

Séminaire francophone tournant de jurilinguistique

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Discours et genres juridiques

 Faculté des langues
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Legal Linguistics Seminar, 2023-2024

“Legal Discourse and Genres”

Schedule & Book of abstracts

Legal Linguistics Seminar (2023-2024) – Schedule

27th October 2023 (16h00-18h00 CET, **videoconference**): **Jesse Egbert** (Northern Arizona University, United States) – “Prototype-by-component analysis: A corpus-based, intensional approach to ordinary meaning”

17th November 2023 (14h00-16h00 CET, **Nantes**): **Audrey Cartron** (Nantes University, France) – “Investigating police discourse: methods, typology and genre networks”

26th January 2024 (14h00-16h00 CET, **Nantes**): **Stanislaw Gozdz-Rowzkowski** (University of Lodz, Poland) – “What typology of moves and prototypes for judicial opinions can be established using move analysis combined with corpus linguistics augmented by NLP methods ?”

9th February 2024 (14h00-16h00 CET, **Dijon**): **Jan Engberg** (Aarhus University, Denmark) – “On Genre, Knowledge and Legal Translation”

9th February 2024 (16h00-18h00 CET, **Dijon**): **Dieter Stein** (Heinrich Heine University Düsseldorf, Germany) – “How can we know so little, given that we know so much? On the primacy of genre.”

15th March 2024 (14h00-16h00 CET, **Nantes**): **Patrizia Anesa** (University of Bergamo, Italy) – “The role of digital genres in the dissemination of legal knowledge”

12th April 2024 (14h00-16h00 CET, **Nantes**): **Vijay K. Bhatia** (Hellenic American University of Athens, Greece & Chinese University of Hong Kong) – “Genres in digitally mediated legal practice: Accounting for identity, hybridity, and interdiscursive performance”

17th May 2024 (14h00-16h00 CET, **Nantes**): **Mary C. Lavissière** (Nantes University, France) & **Warren Bonnard** (Université de Lorraine, France) – “Annotation discourse units in SCOTUS majority opinions: theories and applications”

14th June 2024 (14h00-16h00 CET, **Nantes**): **Doug Biber** (Northern Arizona University, United States) – “Analyzing linguistic structure and variation within conversational interactions”

14th June 2024 (16h00-18h00 CET, **Nantes**): **Laurence Anthony** (Waseda University, Japan) – [To be specified later]

Legal Linguistics Seminar (2023-2024) – Abstracts

- **27th October 2023** (16h00-18h00 CET): **Jesse Egbert** (Northern Arizona University, United States)

Prototype-by-component analysis: A corpus-based, intensional approach to ordinary meaning

Judicial interpretation in the United States relies on the Ordinary-Meaning Canon, which states that “words are to be understood in their ordinary, everyday meanings” (Scalia & Garner, 2012: 69). Yet, the construct of ordinary meaning is under-theorized, and there is no consensus on the best methods for determining the ordinary meaning of terms in statutes. Relying on linguistics, I propose some refinements to the theory of ordinary meaning and introducing novel intensionalist methods for analyzing ordinary meaning using corpus linguistics. I adopt these refinements in a case study focused on the question raised in *Nix v. Hedden* regarding whether a tomato is a vegetable.

- **17th November 2023** (14h00-16h00 CET): **Audrey Cartron** (Nantes University, France)

Investigating police discourse: methods, typology and genre networks

Among the various approaches that can be used to investigate specialized languages, discourse and genre analyses provide interesting insight into the specialization of discursive communities and their practices, taking into account both linguistic and extralinguistic features (Swales 1990: 24-27; Beacco 2004: 116). Discourse analysis is essentially multidimensional (Bhatia 2017: 5-7) as it relates texts and discourse genres (intra-textual perspective) to professional and cultural practices (extratextual and contextual dimensions) of specialized environments. This holistic approach offers ESP researchers the possibility to thoroughly investigate their objects of study and to shed light on the diversity, complexity and interrelations at work within specialized languages.

The present paper focuses on the study of English for Police Purposes (EPP), a specialized variety of English characterized by different genres, both spoken – such as police interviews, radio communications or court testimonies – and written – police reports, manuals or codes of ethics, for instance. After presenting the methodological framework used to investigate police discourse and genres, the paper describes the main types of discourse produced by American and British police officers and shows how they serve the “purpose” or the “original *raison d’être*” of the specialised domain (Van der Yeught 2016: 50-51). It then deals with genre chains and explains the various interrelations that occur along the different steps of the investigation between complementary and interweaving police genres. Finally, the paper provides an overview of the results of an in-depth analysis of two specific police discourse genres: police interviews and probable cause affidavits.

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- **26th January 2024** (14h00-16h00 CET): **Stanisław Gozdz-Rowczkowski** (University of Lodz, Poland)

What typology of moves and prototypes for judicial opinions can be established using move analysis combined with corpus linguistics augmented by NLP methods?

