

Stance and engagement in selected Nigerian Supreme Court judgments

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The study investigates stance and engagement strategies of Nigerian Supreme Court judges in constructing arguments in their opinions. Fifty purposively selected judicial opinions were quantitatively and qualitatively analysed, using Hyland's stance and engagement model. The findings reveal that Nigerian Supreme Court judges used more stance than engagement features. Among the stance features found, the judges used more self-mention devices to establish authorial presence and distinguish their views from others. Prevalent among engagement markers, on the other hand, are directives, informed by the normative nature of the text and the judges' keenness to owning such prescribed norms.

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1. Introduction

The thrust of judicial opinions is argumentation (Feteris 1999; Mazzi 2010), which is aimed at persuading interested parties to accept the outcome of a case. Such a persuasive goal in professional discourses (e.g., academic writing, judicial opinions) has been said to inform writers' choices of community-based rhetorical conventions to project their personae (Hyland, 2008). To a judge, persuasion entails projecting his/her identity as an expert in the community of practice, while legitimising and justifying his/her claims (Goźdź-Roszkowski 2019). In the course of actualising this goal, however, he/she makes room for views from members of the bench and the bar, by consciously seeking the support and approval of other judges using carefully created patterns of rhetorical choices circumscribed by the legal discourse community. This may be attributed to the knowledge that "personal judgments are only convincing, or even meaningful when they contribute to and connect with a communal ideology or value system concerning what is taken

to be normal, interesting, relevant, novel, useful, good or bad” (Hyland 2005: 175). In that sense, judgments may be regarded as interpersonal texts written to persuade readers through dialogue with interested parties on judges’ opinions on the issues brought to the court (Leubsdorf 2001). One way to study such a discourse is to investigate the patterns and functions of rhetorical devices used to achieve persuasively dialogic effects in the discourse.

Judicial opinions are still largely understudied, especially in terms of the stance and engagement features judges use in achieving their persuasive goals. Existing studies have rather explored politeness strategies (Kurzon 2001); rhetorical structures (e.g., Bhatia 1993; Vazquez-Orta 2013; Daniel & Unuabonah 2020); argumentative patterns (e.g., Mazzi 2010; Feteris 2016); and discourse moves (e.g., Tracy & Hodge 2018) in judicial opinions. Others have investigated pragmatic acts (e.g., Ogunsiji & Olaosun 2012); pragma-argumentative features (e.g., Mazzi 2014); and critical discourse features (e.g., Kalejaiye 2016; Sanni 2016) in judicial opinions. These, however, have not paid attention to stance and engagement features in Nigerian judicial opinions.

Recent investigations into interpersonal positioning in judicial opinions have focused on the argumentative and evaluative functions of some selected linguistic patterns in judgments of other Supreme Courts (e.g., Mazzi 2010, 2014; Finegan 2010; Szczyrbak 2014; Breeze 2018; Goźdź-Roszkowski 2019). There have also been attempts at exploring diachronic and synchronic variations of such linguistics patterns (e.g., phraseological patterns, complement clause constructions marking stance) in the genre (see Breeze 2013; Goźdź-Roszkowski & Pontrandolfo 2013, 2014, 2018; Goźdź-Roszkowski 2019). For instance, Mazzi (2010), in a linguistic analysis of US Supreme Court judgments, provides an insight into the judge’s evaluation strategies by their use of evaluative verbs and adjectives. Finegan (2010) examines adverbials used in the marking of attitude and emphasis in US Supreme Court opinions. Mazzi (2014) studies interpersonal positioning in European Communities judgments from a pragma-argumentative perspective where he links the discursive functions of hedging and boosting devices to the argumentative goal of the texts. Gozdz-Roszkowski (2019) investigates the construction of noun- *that* patterns in a comparative study of legal academic journals and opinions and shows the epistemic status of such patterns. The present study differs from these existing ones, as it focuses on the interpersonal strategies of stance taking and engagement in Nigerian Supreme Court judgments. It specifically aims at substantiating the claim that no writing is totally impersonal (Ivanic 1998), by examining stance and engagement features deployed in the judgments, as well as the rhetorical functions of such devices in the texts. This will contribute to existing linguistic studies of judicial opinions by shedding light on the Nigerian judges’ means of dialogic positioning. In Section 2, the

Nigerian Supreme Court and its judgments are discussed, while in Section 3, the theoretical framework is provided. This is followed by Section 4, where the data and method are discussed. Results are analysed in Section 5, while the concluding discussion is presented in Section 6.

