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## Pragmatic Markers in an Appellate Court Judgment: General Brigadier, A.M Adekunle (Rtd) V. Rockview

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### Abstract

**Purpose:** Linguistics is the scientific study of language; however its meta-implications in Appellate court judgment is yet to be given as much scholarly attention as other legal genres. Most studies on courtroom and particularly court judgement have focused on stylistic analysis, speech act and genre analysis; consequently studies on non-propositional meanings are still lean. Therefore, this study in the bid to further describe language of judges and account for how language is organised to achieve justice, investigated the nature and function pragmatic markers in a select Nigerian Appellate Court Judgement.

**Methodology:** Using a Purposive random sampling technique, the study selected a property case judgement titled General Brigadier, A.M Adekunle (Rtd) V. Rockview from the *Nigerian Weekly Law Reports (1999-2004)*. It adopted Fraser's 1996 Pragmatic Marker Theory and mixed method of analysis –The quantitative was used in analysing the frequencies of the types of pragmatic markers employed by the judge while pragmatic imports of the markers in the ApCJ were discussed qualitatively.

**Findings:** These analyses revealed that the selected ApCJ, though linguistic, is also replete with the four variants of pragmatic markers: Basic (44.9% marker), commentary (37.8%) and discourse markers (10.35%) and parallel (3.45%) identified by Fraser's .The appellate judge used the basic markers particularly (the declarative markers) to build up the fact of the case and signal his opinions about them and the imperative markers were verdict pronounced. Commentary markers with (37.8%) were the second class of pragmatic marker observed in the (ApCJ). It comprised the following : Hearsay (3.45%), evidential (13.8%), contrastive markers (3.45%) assessment markers (13.7%) and emphasis marker (6.9%).The judge used more of evidential markers and assessment to predicate his judicial argumentation, implicitly justify the trial court's judgement and thereby build logical bases for partly disallowing the appeal .

**Recommendation:** The language of ApCJs is laden with pragmatic markers which serve essentially to build up and issues of the case, provide judicial argumentation and ultimately construct the verdicts. Pragmatic makers are greatly exploited by the appellate judge for effective adjudication. Therefore applied linguists and Forensic experts should critically investigate them to ascertain the correctness of the *ratio decidendi* and the judge's obiter dictum -crucial variables for establishing judicial accountability and fairness.

**Keywords:** *Linguistics, Propositional, Meta-propositional, Appellate Court Judgments.*

## INTRODUCTION

Justice is pivotal to social order and development. Thus, its sustenance is crucial. Nonetheless, the law does not sustain itself. Its sustenance overtly and covertly depends on Legal language. Legalese or legal language is an umbrella term that could be used to address the whole spectrum studying legal phenomena not only written, such as legislation, but also spoken, such as courtroom interaction, as well as non-verbal, such as physical evidence/witnesses. (Chenge and Danesi 2019). Legalese is not under-researched, while studies on Language and Law have been concerned with describing legal discourse and assuring that the language of statutes and consumer good are clear, brief and comprehensible, studies on Courtroom Language (CL) have focused on the language of courtroom personae such as accused persons, witnesses, lawyers, and judges simply to ensure justice of the law. CL is a significant genre as it has the potency of affecting case outcomes. This paper focuses on appellate court judgement.

A court judgement (CJ) is the most important genre of legal profession (the courtroom) (Chung, King, and Jian, 2008). 'It means the process of reasoning by which a judge decides a case in favour of one party and against the other' Harindranath (2012:1). It is the statement given by the judge, on the grounds of a decree or an order Abdwani (2014:1). Similarly but distinctively, an appellate court judgement, (APCJ) provides the final directive of the appeal court as to the matter appealed, setting out with specificity the court's determination that the action appealed from should be affirmed, reversed remanded or modified. Hence, (APCJ) is not merely written to provide verdicts but constructed to provide specific logical premises as to why a trial court judgement should be allowed or otherwise.

