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It is our policy that contributions are not only original but also advanced in the respective disciplines. Contributions that receive positive assessment from our team of assessors are published in the Journal.

**Prof. Benjamin Omolayo**  
Editor

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**THE CHALLENGES OF DESIGNING EPIC  
PERFORMANCES FOR FLEDGLING UNIVERSITY-  
BASED THEATRES: FUOYE THEATRE AS EXAMPLE.**

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**Abstract**

*The economic situation of a university has a great influence on how theatre education is handled by the Theatre Department of the university. The university budget must be designed to enhance full interpretation of the university curriculum especially as it pertains to the study of theatre. However, where there is paucity of funds especially because the university is young, theatrical productions in the department cannot but suffer a setback. This is because effective theatre training requires funds. The aim of this study therefore is to observe the Theatre Department of the Federal University Oye-Ekiti, Nigeria as an example of this scenario with a view to suggesting innovative alternative solutions to the problem of sourcing for funds. The study capitalizes on alternative design templates that may be explored in the area of Theatre Design especially when handling epic plays. The departmental production of Ola Rotimi's "The Gods are not To Blame" will also be explored experimentally.*

**Keywords:** Theatre education, funds, improvisation, design.

**Introduction:**

Theatre can be said to be a complex whole that provides a thorough coverage of the elements, methods, tools, complexities and dynamics that are pertinent and imperative for all performatives. Theatre studies with the conventional nomenclature "Theatre Arts" introduces us to the disciplines and subject areas that constitute Theatre which include Playwriting,

Directing, Acting, Scenography, Criticism, Stage Management, scholarly study of Theatrical History etc. Elam (1980: 2) confirms thus:

Theatre is taken to refer here to the complex of phenomena associated with the performer-audience transaction: that is with the production and communication of meaning in the performance itself and with the system underlying it.

Theatre is from the Greek word "Theatron" a large performance space or structure where performances hold. However the word theatre has now grown beyond its original reason and meaning which is just a place for performance, those performances that now take place in the theatre (a place, structure or building) are referred to as "Theatre" performatives such as dance, drama, music (the Three Performatives) others are Mime, pantomime, acrobatics etc. The word theatre conventionally now refers to any place where performances take place, be it hall, space or any place, any environment where performances hold.

Theatre is a collaborative form of art that uses live performers to present the experiences of a real imagined event before a live audience in a specific place. The performers communicate this experience to the audience through a combination of gestures, speech, song music and dance. Elements of design and stagecraft are used to enhance the physical presence and immediacy of the experience. However, this is a theoretical definition of theatre, but practically theatre also refers to many other artistic activities that are present in a performance. This view of theatre is germane to this study which focuses on designing for companies, organizations of players that are based in the newly established University environments using that of the Federal University Oye-Ekiti (FUOYE) as example.

### **Design Defined**

Design is the practical application of a concept or an idea put together by a production team to achieve a particular visual

aesthetics. Theatrical design helps the director achieve a personal vision to a public performance. According to Enendu..

Performance venues scenery audit's mechanism properties, stage lighting, costumes and make-up, sound and sound effects are products of design (pg. 27)

It is worthy of note that apart from the organization of the performances and movement, every other visual element of production is an attribute of design. Theatrical design therefore is a major support on which stage production rests. This is because it has its starting point in thought and imagination, backed by a sense of practical artistry usually expressed in the language of forms. The idea is first conceived in the mind audit, concepts are transferred into a fundamental design or language in the form of sketches, drawing and models. In addition, this creative process is very productive. Further asserting this, Gassner (1953: 227) opines that:

The actual concern of each professional theatre worker is to be expressive. In so far as expressiveness is enhanced or made possible by unity, balance, harmony etc. design is inevitable.

### **Design in the Theatre**

The place of design in the theatre cannot be over emphasized, design is imperative in the theatre because in the absence of it, the aim and objectives of the theatre as a whole will not be achieved. Audience patronage will be lost in the absence of a well-designed and aesthetically oriented production. A good design will surely connote aesthetics, which relates to the beauty of the entire theatrical production as a work of art. Design cuts across every aspect of theatre. Everybody in the theatre is involved in design as the director, actor, sound engineer, lighting man, set, costume make-up etc because they are involved in the creative

process. Any artiste in the theatre who is involved in the technical and dexterous aspects such as body ornamentation and make-up, costume design and painting is qualified as a designer. The pertinence of this is found in the sense that the creative visions of the actor, director, soundman, light man, costume and make-up designer is geared towards an aesthetic spectacle, monitored and unified by the director. Design in theatre is creatively deployed to a specific end, which makes it one of the elements that make up the theatre as a whole.