2. Judgment in the Nigerian Supreme Court

The Nigerian Supreme Court replaced the Privy Council in 1963 as the highest court in Nigeria, after the declaration of the country as a republic. Before this time, existing Supreme Courts were only intermediate courts of appeal between the subordinate local courts and the Privy Council. Now, it is recognised in the 1999 Constitution as Nigeria's most superior court. The Nigerian Supreme Court is essentially a court of appeal but exercises some degree of original jurisdiction in civil matters. In its appellate jurisdiction, it has an exclusive power to hear and determine appeals from the court of appeal in cases between the federation and a state or between states and individuals. Usually, the court is constituted by a panel of not less than five judges. However, in situations where there is the need to review previous decisions made by the court or when there is the need to address issues requiring constitutional interpretation, a panel of seven judges is required (Asein 2005).

The Supreme Court in Nigeria handles both civil and criminal litigations. Civil cases are those that are between individuals; government and corporate organisations; or individuals and corporate organisations. Anyone can institute a civil case (e.g., land dispute, tax disputes, cases between the federal government and the state and so on). Criminal cases, on the other hand, are those instituted by representatives of the government, against a person or a group who have violated a law which prescribes as an offence against the state. Like civil cases, criminal cases can go to the Supreme Court. However, the Supreme Court only hears criminal cases that have high impact constitutional leaning. This is in respect of its tradition which does not alter lower courts' judgments except when they are constitutionally deficient. The highlight of every case in the Nigerian Supreme Court is the judgment. It marks the end of legal proceedings before a particular court (Agaba 2015).

A Supreme Court judgment is a written document from the Supreme Court which contains proceedings of cases, verdicts given by the various judges as well as the legal principles which serve as the rationale behind such decisions, meant to guide the bench, the bar, academia and the public (Federal Judicial Centre 2013). In Nigeria, a case in the Supreme Court is presided over by a lead judge and four other judges who give their opinions either in support of or against the

judgment of the lead judge. This implies that in a single case, there are usually five judgments: one given by the lead judge and four others serving consenting or dissenting functions. The lead judgment is usually the lengthiest, as it details all expected parts of a judgment such as the History of the Case, Facts, Issues by Parties, Issues for Determination, Arguments of Parties, Evaluation, Judgment and Order (Daniel 2021).

Supporting or dissenting judgments, on the other hand, vary in length. Some could be as lengthy as their leading counterparts while the others might be as short as four to five sentences. Both classes of judgments functionally represent the well thought-out arguments of the judges, and thus form part of the corpus for the present study. It should be noted, however, that because lead judges usually make available their opinions to the four other judges (before formally reading it in court), dissenting opinions are scarce, since such conflicting opinions tend to be discussed and resolved beforehand. Thus, the other set of judgments forming part of the data analysed in this study, apart from the lead judgments, are supporting opinions.

3. The stance and engagement model in judicial opinions

Subjective positioning in court opinions has been investigated under different but related labels such as appraisal, (Heffer 2007), evaluation, (Finegan 2010; Mazzi 2010), stance taking (Szczyrbak 2014), interpersonality (Mazzi 2014) voice (Breeze 2018), and stance, (Goźdź-Roszkowski 2019). These perspectives on the concept of stance in court opinions share the view that instances of language use cannot be divorced from their social, cultural and institutional contexts. At the same time, they confirm the fact that the concept of stance or subjectivity in discourse is eclectic, which explains why a single perspective is almost impossible.

Among the many theoretical contributions to the study of subjectivity in texts are stance (Biber & Finegan 1989); evaluation (Hunston & Thompson 2000); appraisal (Martin & White 2005); intersubjective positioning, (Du Bois 2007) and stance and engagement (Hyland 2005). The latter has been chosen in this study for its comprehensive and pragmatically oriented means of investigating the interpersonal dynamics of professional discourses. Its robust classification schema projects the claim that writing professionally and persuasively entails “anticipating the readers’ needs to both follow an exposition and to participate in a dialogue” (Hyland & Tse, 2004: 175). This necessitates and allows a form to function analysis of writers’ self-projection and relation with their intended audience, which helps in explicating generic practices as well as the rhetorical preferences of writers in various discourse communities (not limited to academic writings).

Stance and engagement, according to Hyland (2005), are two sides of the same coin. Stance refers to the ways writers project self and express their judgments, opinions and commitments. Engagement, on the other hand, is an “alignment dimension” (p.176), which deals with the way writers acknowledge and connect with their readers in relation to the writer’s propositions in a text. Stance, in this model, comprises three components which are *affect*, *evidentiality* and *presence*. *Affect* deals with both personal and professional attitudes, emotions, perspectives and beliefs towards what is said. *Evidentiality* has to do with the writer’s expression of commitment to the reliability of the expressed proposition, as well as the impact of such expressions on the reader. *Presence* refers to the degree of projection of self the writer introduces into the text. These three components of stance, in the model, consist of four major elements, which include *hedges*, *boosters*, *attitude markers* and *self-mention* (Hyland 2005:178). Hedges are linguistic devices used by writers to make room for alternate opinions. They are used to present a proposition as an opinion rather than a fact with words such as *perhaps*, *maybe*, and *possibly*. Boosters, on the other hand, are used to express writers’ certainty on evaluated items and include words such as *surely*, *certainly*, and *obviously*. Attitude markers are used to express writers’ affective attitudes to propositions and include feelings such as *surprise*, *agreement*, *importance*, and *frustration* (Hyland 2005:180). They are more clearly expressed through attitude verbs (e.g., agree, prefer), sentence adverbs (e.g., surprisingly, interestingly), and adjectives (e.g., reasonable, correct, inadequate). Self-mention devices are first-person pronouns (e.g., I, we) and possessive adjectives (e.g., mine, yours) used by writers to project an impression of themselves in relation to their arguments, discipline and readers.