In my contribution to the seminar, I demonstrate how the rhetorical structure of legal justification can be described and accounted for more systematically by adopting the Pragma-Dialectical Approach to legal justification (Feteris 2017). It applies the four-stage Ideal Model of Critical Discussion (IM) as a heuristic tool to identify relevant points in an argumentative discussion at which argumentation and standpoints are staged and which contribute to the resolution of a difference of opinion. The talk first maps the four stages of the Critical Discussion model onto the different rhetorically oriented parts of justifications given by the Constitutional Tribunal of Poland. It then applies the IM to identify argumentative indicators and argumentative moves (van Eemeren et al . 2007) in the unique and specific contexts of two cases heard by the Constitutional Tribunal of Poland and the US Supreme Court. The findings are interpreted in light of 'strategic manoeuvring' (van Eemeren 1999), i.e. the overall strategy adopted by judges who ensure that their argumentation is both rhetorically effective and is accepted as reasonable. The point of this exercise is to test the model for its various uses in the discourse of legal justification, one of which is to identify moves which in actual cases may not be explicitly or completely expressed.

- **9th February 2024** (14h00-16h00 CET): **Jan Engberg** (Aarhus University, Denmark)

On Genre, Knowledge and Legal Translation

Taking general ideas of genres as patterns of situated communication as my point of depart, I will focus on the characteristics and consequences of conceptualizing legal translation as knowledge communication (Engberg, 2021). A central pillar of this approach is the idea of human cognition and conceptualizations as being situated, i.e., dependent upon the cognitive and physical / temporal environment (Barsalou, 2008). In my talk, I will present basics of the approach and especially

investigate the links and interactions between knowledge of genre and knowledge of the legal field as grounds for making and assessing decisions in legal translation.

References

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- **9th February 2024** (16h00-18h00 CET): **Dieter Stein** (Heinrich Heine University Düsseldorf, Germany)

How can we know so little, given that we know so much? On the primacy of genre.

Biber's (in "Dimensions of Register Variation" CUP 1995) early programmatic distinction between two basic ways of approaching the structure of discourse as genre ("texttype" vs the notional concept of genre) transfers the fundamental distinction in linguistics between form and function, traditionally applied to smaller units up to the sentence, onto what is the primary unit of occurrence of language, the text or discourse, as an instantiation of a type of situated communication with a specific goal. This duality is repeated in the opposition of cohesion and coherence. Since the texttype, as a configuration of surface forms, "underdetermines" genre, with coherence much richer than cohesion, any specific concrete language use in real time is an instantiation of genre on the coherence level and essentially receives its identity and function, in abstraction from its concrete propositional phenotype, from recognition of genre membership. There are various angles of definition for genre, such as a more social-institutional approach as "activity type" or a more cognitively oriented view that would consider genre as a highly selective force in both restricting and calling up very different, genre-defining types of (schematic) knowledge. Seen from this cognitive perspective, the notion of genre offers a way of handling the two complementary problems in discourse comprehension as indicated in the title of the talk. So of the two basic approach runways to the topic of this meeting, accessing genre from texttypes as logical point of departure or the other way round, this paper opts to approach the phenomenon from the latter perspective, i.e. from the top-down angle, looking at how the interpretation of lower units is informed or "pre-set" by recognizing genre context as real-time primary, thereby affording major dimensions of redundancy and in fact enabling fast comprehension in the first place. The paper discusses these theoretical issues with special regard to whatever is "the legal text",- which is really a very complex agglomeration of very different genres in different mediality shapes in a functionally coherent societal domain. It can be assumed that the explicit knowledge of the effect of genre on surface forms and their specific function in a type of genre will be beneficial for understanding how a specific type of genre achieves its goal and what are reasonable expectations for how to utilize automatic methods of analysis.

- **15th March 2024** (14h00-16h00 CET): **Patrizia Anesa** (University of Bergamo, Italy)

The role of digital genres in the dissemination of legal knowledge

Given the importance of digital communication in contemporary society, this paper aims to investigate how the representation of legal information takes place in selected digital genres, namely legal blogs (blawgs), forums and institutional websites. Considering the delicate role that new technology assumes in legal contexts, the analysis focuses on the interaction of Internet technology with the constraints of established legal conventions. This study also investigates how the formalities of legal language are preserved in these genres and what popularization tools employed to depict specific legal concepts.

Firstly, legal blogs can play an important role in the rapid diffusion of information regarding the law. Whether considered from a communicative, social, or legal perspective, they can represent critically important genres for the understanding of specific laws and rights. They constitute a space in which the law is not only represented but also communicated and negotiated (Kastberg 2010), and they also display potential to inform subsequent discussion.

Another critical genre which has developed with the advent of web 2.0 technologies is represented by law forums, which often function as a preliminary step when looking for legal information and advice. Through the analysis of a corpus of threads drawn from a law forum, one can observe how the negotiation of professional identity takes place and how the popularization of legal knowledge is managed through the use of explanatory structures.

Institutional websites can also affect the citizens' understanding of law, which is often characterized by difficulty in processing complex technical information. In this respect, this study describes a concrete example of a collaborative project developed to render legal information more accessible to the target readers (mainly laypeople). More specifically, it focuses on the section of the Oregon State Bar website called For the public.

