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Pragmatics of Intertextual Representation in Nigerian Appellate Judgements

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Abstract
The study investigates the phenomenon of intertextual representation in Nigerian appellate judgements. The study is an explorative research, and in order to realize the objective of the study, four Nigerian Supreme Court judgements were randomly selected. The judgments were read and instances of intertextuality were identified and analysed to show their pragmatic significance in language uses. Specifically, the Rapport Management politeness theory was applied for the interpretation of data. Findings from the study show that the use of intertextuality in appellate judgment performs relevant rapport management functions. Some of the identified functions are: it serves as a performative shield; it is used to acknowledge the competence of the judgement givers in the discourse community. It is also used for credibility claim and to show involvement in the legal discourse community. The study has implications for both language teaching and professional practice.
Keywords: Pragmatics, Intertextual, Representation, Nigerian, Appellate Judgment

Introduction
For some time now, linguistic scholars have shown much interest in the study of appellate judgments to establish their unique features for both general and specialist teaching in the use of English. Some of these are Ononye (2016), Kalejaiye (2016), Kurzon (2001). It is important to note that none of these studies

have investigated the pragmatics of intertextual representation in appellate judgments to explain its significance in rapport management.

Intertextuality is a strategy that relates one text to other to achieve intended purposes. These purposes are not fully understood as scholars have continued to interrogate the significance of intertextuality in the context of specialist text production and interpretation. Intertextuality has been investigated in academic and other professional settings using different theoretical insights to explain its significance in the text composition process. Fairclough (1993), Udina, *et al* (2018) and Parkam (2014) consider intertextuality as a theory that can be applied in the study of texts, while Ho (2011) sees intertextuality as a linguistic behaviour that projects meanings that are better explained using other linguistic theories like critical discourse analysis, politeness (pragmatics). These latter studies have shown that the application of the more established linguistic theories can further illuminate the phenomenon of intertextuality in text composition activities. In agreement with these studies, the present study aims to explore the rapport management significance of intertextual representation in appellate judgement context using rapport management model propagated by Spencer-Oatey (2002, 2004 and 2005). In order to do justice to this paper, the author will examine the Nigerian legal context, the concept of intertextuality, and its realization as a rapport management technique in the Nigerian appellate judgement texts.

The Concept of Intertextuality

The coinage of the term 'intertextuality' is credited to Julia Krister (Fairclough, 1993:101). The idea behind the study of intertextuality is that no text is entirely new and independent of other texts. According to M. Bakthin, "all utterances, spoken and written are demarcated by a change of speaker and are oriented retrospectively to the utterances of previous speakers and prospectively to the anticipated utterances of the next speakers" (qtd in Parkam 2014:867). It is argued that authors, in composing

their texts, draw from other existing texts to properly situate their texts and guarantee better understanding of their positions and points of view in relation to others. In doing this, different intertextual relationships are constructed. The relationships so enacted could be that of support or contradiction. Therefore, the study of intertextuality as an enterprise in linguistic enquiry is to identify instances of intertextuality and explain the motivation for their use and the roles they perform in text production and consumption.

Nigerian Court System and Appellate Judgment

The Nigerian court system is modeled after the British system by reason of the country's colonial experience. This means that Nigeria practices the Common Law tradition. Common Law practice according to Black Law Dictionary, is "the body of law derived from judicial decision rather that statutes or constitution." This means that cases are determined by making reference to previously determined cases, especially when the material facts are similar. Also significant is the precedential nature in which new cases follow laid down rules in previous cases. In addition, it is worthy of note that Common law system recognises court hierarchy in which the decision of the appellate court binds those of the lower court. Common law practice in Nigeria is traced to the enactment of the following laws in the colonial period; Ordinance no3 of 1863 which introduced English laws in the territory of Lagos. Others are Ordinance no 4 of 1876, Ordinance no 17 of 1906, and the Supreme Court ordinance 1906 (Abioye, 2006). As noted above, the Nigerian court system practices the precedential system. One key element of this system is that there is hierarchy of court in which decision of lower courts can be reviewed by higher courts, by way of the appeal, especially if a party to case is not satisfied. Such higher courts are the court of appeal and Supreme Court. The process of the determination of cases in courts of appellate jurisdiction requires that they dissect the decision of lower courts to establish if such lower courts followed due process and relevant legal norms to reach their decisions. This involves the

citation of relevant judgment texts and applicable laws and legal principle for proper examination and determination of such cases. This implies that in the composition of appellate judgments, references are often made to previous texts in form of intertexts. This makes the appellate judgments suitable texts for the investigation of the phenomenon of intertextuality.

