

# Frameworks for Discursive Actions and Practices of the Law

Edited by

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and Jan Engberg

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## CHAPTER FIVE

# RHETORICAL VARIATION IN ENGLISH AND ITALIAN LAW RESEARCH ARTICLE ABSTRACTS: A CROSS-LINGUISTIC ANALYSIS

SILVIA CAVALIERI AND GIULIANA DIANI<sup>1</sup>

### Introduction

The study of academic discourse has become an area of great interest over the last two decades, especially from a genre perspective (e.g. Swales 1990, 2004; Bhatia 1993, 2004). Research in the field has mainly focused on highly conventionalised written academic genres, such as research articles, abstracts, and textbooks, often combining linguistic and rhetorical analysis. Although not as widely studied as the research article itself or the textbook, the abstract has drawn the attention of a number of genre researchers (Salager-Meyer 1990; Bhatia 1993; Kaplan et al. 1994; Santos 1996; Bondi 1997, 2001; Hyland 2000; Martín-Martín 2003; Dahl 2004; Lorés-Sanz 2004, 2009; Samraj 2005; Pho 2008; Bondi and Cavalieri 2012; Bondi and Lorés-Sanz 2014). As Bondi (1997: 396) suggests,

abstracts would seem to provide excellent material for genre analysis. Their textual structure is comparatively easy to identify and their size is manageable for different types of linguistic analysis.

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<sup>1</sup> Research for this study was conducted jointly by the two authors. More specifically, Silvia Cavalieri is responsible for Introduction, Materials/methodology, Textual structure of English/Italian law RA abstracts, Conclusions; Giuliana Diani is responsible for Move analysis in English/Italian law RA abstracts: an overview; Detailed analysis of moves in English/Italian law RA abstracts. Silvia Cavalieri is responsible for the creation of the English corpus and Giuliana Diani is responsible for the creation of the Italian corpus.

Genre-based studies on research article (RA) abstracts have received quite a lot of scholarly attention in English (e.g. Graetz 1985; Berkenkotter and Huckin 1995; Santos 1996; Hyland 2000; Lorés-Sanz 2004; Cross and Oppenheim 2006; Swales and Feak 2009), across different disciplinary fields (Harvey and Horsella 1988; Salager-Meyer 1990; Tibbo 1992; Lindeberg 1996; Anderson and Maclean 1997; Hartley and Benjamin 1998; Samraj 2005; Busch-Lauer 2014; Cavalieri 2014; Tankó 2017), and across cultures. There are studies comparing English with Spanish (Martín-Martín 2003, 2005; Lorés-Sanz 2009; Alonso-Almeida 2014), French (Crosnier 1993; Van Bonn and Swales 2007; Cavalieri and Preite 2017), Portuguese (Johns 1992), German (Busch-Lauer 1995), Swedish (Melander et al. 1997), and Arabic (Alharbi and Swales 2011). One notable exception to date is lack of attention to abstracts written in Italian.

The context of this research is provided by a previous study (Diani 2014), which looked at the rhetorical structure of English and Italian RA abstracts in the field of linguistics. The aim of the present study is to extend previous observations to the field of law, with the intent of investigating the rhetorical preferences that characterize the members of international and Italian scientific communities in this disciplinary field.

Within this field, while extensive research has been conducted on the analysis of non-academic texts (e.g. Bhatia 1993, 2008; Gotti and Williams 2010; Bhatia et al. 2012), studies on academic legal texts are still relatively rare, and limited to English (Feak et al. 2000; Tessuto 2008, 2012, 2015; Frey and Kaplan 2010; Peacock 2011; Sala 2012, 2014; Hatzitheodorou 2014). This chapter seeks to fill the gap by analysing academic law research article abstracts from a cross-linguistic perspective (English and Italian). The aim is to provide insights into variation across the two cultures emerging from the linguistic realisations of the rhetorical moves characterizing the abstract genre in the discipline of criminal law.

