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Genre Variation
in Academic Communication
Emerging Disciplinary Trends

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Contents

Variation within genres and communicative practices

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Epistemic Modality Variation
in Community Law Journals

1. Introduction

Over the last decades the attention of scholars working in the field of academic discourse has been directed towards language variation, and academic writing is no longer considered as a consistent and homogeneous form of discourse (Hyland / Bondi 2006). The importance traditionally given to the consensual and static aspects of disciplinary communication has been coupled with the emphasis increasingly placed upon the analysis of interactions/practices/ activities typical of various discourse communities (Hyland 2000; Del Lungo Camiciotti / Tognini Bonelli 2004; Bambford / Bondi 2005). From a sociolinguistic perspective, genres have been described as 'dynamic rhetorical structures' that can be manoeuvred according to the discipline's norms, values and ideology, which increasingly vary as disciplinary knowledge created by discourse communities changes (Swales 1990; Hyland 2004, 2009). This is all the more evident in the legal field, where 'procedural knowledge and social knowledge' (Bakhtin 1986; Brown *et al.* 1989; Bhatia 2002, 2004; Bhatia *et al.* 2003, 2008) play a key role in the acquisition and deployment of genre knowledge as part of academic writers' participation in their 'profession's knowledge-producing activities' (Swales 1990; Hyland 2004, 2005; Berkenkotter / Huckin 2005). Starting from the assumption that texts are "socially produced in particular communities

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[*]   While both authors are responsible for the design of this study and have co-revised the paper, Patrizia Ardizzone is responsible for sections 1 and 5, and Giulia Adriana Pennisi for sections 2, 3 and 4.

and depend on them for their sense" (Hyland / Bondi 2006: 8) we may infer that by studying the ways academics communicate, we learn more about how "knowledge is constructed, negotiated and made persuasive" (Hyland / Bondi 2006: 8).

The role of hedging devices in academic discourse has received increasing attention in the last few decades (Myers 1989; Salager-Meyer 1994; Coates 1995; Hyland 1996, 1998; Nuyts 2001; Vold 2006a). Epistemic assessment of the information conveyed, as Vold (2006b: 225) writes, represents "a crucial dimension of academic discourse, because academics engage in the transferring and construction of knowledge. Not only is epistemic modality used to accurately convey the status of knowledge, it is also used for purposes of persuasion and negotiation".

The aim of this chapter is to explore the use of epistemic modality markers in a selection of issues of four international legal journals dealing with Constitutional and Public Law and Administration, written in English and published between 1990 and 2010. In particular, emphasis will be given to the emerging Constitution of the European Community/Union and the interplay between law and politics.

The recognition of a 'European common core' and the realization of the concept of an EU constitutional identity is a case in point. Since the late 1990s the discourse on the relationship between EU and its Member States has changed significantly, and the path towards European integration has been marked by a series of Treaty revisions (Robertson 2005). Specialists in the area observe that the need to reinforce the basis of legitimation of translational governance in substantial ways and to limit the competence of the European Union in relation to the Member States finds expression in the European constitutional experiment (Falkner *et al.* 2005; Fligstein 2008; Gerring / Thacker 2008; Kraus 2008). Yet, notwithstanding the socio-cultural changes that have recently affected the legal categories of constitutional domain (i.e. democracy, the rule of law, subsidiarity, universality and indivisibility of human rights and fundamental freedoms) allowing for the recognition of a 'European common core'

(Kraus 2008), the concept of an EU constitutional identity still remains a culture-sensitive/context-bound issue (Bhatia *et al.* 2008).

Starting from the generally agreed assumption (Hyland 1998; Nuyts 2001; Vold 2006a, 2006b) that epistemic assessment of the information conveyed is a significant aspect of academic discourse, the present work focuses on the differences and similarities in the use of a number of selected markers in the texts included in the corpus from a diachronic perspective. The aim is to understand the rhetorical organisation and the argumentative strategies deployed by disciplinary actors in response to the changing emergent community's norms and ideology.

