

GIROLAMO TESSUTO

*Writer Identity in the Introduction Section
of Academic Law Research Articles:
Exploring Metadiscourse Strategies*

Questo contributo esamina la comunicazione accademica realizzata dagli autori *esperti* delle riviste in ambito giuridico, in particolar modo quella che si rinviene nella sezione dell'Introduzione a tali riviste. Il quadro analitico viene offerto dalla nozione di "metadiscorso" (Hyland 2005) visto nella sua dimensione "interattiva" e "internazionale" che sottende il recente approccio all'analisi di discorso e di genere testuale. Prendendo spunto dal dato qualitativo e quantitativo, l'analisi linguistica illustra i tratti identitari degli autori nel corpus esaminato: 30 Introduzioni campionescelte tra una rosa di recenti riviste specializzate. Nella fattispecie, l'analisi viene condotta sulle categorie metadiscorsive interazionali dell'identità o presenza dell'autore realizzate attraverso le risorse pronominali ed altre risorse linguistiche esplicite/meno-esplicite di tale presenza, come pure attraverso la categoria interattiva delle citazioni dell'autore.

L'indagine delle categorie metadiscorsive così osservate sembra riflettere le tensioni che sono alla base dell'identità autoriale rappresentata all'interno del genere testuale che, tuttavia, consente ai singoli autori di realizzare la loro appartenenza alla comunità di discorso, negoziando in maniera co-operativa la promozione del sapere scientifico ad un ampio uditorio internazionale nella lingua della comunicazione globale.

1. Introduction

The interest in written and spoken academic discourse in English has emerged in a wide spectrum of research approaches across a range of disciplines (Cortese / Duszak 2005; Del Lungo Camiciotti / Tognini-Bonelli 2005; Hyland / Bondi 2006). While the attention of researchers has concentrated on research articles, there is a growing body of scholarship that deals with other genres¹ of English academic discourse

¹ For example, academic book reviews (Salager-Meyer / Alcaraz Ariza 2004; Tse / Hyland 2006), book acknowledgments (Giannoni 2006a, 2006b) and lectures (Thompson 2006).

– including single article sections across the disciplines – whether in descriptive or pedagogic terms².

Among the various disciplines investigated in such studies, however, little attention seems to have been given to academic discourse in the law. Apart from early pedagogic research into specific aspects of academic legal discourse³, more recent work has centred on published student-written legal research articles (Feak *et al.* 2000) as well as law review articles and student notes (Volokh 2007), highlighting the role of student editors as gatekeepers of legal scholarship. Outside pedagogic research, however, there is a discourse-analytical study (Hiltunen 2006) of *coming-to-know verbs* in articles in the law, literary criticism and medicine and Vass's (2004) investigation of socio-cognitive hedging in US judicial opinions and law review articles. It emerges, therefore, that linguistic descriptions of academic law RAs (henceforth LRAs) are relatively scarce, perhaps due to the assumption that their discursal and linguistic conventions are in line with those identified in other academic disciplines. Whether or not this is the case, law research writing deserves to be brought further into focus in its own right.

It should come as no surprise therefore that the need for an analytic focus on LRAs is prompted by the international legal community growing considerably today, and its members mixing their discourse practices with those employed in the soft and hard fields. It is telling that LRAs increasingly bear on the relationships between, for instance, Law and Economics, Law and Humanities, Law and Society, Law and Religion, and Law and Medicine, and therefore challenge disciplinary boundaries in academic research writing, thus stimulating newly-emerging areas of inquiry. The effect of these interdisciplinary practices is reflected in their discourse which contributes to systematic knowledge (Flowerdew 2002; Hyland / Bondi 2006) in disciplines where English increasingly functions as a global language (Flowerdew / Gotti 2006).

In this context, LRAs emerge as a site that captures the many ways in which expert legal academics disseminate, through published work, their knowledge to other disciplinary communities in the academic environment, describing Swales' (1990: 24-27) six defining features of

² See Dudley-Evans (1994), Holmes (1997), Anthony (1999), Hyland (2000), Lewin *et al.* (2001), Cortese (2002), Flowerdew / Dudley-Evans (2002), Hyland (2003, 2004), to cite only a few.

³ Cf. Iedema (1993), Beasley (1994) and Howe (1996).

discourse community or, within the investigated phenomena in the RA genre, similarly highlighting the socio-rhetorical practices of a disciplinary community (e.g. Swales 1990; Hyland 1998a, 1998b)⁴, when it comes to the dissemination of knowledge. More specifically, LRA Introduction sections provide useful evidence of how legal scholars manifest themselves in writing when presenting their research claims and/or points of view held by other members of the discourse community.

This paper endeavours to examine what linguistic features of English legal discourse are associated with the authorial voice as an expression of discursal identity (Ivanič 1998; Hyland 2001, 2005). It explores the rhetorical options available to legal scholars in the expression of their academic identities and situates the writing modes of the introductory genre within the analytic framework of metadiscourse (Hyland 2005), based on the view of writing as social/communicative engagement.

