

## Religious Quotations as declarative speech acts of Arbitrators in Shariah-Based Reconciliation Case Proceedings

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**Abstract:** Declarative utterances are the emphatic speeches officially uttered by speaker in giving information or announcement about something or its nature of being during Reconciliation Case Proceedings (RCP). This paper examines the use of religious quotation as a declarative speech act (SA) in Shariah-based RCP towards resolving family disputes on marital issues (FDMI). This study utilised 12 cases on FDMI and three Cases were found without a trace of this kind of illocutionary act. With the aid of Nvivo software and Searle's declarative typology of SA, the data were coded and analysed. A total of 30 interactive turn-takings (ITT) of quotation utterances were being used by 14 participants. The paper revealed declarative act of quotation utterances as a sociopragmatic feature and monopoly practice of court officials in shariah-based RCP. The paper has also shown that court officials use verbatim quotes from Qur'an (the holy book of Allah), sayings of prophet and his disciples or the Islamic scholars during RCP in order to *assert common ground*, or *give a hint* on the position of Islam, shariah law, implication or meanings and decisions about a particular issue in dispute. The moderate use of the declarative act of quotation utterances court officials implies that it is not a mandatory SA in shariah-based RCP, yet it is a unique feature with significant impact in achieving success of dispute resolution.

**Keywords:** Sociopragmatics, Declarative Speech Acts,  
Shariah-based Courts, Reconciliation Case Proceedings, Quotation

### INTRODUCTION

Due to the underlining power obtained by language, it can of course become a driving force for communication. Speakers interact and communicate their intention, ideas as well as thoughts with one another with the aim of creating rapport. Within the preamble of legal contexts, language is utilised in statutory regulations, ordinances, and other legal documents (Supardi, 2016). In addition, declarations are mostly authority's statements that may cause an immediate action from the utterances. These statements or utterances bring about the state of affairs on issues as blessing, hirings, firings, baptisms, arrests, marrying, declaring mistrials among others. The effectiveness of any of these is when stated by an appropriated authority, or when it is stated by the speaker that is designated with power to do so (Searle, 1975; Finegan, 2007 & 2012).

Meanwhile, different class of people including judges, prosecutors, attorneys, lawyers, juries, parties in disputes and witnesses use language in the courtroom (Supardi, 2010). Language use in legal discourse is therefore, part of the interdisciplinary study that deals with the interface between law and language which drew the interest of many linguists and few other research scholars recently (Momeni, et al., 2010; Momeni, 2012).

Several studies were also identified over the use of language in legal context (Supardi,

2010). Scholars as Bogoch (1999), Bradac (1981) Conley, O'Barr and Lind (1978) Erickson, Lind, Johnson, and O'Barr (1978) as well as O'Barr (1982) and of recent Supardi (2016) studied the use of language in the courtroom regarding power, dominancy, discrimination and gender related issues. On the other hand, few studies had focused on analysis of discourse strategies in the courtroom such as Matoesian (2001) and Ehrlich (2001) over criminal case of rape trials as well as murder case trial as in Cotterill (2003), while others focused on civil trials language use as in Stygall (1994). However, attention is not paid to speech acts used in shariah-based reconciliation proceedings.

In fact, religious quotations as declarative speech acts of Arbitrators in Shariah-Based reconciliation case proceedings (RCP) practices falls within the scope of forensic linguistics dealing with religious discourse. According to some scholars as Sumbulah (2006) religious discourse is best considered as a textual doctrine to which every part of it is commonly perceived as devotion of the adherers of such a creed (Anshori, 2016). Hence, understanding and reasonable appreciation of religious discourse is uniquely very scanty, even though human beings especially the Muslims are expected to understand appreciate and submit themselves to the religious interpretation. Due to this, Anshori (2016) reported that religious practices in our society are mostly in the form of doctrine or authority from the figures that have capacity and ought to be obeyed and followed. In addition, Qur'an and the Hadith as the major

sources of the Muslim faith to which truth is absolute; there are other sources that are equally subjected to multi-interpretation. And these as from the words of Anshori (2016) relied on *ulamas* (Islamic scholars) experts' perception and *shahih, mutafaq alaihi* (undisputed opinions). In turn, Sumbulah (2006) stated that the interpreters use their knowledge and perception or frame of interpretation in interpreting controversial parts.

Another outstanding issue that prompted this study is how Alternative Dispute Resolutions (ADR) methodologies are gaining popularity, especially nowadays. Not only in Western countries, but also in Muslim countries, as well as from Muslim individuals, for obvious reasons that, people (not even natural persons but formal bodies/agencies as well) are becoming extremely flustered over the expense, time and emotional toll involved in resolving dispute through the usual avenue of litigation known as conventional court of law (Wali, 2009). To this effect, the Islamic aspect of this kind of ADR has started gaining attention, yet studies on the role of language in achieving resolution is not focused.

