

# KNOWLEDGE DISSEMINATION AND IDEOLOGY- FRAMING IN DIGITAL COMMUNICATION

## The case of law journal abstracts

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**Abstract** – Over the course of the last decades, digital communication has contributed significantly to the dissemination of scientific knowledge, thus allowing also lay readers access to material primarily intended for expert audiences. This change has also affected domains, like legal research, which are traditionally and explicitly targeted to ‘insiders’, and particularly the *esoteric* community (i.e. experts working on similar cases/issues, as opposed to the *exoteric* scientific community at large). For the products of legal research to become appealing and ‘usable’ for both these audiences, their (meta-)representation needs to be strategically designed in order for legal academic texts to be recognized as authoritative sources where to find relevant contents and their discussion. This is the main purpose of abstracts (RAAs), which are meant to anticipate the main information contained in the associated research article (RA) in a way that is clear, comprehensible and cognitively appealing, so as to encourage readers to read the ensuing text in full. On this basis, this study analyses RAA discourse in online legal publications: a corpus of 100 RAAs from the *Harvard Law Review* (<https://harvardlawreview.org/issues/>) is investigated in order to show how discursive choices may depend upon the epistemology of the domain, the content discussed (which may range from constitutional law, foreign affairs and national security to issues concerning privacy, intellectual property or civil rights), the target audience’s competence, background knowledge, motivation, or needs, and, ultimately, the purpose of the RA (i.e. speculative reasons vs practical application).

**Keywords:** legal studies; research article abstracts; engagement.

## 1. Introduction

This chapter investigates how legal research articles (RAs) are metalinguistically represented in the related abstracts (RAAs) in order for their authoritativeness and reliability to be maximized and for them to be perceived as privileged channels for meaning-making and the dissemination of disciplinary knowledge, thus contributing to the codification, consolidation and circulation of epistemologically relevant and ideology-saturated meanings in the legal domain. To this end, this contribution focusses on the reporting verbs and verbal structures used in RAAs to introduce and anticipate the type of scientific activity to be found in the ensuing RAs.

The concept of authoritativeness is particularly relevant in modern

research, due to a long-standing tradition in both human/social and natural sciences (Bruffe 1986; Brown *et al.* 1989; Knorr-Cetina 1981; Toulmin 1972) which has pointed out that the concept of empirical knowledge as the objective understanding of reality is indeed a myth, at different levels. Firstly, “we do not know what reality is independent of a theory” and “it makes no sense to ask if it [theory] corresponds to reality” (Hawking 1993, p. 44), in that the theory – any theory – is the only framework through which we can approach and make sense of reality. We can only perceive reality through this cognitive and interpretive filter, which, as such, is bound to be subjective, that is to say biased by cultural and personal factors and liable to changes (Garzone, Catenaccio 2008). Secondly, any representation of reality, in order to be understood, needs to be based on “consensual intersubjectivity” (Ziman 1984, p. 107), therefore has to be presented according to recognizable parameters which are socially negotiated, shared and accepted. Thirdly, from a linguistic standpoint, the textualization of knowledge does not simply mirror or reflect our observation and understanding of reality, but is “always filtered through acts of selection, foregrounding and symbolisation” and is construed “through processes that are essentially social, involving authority, credibility and disciplinary appeals” (Hyland 2004, p. 6). Therefore, the operation of knowledge-making and dissemination is indeed managed, controlled and manipulated through discourse for such knowledge to be fully comprehended, for it to meet the needs and expectations of the readers, or even to activate and elicit specific expectations on their part. These discursive constructions necessarily confer different importance upon different meanings. This operation of hierarchization, prioritization, and systematization of certain meanings and marginalization of others is highly guided and biased by the ideology (or ideologies) at the basis of the epistemology underlying any domain. This brings about the first questions that this investigation will address: if no perception or representation of reality is objective – hence empirically true, in that reflecting reality – how can it be recognized as being valid? As a consequence, how can any source of information be perceived as being trustworthy and reliable?

Even though this is not a critical discursive investigation, it is worthwhile to point out that, according to Critical Discourse Analysis (Fairclough 1992, 2001, 2003), ideologies – that is, dominant ideas and beliefs determining hierarchies of values (i.e. what is good, right, and acceptable vs. what is bad, wrong or proscribed – Eagleton 1991; van Dijk 1998) – are imposed and enforced upon community members through both coercive means (i.e. laws, tribunals, police, prisons, sanctions, etc.) and consensual means (i.e. education and communicative practices). This distinction is particularly relevant for the present analysis in that the legal domain is the site where coercive practices gain legitimation, where the