Theoretical Framework

The study relies on the Rapport Management Theory to explain the use of intertextuality in the context of appellate judgement texts. Rapport Management is a theory of pragmatics that has its root Brown and Levinson's politeness theory. To properly understand the theory of rapport management, the author considers it necessary to give historical perspective to its development.

Pragmatics is a field of linguistic enquiry that focuses on the explanation of meaning potentials, basically assumptions in contexts of verbal communication. Prasad (2008:151) defines Pragmatics as "the study of the way in which language is used to express what somebody really means in particular situations, especially when the actual words may appear to mean something different". This implicates the notion that what is said is grounded on what is unsaid (Fairclough 2003: 7). Speaking in the same vein, Yule (1995:127) refers to pragmatics as "invisible meaning". According to him "the investigation of pragmatics provides us with some insights into how more get communicated than what said" (1995:127). The explanation points to the facts that context plays significant role in making meaning in communication situations

Ogoanah (2014) distinguishes two types of meanings in linguistic communication. These are sentence meaning and speaker's meaning. "Sentence meaning is the context- dependent meaning assigned by the grammar, while speaker's meaning is everything that a speaker intends to convey, whether explicitly or implicitly

by producing an utterance in a given occasion" (Ogoanah 2014: 8). Pragmatics is concerned with the study of the latter.

Pragmatics as field of linguistic study has its roots in the seminal work of Austin with the title, *How to Do Things with Words*, published 1962. The publication brought new insights to the functional realization of language in a given context. This marked a shift from formal linguistics to functional linguistics. The author introduced such concepts as performntive, constative, locutionary act, illocutionary act and perlocutionary act which he used to explain different kinds of statements that are relevant in regulating human condition and relationships. The work by Austin was further developed by John Searle and he classified speech acts into directive, commission expressive and representative. A fuller taxonomy of speech acts as advanced by Austin and Searle can be better understood in the illustration below:

If an utterance is:	
A directive	The speaker wants the listeners to do something.
A commissive	S/he indicates that she herself will do something.
An expressive	S/he expresses her feelings or emotional response
A representative	S/he expresses her belief about the truth of a proposition.
A declaration	Her utterance results in a change in the external non- linguistic situation.

Source: Ogunsiji and I.E. Olaosun. (2009)

Following these early studies in pragmatics, scholars have come to explore different dimensions to the study of pragmatics. Some of these are Relevance theory by Sperber and Wilson (1986), Politeness by Leech (1983), Lakoff (1975 and 1983), and Brown and Levinson (1986), Relational work by Marian Locher and Richard Watts and Rapport Management by Helen Spencer-Oatey.

However, for the purpose of this study, the politeness- based Rapport Management is applied.

Researchers in politeness study are unanimous in tracing the origin of politeness research to the cooperative principles by H. P Grice (Harris, 1995; Kadar, 2017; Brown and Levinson, 1986). In his thesis, Grice argues that cooperation is the guiding principle of communication. Borrowing from Kant, he identifies four maxims which he claims are at the core of the cooperative principle. These are maxims of quantity (being adequate in formation), quality (being truthful), relation (being relevant), and manner (being clear). He asserts that for communicative activity/ conversation to be successful, none of these principles or maxims should be flouted. Grice's Cooperative Principle has had a huge influence in pragmatics research as notable scholars have adopted it for the analysis of text or point of departure for further interrogation of the concepts of pragmatics in the field of linguistics (Leech, 1983, Sperber and Wilson, 1986, Brown and Levinson 1986, Green, 1989 and Harris, 1995). Some of the works are patronizing, while some are critical. For instance, Harris questions the assumption that cooperation is the sole factor that instigates or sustains communication. In this regard, she contends that cooperation may not be the general principle, and that power also plays pivotal role in communication. She buttresses this assertion by studying communicative exchanges in a court setting (Harris, 1995: 117-15)

It is pertinent to note that at the early stages of the development of pragmatics, the study has been monolithic, where there were attempts to distill any perceived meanings that cannot be accounted for by the formal features of language as pragmatics. With time, however, scholars began to classify pragmatic meanings into different categories. This gave rise to the development of different pragmatics theories designed to account for shades of pragmatics meanings. For the purpose of the study, Rapport Management is relied on. Rapport Management is a

politeness-based pragmatics that privileges the concept of face in its conception.