Engagement, on the other hand, deals with the manner in which writers acknowledge their readers and pull them into their arguments. With engagement markers, writers demonstrate the need to sufficiently meet the expectations of their readers and rhetorically position them. Reader engagement is achieved with five main elements, which include *reader pronouns*, *personal asides*, *appeals to shared knowledge*, *directives* and *questions*. These are briefly explained in what follows.

Reader pronouns are pronouns such as *you*, *your*, inclusive *we*, which writers use to introduce their readers in their writings. *Personal asides* entail writers’ direct but brief interruption of an ongoing argument to comment on what has been said (Hyland 2005:183). By such gestures, writers acknowledge their readers and set up a dialogue. Through *appeals to shared knowledge*, writers attempt to position readers “within apparently naturalised boundaries of disciplinary understandings” (Hyland 2005:184). It involves the explicit use of markers which require readers to recognise something as familiar or accepted. *Directives* also

mark engagement. By the writer's use of imperatives (such as see, note, consider); modals of obligation (such as must, ought to, should); and predicative adjectives that are used to express the writer's judgment of necessity or importance (such as it is imperative to...), reader engagement is established. Questions (usually rhetorical) are used by writers to stir the interest of readers and move them along with the writer on an unresolved issue in an argument. They serve as writers' dialogic strategies used to direct readers to the writer's viewpoint.

These stance and engagement devices have been widely explored in academic discourse (e.g., Hyland 2004, 2005, 2008, 2011; Keramati et al. 2019), and opening statements of US court trials (Chaemsathong 2005, 2017), but little or nothing has been done yet on the application of the model to this major legal genre – Nigerian Supreme Court judgments. This study, therefore, applies this model to reveal the stance taking and engagement strategies of Nigerian Supreme Court judges.

4. Data and method

The data for the analysis are fifty purposively selected Nigerian Supreme Court judgments in ten civil cases. The aim of the study, which is to contribute to existing literature on stancetaking strategies in other Supreme Court opinions, informs the choice of the judgments of Nigerian Supreme Court judges (being an understudied genre in the Nigerian legal context). The choice of civil cases hinged on the fact that they are open-ended (can be instituted by anyone and on any legal issue), not unanimously instigated, and are thus presumed to offer a robust variety of the investigated metadiscourse features. They have also been selected to lay the groundwork for other types of cases (e.g., criminal) which may be taken up for comparative research.

Convenience sampling was used to collect ten cases from *All Federation Weekly Law Reports*. To avoid the possible influences of generational and diachronic variation in the style of the genre, only those published between the years 2011–2015 were chosen, that is two judgments per year, yielding a total of 86,679 words. In each of the ten selected cases, there are five judgments, one of which serves as the lead judgment and the other four as supporting judgments (see Section 2 for lead and supporting judgments). The lead judgments have a total of 45,984 words while the supporting judgments have 40,695 words. The cases analysed in the present study are presented in Table 1.

The selected data were initially extracted manually from the hardcopies available. But the need for accuracy in the word count and a more thorough assessment of the stance and engagement markers necessitated the conversion of the judgments into electronic formats using *Antfile* (2015). Usually, the original

Table 1. List of cases from which the judgments were extracted (obtained from *All Federation Weekly Law Reports*)

Cases names	Years delivered	No. of words
1. Onwubuariri v Igboasi	2011	7,240
2. Onafowokan v Wema Bank	2011	10,308
3. Olaleye-Ote v Babalola	2012	9,643
4. Oririo v Osain	2012	8,315
5. Achilihu v Ayantonwu	2013	11,180
6. Nwora v Nwabueze	2013	9,005
7. Adeyefa v Bamgboye	2014	6,860
8. Aminu v Hassan	2014	9,909
9. Ogundalu v Macjob	2015	9,166
10. Michael v B.O.N	2015	5,053
		Total: 86,679

files contain other details apart from the judgments; these were deleted from the converted files to get the accurate word count of the judgments. The processed data were manually scanned for pervasive and frequently occurring stance and engagement markers in the texts (Biber & Conrad 2009: 53), which was possible due to the relatively small size of the data set. The features were underscored and tagged in each of the clauses where they featured in the corpus. The linguistic, situational and functional characteristics of the underscored features were then compared with a corpus-based grammar of interactional metadiscourse research (Hyland 2005) to justify the analysis. The stance features and engagement markers were double-checked to ascertain their functions as interactional features in their contexts of use, after which their frequencies were obtained and normalised per 1000 words.