However, no one thing can make up the theatre as a whole though they can be theatrical in nature. Design in the theatre is geared towards aesthetic clarity, precision, special focus, uniqueness and verisimilitude. Every designer in the theatre works together and adheres strictly to the dictates of the director in order to achieve a holistic design at the end of the day. Perhaps the most obvious attribute of design in the theatre is that it makes ideas tangible, it takes abstract thoughts and inspirations and makes something concrete.

### **University-Based Theatre in Nigeria: An Overview**

The effects of the economic situation of a university on its theatre training cannot be overstated. A university that is in a good state will enhance intellectual productions, thereby enhancing the productivity of the theatre department. Theatre as a whole requires a lot of funding, sourcing and innovation for it to carry out its activities effectively. Therefore, proper funding is pertinent to having an effective university theatre, and if proper funding is debarred this will incapacitate the theatre, as a whole as the director and his crew would not be motivated to work, thereby reducing productivity and work standard. Productions will not be held frequently, technicalities and available resources will not be adroitly utilized, because the theatre manager/director will not be able to motivate his actors and crew and the result will be sub-standard productions because of the lack of pragmatism in work ethics.

### **The Nature of Epic Plays and the Implication for Funding**

Having observed how the economic state of the University affects productivity of the Theatre Department at Federal University Oye-Ekiti, this study intends to explore the workshop production of Ola Rotimi's *The Gods Are Not To Blame*, to understand the challenges and shortcomings encountered and to proffer possible remedies.

*The Gods Are Not To Blame* is an adaption of Sophocle's *King Oedipus*. It is an Epic play and an elaborate traditional presentation that narrates man's struggle with superior unseen forces over destiny. The play encapsulates African and Nigerian features, personalised and presented, in Western Nigeria setting, sandwiched with various African embellishment, idioms, feats etc that connotes its structural complexity.

Suffice to say that it is conspicuous that the play requires elaborate design and aesthetics to achieve. Consequent upon the paucity of funds constantly expressed by FUYOYE management, the technical realisation of the play was not absolutely professional but a substantial attempt was achieved. Theatrically, no play can be hundred percent perfect both technically or artistically. However, in this particular case, if funds were available to achieve the technical design requirements, the content of the play would have been more tangibly and pragmatically presented. This was a major challenge.

Another major challenge encountered in designing the play was the minimal casting which was forced on us by a complexity of limitations. First is that as a result of the age of the University, the student population as at this period was low. At the auditioning, only twenty six students were available for the production. Other limitations are: inadequate costumes and make-up materials, non-availability of modern lighting facilities as well as the non-existence of a dedicated Arts Theatre with an adequate acting space. Therefore, the realisation of the structural complexities of the typical epic script could not be fully achieved in this instance. For example, the play naturally requires an elaborate scenography ranging from the backdrop to the stage set, flats, levels and platforms. Most of the scenes in the play take

place in the palace, which connotes an elaborate royal picturization. The king ought to be more vividly differentiated from his chiefs using levels, plains and platforms. The aura of the play must depict antiquity. While we managed to paint the flats dirty brown to depict ancient mud huts with thatched roof, there was no fund to produce a green canvass in order to project the agrarian life of the people which is very central to the full understanding of the plot.

Part of the scenic challenge is that stage props, furniture, platform some of which should have appeared in specific shapes, lines, forms and structure to give the audience a good picturization for aesthetic mental understanding of the various scenes had to be improvised. The set was small, though the director had supervised the extension of the stage yet it was still not enough to accommodate the palace and the towns people, thereby the illusion of a perfect scenic picturization was not perfectly achieved.

Lighting was another challenging area. Without proper funding, innovation and dexterity would be endangered. At the level of illumination, the performance was well lit, but the use of lighting for either aesthetic embellishment or achievement of special make-beliefs was a deficit because of poor funding. The Department could only hire strobe lighting equipment for a semblance of special effect lighting to occur. An epic play like "The Gods Are Not To Blame" requires adequate and appropriate lighting because in the absence of this, the message of the play at different scenarios cannot be fully interpreted.

In the area of costumes, the challenge was enormous. In the absence of an equipped and stocked costume room for the department, renting was the option and this came with its problems as most of the rented costumes were not built for specific characters. The costumier had to adopt adaptation in order to achieve some semblance in characterization. This play, with a large cast requires a lot of costumes. Even some transitions from one scene to another or flashbacks were delayed because of the use of improvised costumes which could not be changed easily.