legislator acquires the legitimacy to prescribe, proscribe and sanction given behaviours, where ideological dominance is expressly established and systematized through norms and laws, and where non-dominant or ‘deviant’ ideologies are, on the one hand, framed and interpreted with respect to dominant ones and, on the other, marginalized or stigmatised. But this is also the domain where non-coercive and consensual practices are implemented, through both domain-specific practices and relevant discourses, in professional settings (i.e. jurisprudence and forensic discourse), pedagogical settings (i.e. expert-to-novice contexts, where knowledge is transmitted and taught, i.e. law schools), or research contexts (i.e. where experts construe knowledge and exchange views on disciplinary relevant meaning), the latter being the case of legal studies, typically represented by law journals. In legal publications, experts discuss what has been established by the legislator in order to define the prospects or the limitation of the applicability of the norms or how to interpret and implement them. In this sense, these sites are highly ideology-saturated, in that the experts’ discussion is not primarily guided by their point of view, but needs to be justified on the basis of epistemologically established and recognizable principles, and meanings and interpretations are controlled and solidly framed within a polar system which opposes ‘right’ and ‘wrong’, what is acceptable and what is liable to sanction, what is the most appropriate way of representing reality (i.e. self, others, relationships, roles, objects, practices, etc.) or going about activities, and what is instead a deviant behaviour. Given the overlap between coercive and non-coercive contexts, it becomes interesting to see how non-coercive practices contribute to fixing roles – i.e. the legal expert, having the competence and authority to handle justice and discuss legal matters – and defining practices – i.e. the administration of the law or researching about it. Consequently, it will be relevant to observe the discursive strategies that are used in legal studies to make the presentation of meanings acceptable, and, more precisely, to enhance the authoritativeness of the source of such meanings (writers and texts). The assumption is that the act of metadiscursively highlighting the authoritativeness of a given source is going to corroborate the validity of the meaning being discussed, and, in turn, to substantiate a given ideology. The purpose of the present analysis is precisely to see how this process of validation is performed by RAAs when introducing the associated RA, its contents, the type of activity carried out and its function.

RAAs provide an interesting ground for investigation in that their function is to preview the content of the RA in a way that is concise, cohesive, transparent and coherent with respect to the ensuing text, but also in a way that is appealing, so as to attract readers, stimulate their curiosity and push them to read the full associated text (Bondi, Lorés Sanz 2014; Huckin 2006; Swales, Feak 2009). A major factor in order to persuade readers and

convince them that the RA is worth reading is not only its informative content, but also how the discussion of such contents is anticipated. In other words, it is the sense of authoritativeness, soundness or ‘scientificity’ that is associated to it. In fact, whereas such an impression can be recognized and fully grasped only after completing reading the RA, in RAAs this sense needs to be evoked discursively, through specific linguistic choices which are selected to describe the type of activity performed by the RA which can be introduced as research activity proper (based on observation), or argumentative activity (based on interpretation and speculation), discursive activity (based on reporting or description) (Hyland 2002), or as an activity that, for reasons of impact, originality, and innovativeness, contributes to the progress of disciplinary knowledge. The specific focus of this analysis will be on the verbs which are used in RAAs to point to such activities and on the possible relationship between such verbs and the type of content being dealt with.

## 2. Material and method

This investigation analyses RAAs from the *Harvard Law Review* (HLR), available on the journal webpage (<https://harvardlawreview.org/issues/>). The choice of this specific journal is due to several reasons. Firstly, the Harvard Law School has a long-standing tradition in legal studies and is the home of top ranking reviews in key legal disciplines, such as civil rights (*Harvard Civil Rights-Civil Liberties Law Review*), commercial law (*Harvard Business Law Review*), environmental law (*Harvard Environmental Law Review*), international law (*Harvard International Law Journal*), and matters concerning sexuality and gender (*Harvard Journal of Law & Gender*).<sup>1</sup> Secondly, according to the parameters of Google Scholar Metrics, HLR is a top ranking law journal in terms of citations,<sup>2</sup> therefore it is likely to be perceived by users as an authoritative tool for knowledge dissemination (KD) and as a reference for the discipline in that, to put it simply, it is extensively read and cited. Strictly related to this is the fact that the HLR is available through an open source site, where archives, containing RAAs and RAs, are fully accessible via the journal webpage without registration, identification or any form of filtering. In such contexts, the awareness on the part of users, both writers and readers, of the journal being an important KD tool is maximized due to the availability and accessibility of its contents.

<sup>1</sup> [http://law.bepress.com/assets/images/expresso/ExpressO\\_Submission\\_Guide\\_2015-16.pdf](http://law.bepress.com/assets/images/expresso/ExpressO_Submission_Guide_2015-16.pdf))

<sup>2</sup> [http://law.bepress.com/assets/images/expresso/ExpressO\\_Submission\\_Guide\\_2015-16.pdf](http://law.bepress.com/assets/images/expresso/ExpressO_Submission_Guide_2015-16.pdf) (last accessed in January 2019); see also <https://harvardlawreview.org/about/>.