2. Data

The material for this study comes from a corpus of forty academic research articles dating from 1990-2010 comprising 830,274 words. More specifically, all articles are taken from prestigious refereed journals:

- Ten articles are from the *Oxford Journal of Legal Studies* (*OJLS* – 276,543 *words*), a journal which deals with all matters relating to law with an emphasis on matters of theory and on broad issues such as comparative and international law, the law of the European Community, legal history and philosophy;
- Ten articles are from the *Cambridge Law Journal* (*CLJ* – 219,01 *words*), a journal which lays special emphasis on contemporary developments in jurisprudence and legal history;
- Ten articles are from the *European Law Journal* (*ELJ* – 132,215 *words*), a journal dealing mostly with the understanding of European law in its social, cultural, political and economic contexts;
- Ten articles are taken from the *Common Market Law Review* (*CMLR* – 202,506 *words*), a journal bringing an in-depth examination of a number of issues concerning European Union

Law such as the development in market deregulation, the EU/WTO[11] relationship, telecommunication, E-commerce and European Union Law in Courts.

Although *CMLR* is primarily concerned with economic issues, all journals in the corpus have been selected on the basis of their subject, that is the emerging Constitution of the European Union. The imbalance between sub-corpora sizes is due to the journal policies and the corresponding stylistic preferences. Therefore, our analysis will be based mainly on relative frequencies rather than absolute numbers.

3. Methodology

3.1. Epistemic assessment of the information conveyed

Since the 1970s, research into academic discourse has consistently grown with greater attention devoted to such issues as academic speech and writing, as well as the rhetorical strategies and syntactic forms of larger samples of texts (Huddleston 1971; Kent 1991; Biber *et al.* 1999; Hyland 2004). Given the fact that "the boundaries of scholarship are progressively shifting and dissolving" (Hyland 2009: 59), the identification of community differences has drawn attention to the need for more work on disciplinary variation in academic writing, taking into consideration aspects of the discoursal conventions and modes of persuasion that characterize academic communities and create notions of disciplinary culture. Successful academic discourse(s) depend(s) on the individual's ability to project a shared

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1   The European Union (EU) is the world's largest trading block, which makes it one of the key players in the World Trade Organisation (WTO). In the WTO, the European Commission negotiates on behalf of the 27 countries of the European Union. The EU supports the work of the WTO on multilateral rule-making, trade liberalisation and, sustainable development (<http://ec.europa.eu/trade/creating-opportunities/eu-and-wto/>).

professional context (Swales 1990; Bhatia 1993; Hyland 2009), and the concept of 'discourse community' (Wells 1992; Swales 1998; Blommaert 2005; Wodak / Chilton 2005) helps to conceptualize the expectations, conventions and practices which influence communication in each academic field (Swales 1990). As Hyland (2009: 13) observes,

> [L]anguage can never be divorced from those who use it: it can never say everything that needs to be said nor ever fully elaborate its context. Writers must assume readers will possess some background understandings and beliefs, while readers must always integrate linguistic and contextual assumptions to recover relevance and meaning from a text. The protracted disputes over legal contracts, for example, illustrate the difficulties of establishing fixed meanings from even the most explicitly written texts. Simply, the relative impersonality of scientific discourse is not an absence of rhetoric but simply a different kind of rhetoric. While it might seek to remove the author from the text to give priority to the unmediated voice of nature, it is like other persuasive discourses in that it shapes observations and data to produce arguments which are recognizable and meaningful to disciplinary insiders.

Persuasion, therefore, becomes a key element in attesting the author's credibility and involves his/her control of research methodology/-ies and his/her ability to strategically deploy community agreed argument forms.

The role of hedges in academic discourse has increasingly grown in the last few decades. Hyland (2009: 75) defines them as "devices which withhold complete commitment to a proposition, allowing information to be presented as an opinion rather than fact". Hedging devices, therefore, not only imply that a claim is based on credible reasoning but also suggest "the degree of confidence it might be wise to attribute to a claim while allowing writers to open a discursive space for readers to dispute interpretations" (Hyland 2009: 75). Seminal works in this field are those by Salager-Meyer (1994) Coates (1995), Hyland (1996, 1998, 2004) and Varttala (2001). However, relatively few scholars have investigated the use of hedges and epistemic markers in research articles dealing with legal matters. As we will see, the analysis of epistemic modality in legal journal

research articles will provide interesting insights into the types of markers used, their distribution over different parts of the article and the communicative functions that they are supposed to serve.