A well-constructed judgement is pertinent to the legal institution, as it achieves judicial accountability, provides an explanation of the reasons (*ratio decidendi*) for the court's decision reached to the unsuccessful litigant, as well as to everyone with an interest in the judicial process, including other institutions of government and the public. Thus, worthy judgement enhances the image and perception associated with the justice delivery process and increases public confidence in the judiciary (Blackshield 2007).

Pragmatic markers form one of such characteristics of language through which an appellate judges could provide justification for their judgement .Pragmatic markers are implicit anchoring- windows through which one can make deductions about the speaker's attitudes and opinions' (Ostman1995:100). Therefore, a study on pragmatic markers in a court judgement would afford unsuccessful litigant and the general public to deduce opinions and attitudes of the appellate judge.

Burgeoning literature exist on courtroom language and particularly on court judgement language (Cotterill1998, Mazzi, 2008; Kurzon 2001, Wetter, 1960; Solan, 1993a&b Chenge, 2008; Agangan 2007, Ogunsuji and Olaosun 2012, Cheng, 2008; Farinde (2008), nonetheless a paucity of studies exists on implicit meaning in (APCJ).Therefore, this study investigates the types and functions of pragmatic markers in a select Nigerian appellate court judgment with a view to bringing to the fore the linguistically encoded clues which the appellate judge exploits in building up the potential communicative intentions including judicial argumentation and judgement construction in a partly allowed appellate court judgement.

## **Language and Law**

Language is the oldest manipulative, seductive instrument for constructing verdicts, and building up logical premises which serve to convince other litigants, readers and the society at large about the judges' intelligence, fairness and promulgation of social value system. Lending his voice on the connection, Gibbon (2003) posits that the law is an overwhelming linguistic institution. And Denning 2004 p10 avers that language is 'legal practitioners' vehicle of thoughts' and 'tool of trade'. Accordingly, Crystal and Davy (1969 p192) 'whoever composes a legal document must take the greatest pains to ensure it 'says' (means) exactly what he wants it to say (mean) and at the same time give no room for misinterpretation'. They affirm thus:

The word 'say' is important in this context, because when a document is under scrutiny in a court of law, and if a composer happens to have used language, attention will be paid only to what, as a piece of natural language, it(the text) appears actually to declare; any intentions of the composer which fails to emerge clearly are not usually considered in arriving at what the document means and if the composer happens to have used language which can be taken to mean something other than he intended, he has failed in his job.

Going by Crystal and Davy's explanation above, this implies that legal documents should not have implicit meanings that are not linguistically encoded. Therefore, this study in the bid to account for the metalinguistic meanings exploited by an appellate judge in building up the radio *dicidendi*, of a partly allowed appellate court judgementt investigates the role of pragmatic marker in the genre. .

This study is hinged on McMenamin's (2002:) submission that the objective of the forensic linguist is to examine what language users know and do, and to make everyone in the courtroom a good 'backyard mechanic' of language for the duration of a case and on Syal and Jindals' (2010:3) assertion that linguistic analysis entails 'studying the ways in which language is organised to fulfil human needs'.

## **A Review of Studies on Linguistic of Language and Law**

Cheng (2008) through semiotic analysis investigates Chinese court judgement as a specific form of judicial discourse. Precisely, the study examines the discursive representation of judicial thinking, that is, how judges think, in particular; how they apply the principles and methods in judicial proceedings by way of adjudication, including how they entertain cases, trial and decision making. The study adopted four frameworks (Sinclair and Coulthards (1975) discourse Analysis, Hassan (1984) concept of GSP (Generic Structure Potential, Bhatia (2004) Generic Integrity and Hassan and Hassan (1989) notion of Generic Structure Potential).