Another factor that makes the journal a privileged channel for KD is the fact that, according to the journal description, “the Harvard Law Review is a student-run organization whose primary purpose is to publish a journal of legal scholarship [...] designed to be an effective research tool for practicing lawyers and students of the law” (<https://harvardlawreview.org/about/>). In this context, more than in expert-to-expert settings, writers are aware that they are expressly writing for novices or training experts, who do have very specific needs, interests and expectations (for instance, possible gaps due to little experience to be filled by expert comments), which are different from those of expert audiences. As a consequence, the journal is not primarily intended for speculative purposes, or aimed at creating debate, questioning principles, or providing ‘food for thought’, as would likely be the case with expert-targeted publications, but it is rather meant for training audiences to fully comprehend and assimilate domain specific contents so as to broaden their competence by clearly establishing notions, clarifying concepts, discussing practical cases, anticipating and explaining possible applications, providing examples, etc. In other words, the HLR is aimed at setting and controlling the ideological and epistemological bases of the discipline rather than question, revise or even expand them.

The journal was first published in 1887 (one of the earliest student-edited legal journals in the US) and, from November 2006 (volume 120) up to the present time (volume 131), issues (organized in yearly volumes) are available on the journal webpage. Each volume contains 8 issues (those for the months of November and December of a given year and issues from January to June of the following year). Each issue contains a varying number of RAs (labelled both as ‘articles’ and ‘essays’), as well as other very discipline-specific genres like ‘notes’, ‘comments on recent cases’ and ‘comments on recent legislation’. Whereas the latter genres are penned by law students, hence novices, RAs are all authored by professors, judges, and practitioners, hence experts. RAs are not evenly distributed in the various issues (i.e. the November issue of each year only contains comments and in the remaining issues the number of RAs ranges from a minimum of 1 to a maximum of 4 per issue, corresponding to an average of 1.3 RAs per issue).

The present investigation will only focus on RAs, that is expert-authored texts, and more precisely on RAAs referring to them, on the basis of the assumption that the type of discourse to be found there is likely to be indicative of the way experts wish disciplinary-relevant principles, practices, processes and products to be understood by both the *esoteric* disciplinary community (i.e. legal experts – Myers 1990) – to which such texts are expressly targeted – and the *exoteric* and extended academic community (i.e.

scholars in other domains – Myers 1990), as well as the lay community – to which these texts are made available.

Quantitatively speaking, we have considered 12 full volumes (from volume 120 to 131) and we have collected 128 RAAs (totalling about 37,800 words, approximately 295 words per RAA). All issues are miscellaneous (with only one exception, a special issue in memory of a renowned scholar, which has been counted for our analysis). In all the available issues, online RAAs are accompanied by a link to the PDF of the full RA, and they are all pre-headed (i.e. before the title) by a tag indicating the general topic of the RAA/RA (i.e. Constitutional Law, Civil Procedures, Law & Economics, Civil Rights, etc.), which can also function as a hyperlink to a page listing all contributions (RAs, notes, comments, etc.) dealing with the same topic. Given the miscellaneous nature of the issues, this is also a way of allowing readers to coherently navigate the archive and find relevant material. In order to make the material in our corpus manageable for our investigation, these tags have been used to organize the material thematically and divide it into smaller sub-corpora. The use of tags as organizing criterion has been adopted precisely because this is the only research criterion which is available to prospect readers to find relevant texts; moreover, in the HLR they are not meant as purely organizational resources, but as effective retrieval devices and, as such, they presuppose a varying level of disciplinary competence for these labels to be transparent and appealing.

On the basis of this parameter it was possible to distinguish two main sub-corpora: the *esoteric* and the *non-esoteric* one.

The *esoteric* sub-corpus contains texts/contents which are directly and explicitly targeted to legal experts, that is the esoteric community, and are organized under tags which presuppose a specific level of formal competence on the part of readers for the relevant contents to be transparent and appealing (such as Corporate Law, Separation of Powers, Critical Legal Studies, Federal Courts, Administrative Law, Constitutional Law, International Law, Criminal Law, Constitutional Theory, etc.). Such texts are likely to be meant to investigate in depth the peculiarities of some norms and legal principles and their core and peripheral applicability, and the consequences and expectations concerning their applications. These tags already point to some form of gate-keeping, which is also to be found in the titles of the related RAAs, as can be seen in the examples below:

- 1) Presidential Norms and Article II. (esoteric 2018-2) [tag: Separation of Powers]
- 2) Aggregate Litigation Goes Public: Representative Suits by State Attorneys General. (esoteric 2012-2) [tag: Civil Procedure]

As we can infer from these excerpts, these texts (both RAA and RA) are intended for the articulation, problematization and complexification (i.e. the adding of details concerning different aspects or parts of a given notion, phenomenon, activity, role, etc.) of contents which are presupposed to be already accessible and familiar to the targeted audience. In this case, meaning negotiation is rhetorically possible only on the basis of shared and accepted theoretical bases (or theoretical constraints) and, possibly, of shared knowledge of practical cases. In other words, these texts are targeted to readers-as-experts. This sub-corpus counts 97 RAAs (totalling more than 29,000 words).

