
Dr. Abochol Simon Itine*, Mr. Adegboye Oluseye Olusegun**

* Senior Lecturer, Department Of English, University Of Abuja, PMB 117, Abuja, Nigeria.  
E-mail: sabochol@gmail.com  
** Lecturer, Department of Linguistics and African Languages, University of Abuja, PMB 117, Abuja, Nigeria.  
E-mail: write2seye1@gmail.com

Abstract
Presupposition is a Linguistic item that is discussed in both Semantics and Pragmatics. In both cases, it means a speaker or writer’s assumption that the listener (hearer) or reader is aware of the sentence or statement being made. The Independent Corrupt Practices and Other Related Offences (ICPC) Act, 2000 of Nigeria carries syntactic structures that prove this case of presupposition. This is because right from the titles of sections and subsections to the explanation of the sections in the Act, there are assumptions that there will be people in Nigeria (Nigerians or not) who will commit the crimes stated in the Act, and on conviction, will be punished as prescribed by the Act. The study uses Halliday’s (1961) Scale and Category demarcation of sentence boundaries to distinguish group structures from clause and sentence structures respectively.

Keywords: Presupposition; Legalese; Corruption; Practices; Offences; Act; Nigeria.
Introduction

Presupposition, as a linguistic item, dangles between semantics and pragmatics hence there is semantic presupposition and pragmatic presupposition. In the everyday sense of ‘presuppose’, to presuppose something is to assume something, or to take it for granted in advance, but not to say it. Since assuming something is not normally considered an act but rather as a state, presupposing is best viewed as a state and not an act. Presupposition, on general note, has been defined by Ogbulogo (2005) as:

... that piece of information which the speaker assumes that the listener already knows. This means that the speaker and the listener share a certain form of background information. Whatever interpretation given to the speaker’s utterance by the listener is based on the assumed shared background. (39).

Presupposition is one of the linguistic elements in legal documents. This is because the language of legal documents assumes that the reader is aware of the laws as stated in the documents, and that is why the maxim “ignorance is not an excuse in law” subsists. The Independent Corrupt Practices and Other Related Offences (ICPC) Act, 2000 of Nigeria, as a legal document, contains linguistic structures that define presupposition succinctly.

Presupposition as a Linguistic Item

Presupposition, in linguistics, belongs to both semantics and pragmatics. In semantics, it is treated as truth relations. Not only do expressions in a language have meanings and often reference, expressions are also used to say things that are true or false. Of course, no semantic theory can predict which sentences are used to say something true and which are used to say something false because truth and falsity depends upon what is being referred to, and the same words can be used in identical sentences to refer to different things.

The most central truth relation for semantics, according to Akmajian et al (2003), is “entailment”. Sentence $S_1$ is said to entail sentence $S_2$ when the truth of the first guarantees the truth of the second, and the falsity of the second (sentence $S_2$) guarantees the falsity of the first (sentence $S_1$), as in ...

(a) The car is red sentence 1 entails The car has colour sentence 2
(b) The Needle is too short sentence 1 entails The needle is not long sentence 2

We can see that the first sentence in each example, if true, guarantees the truth of the second; and the falsity of the second sentences guarantees the falsity of the first. Closely related to entailment is another truth relation, semantic presupposition (239).

Akmajian et al also observed that “the basic idea behind semantic presupposition is that the falsity of the presupposed sentence causes the presupposing sentence not to have a truth value (T or F). Furthermore, both a sentence and its denial have same semantic presupposition... (240)”.

The extract below will be useful for the above discussion on semantic presupposition:

Henry: Won’t you give Ada a call to come over?
Ngozi: That’ll be a good idea. In that case, she will collect my clothes from the drycleaner.

The following presuppositions derive from the dialogue:
(a) Henry and Ngozi know who Ada is.
(b) Ada knows Ngozi’s drycleaner.
(c) Ngozi knows how to contact Ada.
(d) Ada will be willing to visit the drycleaner.

Pragmatic presupposition, on the other hand, identifies three (3) main types of phenomena. According to Akmajian et al: “one conception presupposition, a speaker’s assumptions (beliefs) about the speech contexts are presuppositions... ‘natural language is used for communication in a context, and every time a speaker uses a sentence of his language... he is making certain assumptions about that context’ (cited in Lakoff, 1972, 175)”. Example:

i. Sam has stopped beating his wife.
ii. Sam has not stopped beating his wife.
iii. Sam was beating his wife.