In particular, it should also be noted that not less than 80% of the litigation in almost all shariah state in Nigeria are registered in shariah Courts/Area Courts, while the vast number of these case litigations therein are social/civil in nature consisting of marital, inheritance, trade disputes and other related matters. In addition, the disputes mostly are between or involved blood relations, friends and the business associates (Wali, 2009).

From the above, it is clear that the use of Islamic law Reconciliation Case Proceedings (RCP) is gaining more popular due to the quick resolution of disputing conflicts among the Muslim communities coupled with the availability of legal materials to its effect as derived from *Qur'an*, the *hadith* and *ijimaa* of the Muslim jurists (Islamic religious experts). It is clearly shown that there are very few empirical studies relating to arbitrators use of the Shariah-Based religious quotations as declarative speech acts. Most of these few studies have focused mainly on the critical discourse analysis on language power and strategy used by Islamic jurists/judges (Supardi, 2010), discursive analysis of religious textual doctrine (Sumbulah, 2006) as well as religious discourse and framing in thematic holy Qur'an interpretation (Anshori, 2016).

The main aim of this study therefore, is to explore and identify the use of religious quotation by judges/arbiters during RCP in the attempt to establish the actual state of facts over the issues in dispute without requiring further argument. We focused on Declarative speech acts of Quotation for its being the verbatim messages reported from Allah's book (Qur'an), sayings of prophet and his disciples as well as the expert interpretations of Islamic scholars during RCP. In line with this,

Anshori (2016) revealed that the interpretation of religious discourse consists of two main activities; conceptual explanation and moral lessons in detailed form.

Having this in mind, Ado and Bidin (2016) are of the view that some sociopragmatic aspects of speech acts in RCP should be explore by interested researchers in language and Islamic law, jurists or policy makers in law and jurisprudence in order to enhance the quality of shariah-based proceedings process during RCP in Nigeria and across the globe for Muslims and those interested to be tried under Islamic legal system.

The study was positioned within the theoretical framework of Searle's (1969, 1979) taxonomy of the speech acts of Declaration.

## REVIEW OF RELEVANT STUDIES

Review of related studies across the globe has shown that attention has been paid on areas related to approaches to analysis of legal discourse in courts as seen in the works of Martinovski, Mao, Gratch Marsella (2005), Martinovski (2006) and Cecconi (2008) among others showing working on legal discourse in court is worth doing. For instance; Martinovski, et al (2005), have developed a theoretical model for mitigation through the integration of psychological, cognitive and discourse approaches to appraisal, accountability, coping and blame. The theoretical models consist of strategic, emotional, linguistics as well as the theory of mind processes over various level of consciousness. Martinovski et al. (2005) highlighted that discourse analysis is the most suitable approach in appreciating the processes. With this model, Martinovski et al. (2005) were able to survey and identify how judgements of blames and defense recognised within institutional discourse (e.g., court trials). The model has also facilitated the understanding of the relationship between discourse structure and mitigation as well as the identification of linguistic features utilised to identify mitigation cognitive in discourse.

Similarly, Martinovski (2006), presented works on activity-based framework for empirical discourse analysis of mitigation designed for public environments specifically for examinations in courtrooms of places as Swedish and Bulgarian. The study recommended a guideline for mitigation processes involving moderating argumentation lines, communicative acts and defence moves. Mitigation is defined as "a pragmatic, cognitive and linguistic behaviour the main purpose of which is reduction of vulnerability" (Martinovski, 2006:1). The study specifically aims at providing a framework suitable for a pragmatic analysis of mitigations in a courtroom. The roles of mitigation were defined based on the actions and goals of the participants independent of politeness strategies. Upon subsequent observation, Martinovski (2006) addressed two issues, thus: matters as relate to

pragmatic theory of communication, specifically the mitigation and those of trial, being a social activity. Examples of issues addressed and established include: the examiners' nonturn-taking confirmations are often followed by volunteered utterances in such cases as 'rehearsed' testimonies. It has also established that witnesses have the tendency to volunteer information in lieu of their own credence by showing pro-party testimonies interest as well. The result has also proven that the verbal attitudes of the witnesses indicate persistent expectation of danger in respective of the judicial objectivity and polite approaches of the examiners and the judges.