Texts in the *non-esoteric* sub-corpus are not necessarily meant to avoid gate-keeping effects but, on the one hand, their wording does not presuppose a threshold level of disciplinary competence for comprehension, and, on the other, they deal with contents that may be of interest also to those who are not legal experts, that is to say, other scholars or even lay users (i.e. hyperlinked to tags such as Civil Rights, Election and Voting Law, Property, Family Law, Copyright, etc.). Such reader-friendliness can also be found in the titles of such texts, as can be seen in the following excerpts:

- 3) Equality and the New Parenthood. (non-esoteric, 2016- 8) [tag: Family Law Marriage]
- 4) Worth a Thousand Words: The Images of Copyright. (non-esoteric, 2012-8) [tag: Copyright]

These texts present contents that are not primarily or solely devoted to the definition or discussion of specific theoretical principles, but rather of principles that have some relevance for our everyday life, in that they focus on community members as private citizens and their needs, interests and rights. In other words, these texts are also open to readers-as-stakeholders. This sub-corpus consists of 29 RAAs (approx. 8,700 words).

On the basis of the tags, another possible distinction can easily be made among texts in the two sub-corpora, thus introducing another level of analysis to our investigation, and this is represented by the parameter ‘money’ as a possible way of dealing with reality, where rights and obligations are expressed in terms of credits or debts. This applies to both the texts in the esoteric sub-corpus, which establish commercial regulations in terms of gaining, saving and losing money, or where legal principles and norms are expressed in terms of sanctions, taxation, etc. (corresponding to the tags Contract Law, Antitrust, Law and Business, Property, etc.), and those in the non-esoteric sub-corpus, which deal with issues concerning property (both intellectual and private) or which discuss matters in terms of fines, refunds, etc. (with the tags Private Property, Intellectual Property, Copyright, etc.).

According to these parameters, our corpus can be distinguished in the following sub-corpora:

Esoteric sub-corpus:

- non-money-related (general principles): tags such as Administrative Law, Constitutional Theory, International Law, etc.;
- money-related (business and commercial regulation, sanctions, taxation, etc.): tags such as Contract Law, Antitrust, Law and Business, etc.

Non-esoteric sub-corpus:

- non-money-related (general principles): tags like Civil Rights, Family Law, Voting Law, etc.;
- money-related (property, gain, losses, refunds): tags such as Private Property, Intellectual Property, Copyright, etc.

For the sake of clarity, the distribution of the texts per topic can be seen in the table below:

	<i>esoteric</i>		<i>non-esoteric</i>	
	<i>no-money</i>	<i>money</i>	<i>no-money</i>	<i>money</i>
number of RAAs	76	21	18	11
total words	23,407	5,785	5,287	3,497

Table 1  
Content-based description of the corpus.

Although the frequencies are clearly unevenly distributed across the various sub-corpora, it is relevant, even at this early stage of the analysis, to point out that the different topics bear significantly different ideological weight, concern different levels of abstraction and presuppose different areas of application (public vs. private, abstract vs. practical, normative vs. operative, etc.). More specifically, the esoteric non-money-related sub-corpus regards ways of conceptualizing, problematizing and classifying reality and behaving in institutional and administrative settings; the esoteric money-related sub-corpus deals with ways of negotiating relationships and exchanging goods; the non-esoteric non-money-related sub-corpus concerns ways of behaving in private and domestic settings; finally, the non-esoteric money-related sub-corpus concerns ways of regulating possession and property. Such different orientations are expected to bias the way content is dealt with in the RAs and, consequently, the way RAAs anticipate the type of discussion to be found in the RAs in order for them to sound appealing and reliable.

The method applied to the present analysis is modelled after Hyland's (2002, 2005) classification of reporting verbs, according to which verbs are divided into three main groups (research, cognitive and discursive). The

search for reporting verbs – since the corpus is relatively manageable – was carried out manually, in order to be sure not to leave out relevant cases, and was organized by evidencing all the verbal formulations (active, passive, progressive, participles, etc.) used in RAAs to point to the associated RA and to describe the type of activity performed by the text. Given the peculiar metalinguistic nature of RAAs as texts pointing to other texts, or, more precisely, as texts anticipating what is to be found in the associated RA rather than introducing original material, reporting verbs hold a particular status within the genre of RAAs. For this reason, a further articulation of the categories of reporting verbs provided by Hyland (2002) became necessary. As a matter of fact, the group of cognitive verbs in Hyland’s model (i.e. those evidencing cognitive acts, marking positive or critical stance, or tentativeness) is very restricted in our corpus, to the point of proving relatively unrelevant for our analysis, whereas some marked elements of cognition (i.e. evaluation, deduction, induction, etc.) are found in formulations which in Hyland’s model are classified as either research or discourse verbs. For this reason, for the purpose of this analysis, these structures have been grouped under the label of argumentative verbs, which indeed point to a research activity carried out through discourse, but which markedly presuppose a clear interpretive design or plan hinging on cognition, appraisal and evaluation (which will be discussed in the relevant section below). This group appears to be crucial for the present discussion since these resources are not only typical of academic writing but generally reflect one of the distinctive discursive practices of legal communication (especially in forensic settings – Gibbons 2003; Tiersma, Solan 2012; Williams, Gotti 2005). Another extension of Hyland’s model is represented by a group of verbs that, if infrequent in number, clearly stand out for their rhetorical impact in that they are used to express and emphasise the RA’s contribution to current knowledge. The use of such resources in RAAs is possibly likely due to the inherently promotional character of the genre, as will be discussed in detail in the relevant section, below.