In the area of make-up, there was not much of a challenge. The requirement of the play was mostly character make-up, and being a traditional play, we saw the various attempts made by the students and make-up artists as innovative. They needed to spend from their personal pockets to achieve this and that much they did with the use of basic make-up materials. These they used to evoke mood, depict time and place, and actualize movements for a successful production.

Funding is an integral determinant of a production's success or failure. This study captures the challenge encountered in designing for an underfunded theatre system especially how it affects an effective production in a teaching and learning situation. Staging an epic play could be quite tasking especially, in the aforementioned situation. The burden then becomes that of the Theatre teacher/Director who must think uniquely and adopt a pragmatic approach as a positive option. Here we see the director and his crew achieving the much that they did through the organization, control and co-ordination of the various conflicting energies, units and theatrical compartments and also through stringent and meticulous utilization of the available resources, almost in a Grotowskian fashion, to achieve a designed oriented spectacle.

### **The Way Forward**

The importance of play productions in the curriculum of theatre departments cannot be disregarded. This is because play production, in this situation, is the platform where students acquire practical application of professional techniques to the theoretical aspects learnt in the classroom. Unfortunately, this important aspect of theatre education still does not occupy its pride of place in some Universities. This is the problem that this study has discovered with regard to the new Federal University Oye-Ekiti, a university that is yet to have all the required facilities because of its young age.

The practical play production which is a compulsory course for all levels in the department, takes place tentatively at the school's multi-purpose auditorium. The technical nature of

the course demands special attention to students' attitudes in the application of materials and techniques. However at this early stage of the Federal University Oye-Ekiti, some of these materials, which are not available, are often improvised by the lecturers. Sometimes practical techniques that should be applied in the specialized studios are carried out in a conventional classroom or auditorium environment with some touches put on such classrooms or auditorium to make them look functional like improvised studios.

Even though improvisation has helped to an extent, however there still exist some critical loopholes to be filled only by proper funding of productions. Sometimes, the department had to rely on Students' contribution to provide necessary production materials. This can only subsidize for some materials. Their contribution cannot be enough at any point in time to run a successful production workshop with every necessary requirement made available. Among other things, design which is the thrust of any theatrical piece or production will be badly affected. Conventionally, every theatre production is geared towards the satisfaction of the audience and can only be achieved if design is meticulously and adroitly utilized. Therefore, if design is lame then the different elements in the production will conflict with each other which mean that aesthetic clarity will be lost, how then will the audience be satisfied?

Furthermore, design process in the theatre especially costume design is necessitated by the need for a clear understanding of the play by the audience hence the need to make it clear to students from the onset in the course. Design is also the instrument for the achievement of life-like theatrical presentation. Detailed demonstrations are necessary during classes. For instance, the characterization of each dramatis persona to appear as describe in the script is a process that cannot be over looked while working in the class. Accident scenes and victims are given extreme treatment during class to show natural effects by using mere fabric, or other synthetic graphic means. Meanwhile these synthetic graphic materials are very expensive and at this level

cannot still be provided by the school. Local alternatives are then sourced in place of imported and more sophisticated materials.

The way forward is for the University management to fastrack the process of making necessary equipments and materials for theatre teaching, both in theoretical and practical situations available. A University cannot be relying on the magnanimity of its Staff to deliver on its mandate. Also, pioneer students should not in any way be intellectually and professionally malnourished. Since pioneer graduates will not be recalled and retrained when new universities have grown and have become rich, the logical thing to do is to make sure that equipments, materials and funds necessary for the delivery of quality training are made available before Theatre departments are established by Universities.

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### **THE LEGAL INTERPRETATIONS OF THE MODAL AUXILLARIES “MAY” AND “SHALL”, THROUGH THE CASES**

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*Language is an important arsenal through which humans communicate. It is also the instrument through which a man relates with fellow beings and his creator. It has a variety of uses. A major function of language that forms the concern of this paper is the role of the English language as a means of social control. The paper examines the use of two English modal auxiliary verbs, **may** and **shall**, in the context of law, with particular references to decided cases in law courts. It focuses on the inconsistencies in their applications in judicial interpretations of decided cases and posits that each of the modal auxiliary verbs be modified to ensure that incidence of indeterminacy of reference in legal interpretations of **may** and **shall** are minimized.*

**Introduction**

There exists a symbolic relationship between language and law. The biblical account recalls the history (and, of course, genesis) of creation. The first instrument is language: “And God said, ‘let there be light’...”. In other words, the gamut of creation is a consequential effect of the invocation of the instrument of language. The account further reveals that man was created last. And, soon after the creation of man (Adam), God handed him the law: “you may freely eat any fruit in the garden **except** fruit from the tree of the knowledge of good and evil. If you eat of its fruit, you will surely die”. The preponderant effect of language use in human interaction and social intercourse cannot be over-emphasized. Such effect is a hydra-headed phenomenon that can both be pleasant (as in music, comedy, and jokes) and unpleasant (as in death sentence, obituary announcements and report of natural disasters).