2. *Materials and methods*

2.1. *The corpus*

The present study compared 30 Introduction sections taken from LRAs selected at random across a range of fields and sub-fields of the law. These were written by native (20 texts) and non-native academic legal scholars (10 texts), as defined by e-mail communications with the authors themselves, who provided information about their Anglo/American status, as opposed to other language backgrounds.

All the Introductions appeared in six leading international law journals published regularly between the years 2005-2008 in print or electronically: *Public Law*; *The Cambridge Law Journal*; *European Journal of International Law*; *Journal of International Criminal Justice*; *Law and Society Review*; *European Journal of Crime, Criminal Law and Criminal Justice*. Their titles are explanatory of the range of legal issues

⁴ By establishing the link between the use of language and community-specific norms, Swales' concept of discourse community is common to a socio-rhetorical situation or practice of a specific interest group, such as LRA genre writers. This group produces texts with common objectives, as it is in RAs (Hyland), in which discourse community receives emphasis in the investigated phenomena, regarded as social practices.

covering the thematic areas of civil, criminal, administrative, and international law in the United Kingdom, USA, Europe and elsewhere. Most of the texts are representative of expert writers – i.e. PhD students, readers and professors – who sometimes are members of various professional bodies or exercise professional or institutional roles, such as the judiciary. Only in three instances were the authors writing in an exclusively professional or institutional role. The emphasis on writer role is important for identifying the type of audience addressed. Drawing on Swales’ (1996) classification of academic genre networks, the purpose of LARs can be understood mainly as peer-communication – belonging to ‘primary’ or ‘research-process’ genres in Swales’s terminology.

Introduction texts were analysed beyond a strict IMRD structure⁵ but all appeared under a relevant name, whether or not foregrounded by an abstract. These were scanned to obtain a corpus of 20,903 words, and manually analysed for specific linguistic items. Table 1 lists the title, acronyms and publisher of each journal, as well as the word count for each set of introductions and the entire corpus.

<i>Journal</i>	<i>Texts</i>	<i>Tokens</i>
Public Law (PL) - Sweet & Maxwell	5	2,641
The Cambridge Law Journal (CLJ) - CUP	4	1,538
Law and Society Review (LSR) - Blackwell	5	4,962
European Journal of International Law (EJIL) - OUP	5	3,789
Journal of International Criminal Justice (JICJ) - OUP	5	3,126
European Journal of Crime, Criminal Law and Criminal Justice (EJCCLCJ) - Martinus Nijhoff Publishers	6	4,847
Total	30	20,903

Table 1. Source journals and length of Introductions.

2.2. *Methodological procedure*

In an attempt to combine corpus-based data with theoretical perspectives on disciplinary academic discourse in English, the methodological procedure employed an integrated framework for the

⁵ The corpus analysis reflects Swales and Feak’s (1994: 155-156) argument that the IMRD structure, although typical in RA writing, is not the only organisational pattern for RAs.

analysis of Introductions based on the concept of metadiscourse, as elaborated by Hyland. Metadiscourse in academic writing consists of “self-reflective expressions used to negotiate interactional meanings in a text, assisting the writer (or speaker) to express a viewpoint and engage with readers as members of a particular community” (Hyland 2005: 37). These are a useful site for the expression and communication of academic knowledge, comprising the levels of evaluation, stance and engagement. In Hyland’s taxonomy, metadiscursive practices rely on *interactive* resources (frame markers, endophoric markers, evidentials, code glosses) and *interactional* resources (hedges, boosters, attitude markers, self mention, engagement markers). The procedure adopted here highlights the communicative function of Introduction texts, centring primarily on interactional metadiscourse categories, which are the most visible expression of the writer’s identity. It targets self-mention pronouns (*I/we*) and explicit and less-explicit items of author reference. This was supplemented with interactive metadiscourse devices such as evidentials (i.e. citations).

3. *Results and discussion*

The corpus assembled here can shed light on the interests and orientations of academic legal scholars encoding their individual voice in writing. Voice refers to ‘authorial identity’ (Ivanič 1998) or ‘authorial presence’ (Hyland 2001, 2005; Ivanič / Camps 2001; Harwood 2005a, 2005b) in discourse⁶. Prior to examining authorial identity in terms of metadiscursive devices, however, it is useful to identify the function of Introductions, as represented in the corpus.

3.1. *The function of LRA Introductions*

Introductions serve as a transitional element of discourse, linking the work done by other members of the discipline with the work done by

⁶ Defining authorial voice in written discourse involves a complex set of linguistic strategies. Apart from the use of first-person pronouns, in pedagogical settings the authorial voice can be associated with textual features (e.g. Belcher / Hirvela 2001) or the ‘self’ underlying utterances (e.g. Cumming *et al.* 2005).

the writer him/herself. This function is plain in Bhatia's argument that an Introduction serves the purpose of "making 'the present story' relevant by placing it appropriately in the context of 'the first story'. i.e., previous research in a particular field of study" and "is meant to 'motivate' the present research and to 'justify' its publication" (1993: 82). This function coincides with Swales' (1990, 2004 for later developments) model of moves in research article introductions. However, Bhatia later admits that "there is another subtle intention in writing RAIs, which can be identified as looking for readership, indirectly promoting research" (2004: 73).