On the basis of these specifications, the categories that are about to be analysed here are represented by research verbs, argumentation verbs, discourse verbs and contribution verbs.

### 3. Results and discussion

*Research* verbs are those formulations pointing to the experimental activity carried out in the RA. These verbs highlight research-related aspects by codifying research as an act of observation of ‘empirical’ reality and, more precisely, by foregrounding acts of investigation (i.e. *explore*, *examine*, *unpack*, etc.), classification (i.e. *identify*, *use*, *apply*, etc.), observation and

measuring (i.e. *observe, see, find, etc.*) or explanation and understanding (rather than interpretation) of data or findings (i.e. *demonstrate, show, substantiate, reveal, etc.*), as can be seen in the texts below:

- 5) This Article *identifies* four factors that create an unlevel playing field in that market check: information asymmetries, valuable management, management financial incentives to discourage overbids, and the “ticking-clock” problem. (2016-2, esoteric, n.m.)
- 6) This Article therefore *examines* intimate discrimination, focusing on race, sex, and disability, and *identifies* key norms for each category. (2009-8, non-esoteric, n.m.)
- 7) This Article *shows* that both positions are mistaken. (2009-1, esoteric, m.)

As these examples show, these verbs represent the RA as reporting a data-driven (Tognini-Bonelli 2001, pp. 84-85), inductive activity (from data to generalizations), by which the expression of authorial stance is minimized whereas depersonalization and, consequently, the impression of objectivity are maximized.

*Argumentative* verbs are those verbs which may have cognitive undertones (i.e. *assume, evaluate, ask, etc.*), but are primarily meant to point to a specific design at the basis of the activity carried out by the RA, according to which material was selected (i.e. *focus, establish, advance, etc.*), parameters were established (i.e. *accept, challenge, contend, etc.*), research questions and aims defined (i.e. *aim, argue, propose, etc.*) and results interpreted and evaluated with respect to a given interpretive framework (i.e. *interpret, conclude, suggest, etc.*). Some distinctive uses of such verbs can be observed in the following extracts:

- 8) [T]his Article *argues* that contemporary copyright discourse has overlooked constraint’s generative upside. (2015-7, non-esoteric, m.)
- 9) This Article *advances the immodest claim* that the market definition process is incoherent as a matter of basic economic principles and hence should be abandoned entirely. (2010-1, esoteric, n.m.)
- 10) [T]his Article *challenges* some of the historical, normative, and predictive dimensions of prominent critiques of same-sex marriage. (2016-8, non-esoteric, n.m.)

As we can see, such formulations represent the ensuing RAs as carrying out a form of data-based (Tognini-Bonelli 2001), deductive and hypotheses-controlled activity, very much goal-oriented – i.e. meant to make a point – and carried out through a compelling argumentative organization of the content. Unlike research verbs, argumentative resources maximize stance

and, if indirectly, authorial presence and guidance as well.

*Discourse* verbs, for the purpose of this analysis, are those formulations referring to the associated RA as describing or reporting about some extralinguistic reality, hence minimizing cognitive activities and concealing the writer's intention to make a point. These verbal constructions may point to both endophoric textual organization (i.e. *begin, close, turn to*, etc.) and content organization (i.e. *distinguish, describe, chart*, etc.), or may introduce the discursive stages of the process of meaning presentation (i.e. *address, introduce, consider, discuss*, etc.), as the following sample texts show:

- 11) The Article *begins by* describing four particularly striking examples of anti-inquisitorialism at work. (2009-7, esoteric, n.m.)
- 12) This Article *describes* these efforts, which include putting conditions on the entry of development dollars through contract [...]. (2009-2, esoteric, m.)
- 13) This Article *addresses* this institutional design question [...]. (2010-14, non-esoteric, n.m.)

These verbs anticipate the associated RA as performing the act of describing phenomena or illustrating a state of affair rather than as presenting the result of a research-related process or as an interpretively biased hypothesis-testing operation. Through such verbal resources, authorial presence and the impression of interpretive bias are circumscribed and minimized.