Law, on the other hand, is a form of social control. Virtually, all aspects of human endeavours are regulated through the mechanisms of law. Put succinctly, there exists a nexus between human activities and the legal framework operative in

any society. But, unlike other varieties of language, the language of law is unique; its coloration with archaic, heavily Latinized expressions and terminologies has made it less intelligible to non-legal practitioners. This probably underscores Abochol's (2008) outcry that:

To speak of legal language as communicative is rather misleading. Of all uses of language, it is perhaps the least communicative in that it is designed not so much as to enlighten language users at large as to allow one expert to register information for scrutiny by another...

It is to be pointed out that the use of language in legal matters has far-reaching consequences. For example, an accused person's fate is precariously dependent on the exact "wordings" of the judge's pronouncement on him. According to Section 367(2) **Criminal Procedure Act (CPA)** and Section 273 **Criminal Procedure Code (CPC)**, in passing a death sentence, which is mandatory for capital offences, the "recommended language" is:

The sentence of this court upon you is that you be handed by the neck until you be dead and may the Lord have mercy on your soul.

Therefore, much more weight is attached to such a pronouncement than other normal (or social) interactions like announcement of result of an election, a competition, or an examination. However, it is an established fact that languages, generally, are dynamic and productive, Stageberg (1991). In the course of interpretation of statutes, Judges, more often than not, give conflicting decisions. This, undoubtedly, has serious implications on the administration and dispensation of justice. This is the justification of this paper.

According to Imhanobe (2004), the differences in the meaning attributed to words are usually "the cause of most legal issues seeking judicial determination". He further asserts that words are "capable of being vague and ambiguous", that is, "having one meaning in one sense and another meaning in another sense". For example, he cites American case of **Towne V. Eismar** where the issue for determination was the meaning of the word "income" for tax purposes. The court held: "but it is not true that

income means the same thing in the constitution and the Act. A word is not a crystal, transportation and unchanged. It is the skin of a living thought and may vary greatly in colour and content according to the circumstances and the time in which it is used...” One would reasonably expect that the drafters of both the constitution and the Act had the same thing in mind when they include the word “income” in the statutes. Unfortunately, this was not construed by the judges, whose role it was to determine the “intention” of the drafters of both statutes.

### **The Semantic Interpretation of the Modal Auxiliary “may”**

According to Borjars and Burridge (2001) in many ways, the “modals form a very messy category in English”. They assert that, with regards to meaning considerations, the modals constitute a very complex grammatical category in English. The modals can function as operators in a sentence, as in:

- The show might mender. Borjars and Burridge (2001).
- Oscar may eat the vegetables (modals are underlined).

On the other hand, Quirk and Greenbaum (1973) give the following meanings of “may”:

1. Permission (be allowed to), as in – You may borrow my car.
2. Possibility (usually factual), as in
  - The road may be blocked (“it is possible that the road is blocked; (less probably) “it is possible to block the road). They also note “a rare use of “may” as a quasi-subjunctive “auxiliary-do express wish, normally in positive sentence:
  - May he never set foot in this house again. The meaning ascribed to “may” by the *Macmillan English Dictionary for Advanced Learners* (New Edition) is in sync with that of Quirk and Greenbaum’s (1973). Therefore, the inference is that the modal “may” as an operator in a sentence expresses “permission” or theoretical possibility.

### **The Semantic Interpretation of the Modal Auxiliary “shall”**

Quirk and Greenbaum (1973) give the following meanings of the modal auxiliary “shall”:

- 1 willingness on the part of the speaker in 2<sup>nd</sup> and 3<sup>rd</sup> person (restricted use), as in:
  - He shall get his money.
  - You shall do exactly as you wish!
- 2 intention on the part of the speaker (only in 1<sup>st</sup> person), as in:
  - I shall not be long.
  - We shall overcome.
- 3a Insistence (restricted use), as in:
  - You shall do as I say.
  - He shall be punished.
- 3b Legal and quasi-legal injunction, as in:
  - The vendor shall maintain the equipment in good repair.
  - The meaning given under 3(b) is on all fours with the scope of this paper. Therefore, the meaning given by *Macmillan English Dictionary for Advanced Learners* (new edition) of the modal auxiliary “shall” is also worth examining. It reads:

Shall: legal (used in instructions and legal documents) for saying that something must be done, as in: the court shall have the authority to demand the presence of witnesses. From the discussions so far, it is intuitively evident that “may” means “permissive” (at one’s discretion) while “shall” means “obligation”, compulsion, mandatory, etc.