5. Findings and analysis

The quantitative analysis of fifty Nigerian Supreme Court judgments reveals that stance and engagement markers are essential tools in a judgment writing process which the judges use to project self and pull their readers into the discourse. The results show that stance markers were more predominant than their engagement counterparts, with self-mention devices having a higher frequency, supporting the claim that writers cannot do without a projection of themselves and

their stances in relation to their argument, discipline and readers (Hyland 2005). Prominent among engagement markers, on the other hand, are directives, which have been found in previous research to be consistently predominant in the sciences, especially natural sciences (Hyland 2005). Its prominence in this legal genre may be attributed to the normative nature of the texts, which represent the voice of legal authorities on the evaluated issues to both present and future readers. The stance and engagement markers under investigation are presented in Tables 2 and 3, and are thereafter qualitatively discussed.

Table 2. Overall stance and engagement features in the judgments

Stance features	Raw tokens	% of Total	/1000 words	Engagement features	Raw tokens	% of Total	/1000 words
1. Self-mention	332	39	3.8	1. Directives	107	61	1.2
2. Attitude marker	243	28	2.8	2. Knowledge Ref	27	15.3	0.3
3. Boosters	200	23	2.3	3. Questions	18	10.2	0.2
4. Hedges	81	10	0.9	4. Reader Pronoun	13	7.4	0.1
				5. Aside	11	6	0.1
Total	856	100	9.8	Total	176	100	1.9

Table 3. Stance and engagement features in the lead and supporting judgments compared

Stance features LJs	Raw tokens	% of Total	/1000 words	Stance features in SJs	Raw tokens	% of Total	/1000 words
1. Self-mention	94	24	2	1. Self-mention	238	50	5.8
2. Attitude marker	107	28	2.3	2. Attitude marker	136	29	3.3
3. Boosters	137	36	3	3. Boosters	63	14	1.5
4. Hedges	46	12	1	4. Hedges	35	7	0.8
Total	384	100	8.3	Total	472	100	11.4

Table 3. (continued)

Engagement features in LJs	Raw tokens	% of Total	/1000 words	Engagement features in SJs	Raw tokens	% of Total	/1000 words
1. Directives	64	64	1.4	1. Directives	43	57	1
2. Knowledge Ref	17	17	0.4	2. Knowledge Ref	10	13	0.2
3. Questions	11	11	0.4	3. Questions	7	9	0.2
4. Reader Pronoun	7	7	0.2	4. Reader Pronoun	6	8	0.1
5. Aside	1	1	0.02	5. Aside	10	13	0.2
Total	100	100	2.42	Total	76	100	1.7

5.1 Stance features in the Supreme Court judgments

Stance features in the Supreme Court judgments are those lexical and grammatical markers the Supreme Court judges used to express their views on the issues presented before the court. The preponderance of these features in the Nigerian Supreme Court judgments confirms the claim that what interactants do in any communicative situation is to take a stance (Du Bois 2007). Stance features serve as one of the means through which interpersonality is foregrounded in the judgments analysed. This is seen in the judges' particular mention of themselves through self-reference devices; expression of their negative and positive attitude towards the evaluated issues; and their expression of certainty or uncertainty towards their proposition on each evaluated item.

The proportional distribution of the interactional features in the sub-corpora analysed offers some insight into the workings of these features in the two types of judgments examined. Table 3 shows the density of the stance and engagement features in the lead and supporting judgments normalised per 1000 words. Overall, it shows a higher use of stance features in supporting judgments and engagement features in the leading counterparts. Each of the features is discussed in more detail in the subsections that follow.

5.1.1 *Self-mention features in the judgments*

Self-mention markers in the Supreme Court judgments include first-person singular pronouns and possessive adjectives. They were used by the judges to deliberately project their propositions as their personal contribution to the cases at hand. Both lead and supporting judges introduced self into their writing to a very large extent through the first-person singular pronoun (I). It was observed, however, that there are more of such markers in supporting judgments than their lead-

ing counterparts. In the lead judgments, self-mention features had a 24% rate of occurrence, while the supporting judgments featured 50% self-mention markers. Space constraints might have informed the use of more personal references by the supporting judges to make their voices heard, in contrast with the lead judges who had enough space to convince their readers, using every other rhetorical means available. Generally, self-mention devices in the judgments analysed acted as tools judges used to project their authority by emphasising their convictions, and clearly distinguishing their views from those of others. Examples (1) and (2) are instances of self-mention devices from the corpus.