The chapter has been structured as follows: we start with a description of the comparable corpora and the methodological procedures adopted. Then we present the results drawn from the comparative analysis of the corpora under investigation. Finally, we offer some concluding remarks in the light of the results obtained.

## **Materials and methodology**

The present study is carried out on two small English and Italian comparable corpora of RA abstracts in the field of criminal law. The English abstracts were collected from three refereed journals with the highest impact factors representing the discipline: *Criminology*, *Journal of*

*Criminal Justice, Journal of Criminology and Criminal Law*. As regards the Italian corpus, its composition was conditioned by the fact that the abstract is not published regularly in Italian journals of criminal law. Of the ten leading journals that were consulted, only three were found to publish abstracts fairly regularly: *Rassegna Italiana di Criminologia, Rivista di Criminologia, Vittimologia e Sicurezza, Diritto Penale Contemporaneo*.<sup>2</sup> All the abstracts from the 2014 issue of each chosen journal in each language were selected, for a total of 85 English abstracts (about 16,200 words) and 69 Italian abstracts (about 12,700 words).

An analysis of the rhetorical organisation of the English and Italian abstracts under scrutiny was carried out by following previous work that has examined English RA abstracts in applied linguistics based on a modified version of Bhatia's (1993) four-move model for abstracts (Purpose-Method-Results-Conclusion). More specifically, we focus on Santos' (1996) five-move model for the structure of abstracts in applied linguistics. Compared to the four-move model, Santos (1996) postulates an additional move 'Situating the research'. Hyland's (2000) study of abstracts from several disciplines also employs a model with five moves. Similar to Santos, Hyland postulates an 'Introduction' move where the context of the paper and research motivation are provided. The move referred to as 'Introduction' and 'Situating the research' by Hyland and Santos, respectively, provides 'a justificatory context for the research', to be differentiated from the 'Purpose' move, as Hyland states (2000: 67), which "outlines the intention behind the paper".

The analysis of the data was carried out in three main stages. In the first stage, we started from a consideration of the types of abstracts based on their textual structure, following Bondi and Cavalieri's (2012: 47) distinction between argumentative abstracts, i.e. abstracts in which the focus is on making a claim and defining an issue in the disciplinary context, and empirical abstracts, i.e. abstracts in which the main aim is reporting on the research carried out. This helped us to consider the relationship between the textual pattern of the abstract and the presence of the moves. In fact, as Bondi and Cavalieri claim, an empirical abstract is often characterized by a full IMRD structure following the organization of the scientific RA with which it is associated. An argumentative abstract, on the other hand, only focuses on the purpose of the RA, without

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<sup>2</sup> The Italian journals of criminal law considered are: *Archivio Penale, Diritto Penale e Processo, Diritto Penale Contemporaneo, Processo Penale e Giustizia, Rassegna Italiana di Criminologia, Rassegna Penitenziaria e Criminologia, Rivista di Criminologia, Vittimologia e Sicurezza, Rivista Internet di Teoria e Scienze Criminali, Rivista Italiana di Diritto e Procedura Penale, Rivista Penale*.

presenting results. In the second stage, we took the five-move model, as described by Santos (1996), and proceeded to check, in a preliminary analysis, that these moves were, in fact, present in both the English and Italian groups of abstracts. In the third stage of this study, we carried out an analysis of the rhetorical strategies connected to each move.

### **On the textual structure of English and Italian law RA abstracts**

The analysis of the textual structure of English and Italian law abstracts reveals the presence of two diametrically opposed trends. Indeed, the Italian corpus shows a predominance of argumentative abstracts (49 out of 69), whereas the English corpus reveals a higher presence of empirical abstracts (76 out of 85). Moreover, if we take a closer look at the journals selected for the corpora, we find that in the English corpus one journal does not contain any argumentative abstract at all, i.e. the *Journal of Criminal Justice*. Tables 5-1 and 5-2 give an overview of the distribution of argumentative and empirical abstracts in each journal across the two language corpora.