In the corpus under scrutiny, the promotional function is evident to the investigator, insofar as it supports two interrelated purposes. Firstly, 'commodification' and 'globalization' (to quote Swales 2004) have a growing influence on today's communication practices in English among corpus writers, whether they are native or not. By publishing their research in English lingua franca journals, legal scholars can reach a wider readership and indirectly provide active encouragement for the furtherance of disciplinary knowledge. Allied with this function is the second one, which is about authorship. With the exception of two in JICJ and three in EJCLCJ, authorship is signalled in initial footnotes involving interpersonal *I* or, alternatively, the explicit marker of authorial reference *the author(s)*, followed by the names of the reviewers thanked. The latter are addressed using expressions of acknowledgement (Giannoni 2002; Hyland 2003, 2004; Hyland / Tse 2004) which are a "catalogue of indebtedness" (Hyland 2003: 244) in the peer-review process (my emphasis here and below):

- (1) Associate Professor of Law, Boston University School of Law. I acknowledge with gratitude the suggestions of Gerry Leonard [...] and the research assistance of [...]. (JICJ)
- (2) The authors are grateful for helpful comments from Dr Emily Finch [...] and the reviewer. (CLJ)

The purpose of peer-reviewing is to share an author's knowledge "by selecting like-minded scholars from within well-defined disciplinary boundaries" (Bhatia 2004: 189), which results in promoting a favourable social and scholarly setting for the publication.

3.2. Self-mentions

The writer's identity is made most visible by the use of self-mention through first-person pronouns that signal "explicit author presence in the text" (Hyland 2005: 53)⁷. Hyland argues that self-mentions allow writers to provide "a clear indication to the reader of the perspective from which their statements should be interpreted, distinguishing their own work from that of others" (2005: 148).

Table 2 below shows the overall incidence of first-person pronouns in the data investigated, accounting for 0.25 percent of all the 52 occurrences in the corpus, which comprises both native and non-native writing authors:

Journal	Author	<i>I</i>	<i>We</i>
PL	Campbell	1	3
	Marriott	–	–
	Donnelly	–	–
	Lord Windlesham	–	–
	Black	–	–
CLR	Payne	–	–
	Daly / Pattenden	–	3
	Keay	–	–
	MacMillan	–	–
EJIL	Simma / Pulkowski	–	1
	Wheatley	–	–
	Milanović	2	–
	Dumberry	–	–
	Trachtman	1	6
LSR	Barnes	–	4
	Liu	4	1
	Parker	–	–
	Martin	5	–
	Kohm	7	1

⁷ However, different categorisations of first-person pronouns (singular and plural) have been theorised by researchers. Rounds' (1987) early but influential study of spoken academic discourse has been followed by Kuo (1999), Hyland (2002), Fortanet (2004), and Harwood (2005a, 2005b).

JICJ	Nerlich	–	–
	Harmon / Gaynor	–	–
	Bonafé	–	–
	Sloane	–	3
	Martine	–	–
EJCLCJ	Fromm	–	–
	Aliverdinia / Pridem	–	2
	Olsen	–	–
	Ventrella	3	–
	Malje / Datzler / Bid	–	2
	Daman	–	–
Total		23	29

Table 2. Self-mentions per text.

Pronouns perform their discourse functions in a sequence of moves and steps similar to the Create-a-Research Space (CARS) prototypical model suggested by Swales (1990)⁸. Pronouns are a resource which allows writers to introduce and justify their disciplinary knowledge claims by presenting the legal content in the light of previous studies and existing research paradigms. As shown in (3-4), the use of *I* self-mentions in single-authored articles is clearly the most direct, visible form of authorial identity. Writer agentivity through an *I* pronoun marks the rhetorical transition across a sequence of steps leading to the Occupying-a-Niche slot:

- (3) After discussing its unique focus on civil justice and its presumed female audience [...] *I* now set about untangling the broad legal narratives encapsulated within daytime reality-based courtroom television. In order to [...] *I* highlight a cultural shift in attitudes [...]. *I* argue that the two programmes present radically different models. (LSR, Kohm)
- (4) The question *I* try to answer is not how to shame states into action,

⁸ In the corpus texts, moves/steps allow the discourse community to understand “the significance of the research field itself; the need to ‘situate’ the actual research in terms of that significance; and the need to show how this niche in the wider ecosystem will be occupied and defended” (Swales 1990: 142).

but how to lay down a methodological foundation that an international lawyer should follow when [...]. (EJIL, Milanović)

