



Generic structure and rhetorical moves in English-language empirical law research articles: Sites of interdisciplinary and interdiscursive cross-over



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ABSTRACT

In the globalized, competitive contemporary world of science, legal research articles (RAs) provide a favourable medium for disciplinary knowledge exchange to the wider scholarly community. However, there is little understanding of how structure reflects this knowledge in the writing of such articles.

In this paper, I interrogate the overall generic structure of empirical law research articles written in English together with the set of communicative/functional move categories represented across sections of the article's structure. Using Genre Analysis as a framework and the prototypical IMRD model for the identification of discourse structure across a representative sample of texts from the genre, the study reveals structural-level features of IMRD standardization and variability within the overall rhetorical purpose of the genre, where distinct rhetorical move types contribute to determining the internal organization of discourse by providing the generic research writing with its own identity. The discourse structure and content of the public genre provides an opportunity to distinguish between theoretical and empirical tasks of writing in the legal RA genre, and to bring out the nature and function of interdisciplinarity and interdiscursivity in empirical legal research reporting. The paper concludes with some pedagogic implications for ESP teaching and research.

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1. Introduction

In scientific discourse, the academic research article (RA) genre plays a pivotal role across the established disciplines. Understood as the “master narrative of our time” (Swales, 2004, p. 207) or as “a codification of disciplinary knowledge” (Hyland, 2004, p. 64), the genre is the culmination of an involved process of research. Where the law is concerned, the research article is not only crucial to channel the efforts of writers into a systematic and rigorous pursuit of knowledge-making inquiries but also to portray the nature of contemporary legal research.

Over the decades, many high impact English-language journals have increasingly published empirical legal research in the article form by departing from the traditional publication of theoretical legal research articles which ruled over almost the entire corpus of published legal scholarship, and still endures. This trend is clear in reputable journals such as *Journal of Law, Economics & Organization*, *Journal of Empirical Legal Studies*, or *Law & Society Review*, where the subject matter of the articles

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includes law and at least one social science discipline, such as Anthropology, Economics, Sociology, Psychology, or Political Science. This enthusiasm for looking to a range of 'law and ...' disciplinary dynamics and bringing empiricism to law provides a wider intellectual space for scholarly and practical legal research applied to a specific segment of social life, and similarly defines the interdisciplinary scope assigned to such journals. Allied with this breadth of academic legal work is the scholarly focus, particularly in the UK and USA, on the role of law in society which has recently generated the terms Law in Context and, to a greater extent, Socio-Legal Research or Empirical Legal Research/Studies, as useful distinctions from the theoretical tradition of legal exegesis (e.g. Cownie, 2004; McConville & Wing, 2007).

In this context, the tasks of empirical socio-legal research writing provide the relevant loci for the study of the textual practices shaped by legal writers in the article genre. The watchword for this type of generic writing is therefore the IMRD (Introduction–Method–Results–Discussion) structure, which governs the process of scientific discovery across the genre's text and involves what is most empirically verifiable about academic legal knowledge. Implicit in this structure is the emphasis on scientific discourse, which is an area of highly normative genres, imposing 'constraints' on individual writing style (Bazerman, 1988; Bhatia, 1993, 2004; Swales, 1990, 2004), and often defining the generic conventions of academic papers for publication in accordance with journal guidelines.