<b>EN corpus</b>	<b>argumentative</b>	<b>empirical</b>
<i>Journal of Criminology and Criminal Law</i>	2	17
<i>Journal of Criminal Justice</i>	0	56
<i>Criminology</i>	7	13

**Table 5-1** Argumentative and empirical abstracts per journal in the English corpus

<b>IT corpus</b>	<b>argumentative</b>	<b>empirical</b>
<i>Diritto Penale Contemporaneo</i>	23	2
<i>Rivista di Criminologia, Vittimologia e Sicurezza</i>	10	5
<i>Rassegna Italiana di Criminologia</i>	16	13

**Table 5-2** Argumentative and empirical abstracts per journal in the Italian corpus

The purpose of both English and Italian argumentative abstracts is of making a claim on a topic and defining an issue in the disciplinary context. In both languages this kind of abstract only focuses on the purpose of the RA, without referring to data analysis or presenting results, as exemplified in the following extracts (for purposes of illustration, examples of the linguistic exponents are italicized).

(1) *Cognitive “anchoring effect” bias*, especially related to numbers, like sentencing guidelines ranges, *is widely recognized* in cognitive psychology as an extremely robust and powerful heuristic. [...] *Numerous studies prove* anchoring bias produces systematic errors in judgment in wide-ranging circumstances [...]. *This Article offers* a simple, modest, and practical solution that requires no change in existing law by the Supreme Court or Congress [...] (*Journal of Criminology and Criminal Law*)

(2) *Il lavoro affronta i temi* legati al rapporto tra i fenomeni migratori e la manifestazione di quadri psicopatologici, attraverso una disamina delle problematiche connesse al conflitto e la necessità di avere una visione multifattoriale, con al centro non tanto e non solo i quadri clinici quanto le persone e le loro storie. *Tale approccio richiede* anche profondi mutamenti delle culture, delle pratiche e delle organizzazioni dei servizi di psichiatria di comunità. *Particolare attenzione viene dedicata* al tema dei comportamenti criminali [...]. (*Rassegna Italiana di Criminologia*)

[This study deals with themes linking migratory phenomena and psychopathological disorder, by analysing issues related to war and the need for a multifactorial view. It focuses not only on clinical cases but also on people’s lives and past experiences. This approach also requires profound changes in terms of the culture, methods and organisation of psychiatric community services. Particular attention is paid to criminal behaviour ...]

Typical linguistic realizations that signal argumentative abstracts in English and Italian are: *this article discusses*, *the paper attempts to outline*, *il lavoro affronta criticamente* [the study looks critically at], *il presente studio tenta di approfondire* [the present study attempts to delve into].

On the other hand, the main aim of empirical abstracts in both languages is to report on the research carried out and they are characterized by a full IMRD structure retracing the organizational pattern of the scientific RAs with which they are associated, as the following excerpts show:

(3) *Empirical research has yet to demonstrate that strict school disciplinary policies deter student misconduct*. [...] *What is missing from prior research* is an acknowledgement that the deviance amplification



effects of criminogenic risk factors may be partially offset by the general deterrence effects of strict school sanctions.

*Using data* from the school administrator questionnaire, the in-school interview, and the in-home interview from the National Longitudinal Study of Adolescent Health, *this study employs logistic hierarchical models to investigate* whether strict school sanctions condition the relationship between personal and peer smoking, drinking, and fighting.

*Results indicate* that the effects of peer smoking, drinking, and fighting on corresponding respondent delinquency are attenuated in schools with strict sanction policies for these behaviors.