Only in one instance (5) do writers resort to a similar *I* construction in footnote format. Here the information introduced by the reporting verb *think*, understood as a verb belonging to a reporting structure, illustrates the hedging potential of the verb's epistemic modality (Palmer 1986; Hyland 1998b), thus expressing its claim subjectively:

- (5) *I* will refer to EU citizens as citizens as well as residents because *I* think that the more people that are integrated in the place where they were born or are resident there, the more the criminal organisations will be weakened, as [this article](#) will show. In some occasions, *I* will only refer to EU citizens as EU citizens having the right [...]. (EJCCLCJ, Ventrella)

Different options are observed in single and co-authored articles, where corpus writers tend to invariably represent themselves through *we*-pronouns (totalling 29 occurrences). These options allow for the pronoun to be coded according to its semantic referent and its pragmatic function, as argued in Kuo's (1999) study of scientific journal articles. Thus, far from stating the obvious, the *we*-construction in example (6) is clear in its surface form, as it stresses the collaborative nature of the research and rhetorical transition in the Occupying-a-Niche move:

- (6) In [this article](#) *we* examine existing safeguards to prevent verdicts tainted by racial bias [...]. *We* submit that this situation breached article 6 of the European Convention on Human Rights [...]. (CLJ, Daly / Pattenden)

When the author's involvement is exclusive, as would normally be the case with *I* constructions in similar circumstances, the *we* pronoun above signals the authors' personal contribution to their field.

In the next example, taken from a single-authored article, the *we*-construction ostensibly mitigates the writer's self and therefore allows for a degree of ambiguity to arise from the semantic mapping of *we*⁹.

⁹ It is well-known that the *we* pronoun has been dealt with as a vagueness marker by some scholars (e.g. Biber *et al.* 1999). However, in this paper ambiguity (cf. Channell 1994) is produced by the pronoun's semantic reference, which embraces two or more competing meanings.

Although the wider co-text may reveal the discourse referents of the pronoun in this and other similar instances in the corpus, the case below suggests that writers construct their *we* identity in a three-party interaction linking writers and readers (inclusive *we*) with the disciplinary community:

- (7) *We* are evidently in one of the many areas where welfare economics as rudely practised by central and local government provides the justification for special taxes to deal with “social costs”. (PL, Campbell)

A word should be added about the use of boosters such as *evidently* (meaning ‘obviously’, ‘clearly’, ‘according to the evidence available’) in (7). This adverb reinforces the truth value of the rhetoric and allows the writer “to close down alternatives” (Hyland 2005: 52) by referring to a fact which is familiar to other researchers in the field.

However, writers also tend to position themselves through *I* and *we* constructions within the rhetorical wording of questions, which account for 0.11 percent of all instances (23) in the corpus. In (8) below the writer shifts from the inclusive *we*-construction to a visibly stronger (exclusive) authorial *I*-construction, with the verb *argue* signalling explicit argument and performing the metadiscoursal function of previewing the text, whereas in (9) exclusive *I* performs the function of reviewing the text:

- (8) Why does client influence on lawyers’ professional work seem to diminish with seniority? And, more theoretically, how can we reconcile these diversified patterns of lawyer-client relationship with the issue of professional autonomy?

By conducting a close examination of lawyer-client interactions in six elite corporate law firms in Beijing, *I* argue that, embedded in a multicultural and diversified work environment, Chinese corporate lawyers have adopted distinct methods. (LSR, Liu)

- (9) But is the Fischel hypothesis true? In this article, *I* subject it to empirical scrutiny. A substantial literature [...]. (LSR, Martin)

As observed here, questions are employed by writers to engage readers in knowledge claims that will acquire greater specificity in the

article by exploiting the move-step sequence. Accordingly, readers are drawn into a process of consensus building by the semantic and pragmatic functions of *I/we* writer pronouns.

3.2.1. *Identity and author role*

The notion of identity, however, may also directly invoke specific author roles, when an *I* or *we*-pronoun co-occurs with the meaning of verbs and co-text. Inspired by Hyland's (2000) classification of verbs¹⁰ according to the activity referred to and by Fløttum *et al.*'s (2006) analysis of authors' rhetorical roles in research articles¹¹, the author role was examined in the texts under investigation. The author is indeed present: as writer in examples (3) (*I now set about untangling / I highlight*) and (4) (*I try*); as 'arguer' in example (3) (*I argue*) and (6) (*We submit*); possibly comprising both 'arguer' and 'writer' in (7) (*We are*); and as 'researcher' in (6) (*we examine*). In a similar vein, the predictive structure *I + refer* in (5) exemplifies the *I* pronoun projecting a 'researcher' role expressed as a separate, albeit referential, note. Here the placing of personal and scholarly *I* in a footnote with further information on the specific point, is a strategy that only plays a marginal role in the corpus. However, the strategy does not come by chance, since the inclusion of details in the body of text would detract from the point being made.