Rapport Management Model

Rapport Management Model (henceforth RMM) is a pragmatic theory proposed by Helen Spencer-Oatey, and it seeks to elaborate on Brown and Levinson's politeness theory. Brown and Levinson's politeness theory revolves around the understanding that in any linguistic interchange all competent adult members of a language group have (and know each other to have) "face" which is the public self-image every member wants to claim for himself (1986:61). They contend that the need to protect face is universal and embedded in all languages as a result of the general realisation that everyone's self-image, encompassing reputation, prestige, and honour is at risk of being attacked. Brown and Levinson further state that there are two forms of face: negative and positive. They explain negative face to mean "the want of every competent adult member that his actions be unimpeded by others (1986:62). This relates to language use that is aimed at warding off attacks of self-image by persons involved in any communication event. On the other hand, positive face, to them, means the "want of every member that his/her want be desirable to at least some others ….These include the desire to be ratified, understood, approved of, liked or admired (1986:62). In addition Brown and Levinson also contend that the concept of 'face' is a universal phenomenon that is present in all languages and cultures.

Though Brown and Levinson's theory has been popular among researchers and has been applied to the analysis of texts with useful results (Marina Terkourafi and Liu Peng,Fang Xie and Lingling Cai), the theory has been criticised for underspecifying the concept of face in a pragmatic analysis. One of the notable critics in this regard is Spencer-Oatey, the proponent of RMM. To this end, she seeks to refine and elaborate Brown and Levinson's politeness theory of face. In going about her thesis, she contends

that interaction is governed by socio-pragmatic principles that social groups internalise and tacitly take for granted (2005:14). She further argues that rapport management cannot be fully accounted for by the consideration of face as just an interpersonal need in communication in the context of institutional and other social settings. She opines that the notion of face is beyond an individual as it extends to other groups that an individual belongs to such as family and other social groups. In advancing her cause, she introduces the rapport management theory. According to Spencer-Oatey, "Rapport management refers to the management of interpersonal relations along a harmony-disharmony continuum, considering how people use language to build, maintain, or jeopardize social relations" (2002:13). She introduces three variables to explain rapport management: face sensitivities, sociality rights/obligations and interactional goals. Adopting Erving Goffman's view, Spencer-Oatey explains face as "the positive social value a person effectively claims for himself by the line others assume he has taken during a particular contact" (2002:14). She further explains that face is of two forms: quality face and social identity face (2002:9). Quality face deals with the desire of everyone to be positively judged by others, while social identity face is the desire to be acknowledged in a group on the basis of an individual's personal trait or desire for people to acknowledge and uphold their social identities or roles. In a later revision, Spencer-Oatey introduces another facet to the explanation of face, and this is the concept of relational face. According to her, it concerns "people's desire for other people to evaluate their relational qualities, especially in communication in a positive way (2007:645).

She also explains social rights to mean social or personal expectances or entitlements that individuals claim for themselves (2008:14). Sociality rights explain such rights accruing from positions and social status. According to Fraser, "upon entering into a given conversation, each party brings an understanding of

some initial set of rights and obligations that will determine, at least for the preliminary stages, what the participants can expect from the other(s)." (1990:232). For instance, a judge in a court or a teacher in a class addresses their respective audiences with some assumptions that manifest in the choice of words or other language resources. According toSpencer-Oatey, if these rights are breached, rapport may be affected.

People's behavioural expectations within the communication interchange depend on the following: (1) contractual/legal agreements and requirements: contracts and societal requirements such as avoidance of discriminatory behavior; (2) explicit and implicit conceptualizations of roles and positions: consisting of three main ideas: equality-inequality, distance-closeness and the rights and obligations associated with the role relationship. Teacher-student or mother-daughter relationships, for instance; (3) behavioural conventions, styles and protocols: they are developed through being exposed to social encounters. For example, the Muslim know how to behave in a mosque due to the fact that they have experienced the same situation many times; (4) sociopragmatic interactional principles (SIPs): socioculturally-based principles, scalar in nature, that guide or influence people's productive and interpretative use of language (Jiang and Spencer-Oatey, 2006:1634).

Sociality rights are also divided into two: equity rights and association rights. Equity right is related to what is considered to be fair or unfair in human dealings. It involves the concern that one is not unduly imposed upon or unfairly ordered about or taken advantage of or exploited, and also receives the benefits to which one is entitled (Spencer-Oatey, 2002:9). Whereas, association right explains how people relate and treat one another in a group considering their role relationships. It concerns the desire not to be ignored and a fair entitlement of interactional opportunity in a group. In essence, it concerns the extent of affective involve-

detachment tendency in a group. She further explains the interactional goal(s) to mean a specific task and/or relational goal one may have when s/he interacts with another (Spencer-Oatey, 2005*:*14). According to Spencer-Oatey, interactional goals may damage social interaction if they come in conflict. If they do not, their management may result in rapport maintenance or enhancement (*2005:*14). Spencer-Oatey suggests that rapport management could operate and be investigated in different domains. These include the illocutionary domain, discourse domain, participation domain, stylistic domain and non-verbal.