*Results suggest* that school policies can aid in preventing crime in unanticipated ways, for example, by reducing the crime-inducing effects of having delinquent peers. (*Journal of Criminal Justice*)

(4) *Gli Autori presentano una statistica descrittiva dei dati emersi dal progetto di ricerca "Toxi-Cap", studio che ha coinvolto studenti di età compresa tra i 13 ed i 16 anni (II e III media inferiore/ I media superiore) reclutati dagli Istituti scolastici della Provincia Firenze, e volto ad individuare l'età di insorgenza dell'uso di alcol, caffeina e nicotina, sostanze che, seppur non considerate stupefacenti, possono comunque arrecare gravi danni alla salute, in particolare nei giovani. La novità della ricerca risiede nelle evidenze scientifiche. Infatti, i dati relativi all'uso/abuso delle sostanze di cui sopra sono stati rilevati non solamente attraverso la somministrazione di un questionario redatto appositamente, ma anche attraverso il prelievo, al campione selezionato, di una piccola ciocca di capelli su cui sono state eseguite indagini chimico-analitiche, atte alla identificazione della caffeina, della nicotina e suo metabolita fondamentale (cotinina), dell'etil glucuronide (EtG) e dei FAEE quali indicatori dell'uso di alcol, evidenziati tramite analitica validata (GC/MS e LC/MS-MS). Gli Istituti scolastici sono stati selezionati tramite campionamento casuale dall'elenco completo delle scuole medie inferiori e medie superiori di Firenze e provincia. Sono 7 gli Istituti che hanno aderito per un totale di 1209 studenti coinvolti. [...] Il campione di studenti è stato diviso per fascia di età (13-14 / 15-16) e per sesso (M - F). I risultati ottenuti, in linea con la letteratura internazionale e nazionale, mostrano come l'età di inizio dell'uso/abuso di alcol, caffeina e nicotina sia sempre più precoce e consentono di proporre strategie preventive per un'efficace controllo del fenomeno. (Rassegna Italiana di Criminologia)*

[The authors present a descriptive statistical analysis of the data emerging from the "Toxi-Cap Research" study involving students aged between 13 and 16, recruited from schools in the province of Florence. The aim of the study is to identify the age students start using alcohol, caffeine and nicotine which, although not considered drugs, can cause serious damage to health, particularly in young people. The originality of the research lies in the scientific results that emerge from the data analysis. Indeed, the data related to the use / abuse of the above substances were obtained not only

from the results of a questionnaire, but also from the chemical analysis of a lock of hair which was taken from the selected students in order to identify caffeine, nicotine etc. The schools were selected randomly from a list of middle and high schools in Florence and in the province. Seven schools were involved in the study, totalling 1209 students. [...] The sample was divided according to age (13-14 / 15-16) and gender (M - F). In line with national and international studies, the results show that students start using alcohol, caffeine and nicotine at an ever earlier age, which paves the way for proposals of preventive strategies for effective drug control.]

The linguistic realizations exemplified in the excerpts above tend to outline the different steps in the research process starting from the introduction, data and methods of the study, and arriving at the final presentation and discussion of results.

### **Move analysis in English and Italian law RA abstracts: an overview**

Move analysis reveals that the five-move abstract model, as described by Santos (1996), is only present in the English corpus. Among the 85 English abstracts analysed, it was found that 36 contained all five moves. Conversely, none of the Italian abstracts showed the presence of all five moves. This may find an explanation in the typology of Italian abstracts. As mentioned earlier, the majority of Italian abstracts focus on the purpose of the RA, without referring to data analysis or presenting results. Consequently, the full IMRD structure is less present in that type of abstracts since it is expected to characterize abstracts based on empirical research perspective.

As regards the frequency of occurrence and distribution of these moves across the corpora, the findings show similarities, although statistical differences do seem to exist. If we take an overview of the distribution of moves in the two language corpora (see Table 5-3), undoubtedly the most striking (albeit predictable) feature is the heavy concentration of the 'Purpose' move in both languages (95.29% in the English corpus, 97.10% in the Italian corpus). This agrees with Santos' findings (1996), which showed that this move is an obligatory element in the abstract genre.

Another level of similarity can be observed between the 'Introduction' move in both languages. The frequency of occurrence of this move does not emerge as being significantly different, although there is a slightly greater frequency in the English abstracts (64.70% as opposed to 49.27% in Italian).