The findings of the study are threefold. First, it discovers that court judgements in Taiwan and mainland China display regularity in terms of generic structure potential, while the Hong Kong judgements are more diverse in their actual GSP. Secondly, the study records that a study of variation of a particular genre within a jurisdiction (culture) and across jurisdictions (cultures) differs in semiotic nature of characteristics temporality and spatiality. Thirdly, the court in Mainland China and Taiwan speak with one monolithic institutional voice without dissent or concurrences whereas the court in Hong Kong speak both with a joint voice and with individual voices as represented in concurring opinion and dissenting opinions. This paper is laudable but studied a foreign judgement and employed semiotic framework.

Kurzon (2001) investigates the politeness (judicial behaviour) of judges in American and English Judgements. He takes a look at politeness phenomena in American and English judicial opinions. As against previous findings that judges do not make an extensive use of politeness phenomena even where there is disagreement, Kurzon's findings show that American and English judicial verbal behaviours differ considerably, especially among American appellate judges who do not often mitigate their criticisms of colleagues on the same bench and judges in lower courts with whom they disagree. This paper is laudable but also studied a foreign judgement

Mazzi (2008) investigates linguistic features of judicial argumentation. The study is premised on the fact that most researches focus on the process of legal decision-making merely considering argumentation from the point of view of legal theory and legal philosophy, without giving much emphasis to the role of language in the construction of argumentation, and in particular on features of auxiliary argumentative lexis such as connectives and meta-argumentative expressions. The data for the study are corpus of 221 judgements (1,646,182 words) issued by three courts. Secondly, it focused on the use of the meta-argumentative expressions ground and reason from a three-fold perspective: textual function, genre structure and argumentative voice. The results presented by the paper showed that ground and reason act as effective argumentative signals in the judicial text. Although this study is laudable, it has only studied on of the acts the judge engages in judicial process

Agangan (2007) studied Speech acts in a the Lawyer-Witness Courtroom interactions in the High Court of Lagos in Nigeria while Ogunsiji and Olaosun (2012) through Searle's Speech acts framework investigated pragmatic acts in a Nigerian court ruling tagged 'Supreme Court's judgement on Obi Versus Nba.' The study accounts for how the acts in the discourse are actions of certain sorts. Findings from the study show that court ruling discourse was not only merely composed of syntactically complex utterances, but was characterized by assertive, declaratory, directive, and representative acts. These studies are a major contribution to studies in language and law in Nigeria; however, they study simply applied speech acts theory and therefore do not account for specific pragmatic features that enable the judge to construct logical premises of the judgement

### **Summary of Research Gap**

Most of the existing studies have been on trial court judgements and the few on utterance meaning only studied speech acts. Consequently, studies on utterance meaning in appellate court judgement are inadequate and therefore the need for this study.

### **PRAGMATICS**

Tracing the origin of the concept 'pragmatic' Osisanwo (2003) posits that the morpheme 'Pragma' is a Greek word which denotes 'deed' or 'action' in a text. Yule (2006), in his distinction in language analysis, defines pragmatics as the study of the relationships between linguistic systems and the user of those Yule, G. (2002). *Pragmatics*. Oxford: Oxford University Press.

Fraser (1996:1) takes pragmatics to be 'an account of the process by which the language user takes a sentence representation provided by the grammar and, the given context in which the sentence is uttered, to determine what messages and what effects the speaker has conveyed'. On

the foregoing premise, this study, examines what appellate judges do with words (pragmatic markers).

## **The Framework**

### **Pragmatic Markers**

‘Pragmatic markers are implicit anchoring- windows through which one can make deductions about the speaker’s attitudes and opinions’ (Ostman1995:100). Fraser (1996) in accounting for propositional and non-propositional meanings designed a pragmatic framework tagged pragmatic markers. With this framework he postulates three claims: first is the claim that every message has a Direct Message Potential (DMP), derived from sentence meaning. DMP is a specification of messages that can be potentially communicated by the utterance of the message although it is hardly possible to derive all completely as performance features and context modify actual message conveyed by the utterance.