On the contrary, Cecconi (2008), attempted to demonstrate how Pickwick's trial contained in Dickens's novel by unwrapping the effects of discursal incongruities in the course of opening and evidence stage of the proceedings. The study analysed reference and address strategies with the aim of showing the norms and conventions in the trial scene in connection to politeness and impoliteness theories of Brown and Levinson (1987), Watts (1992) and Culpeper, (1996). The strategies were addressed through the politeness framework and showed the courtroom discourse form of address in *Bardell vs. Pickwick* trial. The analysis also showed the author's exploitation of sociopragmatic features of the barrister's choice of diction (descriptors) being speaker's addressee as well as speaker referent addressee (i.e., plaintiff and defendant) relationship. This is to highlight the manipulative discourse behaviour of the lawyers towards their addressees and the referents. The author's result, contradicts the normal supposition of courtroom being a place where politeness and exchange of mutual respect and regards among participants coexists. The result indicted that most of the honorifics expressions within the text undertake sarcastic meanings. The manipulation of reference strategies on the other hand, are achieved through skilful choice of words in describing individuals and events in the story in a friendly manner as suggested and maintained by the speaker in respective of its untruth nature. The evidence from the text also indicated the barristers' misuse of referent term dictions to defame defendants through the creations of incongruity between the expectation of the reader in formal polite nature of the courtroom and interrogator's strategic employed to control and the resultant effective rudeness.

In Kinslow (2009), feminist geo-jurisprudence was used as methodological framework for examining the role of interpretation in legal encounter in the case of *Lexington, Kentucky V Law*. The research involved in-depth qualitative approach where it sought to establish how interpretative practices could affect both speakers of English with low-proficiency level and the non-natives. Specifically the effect could be on their experiences of federal and indigenous laws

and legal spaces. By analysing the legal interpretation and practice, Kinslow (2009) has contributed toward better appreciation of the extent and how publicity of legal space can limit language barriers. The result also provides local strategies and tactics for dealing with the problems as related to meaningful access before the law in terms of language as defined by Title IV of the 1964 U.S. Civil Rights Act. It also provides comprehensive implications of language access for settlers and foreigners as well in connection to legal discourse and society. The study further solved the issues of absence and presence of hospitality in Derrida (2005), who analysis a citizenship negotiation. Kinslow (2009) also solve the ethics of hospitality after the activity which tries to resist legal closure and to enforce laws that protect instead of persecution of those with language barriers problems.

Jenkins and Dragojevic (2011) explained the process of resistance to persuasion through politeness theory-based approach. The researchers conducted two experiments in their attempt to test the politeness theory-derived process model of resistance to persuasion. Experiment was conducted on 30 participants receiving a persuasive message involving language which impend the mental freedom of the receivers. The second experiment has 30 participants who received a persuasive message through language with low emotional threat. Conditions were assigned to the participant at random be it with more or less forceful language. The first result compared to the second has shown messages with more forceful language and this ascertain that it produces the total threat to face: negative and positive face. The second experiment on the other hand, replicated the first result and extended the model procedure through the assumption that guides language to create threat to face due to metacommunication inferred by the choice of language basis. However, most of these studies were specifically concerned with discourse of courtroom trial cases and the attention is on conventional litigations, although politeness theory-based approach (Brown & Levinson, 1987; Watts, 1992; Culpeper, 1996) were employed in some studies (Cecconi, 2008) to understand the discourse behaviour of legal practitioners yet the methods were mostly on citizenship negotiation (Derrida, 2005) and examining the role of interpretation in legal encounter (Kinslow (2009).

Recently, in an attempt to compared hedges in both American and Chinese courtroom discourse, Yuxiu and Le (2014) used two frameworks: revised hedge model (analytical framework) and speech act theory (theoretical framework). The researcher employed corpus linguistics as methodological approach to language use and the corpus-based approach as the bottom-up method that deals with the complete evidence from the corpus. The study aim at identifying the

probabilities, trends, patterns, or the occurrences of elements, features or the grouping of features in Chinese and American trials courts. Yuxiu and Le (2014) analysed the data collected from 160,000 words of both Chinese and American courtroom trials cases (i.e., criminal cases). The study discusses the hedges devices from both lexical and syntactic perspective as well as the non-lexical features involving verbs, epistemic verbs, disjuncts, hypothetical conditionals, phrases, tag questions and others. The result reveals some striking divergence on modal verbs, epistemic evidential verbs, rounders between Chinese and American courtroom discourse. The speech act theory enable the researcher to explain and establish the differences occurred based on different judicial culture and procedures. Yuxiu and Le (2014) focused on corpus-based approached is pragmalinguistic orientation that clearly subjective as dealing only the lexical and syntactic features contained in documents of Chinese-American courtrooms criminal trial cases. The sociopragmatic aspects of civil cases were not covered.