It is however, important to note that rapport could be investigated in written texts. The fact that every text is interactive is a pointer to this. Every text, be it written or spoken presupposes an addresser and an audience. This fact is acknowledged by Goffman when he states that, "Every person lives in a world of social encounters, involving him … either in face-to-face or mediated contact with other participants" (1967:5). Goffman goes further to locate interpersonal concerns[for instance. face] in communication as he argues that "In each of these contacts, he[everyone] tends to act out what is sometimes called a line-that is, a pattern of verbal and nonverbal acts by which he expresses his view of the situation and through this the evaluation of participants, especially himself"(1967:5). From the view expressed by Goffman, face, a major facet of rapport could be investigated in either face-to-face or mediated interaction such as written texts. Supporting this view, Patricia Díaz Muñoz suggests that "deducing these perceptions [rapport or relational concerns] from participants' metapragmatic comments might be more effective [in mediated contacts].

This study applies rapport management to the study of intertextual representation in appellate judgements. It is important to bear in mind that rapport management is a pragmatics theory that incorporates much of the existing theories before it, particularly that of Brown and Levinson. This means that some of the ideas

expressed in those theories are relevant in rapport management analysis. For instance, major concern of politeness theory is the management of impositions. Lakoff adopts the use of redundancy as a means of mitigating impositions which threatens the addressee's face want, while Leech's Tact and Generosity maxims are also relevant in the management of imposition. Brown and Levinson's treatment of imposition falls under negative politeness which addresses individuals' desire not to be impeded. The views expressed are consistent with the assumptions of Rapport management theory. Though intertextuality is not recognized as one of the strategies of politeness, research has shown that intertextuality can perform such functions. Again, the texts used for this study are "monologic" and considered uncooperative (Andrei Marmor, 435), yet conversational. This is probably because there is no immediate feedback. The compositional techniques used, by the text producers, however, show the consciousness of a listener, though silent. This means that the text producer is trying to be cooperative. It is argued in this study that the use of intertextuality, though not identified by the respective politeness theorists as a politeness strategy, performs politeness functions. The study below serves to illustrate this position.

Methodology

The study is an explorative research, and in order to realize the objective of the study, four Nigerian Supreme Court judgements were randomly selected. These are Ikko Kashandadi v. Ingila Sarkin Noma & ors (2012), Michael Odunze & ors v, Nwolu Nwosu & ors (2012), Nigeria Navy & Ors v.t Navy Captain D.O. Labinjo (2012) and Uwah v. Akpabio (2014). The judgments were read and instances of intertextuality were identified and analysed to show their pragmatic significance in language use in the context of justice administration. Specifically, Rapport management theory was applied for the interpretation of data.

Data Analysis

Intertextuality in Legal Texts

Legal genre is one of the areas of discourse that the use of intertextual device is prevalent (Natalie Udina, 2018:1090). This is because of the tendency of members of the discourse community to draw from extant texts in order to define an existing state and project into the future. This is a culture that is embedded in the legal discourse community and it is traceable to the precedential system of justice and the need to distinguish and establish common grounds on legal issues in the context of an existing legal norm. In this essay, intertextuality is studied in the context of appellate judgment, a subgenre of the legal genre. The study of intertextuality in this research is presented under the following sub-heads.

Intertextuality as a Performative Shield

One major function performed by the use of intertextuality is that it serves to shield the court as the performer of an action in the context of appellate judgement writing. One major concern of Rapport management theory is the management of impositions that is aimed at achieving harmonious relationship. The views expressed is consistent with the assumptions of Rapport management theory. Though intertextuality is not recognized as one of the strategies of politeness, research has shown that intertextuality can perform such function, especially in instances of impositions as the analysis below would show

> EXTRACT 1 (Ikko Kashandadi v. Ingila Sarkin Noma)
>
> In the face of the claim before the court, the plaintiffs having failed to discharge the heavy burden on them as per **Elia v. Omo-Bare (1982) 5 SC**. have failed woefully to establish their claim to a declaration of title and so, the claim is liable to be dismissed.