The second claim is that semantic meaning (the information encoded by linguistic expressions) comprises of two separate and distinct parts: a propositional content and non-propositional content. Propositional content is a proposition simple or complex which represents a state of the world that the speaker wishes point to the addresses’ attention. The non-propositional part of sentence meaning can be analysed into different types of signals tagged ‘pragmatic markers’ which correspond to different types of potential direct messages a sentence may convey. These pragmatic markers taken to be separate and distinct from the propositional content are the linguistically encoded clues with which the speakers’ communicate potential communicative intentions.

The third claim is that Pragmatic messages and hence their pragmatic markers fall into four types: A single basic message (the message which uses the propositional content of the sentence as its message content); commentary messages (messages commenting on the basic message); parallel messages (messages which are in addition to the basic message); and discourse messages (messages signalling the relationship between the basic message of the current sentence and the preceding discourse).

This framework is deemed apt as it affords this study the opportunity of identifying all the types of pragmatic markers in the select appellate court judgement.

### **Tools of Analysis**

Basic Marker- for the analysis of the core message content

Commentary Marker- for identifying the appellate judges comment on the basic message

Discourse marker- for analysing the relationship between the basic message and other discourses

Parallel marker: for identifying the additional relational information to the basic message

## **METHODOLOGY**

This paper investigates pragmatic markers in a purposively selected rejected human right/ property case judgement appeal from the *Nigerian Weekly Law Reports (1999-200)*. The data comprises 135 sentences out of which 13 utterances tagged excerpt were strategically selected for analysis. The study adopts Fraser’s 1996 Pragmatic Marker Theory and mixed method of

analysis. Quantitative analysis is employed for analysing the frequencies of the types of pragmatic markers in the appellate court judgement, while the qualitative is employed in discussing the imports of the markers in the selected appellate court judgment. Simple underlining of instances of the markers, tabulation method and discussion are employed for the analysis

### Data Analysis

#### Excerpt 1: Speaker: The Appellate judge

The plaintiff claimed that sometime in early June, 1997 the defendant lodged in its premises and accumulated a bill of the sum of Six Hundred and Forty-Eight "Thousand Naira (N648,000.00) only, resulting from room rate, food, beverages, telephone and other services.(S.1).

<b>Type of Marker</b>	Basic marker	Commentary marker	
<b>Specific Type</b>	Declarative structure	Hearsay marker	Deed The appellate signals his neutrality
<b>Signifier</b>	Structure	‘Claimed’	

**Interpretation:** The hearsay marker *claim* is synonymous with the expression: *the appellant alleges* but antonymous to the expression: *the appellate judge alleges*. The polarity between the two expressions signal the judge’s intention to underscore that he is reporting what he predicates of the plaintiff’s submission. Aside this, the hearsay marker *signals* the appellate judge’s supposed neutrality, objectivity, and detachment as well as lack of confidence in the report.

#### Excerpt 2:

#### Speaker: The Appellate Judge

Whereof the plaintiff claims the sum of two million Naira (N2, 000,000.00) only against the defendant made-up as follows: The sum of Six Hundred and Forty-Eight Thousand Naira (N648,000.00) only being the-cost of defendant's room, food, beverages, telephone and other services while he stayed at the hotel (S.1).

<b>Type of Marker</b>	Basic marker	Commentary marker	
<b>Specific Type</b>	Declarative structure	contrastive marker	The judge projects the fact of the case
<b>Signifier</b>	Structure	‘whereof’	

**Interpretation:** The commentary contrastive marker *whereof* is employed by the appellate judge to project the contrast between the plaintiff’s claim and the defendant’s claim.

**Excerpt B3:**

**Speaker:** The Appellate Judge

‘Whether the respondent as plaintiff was entitled to general damages or not given the circumstances of the case? (S.26)

<b>Type of Marker</b>	Basic marker	Commentary marker
<b>Specific Type</b>	Interrogative structure	<b>Evidential marker:</b>
<b>Signifier</b>	Structure	<b>‘Whether’</b>

**Interpretation:** The evidential marker *whether* is employed by the judge to signal his doubt and weak confidence about the truth of the basic message that is the plaintiff being entitled to damages or not. .