3.2. Epistemic markers

According to Vold (2006b: 226) "epistemic modality concerns the reliability of the information conveyed, and epistemic modality markers can be defined as linguistic expressions that explicitly qualify the truth value of a propositional content". Epistemic modality, therefore, encodes the author's commitment to the expressed propositions and the assessment of their probability (Warchal 2008). In her cross-linguistic study of epistemic modality in written scientific discourse across disciplines, Vold (2006b) considers epistemic modality markers those which qualify the truth value of a certain propositional content and are lexico-grammatical units. The present study is based on these assumptions and markers have been coded according to their meaning in the specific/particular context(s). Furthermore, since the present work is concerned with the hedging effect of epistemic modality, expressions of certainty have not been included (see 1 and 2), whereas modalization of reporting frameworks has been included as well as passive forms (see 3 and 4) as illustrated in the following excerpts taken from the journals included in our corpus:

(1)   Since the success of the Internal Market project, setting a timetable for its completion, the EU has *perhaps* learnt to restrict its strategies to within defined time scales. (*CLJ*-2001, our emphasis, as in all the examples in the text)

(2)   In this sense, the Commission was *perhaps* nearer the mark right back in 1972 when it presented its proposals for the first labour law directive in this area: economic integration, and the accompanying progressive interdependence of national markets […]. (*OJLS*-2003)

(3)   *It might be assumed* that Britain participated actively in the 'birth' of the European Union. (*CLJ*-2008)

(4)   While the existence of a dual perspective on the supremacy issue *may be interpreted* in the light of the theory of 'constitutional pluralism', the normative ambivalence surrounding supremacy and sovereignty can better be viewed as part and parcel of the European Union's federal nature. (*CMLR-*2009)

The next section illustrates the research findings and explores the semantic properties and communicative functions that the selected markers serve in the examined papers.

4. Research findings

4.1. Semantic properties of markers

The analysis of the research articles included in our corpus has revealed that in addition to the modal verbs *may* and *might*, lexical items were the most frequent markers of epistemic modality. Overall, *may* was the most frequent, followed by *assume, appear, seem, perhaps, indicate* and *could*. *Possible* and *probably* were also included because they are often considered to be typical markers of epistemic modality. More specifically, *assume, seem*, *appear* are quite subjective verbs "in the sense that they, by their semantics, presuppose a modalizing agent (Vold 2006b: 234). In particular:

- *assume* belongs to a group of markers which Nuyts (2001) defines 'mental state predicates' and 'these are inherently subjective as they reflect a 'subjective cognitive activity' (Vold 2006b: 234; Varttala, 2001: 122);
- *seem* and *appear* are semi-auxiliaries which also involve a personal evaluation although the source of the evaluation in most cases remains implicit;
- *seem, appear* and *assume* may be used to express conclusions in a cautious manner (Vold 2006a, 2006b).

The examples below are emblematic of this tendency:

(5)   However, *there appears to be* a wide - although not too scientific - consensus in legal literature that besides population, really small size is what makes a country a full-fledged micro-state. (*ELJ*-2008)

(6)   Whatever liberal interpretation one may care to make, *it seems clear that* general school education is not covered by the definition of 'vocational training' except that part of school education which consists of vocational training courses […]. (*CLJ*-1994)

(7)   And yet, a careful look at the European agencies' powers suggests that the link between control instruments and European agencies' functional needs is less certain than *one might assume.* (*CMLR*-2009)

May, might, could, possible refer to the notion of possibility and can be taken simply to state an eventuality, without presupposing a specific modalizing agent. They serve to disguise the source of the evaluation. In other words, the eventuality that they express can be understood as an objective rather than a personal judgement of the truth value of the information expressed by the proposition (Salager-Mayer 1994; Hyland 1998, 2001, 2004; Varttala 1999, 2001; Nuyts 2001; Vold 2006a, 2006b). In particular,

•   *may, might, could, possible* express possibility and can be used to disguise the source of evaluation giving an impression of objectivity (Hyland 2001; Vold 2006a, 2006b);

•   *possible, probably, perhaps* are typical markers of epistemic modality and can be seen as intrinsically epistemic.