Finally, the group of *contribution* markers includes verbs or verb phrases by which the focus shifts from the type of scientific activity being carried out (i.e. the content and the way it is dealt with) to the type of effect said activity is intended to produce on existing knowledge, in terms of novelty, originality or impact (i.e. *offer, allow, provide, fill [gaps], help, contribute, [this Article] is the first*, etc.). The texts below provide some relevant examples of the function performed by these verbs:

- 14) This Article *provides a new framework* to evaluate the divergence between legal norms and moral norms. (2007-11, esoteric n.m.)
- 15) The Article also attempts to *make progress* in explaining how, and in what contexts, successful legal and political commitment may be possible. (2011-11, esoteric, n.m.)
- 16) This Article *provides the first systematic evidence* that managements have been using bundling to introduce antitakeover defences. (2010-6, esoteric, m.)

Phrases like the ones in the extracts above have a function which is eminently promotional with respect to the associated RAs, in that, by highlighting peripheral or complementary aspects (i.e. novelty, originality, etc.) rather than core and scientific ones, they are primarily meant to intrigue the reader towards reading the full RA in order to find out more about its content and, possibly, to measure its actual effectiveness and impact.

The general frequencies of reporting verbs have been organized in two tables, where they are expressed in normalized terms (per 10,000 words) in order to facilitate comparability. The first table lists the general distribution of the verbs in the two macro sub-corpora (i.e. esoteric vs. non-esoteric); the columns represent the two sub-corpora and the lines contain the occurrences of the various verbs.

	<i>esoteric</i>	<i>non-esoteric</i>	TOTAL
<i>research</i>	48.1	80.7	128.8
<i>argumentation</i>	37.6	73.8	111.4
<i>discourse</i>	19.6	34.1	53.7
<i>contribution</i>	8.9	14.1	23.0
<i>TOTAL</i>	114.2	202,7	

Table 2

General frequencies of reporting verbs in the *esoteric* and *non-esoteric* sub-corpora.

By observing the total quantities in the table (last column), we can see the overall predominance of research verbs (128.8 occurrences) which means that legal RAs in HLR tend to be presented as the outcome of a research activity. This trend seems to suggest that, as sources of disciplinary knowledge, RAs in the legal domain acquire reliability when they are concerned with the observation and understanding (rather than stance-based interpretation) of reality. As a consequence, possible underlying ideologies in such texts (determining criteria by which to distinguish what is legitimate vs. what is sanctionable) appear as valid in that they reflect or are instantiated in reality, rather than because they match a given theory or validate a hypothesis. In other words, these verbs corroborate the idea that it is the observed reality that proves the validity of the ideology, rather than the other way around.

The second-ranking activity associated to RAs is argumentation, which implies the framing of meaning within a recognizable framework governing interpretation and allowing for the possible testing of hypotheses and the drawing of conclusions. This is not surprising, in consideration of two epistemologically and disciplinarily relevant factors. Firstly, RAs in social sciences and especially in the legal domain are primarily persuasive and argumentative (Hiltunen 2006; Sala 2010; Tessuto 2012) – their move structure is expected to contain a discussion and some concluding comments to coherently make a point – and this is also due to the fact that legal research

is not an experimental domain (not like the natural sciences, at least). Secondly, argumentation is the basis of forensic discourse (Gibbons 2003; Marshall 1989; Neumann 2005), and writers of legal RAs (and RAAs) are all scholars or practitioners, therefore competent users of argumentative rhetoric. In the light of this, what appears to be striking is the fact that argumentation is ‘only’ the second-ranking verbal strategy in RAAs. This can be explained by the consideration made above: the soundness of the RA as a source of knowledge seems to benefit from the impression of objectivity and authorial invisibility, hence by the presentation of the RAs as the site of scientific research rather than scholarly interpretation.

Another noticeable trend concerns the higher frequencies of all reporting verbs in the non-esoteric sub-corpus than in sub-corpus containing RAAs expressly targeting the esoteric community (202,7 vs 114,2). A possible explanation for this uneven distribution may be due to the fact that the esoteric community does not need metatextual framing through reporting verbs in order to grasp the validity of the disciplinary contents dealt with in the RAs, whereas non-esoteric contents may need to be framed with respect to a clear scientific activity (i.e. as the result of research, the conclusion of argumentation, the final stage of a discussion, etc.), for their reliability to be emphasized. In other words, for texts which may be of more general interest, which may tickle the curiosity of the lay reader, there appears to be much more relevant need to clearly and metalinguistically associate them to a specific scientific activity (especially research, argumentation, but also discussion and contribution), for such association implies the existence, for instance, of data behind research verbs, hypothesis for argumentation, a state of affairs worth reporting through discourse verbs, or some disciplinary relevance for contribution markers.

The second table lists the distribution of reporting verbs in a more detailed way and, more specifically, from the thematic angle ‘money’ vs ‘no-money’. This perspective provides a slightly different understanding of the frequencies.

		<i>research</i>	<i>argumentation</i>	<i>discourse</i>	<i>contribution</i>
<i>no-money</i>	<i>esoteric</i>	23.9	27.3	16.2	8.9
	<i>non-esoteric</i>	26.4	51.1	11.3	5.6
subtotal		50.3	78.4	27.5	14.5
<i>money</i>	<i>esoteric</i>	24.2	10.3	3.4	-
	<i>non-esoteric</i>	54.3	22.8	22.8	8.5
subtotal		78.5	33.1	26.2	8.5

Table 3  
Thematic distribution (no-money vs. money) of reporting verbs in the *esoteric* and *non-esoteric* sub-corpora.