Both a sentence and its negation have the same presupposition.

Another more restrictive notion of pragmatic presupposition is this: “presupposition of a sentence is the set of conditions that have to be satisfied in order for the intended speech act to be appropriate in the circumstances or to be felicitous... ‘many sentences require that certain culturally defined conditions or contexts be satisfied in order for an utterance of a sentence to be understood... these conditions are naturally called presuppositions of the sentence... An utterance of a sentence pragmatically presupposes that its context is appropriate’ (Akmajian et al cited in Keenan, 49)”. Example:
The ICPC Act, 2000 of Nigeria as a Legal Document

The Independent Corrupt Practices and Other Related Offences Act, 2000 of Nigeria according to Abochol (2011) falls into the category of legalese (the language of law) since the act (ICPC Act, 2000) forms part of the innovations brought into the legal documents in Nigeria. The act was passed into law in the year 2000. The bill emanated from the office of the then President of the Federal Republic of Nigeria, Chief Olusegun Obasanjo. The bill sought to prohibit and prescribe punishment for corrupt practices and other related offences in the public service sector. The ‘Act’ established an Independent Corrupt Practices and Other Related Offences Commission vesting it with the responsibility of investigation and prosecution of offenders thereof (33).

The ICPC Act, 2000 is a legal document because:

First, according to Sanni 1999 cited in (Abochol 2011, 20) laws made by the legislature are called ‘statutes’. He, therefore, defines legislation as a source of law, which means, “the law is made by the organ of government whose primary duty is to make laws for the state. He further explains that Nigerian statutes are variously known as ‘Ordinance’, ‘Acts’, ‘Decrees’, ‘Laws’ and ‘Edicts’ depending on when they are enacted.

Second, it (ICPC Act, 2000) is a legal document because it contains the language of law, which Stephens (cited in Abochol 2011, 59) observes that linguists identify legalese as a distinctive dialect. One reason this has come about is that legalese is constantly evolving with daily usage. But legal language has been conservative and somewhat static. It uses outdated grammar and sentence structures. It also tends to use improper or non-standard punctuations, passive voice and awkward pronoun references. Legalese is wordy, turgid and impersonal. It suffers from the use of archaic vocabulary and excessive use of jargon and technical terms without definitions that the lay person requires.

However, the ICPC Act, 2000 has been rendered in a simple and almost day-to-day plain language usage. This supports Stephens (1990) idea that:

...Plain language is writing that can be understood at first reading by clients, lawyers and judges; it is legally binding but also logically organised, concise and unambiguous. It uses normal or standard grammar, punctuations and level of knowledge and state of mind. It uses a tone and style that is professional yet appropriate to the circumstances; it uses non-sexist vocabulary and writing techniques (1).

Plain language takes account of the empirical research of the past thirty (30) years about how the mind works; how people read and assimilate information. Plain language in legal documents has readings and formatting that produce quick access to each idea. Stephens further explains that plain language is a basic democratic, consumer dependent, and an access to justice in a province. Plain language is recognition that people are entitled to understand the documents, bind them or state their rights. Because the law deems that we have knowledge, it places a double duty on government: to make and to communicate laws that can be widely comprehended. Plain legal language speaks to the widest majority. It recognizes that it is not the reader’s responsibility to labour to discover meaning.

In the light of the discussion on the ICPC Act, 2000 as a legal language and plain language, therefore, the Independent Corrupt Practices and Other Related Offences (ICPC) Act, 2000 has been identified to contain plain legal language as its content.

Analyses of Selected Texts from the ICPC Act, 2000 of Nigeria

The texts below shall be analysed following this format:

(a) The title of the section, (b) the number of the section and in some cases subsections and (c) the explanation of the section or subsection:

<table>
<thead>
<tr>
<th>Title of Section</th>
<th>Section &amp; Subsection</th>
</tr>
</thead>
<tbody>
<tr>
<td>/Corrupt offers to Public Officers/</td>
<td>9(1)</td>
</tr>
</tbody>
</table>
Any person who corruptly gives, confers or procures any property or benefit of any kind to, or for a public officer or to, on or for any other person or promises or offers to give, confer, procure or attempt to procure any property of any kind to, on or for a public officer or any other person, on account of any such act, omission, favour or disfavour to be done or shown by the public officer is guilty of an offence of official corruption and shall on conviction be liable to imprisonment for seven (7) years.