- (1) My lords, I assure you that the appellants have no case whatsoever and their claims deserved to be dismissed from the trial to the court below, and I so hold. (LJ)
- (2) I read before now the judgment just delivered by my learned brother, Aka'ahs, JSC. I agree with his reasoning and conclusion which I adopt as mine. This to me clearly shows compliance with the provisions of Section 393(3) of the Companies and Allied Matters Act as found by the court below. (SJ)

Examples ((1) and (2)) are instances of personal pronoun references and possessive adjectives used by judges to project self into the texts. In (1), the lead judge expresses a desire to convince other judges on the appellants' claims, using personal pronouns together with the verbs *assure* and *hold* to brace such a position with certainty. Example (2) showcases a typical supporting judge's response to the lead judgment, one which usually begins with statements that introduce the judge as well as his mode of access to the lead judgment after which he adds his contributions on the issues evaluated in the lead judgments. This is done through the use of personal and possessive pronouns with words such as *mine*, *my* learned brother. Apart from the first-person pronoun (I), there is also the use of the personal pronoun in the objective case (me), to perform reference functions in the texts analysed, with no occurrence of (we) as a self-mention device, since the decisions are handed down single-handedly. Rather, *we* features in the text to signal collegiality, not self-reference.

5.1.2 Attitude markers in the judgments

Attitude markers were used to express judges' affective and subjective positions on the issues treated in the cases. These markers conveyed gradable values such as surprise, agreement, preference, and frustration. The proportional use of attitude markers in lead and supporting judgments is very similar, with 28 and 29% rates of occurrence respectively. Judges' need to clearly establish their claims, which cannot be done quantitatively, might have necessitated their deployment of explicit

evaluative devices expressed through attitude verbs, sentence adverbs and adjectives as in Examples (3), (4) and (5).

- (3) I find that the respondent's issues B and C are **more succinct and clear** and I **prefer** them to the appellant's issues which are not **so clear**. (LJ)
- (4) Even though I gathered that the notice of appeal was never amended at any time by order of the court below to include names of 759 others in the notice of appeal, **surprisingly**, the judgment of the court below dated 10/12/2001 suddenly and inexplicably named 760 persons as respondents to the appeal and against whom the judgment was delivered. (LJ)
- (5) My learned brother, Aka'ahs, JSC permitted me to read in draft the judgment just delivered. I **agree** with his reasoning and conclusion that the main appeal is **meritorious** and it should be allowed. (SJ)

Examples (3–5) demonstrate instances of attitude markers found in the lead and supporting judgments. The choice of this set of markers affords judges the chance to take a position as well as align themselves with value positions that are relevant to the legal domain. Example (3) displays the attitude verb *prefer* and gradable adjectives such as *more succinct* and *so clear*. These three markers represent the lead judge's stances on the issues presented by the parties as he expresses his preference for one over the other and justifies his choice by the use of the attributive adjectives. The sentence adverb *surprisingly* in (4) also expresses the judge's affective stance on the distortion in the documentation of the lower court's judgment. The adverb, *agree* and the adjective *meritorious* also mark attitude in Example (5). They express the supporting judge's alignment with the lead judge on the merit of the main appeal. These markers have been found to be more explicitly expressed with the presence of the self-mention devices especially as collocates of attitude adverbs and adjectives.

5.1.3 Boosters in the judgments

Boosters were used in the judgments to "suppress alternatives" (Hyland 2005:145). This is necessitated by judges' need to evaluate alternate opinions and trim off opinions they deem offensive or contrary to what they believe the position of the law is. By using stance verbs and adverbials, the judges express their certainty on the evaluated issues and at the same time show their involvement in the cases at hand and solidarise with their readers. Findings, however, show that the ten lead judges used more boosters than the forty supporting judges. In lead judgments, boosters constitute 36% of all interactional features, while the supporting judgments had a 14% rate of occurrence. Lead judges' extensive roles in the determination of the case might have necessitated more use of these elements, as their

judgments are taken as representative of the other judges' opinion, especially in situations where there are few or no dissenting opinions. Examples (6) and (7) are some instances from the corpus:

- (6) There is **absolutely** no compliance with the rules reproduced above and in the exercise of the discretion vested in the court by rule 2 of the Order, I refuse to entertain the objection for non-compliance with the rules. (LJ)
- (7) **Clearly**, the defendant in that case was a single individual named Abu Bakare Yusufu... Exhibit E **shows** the suit thereby was brought against Yusufu in his personal capacity. **It goes without saying** that in such a circumstance, Exhibit E cannot bind the respondents. (SJ)

These instances, from both the lead and supporting judgments, reveal the many ways judges convincingly express their views. In the examples, boosters are lexically and grammatically marked. Lexically, they involve agentless intensifiers and sentence adverbs; grammatically, they are expressed through *that*-clauses with dummy 'it' or empty 'there'. The choice of the sentence adverbs *absolutely* and *clearly* in ((6) and (7)) shows the judges' deliberately warding off other views on the evaluated items. The expression *it goes without saying that...* in (7) is an instance of a grammatically marked stance used to express judges' certainty on the disputed exhibit, another way of saying *clearly* or *obviously*.