**Excerpt 4**

**Speaker:** The Appellate judge

Type of Marker	Basic marker	Commentary marker	
Specific Type	Declarative structure	Assessment marker	The appellate judge assesses the trial court judge’s judgement
Signifier	Structure	Not Irrelevant	

The considerations taken by the trial court judge were not irrelevant (36).

**Interpretation:** The appellate judge employs the commentary assessment marker to positively assess the judgement of the trial court. And thereby foregrounds that the appeal should be disallowed.

**Excerpt 5:**

Type of Marker	<b>Basic marker</b>	<b>Discourse marker</b>	<b>Commentary marker</b>	
Specific Type	Declarative structure	Inferential marker	Assessment marker	The judge organizes the discourse and assesses the action of the trial judge,
Signifier	Structure	Thus	Discretionary	



**Speaker: The Appellate Judge**

Thus, the grant of general damages by a trial court is discretionary and can hardly be set-aside on appeal except where: (S.41)

**Interpretation:** The inferential marker *thus* explicitly signals that the force of the basic message is a conclusion which follows from the preceding discuss. The assessment marker *discretionary* is employed by the appellate court judge to assess the premise on which the trial court judgement made his judgement.

**Excerpt B6**

**Speaker:** The Appellate Judge

Caribe-Whyte, JSC in *Okonkwo v. NNPC* (1989) 4 NWLR (Pt. 115) 296 at page 315 E-F observed: "Counsel to the appellant was in error to have relied on cases enunciating principles for the recovery of damages in actions in tort as applicable to breaches of contract." (S.51)

Types of Markers	Basic marker	Commentary marker ( for Commenting)	
Specific Type	Declarative structure	1.Evidential marker (observed)	Deed Judge projects evidence from the trial court judgement
Signifier	Structure	2.Assessment marker (was in error)	

**Interpretation:** The evidential marker *observed is* synonymous with the verbs *scrutinized*, and antonymous to *neglect*. The illocutionary act in above is a typical instance of projection: the first clause karibi Whytes’ opinion is projected in Okonkwo’s judgement and now in this current judgement. There is a relation of interdependency between the three cases; one being primary and the others secondary and all being presented by the speaker as having the same status-they are *parataxis*. The implication of the foregoing is that there is undoubtedly a degree of author’s interference in the ‘quoting’-the Appellate judge reports a similar case to the current one in order to control the way the current discourse should be contextualised and to further build up a justification of evidence for his claim. Thus, the assessment marker reveals the judge’s belief in Karibi Whytes’ judgement.

**Excerpt 7:**

**Speaker: The Appellate Judge**

It is discretionary and it is my understanding from the above dictum that the justification for the award of the general damages is to ameliorate or rather, compensate the respondent in reciprocating the trust, confidence, honour and respect the respondent had for the appellant (S.61).

Type of Marker	Basic marker	Discourse marker	Commentary Marker	
Specific Type	Declarative structure	Manner of speaking marker	Assessment marker	Deed The judge provides assessment for his personal opinion on the issue of the case
Signifier	Structure	'It is my understanding'	'Discretionary'	

**Interpretation:** With the Manner of speaking marker 'It is my understanding' the appellate judge reveals that the premise of his assessment is from his personal opinion (obiter dictum)

**Excerpt 8:**

**Speaker:** The Appellate judge

The general principle of the law on award of damages made by trial court is that an appellate

Type of Marker	Basic marker	Commentary marker	
Specific Type	Declarative structure	Assessment marker	<u>Deed</u> The judges implicitly states his powerlessness by assessing and affirming the prerogative right of the trial court.
Signifier	Structure	'Does not interfere	

court does not interfere (71)

**Interpretation:** The commentary assessment marker does not interfere is synonymous to: *Stay off, meddle not, out of jurisdiction* but antonymous *interfere*. Thus the judge uses the marker to comment on the power of the trial court judge and thereby supports her judgement.