The examples below show these functions:

(8)   In the perspective of legal and political realism, however, it should be recognized that stable and institutionalized representation of private subject within European agencies presents a number of shadows. *It may give place* to neo-corporative modes of governance, whose effects are far from clear and need clear assessment. While *it may change* the allocation of political authority in institutional frameworks, it does not necessarily keep the promise of more effective administrative decision-making. And there are obvious risks of unequal access of different groups of private subjects, starting with the

basic opposition between non-governmental organizations, and sectors of industry. Thus, *one may wonder* whether the ambitions of inclusive governance *may be better cultivated* through different instruments. (*CMLR*-2009)

(9)   This is quite clearly in contrast with many other fields of prospective European fundamental rights, which is why clashes of culture and values *might hinder* ready compromise at the IGC. Despite all the political and legal obstacles, however, it is hard to see how the question of fundamental human and social rights *could be left out* of any constitutional text that aims to serve as a reference point for human identities. (*ELJ*-1996)

(10)   Nonetheless, it was clear from the start that the Free Movement of Persons was somewhat different from the other freedoms of movement, for whilst *it is not possible* to discourage a cheese from moving from one country to another, *it is possible* to discourage a person. If the laws and practices of a Member State treat migrant workers and their families any less favourably than they do the nationals of that state, then this could be a powerful disincentive to the exercise of Free Movement rights. (*CLJ*-2001)

(11)   This raises some very difficult and politically sensitive issues. Full Free Movement would necessarily require a certain loss of national sovereignty (as regards the decision over which persons shall be allowed to enter a Member State); and *would probably involve* concessions by national governments in what has become one of the most controversial areas of political debate in many Member States. (*OJLS*-2002)

The communicative functions the selected epistemic markers serve in the examined articles will be compared in the next subsections.

4.2. Frequency

Table 1 and Figure 1 list the frequency of the selected markers in normalized terms (calculated per 1,000 words) produced by using *Wordsmith Tools* (Scott 2004) as they occur in *OJLS*, *CLJ*, *ELJ* and *CMLR* respectively.

marker	OJLS *ep. occ 1000 w*	CLJ *ep. occ 1000 w*	ELJ *ep. occ 1000 w*	CMLR *ep. occ 1000 w*
may	7.54 (203)	6.55 (178)	13.66 (193)	22.04 (444)
could	3.81 (107)	4.87 (103)	6.2 (80)	11.03 (218)
might	2.3 (78)	2.54 (54)	6.64 (86)	3.28 (78)
possible	1.07 (29)	1.52 (36)	6.11 (76)	4.26 (82)
appear	0.99 (14)	0.53 (15)	1 (12)	0.57 (13)
perhaps	0.44 (11)	0.91 (28)	1.06 (13)	1.5 (40)
probably	0.44 (11)	0.53 (17)	0.67 (8)	1.05 (19)
seem	0.41 (10)	0.39 (12)	1.14 (14)	2.54 (42)
assume	0.24 (8)	0.03 (1)	0.57 (8)	0.22 (5)
indicate	0.15 (5)	0.08 (1)	0.59 (7)	0.12 (3)

Table 1. Frequency of epistemic modality markers in the selected journals.
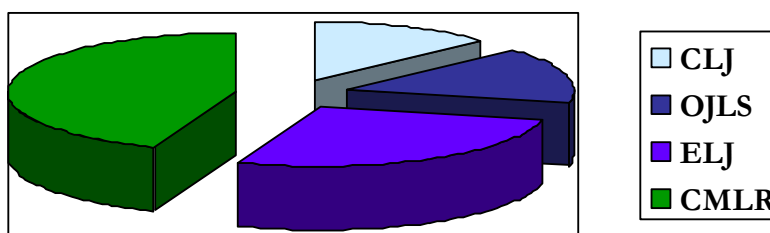

Figure 1. Distribution of epistemic modality markers in the selected journals.

Figure 2 shows the distribution (in terms of percentage) of epistemic modality markers in each journal according to the time span.
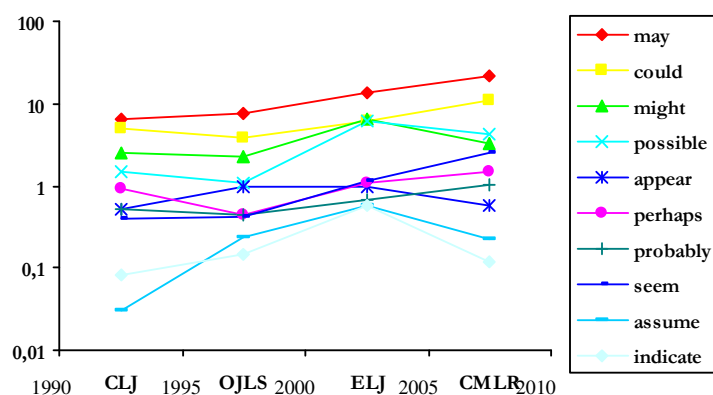
Figure 2. Distribution of selected markers in legal journals over the years.