5.1.4 Hedges in the judgments

Hedges were used to downtone judges' commitment to the veracity of their views on evaluated issues, and as a result make room for alternate views. In the corpus, hedges were used to reduce the weight of the judges' views on their readers and at other times minimise their level of commitment to an opinion. They are more pronounced in lead judgments than in supporting judgments, with a rate of occurrence of 12% and 7% respectively. The variation may be attributed to the fact that lead judges do the bulk of the evaluation and as much as they care about objective presentation of a case, they manage the effect of their objectivity on their audience by the use of hedging devices. Examples (8), (9), and (10) are instances from the text.

- (8) **Perhaps** I need to further elaborate on the point being made by stating it in a clear fashion that in order to effect a valid sale or alienation of family land, the head of the family with the majority of principal members must participate in the exercise. LJ
- (9) It is **quite** clear from the facts averred in these paragraphs that the 2nd respondent's company is indebted to the 1st respondent's bank and other consortium

of lender banks to the tune of N311,000,000.00 (three hundred and eleven million naira) as at 14 March 2000. LJ

- (10) **To my mind** the Court of Appeal mixed up the requirement for a valid sale of the land. SJ

In Examples (8–10), judges hedge their views to avoid sounding categorical, leaving room for alternate opinions. As a result, they promote collegiality as they present an attitude that their readers see as welcoming for other opinions. By the judge's use of *perhaps* in (8), he hedges his attitude to the position upheld on the evaluated issue, which centres on the right of members of the family on the sale of a family land. The downtoner *quite* in (9) reduces the effect of the word *clear*, which is meant to express the judge's certainty on the indebtedness of the 2nd respondent. In (10), the judge, by the use of the expression *to my mind*, circumvents objectivity as he presents his view on the decision of the Court of Appeal as one which is subjective and may be countered.

5.2 Engagement features in Nigerian Supreme Court judgments

Apart from taking stance, as described above, Nigerian Supreme Court judges also engage their audience in a number of ways, ranging from the use of reader pronouns, asides, questions, directives, to reference to shared knowledge. Through these features, judges bridge the gap between their readers and themselves, as they build solidarity between the lead and supporting judges, and other readers of either lead or supporting judgments, by “anticipating possible objections and guiding their thinking” (Hyland 2011: 200). Among these five features, directives have been found to be the most recurrent with a frequency that is more than half of the 176 engagement features found in the judgments. These are analysed qualitatively in what follows.

5.2.1 Directives in the judgments

Directives are engagement features used by the judges to make their readers perform an action or to see things their own way. Involving imperatives such as *see*, *note*, *consider*, obligatory modals such as *should*, *have to*, *must*, and adjectives which express the writer's judgment of necessity or importance (Hyland 2005: 184), they constitute 61% of the of engagement markers in the corpus. Directives are the most frequently occurring markers of engagement in both sub-corpora, with rates of occurrence of 64% and 57% respectively. Examples (11) to (14) are instances of the use of such directives.

- (11) **It is apt to e-echo** also that under our law one of the five ways of proving title is by deed of conveyance. **See** the case of *Idundun v Okumagba*. (LJ)
- (12) **It should be noted** here that the appellants did not establish that the witnesses who testified in exhibit E were dead or cannot be found, or were incapable of giving evidence... (LJ)
- (13) The point however has to be made that for the court to take such a line of thought can be operational, the necessary material on which the court would utilise to find for the counterclaimant **must** be in existence. (SJ)
- (14) For the full appreciation of this issue, **it is necessary** to reproduce the decision of the lower court... (SJ)

Examples (11–14) exemplify the different instances where the judges rhetorically construct their arguments in such a manner as to situate their audience within the arguments and instruct them on how they should be interpreted. This is done through the imperative *see* and the adjective *apt* in (11); obligation modals *should be noted* and *must* in (12 and 13); and the adjective *necessary* in (14), which expresses the judge's attribution of importance to his argument. These all are used to engage readers by giving directives in the form of imperatives, obligation or suggestions.

5.2.2 Knowledge reference in the judgments

This involves judges' appeal to shared knowledge to "position readers within apparently naturalised boundaries of disciplinary understandings" (Hyland 2005:184). They achieve this by deploying markers intended to move their audience to see an idea or proposition as familiar or accepted, for the purpose of constructing solidarity and acceptance of such views. Judges' references to knowledge are both lexically and grammatically marked. Some examples are shown in (16) and (17).