**Excerpt 9**

**Speaker:** The Appellate judge

The appellant did not any time contend that he does not owe the respondent or that he did not lodge in the hotel. (S.81)

Types of Marker	Basic marker	Commentary Marker	
Specific Type	Declarative structure	Emphasis marker	Deed The judge builds- up evidence
Signifier	Structure	'At any time'	

Interpretation: The appellate judge exploits the emphasis marker 'At any time' to emphasize that the accused person is guilty of the allegation as he did not at any time refute the allegation of debt levelled against him. Implicitly, the judge buttresses his support for the trial court judgement.

**Excerpt 10:**

**Speaker: The Appellate judge**

I have in mind the case of Federal Capital Development Authority v. Alhaji Musa Naibi(1990) All NLR 475 (1990) 3 NWLR (Pt138)270."(91).

Type of Marker	Basic marker	Commentary marker	
<b>Specific Type</b>	Declarative structure	Evidential marker	Deed The judge builds up evidence
<b>Signifier</b>	Structure	Personal names, year and number	

**Interpretation:.** The Appellate judge buttresses his submission with evidences- specific court case consisting specific names, personal names, years and case number.

**Excerpt 11**

**Speaker: The Appellate Judge**

On the issue of award of 645 000 00 in place of 648,000 00 (a difference of N3, 000.00) it appears the respondent did not cross-appeal on that.

Type of Marker	Basic marker	Discourse marker	Commentary marker	
<b>Specific Type</b>	Declarative structure	<b>Topic change marker</b>	<b>Evidential marker:</b>	<b>Deed</b> The judge presents the case and signals his opinion about it
<b>Signifiers</b>	Structure	On the issue of award of...	Specific amount of money: 645,000,648 000,3,000	

**Interpretation:** The topic change marker *on the issue of award of* is synonymous with *discussion on award of 645 000 00 in place of 648,000 00*, but antonymous to the component *other issues for determination*. The synonymous relationship indicates that the Appellate judge wants his addressees to know he is addressing a new issue for determination, that is, an issue different from the preceding one.

**Excerpt 12**

**Speaker:** The Judge

I order each party to bear his own cost in this appeal.

<b>Type of Marker</b>	Basic marker	
<b>Specific Type</b>	Imperative structure	Deed The judge is judging
<b>Signifier</b>	The performative phrase ‘ I order’	

**Interpretation:** With the imperative basic marker (a performative) the appellate judge having built the ground for his judgement with the metapositional markers especially the commentary markers pronounces his overt judgement that the appeal be partly allowed

**Excerpt 13**

**Speaker:** Judge 2

I **agree fully** with his reasoning and conclusion and adopt them in **full** in **partly** allowing the appeal

<b>Type of Markers</b>	<b>Basic marker</b>	<b>Parallel marker</b>	<b>Commentary marker</b>	
<b>Specific Type</b>	Declarative structure	Solidarity marker	Emphasis marker:	Deed The judge emphasizes his stance
<b>Signifier</b>	Structure	‘I agree’	[Fully, full, and partly]	

**Interpretation:** The personal pronoun ‘I’ is synonymous to: *Trial court judge, appellate court judge defense counsel* - underscoring the appellate judge’s explicit attachment to the judgement given. The commentary markers ‘ *fully*’ is synonymous to: *Concur, totally, absolute concession* but antonymous *disagree*.- *the* appellate underscores his concession.