> EXTRACT 2 (Ikko Kashandadi v. Ingila Sarkin Noma)
>
> By the **Constitution**, the Supreme Court cannot hear an appeal on grounds of mixed law and fact unless leave of the court or the Court of Appeal is obtained. See **Oluwole v. LSDC (1983) 5 SC.1; Faleye v. Otapo (1987) 4 NWLR (pt 64) 186**. So to appeal on facts only … where an appeal requires the leave of court and the leave is not sought and obtained, the appeal is incompetent and will be struck out. **See Ressel V. Russel (1987) 2 NWLR (pt 57) 437**.

In reaching a decision, the court usually refers to another text which serves as a reason or foundation for such a judgment. The text(s) referred to may be statutes and/or precedents. In employing intertextual device in this context, the court tends to assert that the decision reached was not it, but imposed by the existing legal norms. From this perspective, it could be argued that the use of intertextual strategy serves as a performative shield in that the text producer relies on the force of the intertext, rather than the court's opinion in reaching a decision. This serves rapport management function because it tends to mitigate imposition which has the effect of saving the face of the addressee(s). In extracts 1 and 2, references are made to existing texts to justify different positions. In extract 1, for instance, reference is made to a judicial precedent, **Elia v. Omo-Bare (1982) 5 SC,** while in extract 2, reference is made to the *1999 Constitution* and other texts such as **Oluwole v. LSDC (1983) 5 SC.1; Faleye v. Otapo (1987) 4 NWLR (pt 64) 186.** It is important to note that rapport management explains ways text producers employ linguistic options in managing interpersonal relationships in order to achieve a (dis)harmonious relationship depending on the goal of the text producer(s). Court judgements are impositions, but the court is conscious of the fact that an imposition is a breach of one's sociality right, hence the court resort to intertexts for shield. This serves to mitigate the impact of

imposition on the addressee, and thus attends to his/her face needs. It further shows that the court did not impose any decision, but rather echoes the voice of the law in the intertext, which everyone, including the judge is subject to. Through this process of text composition, the text producer(s) distances him/herself from the text or decision, thereby bridging the power distance between the addresser and the addressee. Ultimately, the judge claims common ground with the addressee as s/he shows that the text producer and consumer are subject to the law. This also has rapport maintenance orientation because the text producer aims to project the notion of equality before the law.

Intertextuality, Credibility Claims and Rapport in Appellate Judgment Texts

Underlying every judicial inquiry is the desire to unravel the truth. The members of the legal discourse community are aware of this. Therefore, there is always the need to use composition strategies that project this idea, and intertexts have often been used to achieve this. In composing legal texts, especially judgments, references are made to verifiable texts. For instances, references are made to sections and pages of other documents. Also, exact statements of parties are referred to in course of reaching a decision. All these enhance the integrity of the judgment texts

> EXTRACT 3 **(**Nigeria Navy & Ors v.t Navy Captain D.O. Labinjo**)**
>
> The question is whether the submission is supported by the facts. The answer is clearly in the negative: it is clear **at page 1229 of the record that as far back as the 19th of October**, **2016** the respondent had filed **a motion on notice** praying the court for an order striking out the appeal for want of prosecution. Appellants have not denied being served with the said **notice of motion** as contended … The above being the case it follows that the submission of counsel has no factual basis.

> EXTRACT 4 (Ikko Kashandadi v. Ingila Sarkin Noma)
> "On the whole, subject to what 1 have said with regard to the order fixing boundary between communities this appeal fails as it lacks merit. The decision of the Court below allowing the appeal by the respondents before us is affirmed\"

The foregoing clearly brings to the fore the question of what really the parties are contesting in this case....and as settled that an appellate Court as this court, as well as the appellate lower courts have to discern the issues in dispute….This age long principle is) as embedded in the decision in **Chukuwma & Ors. (supra) Nkwo & Ors v. Uchendu & Anor (Supra).** I must emphasis that this ought to be the attitude of the lower appellate court in this matter, both have in this regard floundered.

