceal the decision taken from the faction. The *Okyeame*, the linguist, declares the verdict that:

After Nana and his elders had consulted the old lady (Aberewa) the conclusion was that..... Instead of saying Nana (King or Chief) has declared that

The verdict is attributed to Aberewa (old lady). This is again done to insulate the chief or the king concerned.

Similar example abounds in a statement like:

Information from the White House states that.....

We know that the White House is the residence of the American President and such statement is made to insulate the American President.

V. KINESICS IN COURT.

Nartey (1988) defines kinesics as the study of body and facial gestures that accompany both the Linguistic as well as the paralinguistic message. Sekyi – Baidoo (2003:17) is also of the view that, “Bodily movement, facial expression, general movement of limbs, movement of the head and the body as a whole communicate and this is kinesics”.

According to Crystal (2010:426), “the field of non-verbal visual communication, kinesics, can be broken down into several components: facial expression, eye contact, gestures and body posture. Each component performs a variety of functions. Movements of the face and body can give clues to a person’s personality and emotional state”.

In the Akan community, one can use most of the parts of the body to communicate. Some of them are interpreted as abusive and one will not take kindly to them. For example, the thumb, which is considered the most indispensable among the fingers can be used to insult another by flickering it at another person. In the Akan culture, if one flickers the thumb at you, it



means he is insulting you that, ‘your mother’s vagina’.

Other body parts can be used for non – verbal communication to disregard people in authority. Postures also communicate and for that matter, one has to be weary of his postures in order not to abuse people in authority.

This kinesics is observed in court rooms. If your case was mentioned and you stood putting your hand in your pocket, you will be asked to remove it lest you commit contempt of court. This kind of attitude is considered as not showing respect to people in authority. One cannot stand in front of a king, a parent or an elderly person while putting his hand in his pocket. That amounts to disrespect to the person in high position.

A litigant is not supposed to cross the legs in court room. People in high class like kings sit that way and for that matter, it will amount to disrespect to the reputable court. Subordinates put their hands at their back when they are before a superior. Children also do that when they are speaking to their parents, teachers or any elderly person. Moving the hands in different directions while in court will amount to disrespect to the court. A person standing trial can be committed to high sentence if the sentence has a range.

In the Akan community, the left hand is considered as filthy because it is used to clean the anus after easing oneself. We use the left hand to hold anything that is considered unhealthy while the right hand is used to eat. The left hand is not used to greet or collect an item from an elderly person. In a situation where the right hand is so much engaged, the left

hand can be used but there should be an apology like “*kafra*” – I am sorry. If one uses the left hand without any apology, it amounts to bringing the face of the person in question into disrepute.

Men are not supposed to wear a hat to the court room. Muslim men wear hats as part of their religious culture but they are instructed to remove them in a court room. Sitting or standing in a court room also communicates a lot. Before the commencement of any court proceedings, a signal is given by a clerk to announce the arrival of a judge. Everybody in the court room is supposed to stand as a sign of respect for the judge (s). The one who refuses to stand is cited for contempt of court.

This kind of practice is applicable in the Akan community. At the funeral grounds, everybody gives a king/chief and a public figure a standing till the person sits down. There have been instances in which conflicts generated whenever the Asantehene sent a delegation to the Okyehene during funerals and the Asantehene’s delegation refused to stand when the Okyehene’s cortege was coming. The elders of Okyehene expect the Asantehene’s delegation to stand but if the Asantehene himself were there he would not have stood because he is considered a superior king. If you are greeting a chief, you are to bow down in awe and adjust your cloth as a sign of respect. In the olden days, whoever flouted this courtesy was punished in diverse ways. In the same vein, you cannot stand when you have not been asked to do so. Lawyers also bow to a judge when they enter or are leaving the court room as a sign of respect. Some litigants and observers who are conversant with court ethics also do same. Male



graduates also remove their hats as a sign of respect for the academia present.

Other things that cannot be done in court room are reading the newspaper or any written materials during court session, chewing gum or eating in the court room. Also, it is prohibited to receive or make a telephone call in the court room. An educated Akan will take an offence to a student who has lengthy phone calls in his office. It will be interpreted as disrespectfulness. The student is expected to walk out to receive his calls.

Such mannerisms discussed above are also to be adhered to in religious centers such as the chapel. Worshippers who are in the chapel are to accord God the same reverence. It is disrespectful for one to use his left hand to offer money to God during offertory. Also, there should be absolute silence in the chapel because it is believed to be the abode of God.

There should be silence in the chief's palace during the settlement of disputes and any other customary gathering. Silence is observed for a period of forty days in the Ga traditional areas during the celebration of the Homowo festival. Noise making is prohibited and offenders are punished in one way or the other.

In the court room, there should be absolute silence. The court clerk shouts; "silence in court" to maintain order. "*Aha nyedinn*" - There should be silence here. There should be silence here is also used in the chief palace. Whoever trespasses this directive in court is cited for contempt. The Akans will say: "*yeakyewodedua*" meaning, you have been cited for contempt.