- (16) *It is known to be a cardinal rule of pleadings* **that material facts, to be admissible must be pleaded**. (LJ)
- (17) *It is trite that the finding and order of lower court not appealed against remain valid and subsisting, and without a ground of appeal challenging the finding and order of the lower court, this court would lack the jurisdiction to interfere with the said finding*. (SJ)

Examples (16) and (17) exemplify judges' means of referencing shared knowledge. The matrix clause *it is known to be a cardinal rule of pleadings* in (16), and the adjective *trite* in the expression in (17), work in relation with the propositions that come immediately after, to present the judges' invitation to their learned col-

leagues to view their upcoming arguments (in the complement clauses) as shared knowledge. The adjective *trite* is another way of saying it is commonplace, and that is necessarily followed by a complement clause which completes the sense of what is commonplace. Thus, the word *trite* only signals the reference to the shared knowledge in the complement clause.

5.2.3 Questions in the judgments

Questions also signal engagement with the reader in the judgments analysed. They constitute a major dialogic strategy which judges use to lead their readers to their viewpoints. Questions are used by the judges to stir the interest of the readers and encourage them to explore issues with them as colleagues who share similar knowledge or disciplinary orientations. In the texts analysed, questions are proportionally slightly more frequent in the lead judgments (11%) than in the supporting judgments (9%). They include instances where the judges ask questions and answer immediately as well as those in which questions are rhetorically asked with no immediate answers. Examples (18) and (19) are instances from the corpus.

- (18) In the first place, it is not in dispute that exhibit 1 was duly pleaded with the express intention of its being relied upon at the trial which presupposes that it was available. However, it was never tendered as exhibit. **Can it be said that the said exhibit 1 could not have been obtained with reasonable care and diligence for use at the trial as required by condition (a) supra?** I do not think so. (LJ)
- (19) ...I have no hesitation in holding that the said opinion is a mere *obita dictum*. **What then is an *obiter dictum*?** This question has been answered by my learned brother Edozie JSC in the case of *A.I.C Ltd v NNPC*... when his lordship held as follows: (SJ)

Examples ((18) and (19)) are instances where judges introduce questions to stir similar interrogation in the minds of their readers, after which they provide their premeditated answers to those questions. This strategy invariably tilts their readers' reasoning in their direction and aids their persuasive goals. Questions, in that regard, can be regarded as prompters which act as rhetorically potent tools in gaining needed dialogic attention in the discourse.

5.2.4 Reader pronouns

Judges explicitly engage their readers through their use of pronouns in their possessive and inclusive capacities. Through the use of reader pronouns, they acknowledge their readers' presence as members of the same discourse community whose understanding and discourse goals are similar. Reader pronouns have

similar proportional frequency rates in both lead and supporting judgments, with 7% and 8% rates of occurrence respectively. Reader pronouns are like address terms which are used to show the intimacy or relationship between interlocutors in a discourse situation. Examples (20–22) are some instances from the corpus.

- (20) **My Lords**, for the foregoing analysis, I resolve issue No.3 against the appellants and in favour of the respondent. (LJ)
- (21) This cross-appeal was argued as issue three in the respondent's /cross appellant's brief and would be restated as **we** go along (LJ)
- (22) The appeal before **us** now is predicated on four main issues which in my view should appropriately be formulated from the combined issues by the appellants and respondents. (SJ)

Examples (20–22) clearly demonstrate instances of judges' use of reader pronouns as inclusive mechanisms to show collegiality. By their use of words and phrases such as *my lords*, *we* and *us* in the three examples, judges acknowledge the presence of other judges as well as their interests in the arguments. This attests to the claim that writers do not just write but consider their readers' presence as well as their perception of what is written.

5.2.5 *Asides in the judgments*

At 6%, asides are one of the least occurring engagement features in the corpus. Judges interrupt ongoing discussions to comment briefly on what has been said by their use of asides. This way they insert their perspectives mid-way into the subject matter of the discourse. Examples (23–24) are some instances from the corpus.

- (23) In the instant case, to shut out the respondent from the plot of land in dispute will amount to injustice based on legal technicalities, having established that the title to the plot of land in dispute is still vested in him though he parted with the possession when he let the appellant into possession of the said plot in 1987 for piggery business, **a fact which was not denied by the appellant.** (LJ)
- (24) Both courts below dismissed the counterclaim. That in effect means, according to the courts below that the plaintiff did not sell the land edged blue to the defendant/appellant, **(a finding that I have found to be perverse)** and so all order of specific performance to compel the plaintiff to execute title document in favour of the defendant/appellant, and an injunction restraining the plaintiff from disturbing the possession of the defendant counterclaimant appellant cannot be granted.

Examples (23–24) are instances of the judges' attempt to engage their readers through personal asides. The addition of the comment, *a fact which was not denied by the appellant*, in (23), signals the judge's awareness of possible interrogations in the minds of the readers on the possession of the disputed land. The judge fills the gap by his addition of the comment and, as a result, wards off the possibility of the reader having a contrary interpretation. By the judge's inclusion of his view on the findings of the lower courts on the issue at stake in Example (24), he introduces the reader to his take on the argument and moves the reader to reason along with him.