Extract 3 is contained in the *arguing the case move-structure* (see Emenike, 2021). It contains an intertextual reference that is oriented retrospectively to an existing text, in this case, 'motion on notice' contained in the record of court proceeding. The text is referred to in order to test and ascertain a claim made by the appellants. Through the intertextual reference, the court is able to evaluate the submission made and advance the view that the claim of appellants has no factual basis. In this case, the text referred to provides evidence for the conclusion reached by the court. It is also important to observe that the reference to specific page number, 1229 and date enhances the credibility of the information presented. This process helps to promote transparency in the court process as members of the public can easily understand the basis for reaching judicial decision

Extract 4 is also taken from the *arguing the case move.* In the extract, the Supreme Court makes explicit reference to the judgment of the lower court. The essence of the reference is to evaluate the judgment to show how it conforms or deviates from

existing legal process and judicial tradition. This could be understood from the comment that follows the judgement extract: "The foregoing clearly brings to the fore the question of what really the parties are contesting in this case….. As settled that an appellate (Court as this Court, as well as appellate lower courts has to discern the issues in dispute….. I must emphasis that this ought to be the attitude of the lower appellate Courts in this matter. Both have in this regard floundered."

The significance of the intertext in quotation marks shows that it is the original statement of the cited author. This tends to erase doubt and fear of manipulating other speakers' statements in reaching a decision. Therefore, the explicit reference in text composition helps to promote credibility. The critical reasoning that follows serves to evaluate the judgments of lower courts and submission of parties against existing legal practice to justify their acceptance or rejection within the context of the court judgment. The position advanced in the incorporated texts is rejected when the court states thus: "both have in this case floundered". It could be noticed that the intertext plays an important role in the decision making. Reference to specific page numbers and sections of intertexts and the use of exact words of parties make information credible because they have verifiable source. This, in turn, enhances the integrity of judgment texts. The explanation shows that the use of intertextual strategy in the context of judgment writing helps to promote rapport in judicial conversation. It is important to note that the concept of face which Spencer-Oatey (2004:14) explains as "the positive social value a person effectively claims for himself by the line others assume he has taken during a particular contact" is at the core of politeness study. No doubt, the use of intertexts promotes transparency in the judgment texts, and thus helps to achieve credibility claim by the judgment writer and the judiciary at large. It is argued in this essay that the use of intertextual device is a deliberate one that aims to achieve rapport management.

The Use of Intertextuality to Index Professional Competence

The use of intertextual strategy in legal context, particularly in judgement texts also performs rapport management function in the sense that it serves to acknowledge the competence of expert members of the discourse community. This can be illustrated below.

> EXTRACT 5 (Michael Odunze & ors v. Nwolu Nwosu & ors).
>
> The defendants (appellants) still dissatisfied with the decision have appealed to this court by a **Notice of Appeal,** filed on; 22/01/2018. Seven grounds of good have been raised therein. The parties in compliance with **the Rules of this Court** have filed **exchanged briefs of argumen**t on 03/12/2001. With the leave of court they filed and served amended applicants' brief of argument …

In the extract, the use of intertextual strategy can be noticed when the judge, in composing the judgement text, is able to artfully refer to three other texts, namely "notice of appeal", "the rule of the court" and "exchanged briefs of argument" The ability to effectively use intertextual device is not a common one as it constitutes a part of genre competence that defines expert knowledge in a discourse community. According to Bauman and Briggs (1990:17), competence "is the knowledge and ability to carry out decontextualization and recontextualisation of performed discourse successfully and appropriately." The opinion expressed by Bauman and Briggs aptly explains the process of intertextuality. For instance, in order to realise intertextuality, a text composer refers to other texts, either overtly or covertly to establish relationships that are relevant for the proper understanding of the information being presented. This is not a simple task as the text producer has to search for appropriate intertexts, choose a cueing device and understand the context of use.

In the word of Sierra (2016:29), "the competence required to perform intertextuality can index various attributes of performative

identity, such as intelligence, wit, accomplishment, talent, maturity, experience, etc." Therefore, in the present context, the use of intertextual strategy shows competence as the text producer is presented as someone who is knowledgeable in Nigerian legal system and able to perceive similarities in legal codes. In this regard, it can be argued that the ability to use the intertextual device in the context helps to claim both quality and identity face for the text producer and ensure positive reception by discourse community members and the larger society. Intertextuality as a feature of legal texts represents shared knowledge that discourse community members regularly draw from. It is important to note that the significance attached to a text in the knowledge chain shows the competence of the text producer. The referenced texts and their perceived significance in the discourse community speak of the competence of the producers of the intertexts. This practice serves to immortalize these text producers as their creative thoughts are regularly called upon to solve societal problems. This explains the reoccurrence of such names as Chukwudifu Oputa, Kayode Eso, Gani Fawehinmi and many others in the Nigerian legal space who had continued to claim quality faces long after their deaths.