The above compound-complex sentence presupposes the following:

i. Someone in Nigeria will commit the crime of corrupt offers to public officers.
ii. The person can be convicted
iii. The person shall spend seven (7) years imprisonment.

Title of Section | Section
---|---
(2) /Fraudulent Acquisition of Property/ | 12

Any person who, being employed in the public service, knowingly acquires or holds, directly or indirectly, otherwise than as a member of a registered joint stock company consisting of more than twenty (20) persons, a private interest in any contract, agreement or investment emanating from or connected with the department or office in which he is employed or which is made on account of the public service, is guilty of an offence, and shall on conviction, be liable to imprisonment for seven (7) years.

The above compound-complex sentence presupposes that:

i. Someone in Nigeria will commit the crime of fraudulent acquisition of property.
ii. The person is employed in the public service.
iii. If the person is convicted of the crime, will be imprisoned for seven (7) years.

Title of Section | Section
---|---
(3) /Fraudulent receipt of property/ | 13

Any person who receives anything which has been obtained by means of acts consisting a felony or misdemeanour, or by means of any act done at a place outside Nigeria, which if it had been done in Nigeria would have constituted a felony or misdemeanour and which is an offence under the laws in force in the place where it was done, knowing the same to have been so obtained is guilty of a felony.

The above complex sentence presupposes that:

i. Someone will be involved in the offence of fraudulent receipt of property in Nigeria.
ii. The person can commit the same offence outside Nigeria and it will attract the penalty as prescribed by the laws of the place where the offence is committed.
iii. In Nigeria, the offender will be guilty of a felony.

Title of Section | Section
---|---
(4) /Making false Statement or Return/ | 16

Any person who, being an officer charged with the receipt, custody, use of management of any part of the public revenue or property, knowingly furnishes any false statement or return in respect of any money or property received by him or entrusted to his care, or of any balance of money or property in his possession or under his control, is guilty of an offence, and shall on conviction, be liable to seven (7) years imprisonment.

The above compound-complex sentence presupposes that:

i. Someone in Nigeria will be involved in the offence of making false statement or return.
ii. The person will be an officer charged with official responsibility.
iii. The person will be guilty of the offence and shall be imprisoned for seven (7) years.

Conclusion

This work discovers that legalese, particularly the Independent Corrupt Practices and Other Related Offences Act, 2000 of Nigeria, places its syntactic structures or texts in presupposition. This is because right from the titles of sections or subsection(s) to the explanations of the sections, there is an assumption that there will be people who will commit the said or written crimes and such people shall be guilty on conviction and will be punished.

This work places the titles of the sections in single bars and the full texts into three (3) bars denoting scale and category demarcation of sentence boundaries as presented by Halliday (1961). This is also because the titles of sections in the ICPC Act, 2000 are rendered in Group (Phrase) Structures while the full texts are rendered in Sentence Structures, mostly compound-complex, except one (1) which is rendered in a complex sentence structure.
References


About the Authors

Abochol, Itine Simon is a lecturer in the Department of English and Literary Studies, University of Abuja - Nigeria. He obtained a PhD in English Linguistics from Ahmadu Bello University, Zaria. He also holds a Post-Graduate Diploma in Education (PGDE). He taught NCE and B. Ed programmes at Federal College of Education (FCE), Zaria, and now teaches at the University of Abuja. His areas of academic research interest include: Semantics, Syntax, Morphology, Pragmatics, Stylistics, Text-linguistics, English for Specific Purposes, Historical and Comparative Linguistics as well as Language and Society.

Adegboye, Oluseye Olusegun is a lecturer in the Department of Linguistics and African Languages, University of Abuja – Nigeria. He holds a Bachelor of Arts Degree in Linguistics from the University of Ilorin - Nigeria and a Master Degree in English language from the University of Abuja, Nigeria. He is interested in Syntax, Semantics, Phonetics and Phonology, Forensic Linguistics and Computational Linguistics.