In an attempt to understand the religious quotations as declarative speech acts in Shariah-Based reconciliation case proceedings (RCP), this study was able to trace the work of Khoyi and Behnam (2014) who analysed the cooperative principles and speech acts of Iranian Law Courts using qualitative-based pragmatic interpretation. Khoyi and Behnam (2014) identified the speech acts of interrogators and cooperative principles of defendants. Khoyi and Behnam (2014) further attempted to survey how the violation of Gricean quantity maxim relates to various speech acts employed by interrogators in criminal courts. The maxims were derived from almost 60 defendants both of whom are either convicted or acquitted. The study also intended to add light in forensic linguistics through bridging the gap between the speech acts and cooperative principles identifying the facts and building more certain and exact judgements. The data was largely based on documents from Iranian judiciary files. Although the work has bridged the gap between law and language to globalised level hence the focused has not covered the sociopragmatic aspect of the speech act usage in the courts as the data were derived mostly through secondary source. To understand the ethnographic, ethno-linguistics and sociolinguistics norms of particular speakers in legal proceedings primary sources of data are needed especially in studies as this paper that targeted in identifying the religious quotations as declarative acts of arbitrators/judges in shariah-based RCP.

This led us into the exploration of studies been focused on language of legal proceedings by Judges. The attention of most scholars was concentrated on interlocutors' discourse in court as interactive form of language (Liao, 2003). In

addition, Lv (2011) identified that the right to manage and handle discourse in court is not equally shared among the speakers and the listeners due to the divergence existing among the parties in form of status and social class. Judge/s dominates legal proceedings in courts and is considered the highest authority in exercising power and control of language use or discourse of both litigants (Yu, 2010; Wang, 2014). This is specifically, on defendants through the use of numerous language conventions/practices. Judges dominate and control the legal proceeding processes as a result of their exclusive and exceptional identities and social status being confirmed on them. The quality of the judges' language plays an important role in assuring justice and fairness of adjudication and proceedings (Yu, 2010; Wang, 2014). However, the personal preferences reflecting on the judges' language certainly pose noteworthy impact over their final decisions and judgements which may inclusively affect fairness of the proceeding (Yu, 2010).

This is why; Wang (2014) conducted a study on the language of judges in a case proceedings of physically challenged persons used for organised begging activities. Wang's (2014) study was the first of its kind in China. The focus of the study was on the real life case court proceedings and the value and emotion it reflects. The study targeted to discover issues involved in the languages and their solutions such as objectivity and fairness, legality, preciseness as well as appropriateness of the language use. The study further examined matters as relate to deliberate and undeliberate use of language by judges with the aim of providing useful recommendations that will help in improving their language usage and the general standard of jurisdiction for feasibility. Theoretical basis of language use in legal proceedings by Judges have shown that, the discourse power entails the prevailing part of a dialogue in positioning a powerful choice of discourse. Judges can therefore, control a particular topic from the beginning to the end of proceedings. They could also express their emotion in such discourse while the litigants being parties with weaker/limited power and restriction cannot control nor decide on a topic in the court proceedings. Hence, the discourse of the less powerful parties relied on the emotional inferences of the dominant side and must be altered based on the requirement of the powerful side (Lv, 2006).

In another study, Yu (2010) indicated that different parties have different levels of power as a result of their social status in legal proceedings. Judges are the most influential during court proceedings being the representative of the state vested with the power to adjudicate cases. Yu (2010) further pointed out that most of the judges are professional and equally obtained vast knowledge of legal paradigm, unlike the litigants

whom are mostly laymen and incapable of understanding or answering the questions put to them by the judges as a result of knowledge gap. Due to the lack of appropriate legal knowledge, litigants are mostly left in limbo specifically in criminal trials. These, according to (Lv, 2011), among other things add to the demerit of the litigants. These studies have prompted the interest to religious quotations of part of the speech acts of arbitrators/judges in shariah-based civil case RCP.

In like manner, Lv (2011) maintained that judges are prominently speakers with the highest rank in court followed by the prosecutors and lawyers, while litigants and the witnesses are the lowest. This in fact, is the reason judges are also considered the most figures in the court and can entertain pressure to anyone within the court proceedings (Lv, 2011). In another view, Ma and Xie (2007) contended that a situation where unfairness exists in social relations, the most powerful is ought to influence the actions of the others. The argument is same with discourse, hence judges as a matter of fact, must be considered as having the most powerful discourse due to their dominant role in courts (Ma & Xie, 2007). To conclude, Yu (2010) established that the whole part of the proceedings is controlled by a presiding judge, be it identification of the faulted party and declaration of judgements. Any comment or statement intended to be made by party or parties must be sought from the judge before one speaks. For instance: Seeking elaborations, clarifications from the litigants as well as making interruption of irrelevant statements are the sole power of the judges discourse in the proceedings. Other issues that are also within the power of the judges include: summary of litigants opinions and determining the topic of discussions. Judges can issue orders as questions, interruptions and commanding sentences to their discretions during proceedings (Lv, 2006).