The use of Intertextuality as Means of Showing Involvement

EXTRACT 6 (Uwah v. Akpabio 2014)

> It must be restated that an appellate court's interference with concurrent findings of facts is only allowed where findings are shown to be perverse or that same is not the result of a proper exercise of discretion. In the case at hand, the appellants, having failed to show that the lower court's affirmation of the trial court's decision has proceeded either on the basis of matters the court wrongly took account of or because the court has ignored the obvious, must fail. See: *Atolagbe v. Shorun (1985) 1* NWLR (PT.2) 360 and *Rabiu v. State (1980) 8-11* SC 85, (1981) 2 NCLR

> 293. The principle explains why I resolve all the germane issues the appeal raises against the appellant.

In the extract, the judge refers the reader to existing knowledge in the appellate judgement genre by means of restatement as signifies by the word 'restated' in the extract. It should be noted that 'restatement' is one of the techniques that is used to realize intertextual relationship in text production. In order to strengthen his/her argument, the judge makes explicit reference to existing judgement texts, namely *Atolagbe v. Shorun (1985) 1* NWLR (PT.2) 360 and *Rabiu v. State (1980) 8-11* SC 85, (1981) 2 NCLR 293. The use of intertxts by the court shows awareness of disciplinary communication culture that helps to achieve positive reception of texts among discourse community members, and thus create a sense of involvement that leads to effective rapport management. According to Tiersma (n.d), "Virtually any legal document is liable, at some point in its existence, to be picked apart by an opponent eager to exploit a loophole or ambiguity in hopes of wriggling out of an agreement or contesting a will" (n.p). This is a prevailing sentiment that tends to condition the process of text composition and interpretation in the legal discourse community. This is also similar to the sentiment expressed about the use of intertextuality in legal discourse (Udina *et* al, 2018). The use of intertextuality in the production and interpretation of every legal text invokes a certain consciousness that is shared among legal practitioners and judges. This, to a large extent, highlights a shared emotion and commitment [involvement] among legal practitioners and judges in text production (Lakoff, 1990:40). According to Besnie (1994:280), "Involvement is generally viewed as the product of the form of language use. […], it is created and maintained when speakers consistently employ a variety of linguistic 'strategies', defined broadly as "systemic way[s] of using language." The same author observes that "…in all social settings, some sort of psychological connection between interactors is a prerequisite for successful communication, the nature and extent of this necessary psychological connection differ greatly across

groups, subgroups within societies" (Besnie, 1994:283). The use of intertextuality in legal texts as shown in extract 6 and other extracts studied, therefore, helps to emphasize the social identity of text producers, and thus deepens the sense of involvement among discourse community members. This, in turn, helps to achieve positive reception of texts, thereby enhancing rapport between the addresser and addressees.

Findings

The research examines the use of intertextuality as a rapport management strategy in the context of judgement text production. Findings from the study show that intertextual strategy plays significant role in rapport management in the appellate judgement genre. Some of the identified rapport management functions of intertextuality in the study are: it serves as a performative shield; it is used to realize credibily claims; it is an indexical of professional competence, and finally, it helps to create involvement. From the finding, it is important to note that the use of intertextuality is not just an artist device, but a strategy that performs rapport management that tends to promote harmonious relationship between the court and the citizenry. The research has implications for language teaching and professional practices as the some of the findings can used for the development of study materials and teaching

Conclusion

The study sets out to investigate pragmatic functions of intertextuality in the context of appellate judgment writing using rapport management. The study shows that intertextual strategy performs rapport management functions in the sense that it serves as a performative shield, indexicality of professional competence in a discourse community, contribution to credibility claim and means of showing involvement in discourse community practices.

References

Abisoye, E. (2006) *Equity and Trusts 1*. Lagos: NOUN

Bauman, R. and L. Briggs (1990). "Poetics and performance as critical perspectives on language and social life." *Annual Review of Anthropology* 19:59–88.

Besnier, N. (1994) "Involvement in linguistic practice: An ethnographic appraisal." *Journal of Pragmatics,* 22: 279-299. *Black law dictionary* 4th ed.

Fairclough, N. (1993). *Discourse and Social Change*. Cambridge: Polity.

---. (2003). *Analysing Discourse.* London: Routledge,

Fraser, B. (1990)."Perspectives on politeness." *Journal of Pragmatics*, 14: 219-236.

Goffman, E. (1969) Where the Action Is: In E. Goffman, *Interaction Ritual*: *Essays on Face to Face Behaviour* (pp. 149-270) Garden City, NY: Anchor.

Halliday, M. and R. Hasan (1976.) Cohesion in English. London: Longman.