In countries where these cultural practices are not acknowledged these aspects of kinesics are not applicable, meaning that the use of kinesics in court as enshrined in the Ghanaian court is not universally the same. It depends on the mode of culture of that particular country. For example, in Ghana, striking the chest is an expression of arrogance but this is quite different in other countries.

VI. THE SEMANTICS OF SOME COURT EXPRESSIONS IN RELATION TO AKAN.

The legal register derives its root from the English Language, however, the underlying meaning of some words in English that are used as legal language give divergent meaning to the English language as well as the Akan language. This makes it difficult for some legal jargons to be translated into Akan.

For example, the word *motion* is defined by the Oxford Advanced Learners Dictionary as "the act or process of moving or the way something moves, a particular movement made usually with your hand or head especially to communicate something, a formal proposal that is discussed and voted on at a meeting". In legal English, *motion* is defined as a petition to a court to apply for a court order.

In Akan, the word will be translated as "anamontuo" which is equivalent to the first dictionary meaning. Some motion verbs in Akan are "ko"-to go, "foro"-to climb, "nante"-to walk etc... It therefore becomes difficult for an ordinary person who is not conversant with the legal language to understand such word as used in court. Other court expressions that pose semantic problem for an Akan translator are:



a) To award cost against somebody.

To award cost against somebody in law means the person is asked to pay a fine to expiate the other. It is understood that to award something to somebody is in a positive dimension as in; to award marks to somebody in an examination.

The person has done well in answering a question, therefore, marks are awarded to him or her. Also, after passing examinations or undergoing some academic training, a degree or certificate is awarded to a person. A contract is awarded to somebody and in this respect; the awardee derives some satisfaction because the contract will generate some income for him. However, to say that a cost is awarded against someone seems to raise some controversy. The phrasalverb “award to” in its denotative sense is in positive dimensions whilst to award against is in negative sense.

b) To prefer a charge against somebody.

This means that prima facie case is established against somebody in a law court and for that matter he/she is to open his/her defense. The word “to prefer” means to like, admire etc. we normally say: I prefer rice and stew to Banku with Okro sauce. Therefore, to an ordinary person who is not well versed with the legal jargon, it will be difficult for him to comprehend.

c) To hear a case in camera.

A camera is understood as a piece of equipment for taking photographs, moving pictures or television pictures. In law, “to hear a case in camera” means to hear a case in the judge’s chamber, without the press

or the public being present. This means the case is not settled in an open.

d) To put it to somebody.

In cross examination, lawyers often use this expression. For example, “I put it to you that you are deceiving this court”. Under normal English language, this expression will be unacceptable. We normally say that,

“I put my shirt on, I put it on the table” etc.

But legally, to put it to somebody means you are telling the person what you think. For example, I put it to you that you are not the true heir of this estate etc.

e) To pray to a court (for a relief).

This means to make a request to a court. We often hear lawyers declaring:

I pray that

I pray this court etc.

The normal usage is to pray to God. We ask God to grant us our needs. Nevertheless, contextually, the legal idea and the normal English sense have some correlation.

These, among some other legal expressions pose translation problems for Akan translators who are not conversant with the legal jargons.

This confirms the assertion of Gordon Coughlin, It may not be English, but it’s strictly legal, that, “there is no occupational jargon more confusing and intimidating than that of lawyers. Theirs is the language of the law, of the court, of contracts and legal documents. And no language has been more criticized than the legal jargon. Gordon Coughlin



again intimates that, “in the eighteenth century, Jonathan Swift said it was a language “no mortal can understand”. He continues that, “Jeremy Bentham called it ‘literally garbage’. Over the years, lawyers have changed but not their jargons. The question arises about conscious efforts of some lawyers to keep the archaic double – talk alive – is it for the sake of tradition? Or to keep some people in practice?”

VII. CONCLUSION.

In this paper, we have indicated the bearing the Akan verb “*di*” – to eat has on the court with regards to settlement of disputes. The verb “*di*” which is tabooed in Akan is freely expressed in the court metalanguage. Also, the denotative meaning of “*di*” bears some semantic relation with the court jargon.

It has also been explained that Akan system of dispute settlement in which judgment is not attributed to the chief alone has some correlation with the court metalanguage and this calls for the use of metonymy;

A court has ruled that OR

Nkra a efiri Manhyia kyere se... - News from Manhyia, (the seat of the Ashanti king) indicates that...

Also, some body languages (kinesics) which are considered abusive and have the tendency to bring the face of traditional leaders in the Akan communities into disrepute are also applicable in the court room. This is court specific depending on the culture of that country. A person’s comportment in the court room can infuriate a judge to prefer a contempt case against him or commit him to a high sentence if the sentence has a range. In the traditional court, the same rules apply.

This paper has again dealt with some court expressions which are so technical and complicated that they confound even intellectuals who are not conversant with them. The expressions, which are connotatively expressed, are compared with their corresponding denotative meanings in Akan. They are therefore tagged as posing translation problems for Akan scholars who are not well-versed with the legal jargon.

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