Of recent, we came across other few empirical studies who analysis were based on religious discourse as textual doctrine Sumbulah (2006), A critical discourse analysis on language power and strategy used by jurists (Supardi, 2010), gender cognition in religious discourse: a study of framing in thematic holy Qur'an interpretation (Anshori, 2016). Hence, little or no record of research work/s related to religious quotations as declarative speech acts of RCP. To this effect, we geared our focus on exploring the declarative act of religious quotations used by arbiters in resolving disputing issue/s during RCP for clear understanding and reasonable appreciation of the role of religious discourse in the interpretation of Qur'an and the Hadith as the major sources of the Muslim faith to which truth are absolute.

## METHOD

Qualitative ethnographic design was employed in this paper in conducting research on religious quotations as declarative speech acts of Arbitrators

in Shariah-Based RCP within one of the Nigerian State of Shariah Commission. According to Creswell (2012:161), the literal meaning of 'ethnography' is "*Writing about groups of people*". Through the use of ethnographic qualitative design, group of people can be identified and studied in their workplaces or homes. Data for this paper were collected between January and March, 2016 in Bauchi State Shariah Commission of the North-Eastern part of Nigeria (Wester Africa). The data were collected from a series of in-depth audiovisual recordings and observations of 12 different shariah court's reconciliation case proceedings as unit of analysis. The collection of the data was purposefully done through a snowball strategy in selecting cases due to the various numbers of cases of different nature being carried out daily within the shariah commission. The selection and collection of the data was successful with the aid and recommendation of both the BSSC permanent sectary and Hisbah State Director (Creswell, 2012; Keyton, 2015). The court officials and parties to cases were informed and consented before the commencement of the data collection. The data analysed was strictly on family disputes (FD) and Family Disputes Marital Issues (FDMI) using the coding category involve in the Interactive Turn-Taking (ITT) of arbitrators' (Arb.) speech acts in RCP.

The data was transcribed and subsequently reviewed by experts in order to authenticate its validity and reliability which is in line with Patton (1990) and Creswell (2012). Then we employed the strategies recommended by scholars such as Boyatzis (1998), Braun, Clark (2006) and Creswell (2012) and got ourselves familiar with the data transcripts. Upon completion with the aid of qualitative analysis QSR Nvivo data management software, we coded the data, generated themes and created models ready for interpretation. The general features of the cases used as unit for analysis consist of matters relating to mismanagement of trust, child abuse, immorality, divorce, abuse of marital obligations and others. These mostly occur among or between blood relations, parents-children and couples. The total numbers of participants for the study were 72, while the overall duration of the whole case proceedings being analysed was 5 hours, 35 minutes and 15 seconds.

According to Searle (1975), an utterance could be considered appropriate in as much as the addressee is able to perform the act being requested for, he desire to do it and the predicative used is in future tense. The paper is guided by Searle (1969) and Finegan (2012) typology of speech acts (Declarative act of quotations). Declarations are mostly authority's statements that may cause an immediate action from the utterances. These statements or utterances bring about the state of affairs on issues as blessing, hirings, firings, baptisms, arrests, marrying, declaring mistrials

among others. The effectiveness of any of these is when uttered by an appropriated authority, or when it is stated by the speaker that is designated with power to do so to effectuate issues in question. For instance: “*I hereby pronounce you man and wife*”. This utterance can officially cause the couple to be wed, if it is uttered by the priest or someone who is vested with the authority to wed people (Searle, 1969; Finegan, 2012). This study focused on the illocutionary acts of quotation as a form of declarative utterances.

## FINDINGS AND DISCUSSION

Findings and discussion on Religious Quotations are discussed as a sub-type of Declaration Speech Acts (SA) in RCP. The illocutionary act of Quotation is viewed as reporting messages from authority or authoritative source/s relating to a particular issue in accordance with Islamic jurisprudence. The aim of this kind of act is to establish actual state of affairs of the issue in dispute, hence, required no further argument. Unlike assertive utterances which according to Kreidler (1998) involved giving and taking of information that can either be true or false, hence required or subjected to empirical validation.

Based on our findings, Quotations are not the original utterances of the speaker instead they are verbatim messages reported from Allah’s book (Qur’an), sayings of prophet and his disciples or the Islamic scholars during RCP regarding the position of Islam, shariah, implication or meanings and decisions about particular issue in dispute, hence uttered in accordance with the source derived from. Our study is supported by scholars as Anshori (2016) who reports that religious practices are based from interpretation of doctrine or authority sources as Qur’an and the Hadith which are truth and absolute, even though, relied on *ulamas* (Islamic scholars) experts’ perception and *shahih, mutafaq alaihi* (undisputed opinions). Examples of excerpts are presented based on general patterns of Quotations as appeared in the data.