### **The legal interpretation of the modal auxiliaries “may” and “shall” through the cases.**

It has been stated elsewhere in this paper that the modal auxiliary “may” is used to express “permissiveness”. However, according to Imhanobe (2007) “where the context admits “may” could be construed in a “mandatory” sense. The learned author

cites the case of **Ude V. Nwosu** where the issue for determination was whether the Attorney General could repossess land from a lessee whose lease had expired without recourse to court. The Supreme Court, allowing the appeal, held that under **Section 28 (1) of the State Land Law of River State** the word “*may*” should be interpreted as mandatory and that the Attorney General must obtain a court order to repossess the land. Imhanobe (2007) further quotes the words of Nnaemeka – Agu, JSC (as then was) who delivered the leading judgement of the court thus:

“May” should be considered as mandatory i.e. meaning “shall” or “must”. I believe that it is now the variable practice of courts to interpret “may” as mandatory whenever it is used to impose a duty.

Similarly, in the case of **Adigun V. Osaka**, the court held that “although the etymological meaning of “may” is permissive and facultative”, it seldom means “must” and “imperative”.

In same vein, even though the auxiliary “shall” (especially used in the 2<sup>nd</sup> or 3<sup>rd</sup> person) denotes “compulsion”, “mandatory” and “obligation”, the courts have interpreted it to mean “permissiveness”. For example, Imhanobe (2007) cites the interpretation of the word “shall” by Idigbe, JSC in the case of **Bucknor-Maclean V. Inlaks** while construing the provisions of **Section 79 of the Registration of Titles Act:**

On a calm view of the entire Section (i.e. Section 79) and after careful reading of sub-sections (1) and (2) thereof together with sub-sections (1) and (2) of Section 14 as well as sub-sections (1) and (2) of Section 28 of the Act, I am of the firm view that the expression “shall” in sub-sections (1) and (2) of Section 79 is directory and not mandatory.

Further to this, in the case of **Ketto V. Central Bank of Nigeria**, Akpata, Jsc (as he then was) argued that the term “shall” is sometimes construed as “merely permissive or directory”. This view point is further corroborated by the Court of Appeal in the case of **Patrick Okpalla V. D.G of National Museum and Monuments & others** where he held that the term “shall” is

sometimes construed as “merely permissive or directory”, depending “on the circumstances” or where it will be absurd to hold otherwise.

The import of the aforesaid is that the Courts’ interpretations of the modal auxiliaries “*may*” and “*shall*” are somewhat arbitrary, indeterminate or hazy. This undoubtedly, has serious implications on the administration of justice. Accuracy and clarity are the twin scaffolds upon which legal documents are anchored. Therefore, the assertion that precedents make the legal system certain and determinable will become a ruse if the Courts resort to dual interpretations of the modal auxiliaries “*may*” and “*shall*”.

### **Conclusion and Recommendation**

This work examined the semantic and legal interpretations of the modal auxiliaries “*may*” and “*shall*” through cases judiciary decided. The inference from the study is that the dual interpretations ascribed to both “*may*” and “*shall*” in different contexts impact negatively on the administration of justice. This is predicated on the fact that the jurisprudential essence of precedents in law is to make room for certainty in dispensation of justice. Therefore, this imprecision in the linguistic interpretation of wordings or statutes, makes a mockery of the legal notion of precedents.

It is the imprecision in language use that attracts the wrath of Niki Tobi, JSC in the case of **Yusuff V. Obasanjo** while construing some provisions of the **Electoral Act, 2002** where reference is made to a non-existing Section. Similarly, in the cases of **Donoghue V. Stephens** and **Rose V. Counters**, Solicitors were held liable in negligence for improper drafting and imprecise use of language. Based on these findings, the following recommendations are made:

- To avoid the ambiguity and indeterminacy of reference of the modal auxiliary “*may*”, the draftman is advised to be explicit by adding the phrase; *in his discretion*, as in

- *The President may in his discretion, summon the Chief Justice of the Federation to declare a state of emergency.*
- The use of “**must**” better clearly conveys the meaning of “shall” as “obligatory” or “mandatory”.
- It is further recommended that the legal draftman should conclude interpretation clause where the intended meaning or the modal auxiliaries “may” and “shall” would become more explicit. Example:
- *In this Act, except the context so admits, “may” is used and (is) to be interpreted as a permissive or discretionary word...*

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