The analysis suggests that epistemic modality markers seem to be more commonly found in the research journals dealing mostly with:

•   the socio-cultural changes that affect the legal categories of constitutional domain (i.e. democracy, the rule of law, subsidiarity, universality and indivisibility of human rights and fundamental freedoms, economic development, etc.),
•   the recognition of a 'European common core',
•   the idea of an EU constitutional identity,[12]

and which can be recognised from the title of most of the research articles included in the corpus, such as: 'The Treaty of Lisbon: An Ongoing Search for Structural Equilibrium' (*CLJ*-2010), 'European Consumer Law after the Treaty of Amsterdam: Consumer Policy in or beyond the Internal Market?' (*CMLR*-2000), 'Intergovernmental Conference 1996: Which Constitution For The Union?' (*EJL*-1996) and 'Inexplicable Law: Legality's Adventure in Europe' (*OJLS*-2005).

The analysis indicates that epistemic modality markers (and, more specifically, *may, might, could* and *possible*) seem to be particularly

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2   For more details on this issue, see Kraus (2008).

numerous in the research journals published in the period immediately after important institutional and political events in the context of the European Union, and more specifically:

• *The Treaties of Amsterdam and Nice*, signed respectively in 1997 and 2001: particularly evident in *OJLS, CLJ* and *EJL* journals from 1996 and 2002.[13]

• *The Draft Treaty establishing a Constitution for Europe* submitted to the EU Council in 2003: particularly evident in all journals from 2002 and 2005.[14]

• The *Treaty of Lisbon* signed on 13 December 2007:[15] the analysis has shown an increase in the use of epistemic markers in all journals from 2008 to 2011.

The analysis also indicates a high frequency of epistemic markers in the research articles from *CMLR*, particularly *may, might, could, possible* (in addition to *perhaps* and *probably)* which refer to the notion of possibility and can be taken simply to state an eventuality without presupposing a specific modalizing agent. This could be related to the fact that *CMLR* deals mostly with economic issues on European Union Law such as the developments in market deregulation, the single European currency, the EU/WTO relationship,

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3   Both European Councils (Amsterdam 1997 and Nice 2001) had to deal with particular problematic issues, such as the 'delimitation of powers between the Union and the Member States, the simplification of the treaties, powers/roles of parliaments, and the status of the Charter of Fundamental Rights' (Milton/ Keller-Noëllet 2005).

4   This *Draft* was submitted to the European Council and was intended to repeal with a single instrument all the existing European treaties (about 16 Treaties enacted between the 1951-*ECSC Treaty* and the 2001-*Treaty of Nice*, with the exception of the *Euratom Treaty*). The ratification by all the Member States of the Treaty establishing a Constitution for Europe was necessary for it to become law.

5   This *Treaty* is the result of negotiations between the European Member States in an intergovernmental conference (IGC), in which the Commission and Parliament were also involved. According to their proponents, the Treaty provides the European Union with the legal framework and tools necessary to face the challenges ahead and respond to EU citizens' needs.

E-commerce, and therefore the authors of *CMLR* articles need to present conclusions in a cautious manner. In other words, the eventuality that the authors express should be understood as an objective rather than a personal judgement. The relatively high occurrence of *may, might, could, possible* is all the more evident in the parts of the research articles where authors:

• talk about the possible limitations of the study;
• provide possible explanations;
• put forward hypotheses and present conclusions in a cautious manner (mitigation protects the writer in case, at a later stage if his/her conclusions should turn out to be inaccurate / are belied by facts or new findings);
• present cautious criticism of other researchers, schools, approaches, etc.

The next subsection is devoted to the analysis of these points in more detail, providing examples taken from the selected legal journals.

4.3. Rhetorical organisation and argumentative strategies

4.3.1. Possible limitation of the study

This subsection analyses the communicative functions that the selected markers serve in the examined papers. As the investigation demonstrated, the epistemic modality markers seem to be particularly numerous in those article sections where the author talks about possible limitations of the study, typically used to signal potential bias and probable consequences of these limitations, and which can be observed in the following examples (our emphasis):

(12) To unfold deliberative discourse and rationality all participants should enjoy equal liberty, respect and opportunity to participate during the deliberation. *However*, deliberative theory does not develop further which institutional arrangement *might satisfy* these conditions. Deliberative theory has been used to explain comitology and the Economic and Social Committee, *but* has failed so far in presenting suggestions as to how deliberation as a process can realise its normative goals. (*ELJ*-2006)

(13)   *While one could argue* (as I have) that this discourse misconceives the nature
        of the problem that separating ownership from control is supposed to solve,
        the fact remains that a search for Chinese solutions to the 'problem' of this
        separation is going to yield odd results. (*CLJ*-2011)

In this contexts, the signal of a limitation is very often followed by a
proposition introduced by a contrastive marker such as *nevertheless,
nonetheless, however*, *while*, *but*, thus reducing the significance and
potential consequences of such a limitation, negotiating, and
grounding the topic under discussions.