6. Concluding discussion

Findings from the analysis of interactional features in Nigerian Supreme Court judgments have shown that judges, in the process of writing their opinions, pursue a number of goals, some of which include the construction of authorial identities as experts in their discourse community, legitimising and justifying their decisions (Goźdz-Roszkowski 2019). To this end, they make a number of rhetorical choices relevant in their community of practice to reference self, project and justify their attitudes towards issues in the cases and emphasise or tone down their certainty on the various evaluated issues in the cases. As a result, a preponderance of first-person singular pronouns was found, serving as self-reference devices which judges (especially supporting judges) used to project authorial presence and identity (Ivanic 1998), and own their arguments as their distinct contribution to the case. This individualist push for authorial identity and acceptance restricted the occurrence of the first-person plural marker *we*, which is not the case in opening statements and academic texts, where the first-person plural marker *we* functions as a tool used in manipulatively including other social actors to gain approval (Chaemsaithong 2005, 2017; Hyland 2005, 2008).

Closely following self-mention devices in the analysed texts are attitude markers which are signalled by verbs, adverbs and adjectives, used by the judges to convey affective and evaluative positions such as agreement or disagreement, preferences, importance, surprises, and other judicial values necessary for convincingly resolving issues presented in each case. In a soft field discourse such as this, where there are no proven, quantitative methods (Hyland 2005) to back up their arguments (except precedents), judges use explicit evaluative and affective markers to showcase their credibility and professional competence on each evaluated issue. Also, the need to assess the strengths and weaknesses of the arguments of their legal audiences, which constitute a substantial part of judicial opinions (Mazzi 2010; Goźdz-Roszkowski 2019), as well as the overriding importance for

judges to speak with a decisive and unequivocal voice while affirming or rejecting lower courts' decisions (Solan 1993), inform the choice of such explicit attitudinal markers. Due to the fuzziness of attitude markers (and in fact all metadiscourse features), the chosen features in the present analysis were those that provide an attitudinal or evaluative frame for the whole proposition where they appear, and not features that modify individual lexical words (Hyland 2005: 31). It should also be noted that the multifunctional nature of the features coded as metafunctional foregrounds context as a major consideration in interpreting each of the analysed features, especially attitude markers which have no clear-cut scope. To gain some level of uniformity, however, the selected features were compared with a list of 382 items compiled and obtained from existing interactional metadiscourse studies (Hyland 2005).

Apart from the aforementioned rhetorical devices, judges also showcase the degree of the certainty of their claims with boosters and hedges. Hedging devices are, however, the least occurring of the stance elements, in contrast with academic writing and opening statements, where hedges and boosters have higher frequencies (Hyland 2005, 2008, 2010; Chaemsaitong 2017). This may be due to the argumentative and normative nature of judgments, which does not leave room for ambivalence. The few hedging devices (signalled by modal auxiliaries and adverbs) found in the judgments form part of the engagement strategies of the judges to make room for their colleagues' views and reduce the evaluative effects of their positions on their audience.

As regards engagement markers, the Nigerian Supreme Court judges deployed more directives than other engagement markers, contrary to what obtains generally in the soft-disciplines in academic discourse, where reader pronouns are the most frequent engagement devices used to solicit "scholarly solidarity, presupposing a set of mutual, discipline-identifying understandings linking writer and reader" (Hyland 2005: 188). The predominance of directives in judgments as a soft-discipline discourse could be due to its prescriptive nature, which requires that judges write not only to assert their views but also prescribe norms which consequently serve as precedents for similar cases in the future. Thus, judges by their use of directives instruct their reading audience on how to approach the different layers of issues addressed in the case, and guide their readers through the different sections of the judgments. By their reference to shared knowledge, judges promote collegiality by situating their arguments within their community of practice, with the intent of convincing their learned colleagues of the credibility of their claims as well as their competence in handling the case. Questions explicitly confirm the dialogic nature of judgments (Leubsdorf 2001), especially in such instances where judges ask questions and immediately supply the answers. Other dialogic devices used as engagement markers in the analysed

texts are reader pronouns and asides. Though not so pronounced in the corpus for this current research, they project the judges' awareness of their reading audience and allow judges to intrude into their readers' thoughts by supplying some views the writing judges deem fit for the particular persuasive instance.

While the present study is limited in corpus size, and the broad-based categorisation of the examined elements obviously needs to be addressed in future research for the purpose of classifying rhetorical patterns which such elements may build into in a larger corpus, it has shed light on earlier evaluative and interpersonal studies of Supreme Court judgments. It concludes that the argumentative thrust of judgments cannot be impersonally realised without a careful selection of rhetorical devices which are needed to logically present arguments in a manner that members of the legal discourse community find convincing. In the corpus examined for the present study, such a deliberate deployment of rhetorical devices allows Nigerian Supreme Court judges to express their stances, acknowledge their readers and pull them into their arguments.

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