While the cases above are simply meant to describe author manifestation in the corpus, they lend evidence to the assumption that the author's role as a 'researcher' undertaking the study reported in the journal is merely a metaphorical notion in LRAs. Given these rhetorical roles, corpus writers are able to manifest themselves clearly in writing by expressing their views within the disciplinary debate, and thus to construct a rhetorically situated authorial identity.

3.2.2. *Other evidence of author reference*

Less frequently occurring self-mentions are realised by other items

¹⁰ Hyland identifies three categories of verbs: research acts (experimental activities such as *show*), discourse acts (cognitive or research activities such as *conclude*), and cognitive acts (mental processes such as *believe*).

¹¹ These are defined researcher, writer, arguer and evaluator.

of explicit author reference, such as *the author* (18 occurrences) and *the writer* (6), which account for a 0.11 percent of all instances (24) in the corpus, whether in the main text or in a footnote. In the latter case, they occur as part of an acknowledgment, as observed earlier. Such items are related to other less-explicit resources projecting authorial presence, most commonly by the items *this article* (28 occurrences), *this study* (18) and *this analysis* (15), which account altogether for 0.29 percent of similar resources in the corpus. Common examples include:

- (10) This article argues, however, that these strategies too will lead regulators [...]. (LSR, Parker)
- (11) This study aims to explore the legislative framework applying to hot pursuit and scrutinize the conditions under which officers can cross the border [...]. During the analysis of the different treaty provisions, this study will mainly focus on hot pursuit within the Benelux [...]. (EJCCLCJ, Daman)

Unlike self-mention, these items are not part of the writer's explicit presence in Hyland's taxonomy. It seems reasonable, however, to argue that they kill two birds with one stone: on the one hand, by signalling metadiscursively "the relationships between parts of the text and between the author and the text" (Hyland 2005: 28), thus functioning as frame markers in the Create-a-Research-Space model. On the other hand, these items enhance author visibility in the text by using deixis, which functions as the "most reliable indicator" of a claim (Myers 1992: 301) in the surrounding context¹². Thus, despite the lack in surface form of author-explicit presence, the items above allow writers to put forward their claim and, at the same time, express a degree of stance and identity.

It is worth noting that these less-explicit items tend to co-occur with the seven most frequent verbs in reporting clauses: *argue* (0.09%), *claim* (0.07%), *show* (0.08%) and *suggest* (0.07%), which contain an element of hedging in their meaning, followed by *discuss* (0.06%),

¹² Similarly, Levinson argues that the notions of deixis and context are closely related: "The single most obvious way in which the relationship between language and context is reflected in the structures of languages themselves is through the phenomenon of deixis" (Levinson 1983: 54).

examine (0.05%) and *focus on* (0.04%). Again, the higher frequency of *argue* suggests the predominant role of the author as ‘arguer’ rather than ‘researcher’, although the former may be less visible than *I/we* constructions. By epistemically negotiating with readers the truth value of propositional content, these verbs suggest (in qualitative terms) similarities with other academic disciplines and confirm Hyland’s (2000) rhetorical analysis of previous research in both hard and soft sciences. Although the writers in the corpus frequently report cited authors, as described below, they (rather unexpectedly) never cite their own findings using an *I* or *we*-construction in a *that*-clause. Nor do they do so by using a depersonalising *it* subject of the passive voice, which results in being less assertive.

3.2. Citations

Interactive metadiscourse devices are visible in the way they position their research in the context of another’s work. The focus here is on citation practices as ‘evidentials’, in Hyland’s terminology: these help to situate “academic claims within a wider disciplinary framework” (2005: 157-158) and similarly “to construct an authorial self by positioning the writer in relation to other views” (p. 161). Bearing in mind that self-citations do not occur prominently in self-sourced reports but only occasionally as references to the author’s earlier work exclusively in footnote format (3 occurrences in EJCCLCJ), the data show that more emphasis is given to other variously-cited sources, including those of academic writers. Citation patterns rank from zero instances in 2 texts to a maximum of 33 instances per text, accounting for a total of 343 in the corpus.

As reflected in Swales’ (1990) distinction between ‘integral’ and ‘non-integral’ forms of citation¹³, writers embed cited authors in the sentence in subject position followed by a paraphrased item, as in (12), or by a direct quotation (13). Elsewhere they employ parenthetical references (14) or cite authors in footnotes (15):

¹³ Integral citation refers to instances in which cited authors are referred to in the sentence, while in non-integral citation authors are referred to in parenthesis or as superscripts appearing in notes.