With respect to the other moves, however, the analysis points to variation. A significant difference exists in the frequency of occurrence of

the ‘Results’ move in the Italian and English abstracts, being present in 43.47% of the Italian abstracts in comparison with 88.23% in the English abstracts. But cross-cultural variation is particularly evident in the constituency of the ‘Conclusion’ move. This move only appears in 2.89% of the Italian abstracts in contrast to 84.70% of the English abstracts. Even though a conclusion is an important aspect of the RA, it is omitted in the Italian law abstract, suggesting that Italian law scholars are less inclined to reveal in advance what conclusions can be drawn from their study.

Another significant difference exists in the frequency of the ‘Methodology’ move occurring in 85.88% of the English abstracts in contrast to 11.59% of the Italian abstracts. In arguing for the distinction between the communicative purposes of research article introductions and abstracts, Bhatia (1993: 82) maintains that discussion of methodology and experimental procedures is “crucial in research abstracts, whereas it is rarely mentioned in article introductions”. This does not appear to be the case with the Italian abstracts under investigation. Again, these findings provide support for the difference in type between English and Italian abstracts. As outlined above, Italian abstracts tend to foreground the basically argumentative nature of academic discourse, positioning the research proposed in the academic community. English abstracts, on the other hand, reflect an empirical research perspective characterizing the RAs they are associated with that gives greater importance to results and discussion.

Moves	EN corpus (No. of abstracts per move)	EN corpus (%)	IT corpus (No. of abstracts per move)	IT corpus (%)
Move 1 Situating the research/Introduction	55	64.70	34	49.27
Move 2 Presenting the research/Purpose	81	95.29	67	97.10
Move 3 Methodology	73	85.88	8	11.59
Move 4 Results	75	88.23	30	43.47
Move 5 Discussion/Conclusion	72	84.70	2	2.89

**Table 5-3** Frequency and distribution of moves in English and Italian law abstracts

As regards the preferences in move sequences across the corpora, the analysis of data suggests that there are similarities as well as differences.

Both corpora display similar move sequences but the incidence of occurrence is higher in the Italian corpus. As shown in Table 5-4, the move 'Purpose' when occurring as the only one characterizing the abstracts in both corpora is present in 18.84% of the Italian corpus as opposed to 2.35% in the English corpus. This is also the case with the sequence I-P (Introduction-Purpose) being present in 28.98% of the Italian corpus as opposed to 5.88% of the English corpus. On the contrary, the frequency of occurrence of the sequences P-M-R (Purpose-Methodology-Results) and I-P-D (Introduction-Purpose-Discussion) is fairly low in both corpora (1.18%).

<b>Identical move sequences (EN/IT corpora)</b>	<b>No. of abstracts per move sequence (EN)</b>	<b>% (EN)</b>	<b>No. of abstracts per move sequence (IT)</b>	<b>% (IT)</b>
P	2	2.35	13	18.84
P-M-R	1	1.18	3	4.34
I-P	5	5.88	20	28.98
I-P-D	1	1.18	1	1.44

**Table 5-4** Frequency and distribution of the identical move sequences in English and Italian law abstracts

Apart from these similarities, the results in Table 5-5 display different move sequences in the two languages. English abstracts show a general preference for Introduction-Purpose-Methodology-Results-Discussion (I-P-M-R-D) and Purpose-Methodology-Results-Discussion (P-M-R-D), as these move sequences are present in 42.35% and 31.76% of the cases analysed, while the Italian corpus displays a tendency for a two-move abstract Introduction-Purpose (28.98%) as shown in Table 5-4, and Purpose-Results (21.73%). Like the Italian corpus, the sequence Introduction-Purpose is present in the English corpus but tends to be considerably lower in terms of frequency (5.88%).