4.3.2. Possible explanation of the study

We found two types of text sequences in our corpus of legal journals,
that is, descriptive sequences and more argumentative sequences
(Vold 2006b) which are particularly present in the discussion section
(14). The presence of epistemic modality markers is particularly
evident in argumentative contexts, i.e. passages of the research articles
in which the author supports his/her claim and rejects other points of
view. In this regard, the following passage is particularly illuminating:

(14)   What can popular sovereignty teach us about European integrations? Little or
        nothing, according to a well-entrenched view. Even the most cursory of
        comparisons *seems to bear out* this view. *While* the Constitution of the United
        States epitomises the model of political power obtaining in popular
        sovereignty, kicks off with 'We the people', the preamble to the Treaty of
        Rome defines European integration in terms of 'an ever closer union among
        the peoples of Europe'. Not only is the plurality of European peoples the point
        of departure of an integrative process, *but* also retaining this plurality is the
        desideratum of integration, as is witnessed by the principle of subsidiarity, the
        EU's obligation to 'respect the national identities of its Member States', and,
        most recently, the Treaty of Amsterdam's caveat to the effect that European
        citizenship 'shall complement and not replace national citizenship'. In sum,
        the absence of a single European people as the bearer of an autonomous
        European legal order, and its undesirability as the telos of the integrative
        process, *leads observers to suggest that* European integration cannot be, nor
        should be, forced into the mould of popular sovereignty. (*ELJ*-2000)

Our analysis suggests that epistemic modality markers are particularly present in the discussion part, where the author either supports his/her point of view or disagrees with others' conclusions. In this case, they serve as explanations for the study in order to foreground and negotiate the topic under discussion with potential readers. *May, might, could* and *perhaps* are the markers typically used for these purposes, as is clear in the examples below:

(15)   Indeed, public criticism by a Current Commissioner of the shady backroom bargaining among Member States to identify the first new-style President of the new Council *perhaps* foreshadows the limits that such a shallow reservoir of legitimacy *may* in itself impose upon his/her effective political power. Appointing someone with established Union-wide or even global recognition *might* well energize the workings of the European Council, but it also carries the risk either of creating a Frankenstein's Monster, or of trapping a very big fish with a rather small pond. (*CMLR*-2008)

(16)   *To some readers, our argument will appear* somewhat lopsided: we have dealt with the 'adequacy' of modes of institutional change only in terms of acceptance and legitimacy. *Could it not be that* the most legitimate procedures of institutional change prove wholly inadequate in terms of adaptation to societal (social, economic, technological) change? *(OLJS-2002)*

The analysis points out that authors prefer impersonal structures (17) even when hedging other scholars' claims:

(17)   However, *it is suggested that* the significance of the case lies in its exposure of the ambiguous nature of Union citizenship and the significance of the inter-institutional dialogue as the Union's primary mode of operation. (*CLJ*-1996)

As we can see in the examples above, the authors refer to the points of view or the studies of other researchers and avoid to report their proper names especially when they refuse to accept them.

4.3.3. Hypotheses and conclusions of the study

The writers of legal journals show the tendency to use epistemic markers when they put forward hypotheses and particularly when they want to present conclusions in a 'cautious manner' (Vold 2006a). The analysis indicates that the grammatical constructions mainly used for these purposes are the {impersonal subject + *suggest/seem* + *that* clause (*may/might*)} and {impersonal subject + *may/might* + *that* clause}, as reported in the following examples:

(18)   The notion of a 'living constitution' suggests a kind of change by the emergence of new routines of political behaviour; adding the notion of an 'open society' *suggests that* it is not the political authorities alone who are relevant actors advancing constitutional change. (*ELJ*-1999)