This study shows that different digital genres can be used by the actors involved to synthesize and recontextualize information, by adopting strategies ranging from the simplification of morpho-syntactical features to the usage of infographics.

- **12th April 2024** (14h00-16h00 CET): **Vijay K. Bhatia** (Hellenic American University of Athens, Greece, and Chinese University of Hong Kong)

Genres in digitally mediated legal practice: Accounting for identity, hybridity, and interdiscursive performance

Legal discourse is often viewed as unique in the sense that it is meant to address a diverse range of audiences at the same time, which includes legal specialists, on the one hand, and ordinary citizens, on the other. As such it is typically interpreted across a range of different contexts, for instance, text-internally in the negotiation of justice in a specific jurisdiction, across two or more jurisdictions and

text-externally in other interdisciplinary practices in a much wider ‘socio-pragmatic space’ (Bhatia 2017: 62) thus giving rise to a number of key issues, such as management of identity of legal experts, interdiscursive hybridity in legal genres, and constraints on their discursive performance in professional practice. Drawing on some of the recent research in critical genre theory, I would like to highlight some of these issues in the present-day digitally mediated legal profession.

- **17th May 2024** (14h00-16h00 CET): **Mary C. Lavissière** (Nantes University, France) & **Warren Bonnard** (Université de Lorraine, France)

Annotation discourse units in SCOTUS majority opinions: theories and applications

Macrodivisions called moves and steps (Swales 1990; Swales 2004; Moreno & Swales 2018) have been used to analyze discourse units in English for Academic purposes (Swales 1990) as well as other specialized genres (Goźdz-Roszkowski 2020). In this presentation, we present the advantages and limitations of Swalesean discourse analysis as a framework for annotating majority decisions of the Supreme Court of the United States (SCOTUS). One particular limit seems to be the cyclical pattern of discourse units in judicial opinions as opposed to the more lineal structure of research articles (Lavissière & Bonnard, forthcoming). We therefore also explore how alternative theories about discourse, such as those proposed by Bres et al. (2016) or Charolles (1995) may aid in linguistic modeling of SCOTUS decisions. Finally, we describe how these frameworks can inform the development of a annotation set and guide for annotating a corpus of SCOTUS opinions in the project Lexhnology (2023).

References

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- **14th June 2024** (14h00-16h00 CET): **Doug Biber** (Northern Arizona University, United States)

Analyzing linguistic structure and variation within conversational interactions

Scholars from several research traditions have explored the ways in which conversational interactions are structured and organized. For most scholars, conversation is normally structured simply as local sequences of turns. Larger discourse units are considered atypical, used for special culturally-recognized speech genres embedded in the regular flow of conversational turns. However, Bakhtin (1979/1986) suggests a different possibility: that conversational talk is normally organized in terms of larger discourse units representing different speech genres.

The present study -- at the intersection of the sub-disciplines of conversation analysis, discourse analysis, corpus linguistics, and register analysis -- reports on a major corpus-based investigation that empirically explores this theoretical possibility raised by Bakhtin. Based on analysis of 2.3 million words of conversational interactions, taken from the British National Corpus 2014, we show that:

- 1) most conversational talk consists of sequences of coherent discourse units that have identifiable boundaries and communicative goals;
- 2) such discourse units can be categorized into conversational discourse types that have distinct communicative purposes but do not usually conform to a conventional genre structure
- 3) conversational discourse types have distinct lexico-grammatical characteristics, and those patterns of linguistic variation can be interpreted in relation to the communicative differences among discourse types
- 4) conversational interactions can be usefully described as sequences of discourse units (rather than sequences of turns), with particular combinations of discourse types being preferred for functional reasons.

Thus, while conversational discourse units rarely realize conventional genre structures like personal narratives or jokes, they can be categorized into discourse types that serve distinctive combinations of communicative purposes. Based on our corpus analysis, we identify and describe the conversational discourse types that are associated with combinations of 9 general communicative purposes. Not surprisingly, discourse types focused on the expression of personal stance, feelings,

and evaluations are especially common in conversation. However, the study reveals a second pattern that is more surprising: that discourse types focused on conveying information are as common in conversation as personal stance discourse types.

- **14th June 2024** (16h00-18h00 CET): **Laurence Anthony** (Waseda University, Japan)

Understanding STEM writing at the discourse level: Insights from corpus approaches and AI

The writing of Science, Technology, Engineering, and Mathematics (STEM) research papers is highly structured. Numerous discourse analysis studies have investigated this structure within and across disciplines, with various models proposed to describe its features. Traditional corpus-based methods can also be usefully applied in the understanding of STEM writing, but they tend to target bottom-up, sentence level features of language use rather than top-down discourse level features. In the presentation, I will introduce some important innovations in corpus methodology that allow for the large-scale analysis of STEM discourse features, including tools for the automatic annotation of research paper section information as well as move and step divisions. I will also discuss how artificial intelligence (AI) methods can be integrated with corpus methods to provide novel insights on discourse-level language use and suggest future directions for tool development in this area.