- (12) Similarly, Sharp (2002) notes that Australian law students are inundated with American images of law drawn from television programmes and film exported to that nation. (LSR, Kohm)
- (13) Professor Len Sealy has stated that when you have a position where duties are owed to different persons, “with potentially opposed interests, the duty bifurcates and fragments so that it amounts ultimately to no more than a vague obligation to be fair [Footnote]. The essential problem is [...]”. (CLJ, Keay)
- (14) Law is intensifying within economically advanced democracies across the globe (Galanter 1992; Dewees et al. 1991). (LSR, Barnes)
- (15) According to Oliver and Amstrong’s 1998 study of reality policing programming [...]. (LSR, Kohm)

On other occasions, the reporting item is introduced by a piece of research in subject position, which allows the writer to claim his argument is based on an institutional source rather than academic work:

- (16) In its recent report on *Anti-Social Behaviour*, the Home Affairs Committee (“HAC”) addresses “alcohol-related disorder”. (PL, Campbell)

These practices allow disciplinary citation to occur within a larger framework of “*intertextual* and *interdiscursive* elements” (Candlin / Maley 1997: 203, italics in the original) that form the basis of legal argumentation in general. Thus, aside from academic articles, textbooks and dissertation theses, writers invariably cite a variety of materials arising from cases, legislation, reports, press releases and dailies, polls and electronic sources. These sources occur in the sentence or in brackets or are fully cited in a footnote, according to the recommended form of citation chosen by the journal. They often add substance to the argument provided in the main text, so as to allow the reader to assess its quality and objectivity. Common examples include:

- (17) As is well known, in the Court of Appeal case of *R. (on the application of Heather) v Leonard Cheshire Foundation*

- (*footnote*), Lord Woolf decided that a charitable organisation [...]. (PL, Donnelly)
- (18) Lloyd J. in *Pearce v. Ove Arup Partnership* [Footnote] accepted jurisdiction based on the defendant's domicile in England. (CLJ, Lipstein)
- (19) Title III of the ADA, for example, requires places of public accomodation to remove physical barriers to access for people with disabilities if this is "readily achievable" (42 U.S.C., Sec. 12182(b)(2)(A)(iv)). (LSR, Barnes / Burke)
- (20) The importance of the judgment of the CJEC dated 13 September 2005 – C-176/03 (Commission/Council) [Footnote] is nothing short of a new legal landmark. The Court of the EC has dealt with the basics of demarcation between EU law and EC law [Footnote citation]. (EJCCLCJ, Fromm)

It is hardly surprising that citations of judicial and legislative sources as the ones above occur more frequently than academic sources across the corpus. The reason for this lies in circumstances where judicial and legislative sources offer the writers alternative opportunities to explain the law, an alternative view of the law, or an alternative way of making legal developments consistent with academic sources. Thus the corpus writers emphasise the relevance of judicial sources as a substitute for cited academic authors. Exceptions to such sources are found in the more essay-like format of LSR, where (apart from a few citations of academic sources and surveys appearing in footnotes), academic authors are frequently cited in brackets in the main text. Conversely in EJCCLCJ fully referenced academic textbooks and articles abound in the footnotes.

4. *Conclusions*

This analysis has focused on the mechanisms linked to the communicative function of LRA Introductions, which are essentially an interactional site of metadiscourse. This writing allows for different authorial stances and identities among expert legal scholars. Corpus

evidence shows that writer identity is achieved by the exclusive and inclusive discourse functions performed by explicit self-mentions and signals specific author roles when verb types are also taken into account. Self-mentions ensure apparent writer's responsibility for his or her statements and, at the same time, gain consensus in legal knowledge-making from a wide international readership. Where the writer's presence is obscured on the textual surface by the zero frequency of self-mentions, the assumption leads to authorial identity being an 'unstable' notion among corpus writers, and similarly reflects tensions inevitably arising from exclusive/inclusive identity traits.

The analysis has also shown that writers are concerned with the importance of their credentials as legal scholars by heavily ranking their research topic through citations. Although the corpus data suggest that writers are disinclined to use self-citation, the high frequency of other cited sources can be interpreted as a measure by which writers strengthen knowledge claims by attending to their peers' expectations. In this context, though, the involvement of editorial bias cannot be entirely ruled out when establishing author credentials.

Notwithstanding, the LRA stands out as "the site where names are made, knowledge authenticated, rewards allocated and disciplinary authority exercised" (Hyland 2005: 90). This impression arises from a commonality of interests in the discourse examined, which ensures the writer's allegiance to his/her disciplinary community, bearing in mind "the impact of globalisation on language, as identities are becoming increasingly fluid and negotiable" (Gotti 2006: 45).

References

- Anthony, Laurence, 1999, "Writing Research Article Introductions in Software Engineering: How Accurate is the Standard Model?". *IEEE Transactions of Professional Communication* 42/1: 38-46.
- Beasley, Colin James, 1994, *Picking up the Problems: An Applied Linguistic Analysis of the Legal Problem Genre*, (unpublished MA thesis), Faculty of Arts, Cowan University.
- Belcher, Diane / Hirvela, Alan, 2001, "Coming Back to Voice: The Multiple Voices