Harris, S. (1995) "Pragmatics and Power." *Journal of Pragmatics,* 23:117-135. *Ikko Kashadadi* v.*Ingila SarkinNoma*. judgment.supremecourt.gov.ng. Accessed 20 August 2017.

Kadar, D. Z. (2017). "Politeness in Pragmatics" https://doi.org/10.1093/acrefore/9780199384655.013.218. Accessed 17 June, 2022

Kalejaiye, A. S. (2016) "A Linguistic Analysis of Selected Nigerian Appellate Court Judgements." Diss. Babcock U.

Kurzon, D. (2001) "The Politeness of Judges: American and British Judicial Behaviour." *Journal of Pragmatics,* 33, 1 :61-85.

Lakoff, R. T. (1973) "The Logic of Politeness, or, Minding your p's and q's". Papers from the Ninth Regional Meeting of the Chicago Linguiistic Society, 292-305.

Leech, G. N. (1983) *Principles of Pragmatics*. Longman,.

Marmor, A. (2008). "The Pragmatics of Legal Language." *Ratio Juris*, 21, 4: 423-452.

Muñoz P. D. (2016). "Rapport Management in the TV show *Orphan Black*: From Accommodation Strategies to Accommodative Moves." Diss. Universidad Complutense

de Madrid.

Michael Odunze, OnyeajuOdunze, OgbuehiOdunze, Ukachi Amu, Julius Odunze, v. Okwuchi Amuziev. Nwolu Nwosu, Benedith Ihu, Columbus Akpelu, Ambrose Onyeze, judgment.supremecourt.gov.ng. Accessed 17 June, 2017.

Nigeria Navy & Ors v.t Navy Captain D.O. Labinjo (2012)

Ogoanah, F. N. (2014). "A Cognitive Perspective of Self-Affirmation in August Wilson's Two Trains Running and the Piano Lesson." *Postgraduate Seminar Paper*, U of Benin.

Ogunsiji. A. and I.E. Olaosun (2009). "Pragmatic Acts in Court Rulings: A Case of the Nigerian Supreme Court's Judgement on Obi Versus Uba." *Papers in English Language and Linguistics,* 10, 168-81.

Ononye, C. F. "Dignifying Language: Graphology of Language Use in Selected Supreme Court Judgement Texts in Nigeria." *Justice and Human Dignity in Africa: Collection of Essays in Honour of Austin Chukwu*, edited by G. Emezue *et al*, 212-22.

Parham, F. (2016). "Manifest Intertextuality and Readability in SLA Handbooks." *Journal of Language Teaching and Research*, 7, 5: 867-875.

Prasad, T. (2008). A Course in Linguistics. New Dehli; Prentice Hall.

Sheukhan, S. A. (n.d) "Rapport Management towardExpressing Sympathy in Persian." *Linguistik online,* .83, 4/17:101-114. https//dx.doiorg/10.13092/1083.3787. Accessed 17 June, 2021.

Sierra, S. A. (2016) "Intertextual Media References as Resources for Managing Frames, Epistemics, and Identity in Conversation among Friends." *Diss.*, U of Georgetown.

Spencer-Oatey H. (2004) "Rapport Management: Theory and Culture." *InteractionalPragmatics,* 2, 3:333-46.

---. (2007). "Theories of Identity and the Analysis of Face." *Journal of Pragmatics*, 39, 4: 639 656.

---. (2004), editor. "Rapport Management: A Framework for

Analysis." *Culturally Speaking: Managing Rapport through Talk across Cultures*, Continuum, 11-45.

---. (2002). "Managing Interpersonal Rapport: Using Rapport Sensitive Incidents to Explore the Motivational Concerns Underlying the Management of Relations." *Journal of Pragmatics*, 34, 529–545

---. (2008). "Face, (Im)politeness and Rapport." *Culturally Speaking. Culture, Communication and Politeness Theory. E*dited by H. Spencer-Oatey, Continuum, 11-47.

The Nigerian Navy &ors v. *Navy Captain D.O. Labinjo.* judgment.supremecourt.gov.ng. Accessed 17 June, 2017.

Tiersma, P. (n.d) "The Nature of Legal Language." www.languageandlaw.org/NATURE.HTM. Accessed 17 June, 2017.

Udina, et al. (2018) "Intertextual Relations in the Judgment of the Court of Appeal." *XLinguae*, 301-310.

Useni Uwah AND Silke Uwah v. Edmundson T. Akpabio AND Jovita Mbaba (2014)

Yule, G. (1995). *The Study of Language.* Cambridge: Cambridge UP.