Based on the findings from the data analysed, the results show that in order to **assert common ground** or **give a hint** court officials (mostly the arbitrators) utilised quotations of Arabic terms/sources through **narratives** and **reporting** are the most common features of this kind of SA as in the following excerpts:

[FD-Arb.C1: ITT 71(5)]  
 “...According to what Allah instructed to be carryout; ‘*Al ahadati minal inj nkjhuwati*’ the right of child custody is on mother. [ITT 71(6)] In the absence of mother, Allah said; the onus is shifted to her mother and this goes on in same

*direction following the same chain or trend.*”

[FD-Arb.C1: ITT 71(10)] “Then Allah said, prophet (PBH) said; if is custodianship of child! [ITT 71(11)] If it is custodianship of child! [ITT 71(12)] It is mother that has the right of custodianship of her child. [ITT 71(13)] Upon her divorce or demise, if she dies, then it is said the right is shifted to her own mother. [ITT 71(14)] This is the position of shariah law (Islamic law) been ordain by Allah.”

[FD-Arb.C1: ITT 71(19)]  
 “...Prophet (PBH) said; ‘when custody of a child is going to be given then it should be to the father’s mother not himself.’

[FD-Arb.C1: ITT 71(24)]  
 “...While other Islamic scholars says; ‘till seven years old, and others says twelve years old.’

[FD-Arb.C1: ITT 113(14)] “...It is you that prophet now is directing in a hadith (tradition of the prophet) that: ‘whoever forsake kinship tied, Allah has disconnect relation with him’... [ITT 113(6)] prophet (saw) says; ‘Allah has disconnect His favours on anyone who disregard kinship ties.’ Refer to appendix for more examples.

With the aid of Nvivo analysis software, it is identified that Quotation is one of the new findings in this study however, not much have been noticed to occur within the data. Case 5, 11 and 12 are identified without any instance of Quotation utterances which suggest that the illocutionary act of quotation is not a mandatory SA in RCP, yet it is a unique feature being attributed to this kind of proceedings. As shown in Figure 1.1 (p.9) and Table 1.1 (p.10), this sort of speech act is utilised by only court officials, especially the Arbitrators during RCP. Quotation utterances were utilised in 9 from the 12 RCP being used as unit of analysis for this study with 14 Sources and 30 interactive turn-takings (ITT). This kind of speech act also plays a significant role in achieving a successful resolution of dispute during RCP. The result shows that users of quotation were all court officials with the exception of FDMI-MR-C6.

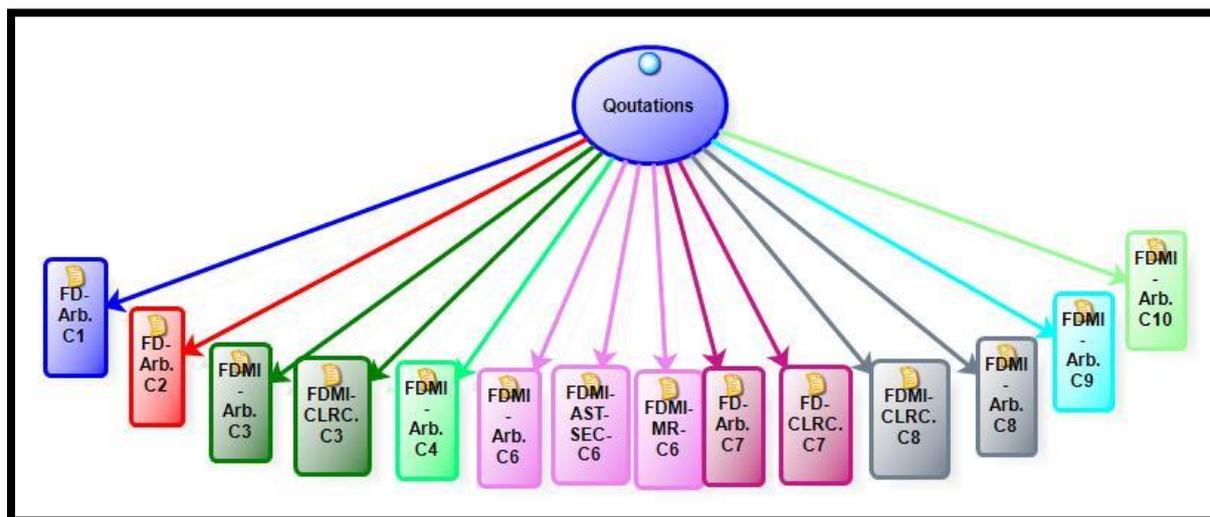


Figure 1.1 Sources Model on Quotations as reflection of participants’ state of mind in depicting truth-value on the proposition

Table 1.1  
Sources and interactional categories of turn-taking of Quotation utterances