The data in the table indicate a major difference in the way reporting verbs are used to anticipate the ensuing RAs and this difference seems to depend on the fact that their content is either concerned with general principles and behaviours not expressed in money-related terms or on ideas such as gains, losses, rentability, financial penalty, etc.

### **3.1. Frequencies of reporting verbs in the ‘no-money’ sub-corpus**

The scientific activity which is associated to the presentation and discussion of general and non-money-related principles, their validity and application, is argumentation (sub-totalling 78.4 occurrences): the theoretical and principle-based character of such contents seems to be reflected and best suited by the deductive, goal-oriented, and paradigm-based nature of argumentation, which moves from conditions to conclusions, to generalizations. This applies to the case of esoteric contents (27.3), where referring back to theory or to accepted frameworks is a way of fixing principles and ideology-based ideas and, in turn, of validating or sanctioning behaviours, while at the same time conferring authoritativeness and reliability to the sources of such knowledge making. The same applies also, and markedly so (51.1), to the case of non-esoteric contents, where ideas which may otherwise seem just commonsensical acquire legitimation (hence ideological backing and disciplinary relevance) when they are argued, interpreted as instantiation of more general paradigms and framed with respect to the theory (i.e. for given behaviours to be recognized as legitimate – hence ideologically acceptable – rather than questionable if not altogether deviant).

Research verbs are second-ranking (50.3), and the importance and relevance of these resources – which confer an empirical quality to the associated RA – has already been discussed above. However, considering the ratio between research verbs and argumentation verbs, the former group seems to be quite strategic for the esoteric community, where experts appear to be persuaded as much by evidence-based observation as by interpretation and reasoning (with 23.9 occ. of research verbs vs. 27.3 occ. of argumentation verbs) rather than for the non-esoteric audiences, who may find interpretation more convincing and appealing (26.4 occ. of research verbs vs. 51.1 occ. of argumentation verbs).

The occurrence of discourse (27.5) and contribution (14.5) markers is quite limited. The relative scarceness of discourse verbs may owe to the already noticed metatextual character of RAAs, by which explicitation and lexicalization of the act of reporting and describing do not appear to be necessary in that already presupposed by the RAA genre itself. In other words, for the sake of exemplification, discourse verbs in a RAA sentence (of the type ‘This article *discusses* X and *begins* by *describing* it and

*distinguishing* it from Y') may easily be omitted (as in 'This article deals with X, which can be described as... and may be distinguished from Y...') without the text losing much of its metatextual character (which in our example is implied by the verb 'deal with' and the passive use of the verb 'describe' and 'distinguish', neither of which has the function of reporting verb in that they do not have the term 'RA' as their grammatical agent). Moreover, the scarce use of discourse formulations can be interpreted in relation to the relatively higher use of argumentation verbs, as seems to be especially the case in the *non-esoteric* sub-corpus (51.1 occ. of argumentation verbs vs. 11.3 occ. of discourse verbs): the impression is that RAA writers consider the presentation of certain contents to be (perceived as being) more reliable when they are dealt with through a compelling and systematic argumentation rather than a plain description or exposition, hence privileging argumentative resources over discourse verbs.

The case of contribution markers is sensibly different, since they are not merely reporting formulations, but they add extra meaning in terms of positive evaluation towards the associated RA. Therefore, if scarce, their presence is indeed relevant. In particular, if we compare their distribution in the no-money esoteric vs. non-esoteric sub-corpus, we notice that occurrences in the former almost double those in the latter, as if experts interested in understanding general principles and applications needed to be informed beforehand about the relevance and impact of the RA on the disciplinary community, so as to advisedly decide whether it is worthwhile to proceed reading the full text.

### **3.2. Frequencies of reporting verbs in the 'money' sub-corpus**

The case of money-related texts appears to be quite different from the cases discussed above. As a matter of fact, when RAs deal with economic, monetary, business or property-related issues, they are depicted in the associated RAAs mainly through research verbs (sub-total of 78.5). In other words, such contents seem to acquire validity and trustworthiness when they are presented as the result of observation and understanding of objective evidence, both in esoteric contexts (24.2), which is the case of public, corporate and administrative issues (i.e. business, commerce, antitrust, etc.), and in non-esoteric ones (54.3), dealing with more circumscribed, practical and ordinary settings (i.e. private and intellectual property). The predominance of research verbs may be due to the fact that such issues refer to data that are indeed measurable and quantifiable in monetary terms – thus can be presented as empirical evidence for observation.