- and Identities of Mature Multilingual Writers”. *Journal of Second Language Writing* 10/1-2: 83-106.
- Biber, Douglas / Johansson, Stig / Leech, Geoffrey / Conrad, Susan / Finegan, Edward, 1999, *Grammar of Spoken and Written English*, London, Longman.
- Bhatia, Vijay Kuram, 1993, *Analysing Genre – Language Use in Professional Settings*, London, Longman.
- Bhatia, Vijay Kuram, 2004, *Worlds of Written Discourse. A Genre-based Approach*, London, Continuum.
- Candlin, Christopher N. / Maley, Yon, 1997, “Intertextuality and Interdiscursivity in the Discourse of Alternative Dispute Resolution”. In: Gunnarsson, Britte-Louise / Linell, Per / Nordberg, Bengt (eds.), *The Construction of Professional Discourse*, London, Longman: 201-222.
- Channell, Joanna, 1994, *Vague Language*, Oxford, Oxford University Press.
- Cortese, Giuseppina, 2002, “My ‘Doxy’ is not your ‘Doxy’: Doing Corpus Linguistics as Collaborative Design”. In: Cortese, Giuseppina / Riley, Philip (eds.), *Domain-specific English*, Bern, Peter Lang: 367-414.
- Cortese, Giuseppina / Duszak, Anna (eds.), 2005, *Identity, Community, Discourse. English in Intercultural Settings*, Bern, Peter Lang.
- Craib, Ian, 1998, *Experiencing Identity*, London, Sage.
- Cumming, Alister / Kantor, Robert / Baba, Kyoko / Erdosy, Usman / Eouanzoul, Keanre / James, Mark, 2005, “Differences in Written Discourse in Independent and Integrated Prototype Tasks for Next Generations TOEFL”. *Assessing Writing* 10/1: 5-43.
- Del Lungo Camiciotti, Gabriella / Tognini-Bonelli, Elena (eds.), 2005, *Strategies in Academic Discourse*, Benjamins, Amsterdam.
- Dudley-Evans, Tony, 1994, “Genre Analysis: An Approach to Text Analysis for ESP”. In: Coulthard, Malcolm (ed.), *Advances in Written Text Analysis*, London, Routledge: 219-228.
- Feak, Christine Beer / Reinhart, Susan / Sinsheimer, Ann, 2000, “A Preliminary Analysis of Law Review Notes”. *English for Specific Purposes* 19/3: 197-220.
- Flowerdew, John (ed.), 2002, *Academic Discourse*, Harlow (UK), Longman.
- Flowerdew, John / Dudley-Evans, Tony, 2002, “Genre Analysis of Editorial Letters to International Journal Contributors”. *Applied Linguistics* 23/4: 463-489.
- Flowerdew, John / Gotti, Maurizio (eds.), 2006, *Studies in Specialized Discourse*, Bern, Peter Lang.

- Fløttum, Kjersti / Kinn, Torodd / Dahl, Trine, 2006, "'We Now Report on...' Versus 'Let Us Now See How...': Author Roles and Interaction with Readers in Research Articles". In: Hyland, Ken / Bondi, Marina (eds.), *Academic Discourse across Disciplines*, Bern, Peter Lang: 203-224.
- Fortanet, Inmaculada, 2004, "The Use of *We* in University Lectures: Reference and Function". *English for Specific Purposes* 23/1: 45-66.
- Giannoni, Davide Simone, 2002, "Worlds of Gratitude: A Contrastive Study of Acknowledgment Texts in English and Italian Research Articles". *Applied Linguistics* 23/1: 1-31.
- Giannoni, Davide Simone, 2006a, "Book Acknowledgments across Disciplines and Texts". In: Hyland, Ken / Bondi, Marina (eds.), *Academic Discourse Across Disciplines*, Bern, Peter Lang: 151-176.
- Giannoni, Davide Simone, 2006b, "Evidence of Generic Tension in Academic Book Acknowledgements". In Bhatia, Vijay Kuram / Gotti, Maurizio (eds.), *Explorations in Specialized Genres*, Bern, Peter Lang: 21-42.
- Gotti, Maurizio, 2006, "Creating a Corpus for the Analysis of Identity Traits in English Specialized Discourse". *The European English Messenger* 15/2: 44-47.
- Harwood, Nigel, 2005a, "'Nowhere has anyone attempted ... In this article I aim to do just that': A Corpus-based Study of Self-Promotional *I* and *We* in Academic Writing across Four Disciplines". *Journal of Pragmatics* 37/8: 1207-1231.
- Harwood, Nigel, 2005b, "'We Do Not Seem to Have a Theory... The Theory I Present Here Attempts to Fill This Gap': Inclusive and Exclusive Pronouns in Academic Writing". *Applied Linguistics* 26/3: 343-375.
- Hiltunen, Turo, 2006, "Coming-to-Know Verbs in Research Articles in Three Academic Disciplines". In: Perez-Llantada Auría, María Carmen / Alastrué, Ramón Plo / Neumann, Claus Peter (eds.), *Actas del V Congreso Internacional AELFE (CD-ROM)*, Zaragoza, Prensas Universitarias de Zaragoza: 246-251.
- Holmes, Richard, 1997, "Genre Analysis in the Social Sciences: An Investigation of the Structure of Research Article Discussions in three Disciplines". *English for Specific Purposes* 16/4: 321-337.
- Howe, Peter, 1996, "The Problem of the Problem Question in English for Academic Legal Purposes". *English for Specific Purposes* 9/3: 215-236.
- Hyland, Ken, 1998a, "Persuasion and Context: The Pragmatics of Academic Metadiscourse". *Journal of Pragmatics* 30: 437-455.
- Hyland, Ken, 1998b, *Hedging in Scientific Research Articles*, Amsterdam, John Benjamins.