S/N	Cases	Sources	Interactive Turn-Taking	Percentage
1	1	FD-Arb.C1	6	20.00
2	2	FD-Arb.C2	3	10.00
3	7	FD-Arb.C7	4	13.33
4	7	FD-CLRC.C7	1	3.33
5	10	FDMI-Arb.C10	2	6.67
6	3	FDMI-Arb.C3	6	20.00
7	4	FDMI-Arb.C4	1	3.33
8	6	FDMI-Arb.C6	1	3.33
9	8	FDMI-Arb.C8	1	3.33
10	9	FDMI-Arb.C9	1	3.33
11	6	FDMI-AST-SEC-C6	1	3.33
12	3	FDMI-CLRC.C3	1	3.33
13	8	FDMI-CLRC.C8	1	3.33
14	6	FDMI-MR-C6	1	3.33
Total	9	14	30	100.00

In terms of individual participants, as shown in Table 1.1 (P.10) the result shows FD-Arb.C1 and FD-MI-Arb.C3 as the most common users of Quotation utterances with 6 ITT (20%), followed by FDMI-Arb.C7 with 4 ITT (13.33%) and FD-Arb.C2 moderately utilised 3 ITT (10.00%). However, majority of the officials used the least number of utterances each with 1 ITT (3.33%) who ranged from Arbitrators, Islamic cleric, sectaries, assistants, and a single instance by male respondent. Hence, this can obviously imply that quotation can be characterised as the SA of authority bested with authoritative citations.

In accordance with Searle (1969) and Finegan (2012) illocutionary act of declarative acts of quotation is the monopoly speech act of court officials and is proven to be appropriate to the RCP context. Since the efficacy of any declaration depends on well-established conventions (Searle,

1969; Finegan, 2012). Arbitrators are the presiding officials in RCP being shouldered with the responsibility of ensuring resolution of disputing issue/s brought before the court base on shariah Islamic jurisprudence. From the excerpts it was clearly shown that the arbitrators employed declarative speech acts of quotation to *assert common ground* or *give a hint*. They utilised quotations of Arabic terms/sources (Qur’an/hadiths) through *narratives* and *reporting* of Allah’s message, prophet’s teachings/actions in the attempt to establish facts or decisions relating to issue in dispute from the Islamic perspective.

This use of this kind of arbitrators confirmed and is in line with fulfilment of Searle (1969) and Finegan (2012) appropriate conditions of preposition content, preparation, sincerity and essentiality. For the declarative acts of quotations were used by the arbitrators in connection with the

intended essence of the RCP's context and convention. Since quotations are authoritative speech acts in concurrent with the court officials. The use of quotations by arbitrators depicts the sincerity of the court officials' intention for ensuring free and fair judgement. In addition both the parties and the speakers intended the same result of reaching reconciliation.

In addition, the appropriateness of the use of this kind of speech act by arbitrators is in line with the proclamation made by Quthb (1989) and Anshori (2016) that Qur'anic being a rhetoric language that has special and unique features as *at-tashwir al-fannyi* 'esthetical description' and abstract meaning with the explanation that is real, lively, actual, dynamic and colourful. Anshori (2016), in line with our findings of the outstanding role of Declarative speech acts of Quotation in RCP, further established that beside the worldly empirical characteristics, but equally obtain supreme, divine metaphysical and transcendental features with authenticity and perfection.

### CONCLUSION AND IMPLICATION

Considering the significance attached to the role language play in communication and in view of the result of this study, our findings suggest that religious quotation as a declarative speech acts is an outstanding feature of RCP peculiar to court officials. The arbitrators employed declarative speech acts of quotation to **assert common ground** or **give a hint**. They equally utilised quotations of Arabic terms/sources (Qur'an/hadiths) through **narratives** and **reporting** of Allah's message, prophet's teachings/actions in the attempt to establish facts or decisions relating to issue in dispute from the Islamic perspective.

By implication, the provisions of Islamic Law as contained in Qur'an and Sunnah are far more concise and very much smaller in volume than the legal structure evolved through the Fiqh of various schools of Islamic thought. Based on the above discussions, it is safe to conclude that, all the deductive rulings of the competent Fuqaha on any issue/matter are regarded as part of Islamic Law, that provide court officials with ease and in

demonstrating issues with clarity, fairness and accuracy in order to resolve disputing issue/s in RCP.

The findings also brought about insight over the significant role religious quotations as form of declarative speech act as an outstanding strategy in reaching issue in dispute. The finding equally highlights the impact of having arbitrators with in-depth knowledge of Islam (Qur'an and hadith) in RCP.