What is noticeable in the money-related sub-corpus is, on the one hand, the marked gap between research verbs and the other verbs (33.1 for argumentation verbs, 26.2 for discourse verbs and 8.5 for contribution verbs)

and, on the other, the little difference in frequency between argumentation and discussion formulations. This could be due to the fact that, when dealing with contents expressed in money-related terms, RA authoritativeness is easily constructed by giving emphasis to empirical observation and measuring, while interpretation and description of the same contents do not seem to be particularly strategic in boosting text reliability, especially with non-esoteric meanings (where the frequencies of argumentation and discourse forms are the same, amounting to 22.8 occ. each). This possibly justifies the use of contribution markers precisely in non-esoteric RAAs, which are expressly meant to emphasize metalinguistically the worth of the associated RA.

#### 4. Concluding remarks

This chapter has assessed the way knowledge dissemination practices in legal studies may be influenced by the epistemology at the basis of the discipline and, especially, the level of competence which is presupposed and expected on the part of RAA readers – hence our distinction between esoteric and non-esoteric users – with respect to specific ideas and principles (i.e. how to conceptualize segments of reality, relations, etc.) and disciplinary practices (i.e. how to negotiate relationships with community members and deal with reality objects). In legal research settings, disciplinary practices concern primarily the appropriate way of investigating and discussing contents, thus regarding the type of scientific activity that is considered to be best suited/suitable to handle them – hence the distinction between research activity, argumentative activity, discourse activity, and promotional activity through markers of contribution. The variation of such practices in legal studies may be related to ideology-based parameters, as is the idea of money as an effective and workable way of appreciating and controlling reality, establishing order, solving disputes, etc. – hence the distinction between money-related and non-money-related contents.

In order to be able to coherently manage these parameters, evaluate the dynamics between them and observe the type of rhetorical strategies they are associated with, we have subdivided our HLR corpus of RAAs on the basis of the tags associated to them and used as hyperlinks, and we have organized the material in coherent sub-corpora for them to be easily analysed. The first distinction concerns the targeted audience, that consists of either expert and competent readers in the case of esoteric texts – those presupposing a threshold level of disciplinary and epistemological competence for them to be appealing and comprehensible (i.e. Constitutional Theory, Critical Legal Studies, Federal Courts, Administrative Law, etc.) – or lay readers for non-esoteric texts – those discussing legal matters of general interest (i.e. Family

Law, Copyright, Property, etc.). The second distinction has instead to do with the content of the texts, which can be represented by general and non-money-related issues or, conversely, by contents that could be conceptualized in monetary terms (i.e. fines, taxation, refunds, etc.).

On the basis of our quantitative analysis (cf. Table 2), the first parameter, i.e. the targeted audience, only allows us to claim that RAAs addressed to the esoteric community make a relatively limited use of all the four classes of reporting verbs in order to anticipate the type of scientific activity to be found in the ensuing RA, whereas such frequencies are almost doubled in RAAs targeting non-esoteric audiences. However, the ranking of such verbal strategies is the same in both sub-corpora, with research verbs as the most used resource, followed by argumentation, discourse and contribution markers, respectively. An interesting piece of evidence in this respect is the fact that research and argumentation formulations are by far the privileged reporting verbs to be found in HLR RAAs.

What instead appears to be a more significant parameter for rhetorical differentiation is represented by contents, which can be either non-money- or money-related. The different ideological framing brought about by this parameter, which seems to determine different preferences in verbal choices found in RAAs, can be synthesized as follows:

- non-money-related RAs discuss rights, norms and duties, that is how to deal with people (individuals, groups, institutions, etc.), thus problematizing ways of being and behaving;
- money-related RAs discuss debts and credits, that is how to negotiate relations with community members, thus problematizing ways of managing interests, controlling property or disposing of objects and goods.

In short, the former group is concerned with ‘what we can do’ vs. ‘what we cannot do’, whereas the second with ‘what we must give’ vs. ‘what we can get’.

This different orientation may indeed explain and justify the different metatextual handling performed by RAA reporting verbs, and especially by research and argumentation verbs. As a matter of fact, on the one hand, non-money related principles (i.e. regulating what is legitimate vs. sanctionable) are not likely to be problematic – they do not necessarily imply conflicting scenarios (i.e. somebody’s rights are not necessarily a limitation of someone else’s) – but are possibly too abstract, therefore they may benefit from a presentation that, through argumentation verbs, metatextually emphasizes persuasiveness and the expert’s interpretation for them to be fully comprehended and recognized as relevant and valid. On the other hand, money-related meanings may be problematic, face-threatening or at least sensitive contents (especially when meant to control or even reduce private

and corporate interests, in that somebody's interests may coincide with a limitation of someone else's). On this basis, the introduction of these meaning in RAAs seems to benefit from a detached, seemingly objective presentation carried out through research verbs, which maximizes the impression of scientific value and conceals expert interpretation that, as such, even though competent, might be perceived as partial, unbalanced or subjectively biased.

Even though the trends observed and discussed here are quite marked, they will have to be tested on a larger and more varied corpus to ascertain whether they indicate a general trend in legal studies in general or if this trend is contextual to the case of HLR.

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