- Hyland, Ken, 2000, *Disciplinary Discourses: Social Interactions in Academic Writing*, London, Longman.
- Hyland, Ken, 2001, "Humble Servants of the Discipline? Self-Mention in Research Articles". *English for Specific Purposes* 20/3: 207-226.
- Hyland, Ken, 2002, "Authority and Invisibility: Authorial Identity in Academic Writing". *Journal of Pragmatics* 34/8: 1091-1112.
- Hyland, Ken, 2003, "Dissertation Acknowledgments: The Anatomy of a Cinderella Genre". *Written Communication* 20/3: 242-268.
- Hyland, Ken, 2004, "Graduates' Gratitude: the Generic Structure of Dissertation Acknowledgments". *English for Specific Purposes* 23/3: 303-324.
- Hyland, Ken / Tse, Polly, 2004, "I Would Like to Thank my Supervisor". Acknowledgments in Graduate Dissertations". *International Journal of Applied Linguistics* 14/2: 259-275.
- Hyland, Ken, 2005, *Metadiscourse*, London, Continuum.
- Hyland, Ken / Bondi, Marina (eds.), 2006, *Academic Discourse Across Disciplines*, Bern, Peter Lang.
- Iedema, Rick A., 1993, "Legal English: Subject Specific Literacy and Genre Theory". *ARAL* 16/2: 86-122.
- Ivanič, Roz, 1998, *Writing and Identity. The Discoursal Construction of Identity in Academic Writing*, Amsterdam, John Benjamins.
- Ivanič, Roz / Camps, David, 2001, "I Am How I Sound: Voice as Self-Representation in L2 Writing". *Journal of Second Language Writing* 10/1-2: 3-33.
- Kuo, Chih-Hua, 1999, "The Use of Personal Pronouns: Role Relationships in Scientific Journal Articles". *English for Specific Purposes* 18/2: 121-138.
- Levinson, Stephen C., 1983, *Pragmatics*, Cambridge, Cambridge University Press.
- Lewin, Beverly / Fine, Jonathan / Young, Lynne, 2001, *Expository Discourse: A Genre-based Approach to Social Science Research Texts*, London, Continuum.
- Myers, Greg, 1992, "In This Paper We Report... – Speech Acts and Scientific Facts". *Journal of Pragmatics* 17/4: 295-313.
- Palmer, Frank R., 1986, *Mood and Modality*, Cambridge, Cambridge University Press.
- Rounds, Patricia, 1987, "Multifunctional Personal Pronoun Use in an Educational Setting". *English for Specific Purposes* 6/1: 13-29.
- Salager-Meyer, Françoise / Alcaraz Ariza, María Angeles, 2004, "Negative

- Appraisals in Academic Book Reviews. A Cross-Linguistic Approach". In: Candlin, Christopher N. / Gotti, Maurizio (eds.), *Intercultural Aspects of Specialized Communication*, Bern, Peter Lang: 149-172.
- Swales, John M., 1990, *Genre Analysis: English in Academic and Research Settings*, Cambridge, Cambridge University Press.
- Swales, John M. / Feak, Christine B., 1994, *Academic Writing for Graduate Students*, Ann Arbor, The University of Michigan Press.
- Swales, John M., 1996, "Occluded Genres in the Academy: the Case of the Submission Letter". In: Ventola, Eija / Mauranen, Anna (eds.), *Academic Writing: Intercultural and Textual Issues*, Amsterdam, John Benjamins: 45-58.
- Swales, John M., 2004, *Research Genres: Explorations and Applications*, Cambridge, Cambridge University Press.
- Thompson, Paul, 2006, "A Corpus Perspective on the Lexis of Lectures, with a Focus on Economics Lectures". In: Hyland, Ken / Bondi, Marina (eds.), *Academic Discourse Across Disciplines*, Bern, Peter Lang: 253-270.
- Tse, Polly / Hyland, Ken, 2006, "Gender and Discipline: Exploring Metadiscourse Variation in Academic Book Reviews". In: Hyland, Ken / Bondi, Marina (eds.), *Academic Discourse Across Disciplines*, Bern, Peter Lang: 177-202.
- Vass, Holly, 2004, "Socio-Cognitive Aspects of Hedging in two Legal Discourse Genres". *Ibérica* 7: 125-141.
- Volokh, Eugene, 2007, *Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers and Getting on Law Review*, New York, Foundation Press.