Despite the significance raised by this type of generic writing for knowledge-building goals and practices, research into the discourse organizational structures of empirical law articles has largely escaped the attention of discourse and genre scholars until now. Our knowledge of the RA macro-structure is gained from the body of cross-disciplinary research pioneered by the tradition in (RA) genre analysis of looking at the broad IMRD prototypical structure (Swales, 1990) applied to empirical research papers. Whether to validate or complete the IMRD model, much of this research work has focused on the move rhetorical analysis of empirical RA sections across the disciplines, namely Introduction (e.g. Golebiowski, 1999; Kanoksilapatham, 2005; Loi & Evans, 2010; Ozturk, 2007; Samraj, 2002; Swales, 1990; Swales & Najar, 1987), Method (e.g. Bruce, 2008; Kanoksilapatham, 2005; Peacock, 2011), Results (e.g. Basturkmen, 2009; Brett, 1994; Kanoksilapatham, 2005; Lim, 2010; Thompson, 1993), and Discussion (e.g. Dudley-Evans, 1994; Holmes, 1997; Hopkins & Dudley-Evans, 1988; Kanoksilapatham, 2005; Peacock, 2002). While some of these descriptive studies have also included the analysis of the move structure of RA Methods (Peacock, 2011) and Discussion sections (Peacock, 2002) in law research articles, many such reviewed studies of the move structure and function in single rhetorical sections have provided valuable input for applied genre-analysis tasks in diverse writing elements, such as those advocated in the studies of Paltridge (2001), Swales and Feak (2004) and Feak and Swales (2011). Outside this body of research, rather few (to the best of my knowledge) but still notable studies have been carried out into empirical RA macro-structures by a small number of authors reporting organizational writing standards across a range of disciplines (Kanoksilapatham, 2005; Lin & Evans, 2012; Nwogu, 1997; Posteguillo, 1999; Ruiying & Allison, 2004; Stoller & Robinson, 2013). In these studies, where law covers only a very tiny portion of the empirical RAs (3 out of 433) investigated in the structural study of Lin and Evans (2012), the authors' treatment of the rhetorical sections is a subtle or significant variant of the traditional IMRD pattern, and provides an understanding of the complete rhetorical structure of the research article (the Abstract and the accompanying RA), as advocated by Kanoksilapatham (2005) in her analysis of the entire biochemistry research article.

Undoubtedly, these (corpus-based) studies are relevant to bring new, interesting insights into the evolutionary writing practices of academic publishing since Swales' (1990) discussion of IMRD communicative moves for RAs. But where academic writing is crucial to effective communication in the law discipline as well, the reviewed studies do leave the specific macro-level structure and internal organization of move types of empirical law articles almost – if not totally – unaccounted for in genre-based academic research. In consequence, analysing such articles for their potential variability of the conventional IMRD structure and for their descriptions of the move categories across the genre's text may yield useful information on how legal writers construct and use discourse organizational patterns to achieve their generic objectives, and similarly enhance our understanding of the role and function of the genre to communicate scientific findings to other community peers. Indeed, the analytical focus on organizational structures is a useful guide for identifying how legal writers of the specific genre seek answers to their legal research questions by establishing an interdisciplinary discourse for scientific knowledge-making activities. In this context, where the notion of interdisciplinarity in the article's genre also seems to remain unexplored among discourse and genre scholars themselves, understanding the rhetorical influence of traditional social science methodologies and approaches on empirical socio-legal research thus provides an informed account of interdisciplinary work deployed in the (legal) community-recognized discourse of the genre. To the extent that interdisciplinary methods and tools enable the validity of the research findings in the genre, it is likely that this phenomenon will also feed into the development of "interdiscursivity" (Bhatia, 2004, 2008, 2010) by supporting an additional ('critical') dimension to the analysis of the public genre based on integrated knowledge-making goals, processes and practices.

In an attempt to address these gaps, therefore, this article has three aims. First, to report on the entire structure of empirical law research articles written in English by determining the discourse units in a representative sample of texts from the genre. Allied with this inquiry is an explanation of the structural discourse units of text in sections that are typical or atypical of the standardized IMRD framework. Secondly, to examine individual rhetorical sections in relation to the discourse structure of move types realized in the research article genre. Thirdly, to use ongoing findings to explain the epistemological differences exposed by the scale of theoretical and empirical writing tasks and to offer insights into the scientific discourse of the genre, which is now taking on an interdisciplinary and interdiscursive profile in today's academic legal practice. After a discussion of the main results, the article raises awareness of the use of this genre-specific writing for applied research and teaching purposes.

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