### RECOMMENDATION

We recommend that anyone willing to work or act as arbitrator in RCP required to acquire and becomes vast in the knowledge of Qur'anic interpretation couple with certain level of understanding of the tradition of prophet. He should also require acquire good knowledge of the consensus of Islamic jurist (ulama) over religious matters, especially for the shariah-based dispute resolution process within Nigerian of West African continent.

In fact, we feel that this study has strategic values due to the fact that religious discourse in the form of interpretation does not receive thoughtful attention, hence we recommend that other aspects of sociopragmatic speech acts of RCP should be explore by interested scholars in relation to shariah commission stake holders, Islamic juries, legal practitioners, policy makers in law and jurisprudence (e.g., both national and state legislatures) to enhance the quality proceedings process of the sharia-based RCP not only in Nigeria but across the globe for Muslims and those interested to be tried under Islamic legal system.

This may supplement the avenues for justice by making available additional approaches in form of language style through which dispute can be solved. And it may also develop the "mediators/arbitrators language managerial" concept and design on how best settlement could be achieved among parties to dispute. This could encourage more Muslims, and perhaps the Non-Muslims into resorting to Shariah-based alternative dispute resolution in resolving their disputes.

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### Appendix A

[FD-Arb.C1: ITT 113(53)] *"In fact, Allah said; 'woman was only ordain to look after a child'."*

[FD-Arb.C1: ITT 158(9)] *"...according to what the holy Quran is saying; 'whoever eats from inheritance money, he is not being eating from anything except hell fire.' [ITT 158(10)] And Allah has not stopped at that point, He said; 'and verily, he will he will enter the hell fire'."*

[FD-Arb.C1: ITT 158(13)] *"...Islamic Scholars have being making a lot of comments. [ITT 158(14)] They said; 'Allah has said he is eating nothing but hellfire'."*

[FD-Arb.C1: ITT 158(16)] *"...Then Allah said again; 'and verily he will enter hellfire'."*

[FD-Arb.C2: ITT 108(16)] *"...that's what He the creator, 'Allah subhanhu wata'ala' has said; 'Umul kitab' is in the hands of Allah. [ITT 108(17)] Whatever you feel as impossible to happen may turn out to occur."*

[FDMI-Arb.C7: ITT 92(3)] *"...he said; 'in as much as a woman spent six months in his house'."*

[ITT 92(4)] *Due to these two verses. Thus: 'Wahamlahu, wahusalahu salasuna shara'. The other verse also said; 'wahusalahu fi amrihi'. Two years has twenty four months."*

[FDMI-Arb.C7: ITT 162] *"Al baiyi natu almudi'i. The one that instituted a case is person expected to bring a witness."*

[FDMI-CLRC.C7: ITT 113] *"He said tell us. He said; the holy Qur'an said that: 'wafi salihu fi amalihu', and added that 'wa amluhu wa fisalihu salasuna shahara'. Meaning: he said if two years are deducted from a thirty days of a month, what is left? He said six months. He said; this is how Allah said. Then they all succumbed and accepted."*

[FDMI-Arb.C10: ITT 26] *"That is why the holy Qur'an said; 'fa'in sakum ma'arufun.-To go and sit with the guardians'."*

[FDMI-Arb.C10: ITT 175] *"Leave what you are in doubt and hold on to what you are sure of."*

[FDMI-Arb.C3: ITT 92(4)] *"...This is because according to prophet; 'it is prohibited to slap a woman'."*

[FDMI-Arb.C3: ITT 150(49)] *"...This is because prophet said; 'anybody who use to be slapping the face of his wife will not enter paradise'."*

[FDMI-Arb.C3: ITT 158(15)] *"...the prophet said; 'every wife that obeyed her husband she will enter paradise'."*

[FDMI-Arb.C3: ITT 158(31)] *"...this is because prophet said; 'if you do forgive person Allah record rewards for you'."*

[FDMI-Arb.C4: ITT 228(2)] *"In Islam, Allah says; 'if one intends kindness then seeks reconciliation'."*

[FDMI-Arb.C6: ITT 15(2)] *"Allah Himself says: 'Innallaha ma'assabirin' -verily, Allah is with the patience one."*

[FDMI-Arb.C8: ITT 261(2)] *"...that is why Qur'an told you; 'wala ya hirimuku ankaumin ala ma ta'abudu, wairihu ala man takawa'. Do not allow hatred, any quarrel or any misunderstanding to transpire between you and someone restrain you from being fair. [ITT 261(3)] It is better for you to be fair'."*

[FDMI-Arb.C9: ITT 74(3)] *"... Prophet said; 'kullukum ra'ikum wa kullukum mas unat'- every one of you is a shepherd and he will be asked about his tame animal given to him on the Day of Judgment'."*

[FDMI-CLRC.C3: ITT 145] *"wa'azur hunna wagairuhu."*

[FDMI-CLRC.C8: ITT 235] *"waiza aural aaradu."*