## Summary of Findings

<b>Types of Pragmatic Markers</b>	<b>Specific Marker Types</b>	<b>Percentages of the Markers</b>
<b>Basic Markers (44.9%)</b>	Declarative	38%
	Imperative	3.45%
	Interrogative	3.45%
<b>Commentary Markers (37.8%)</b>	Hearsay	3.45%
	Evidential marker	13.75%
	Contrastive marker	3.45%
	Assessment marker	13.8%
	Emphasis marker	6.9%
<b>Discourse Markers (10.35%)</b>	Inferential Marker	3.45%
	Manner of Speaking Marker	3.45%
	Topic Change Marker	3.45%
<b>Parallel Marker</b>	Solidarity marker	3.45

## Discussion of Findings

The result revealed that the judge employed all the four classes of main pragmatic markers (Basic, commentary, discourse and parallel markers) in constructing the partly allowed appellate court judgement. The frequencies of the components of the Basic markers are as follows: 1. Basic markers (44.9%) comprising (Declarative markers (38%) imperative (3.45%) and interrogative (3.45%)); These results reveal that out of the three categories of basic marker, the judge employed more of the declarative marker (38%). Declarative markers are constatives, hence, the judge employs them simply to present the fact of the case at hand and to assert his beliefs in saying what the sentence propositional content represents in a true state of the world. The lower frequency of the interrogatives reveals the judge hardly asks questions. The last category are the imperative marker although very few, they are the performative act; loaded canons themselves- the final verdict.

Commentary markers with (37.8%) form second class of pragmatic marker observed in the Appellate court judgement. The result further revealed that the judge employed the following five commentary markers with at the following frequencies: Hearsay (3.45%), evidential (13.8%) and contrastive markers (3.45%) assessment markers (13.7%) and emphasis marker (6.9%). Evidently, the judge used more of evidential and assessment markers construct his judicial argumentations for supporting the trial court, and the logicity for disallowing the appeal on the other hand.

Next to evidential marker are the assessment markers which the judge employs to evaluate issues from the lower court and to establish the premise for the rejection of the appeal. Emphasis marker follows with (6.9%). It was employed by the judge to emphasize the force of the basic message. However, hearsay marker (3.45%) and contrastive markers (3.45%) were scantily used. These results reveal that the judge hardly uttered expressions which he had no evidence for or confidence in. Lastly, the scantiness of contrastive markers shows the judge hardly contrasted his sentences.

Result on the discourse marker type (10.35%) reveals that the appellate judge ensured coherence in the judgement as he constantly signals the relationship between the basic messages and the foregoing discourse with the following markers: inferential marker (3.45%), manner of speaking marker (3.45%), emphasis marker (3.45%) and topic change marker. Result on the parallel marker reveals that the appellate Judge employed solidarity marker (3.45%) to signal agreement and association with the lower court judge on some issues of the case.

### **Conclusion**

This paper examines the types of pragmatic markers exploited by an appellate judge in a partly allowed Nigerian appellate court judgement titled General Brigadier, A.M Adekunle (Rtd) V. Rockview. The findings reveal that the partly allowed appeal appellate court judgements is replete with the four variants of the pragmatic markers (Basic, commentary, discourse, and parallel markers) identified by Fraser 1996. The basic declarative markers which are propositional components were used by the judges in presenting the issues/fact of the case and for signaling his opinions while the few imperative markers were the final verdicts articulated. The judge used the Commentary markers for his argumentations-to assess and provide evidences for issues raised thereby build up the rationale for the rejection of the appeal. The discourse markers functionally served to achieve coherence and lastly the parallel marker provided additional information to the basic message.

Overall pragmatic markers are veritable tools which the appellate judges use proportionally to build up the fact of a case, construct argumentations, logical premises for/against an appeal and pronounce a final verdict (s) of an appeal.

In alignment with (Ostman1995:100) pragmatic markers are 'implicit anchoring or windows' through which unsuccessful litigants, the government, people who care about the efficacy of courtroom language and the public at large can make deductions about the appellate judge's attitudes, opinions, intellectual strength, fairness, objectivity, variables that are crucial to judicial accountability.

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