(19)   *This may explain* why the most prominent examples of constitutional borrowing occur when states experience crises (for example, eastern European states after the fall of communism) and when the decisions of constitutional courts are relatively easy to reverse, at least as a formal matter (most of the world outside the US). (*OJLS*-2010)

(20)   We identify *several factors that may limit* the degree to which each mechanism creates convergence. (*OJLS*-2010)

(21)   The official proposal however (*COM*(94)300 final) referred only to 'activities', which, *although it might have been* more acceptable in political terms, did little to promote a clear discussion of the proposal and its implications. (*CLJ*-2003)

In this case cautiousness protects the author against possible consequences arising from the inaccuracy of his/her conclusions (Vold 2006b), particularly when his/her predictions about future political and economic events turn out to be wrong.

4.3.4. Cautious criticism in legal journals

The present work indicates that the epistemic markers preferred by authors of legal journals in order to express cautious criticism of other

schools of thought, researchers' conclusions and theoretical approaches, are *seem* and *appear*.

(22)   However, *there appears to be* a wide - although not too scientific – consensus in legal literature that besides population, really small size is what makes a country a full-fledged micro-state. (*ELJ*-2008)

(23)   Whatever liberal interpretation one may care to make, it *seems clear* that general school education is not covered by the definition of 'vocational training', except that part of school education which consists of vocational training courses […]. But it is submitted that, with the advent of the Single Common Market in 1992, and despite some member states' desire to maintain their independence in education, there will likely be an increasing realization that education plays a major role as a significant aspect of positive integration in contributing to the internal dynamic of the EC. (*CLJ*-1994)

The tendency to mitigate criticism and express caution when interpreting other researchers' ideas and conclusions is common in all the legal journals included in our corpus and, as was the case of the choice between personal and impersonal structures, it may depend on different factors, such as the subject treated, the particular economic and political situation of the time, the influence of journal styles and the authors' personal style.

5. Conclusions

In this chapter we have seen that the use of epistemic modality markers in a selection of issues of a number of international legal journals dealing with Constitutional and Public Law and Administration can be taken to reflect the differences among the journals not so much in terms of frequencies, but in terms of: (a) the type of markers deployed, (b) the co-texts in which they are used and (c) the argumentative functions they are supposed to fulfil.

The research articles have been selected according to the subject treated, that is, the emerging Constitution of the European

Union, and the analysis has pointed out the rhetorical organisation and the argumentative strategies used by the authors of the selected legal journals in response to the changing emergent community norms and ideology. In particular, a relatively high occurrence of *may, might, could, possible* was found in those parts of the research articles where authors talk about the possible limitations of the study, provide possible explanations, put forward hypotheses, present conclusions in a cautious manner, and cautiously disagree with other researchers, schools, and points of view.

Starting from the generally agreed assumption (Hyland 1998; Vold 2006b) that epistemic assessment of the information conveyed is a significant aspect of academic discourse, we have indicated that epistemic modality markers (and more specifically, *may, might, could* and *possible*) have a high frequency in the research articles written immediately after important events heading towards the realization of an EU Constitution. This in line with Hyland's (2009: 34) conclusions about the importance of situating cultural practices in a wider socio-cultural context(s), and shows that academic writing and its specific writing conventions have developed in response to particular social situations, as a result of the diverse socio-cultural and historical backgrounds of its participants (Vold 2006b).

One of the main assumptions of the present research is that academic writing is inextricably connected to the idea of 'discourse community' (Swales 1990; Hyland 2006). As Hyland (2009: 66) writes:

> [The discourse community] provides a principled way of understanding how meaning is produced *in interaction* and proves useful in identifying how writers' rhetorical choices depend on purposes, setting and audience. We always have to remember, however, that an individual's participation in academic discourse communities does not occur in a vacuum, and that the language we draw on to communicate within our academic peers or assessors is likely to be influenced by a range of social and experiential factors. So while it remains a contested concept, the notion of community does foreground what is an important influence on social interaction. It draws attention to the fact that discourse is socially situated and helps illuminate something of what writers and readers bring to a text, emphasizing that both production and interpretation depends on assumptions about the other.

While our research findings suggest the disciplinary tendency towards the use of rhetorical organisation and the argumentative strategies (overt argumentation, polemic stance, impersonalisation strategies) in response to the emergent community's norms and ideology, future research on larger corpora might indicate if the use of epistemic modality markers is also influenced by other factors such as the journal policies and the legal nature/legal field of the subject matter.

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