Different move sequences (EN corpus)	No. of abstracts per move sequence	%	Different move sequences (IT corpus)	No. of abstracts per move sequence	%
I-P-M-R-D	36	42.35	P-R	15	21.73
P-M-R-D	27	31.76	I-P-R	7	10.14
I-P-R-D	4	4.70	I-P-M-R	2	2.89
I-M-R-D	3	3.52	P-M	2	2.89
P-I-M-R	3	3.52	I-M-P-R	1	0.14
I-P-M-D	1	1.17	I-P-R-D	1	0.14
I-P-M	1	1.17	P-I-R	1	0.14
I-M-R	1	1.17	P-I	1	0.14

**Table 5-5** Frequency and distribution of the different move sequences in English and Italian law abstracts

Let us now complete the analysis by examining each of the five moves in terms of rhetorical strategies connected to each move.

## Detailed analysis of moves in English and Italian law RA abstracts

### The ‘Introduction’ move

This move sets the scene for the reader, locating the current research field and topic. It is the second most frequent move in the Italian corpus (49.27%), while it is the fifth in the English corpus (64.70%). In spite of this different distribution, both English and Italian law scholars used the different submoves connected to the ‘Introduction’ move, as described by Santos (1996), and no instances of submoves outside the parameters of this model were found in the samples analysed.

Move 1 – Situating the research/Introduction	EN corpus	IT corpus
Submove 1 A – Stating current knowledge and/or	24/55 (43.63%)	25/34 (73.52%)
Submove 1 B – Citing previous research and/or	1/55 (1.81%)	1/34 (2.94%)

Submove 1C – Extended previous research and/or	2/55 (3.63%)	-
Submove 2 – Stating a problem	22/55 (40%)	1/34 (2.94%)
Combination of submove 1 and submove 2	6/55 (10.90%)	7/34 (20.58%)

**Table 5-6** Frequency and distribution of submoves in the ‘Introduction’ move of the abstracts in English and Italian

As can be seen in Table 5-6, for both groups of law scholars, the rhetorical strategy which most commonly realised the ‘Introduction’ move was submove 1A ‘Stating current knowledge’ to identify their research field and topic. In Italian, this was present in 85.29% of the cases and in 43.63% of the instances in English. Examples from both language corpora are given in (5) and (6):

(5) *Ample experimental evidence shows that the stigma of a prison record reduces employment opportunities (Pager, 2007). (Criminology)*

(6) *L’esistenza di una correlazione significativa tra alcol e criminalità è riconosciuta da anni nella letteratura scientifica e costituisce un importante problema sociale. (Rassegna Italiana di Criminologia)*  
 [The existence of a significant correlation between alcohol and crime has long been recognized in the literature and is a serious social problem.]

For the other submoves in both language corpora, only one instance of submove 1B ‘Citing previous research’ was found in both corpora. Here are the two examples:

(7) *Recent studies have suggested that incarceration dramatically increases the odds of divorce, but we know little about the mechanisms that explain the association. (Criminology)*

(8) *In letteratura sono presenti pochi studi sull’associazione tra disturbi dell’umore e comportamento violento. Tuttavia, la letteratura esistente suggerisce che la commissione di reati possa essere una seria conseguenza per gli individui affetti da questo tipo di disturbi [...]. (Rassegna Italiana di Criminologia)*  
 [The literature contains few studies on associations between mood disorder and violent behaviour. Nonetheless, some studies suggest that committing crimes can be a serious consequence for individuals suffering from such disorders ...]

A significant difference exists in the frequency of occurrence of the submove 2 ‘Stating a problem’ as a means of realizing Move 1: twenty-two instances were found in the English corpus in comparison with only one instance occurring in the Italian corpus. Examples from both language corpora are given in (9) and (10):

(9) The link between maltreatment and offending has been well established in the literature, with research examining the etiology of criminal behavior consistently documenting the negative effects of experiencing trauma early in life. [...] *However, there is a lack of understanding of the mechanisms underlying this relationship. (Journal of Criminal Justice)*

(10) In una Carta costituzionale che non conosce altri obblighi di criminalizzazione, il reato di tortura è il solo ad essere imposto e preteso. *Eppure, nonostante quanto prescritto dall’art. 13, 4° comma, Cost. e dai relativi obblighi internazionali in materia, nel codice penale persiste l’assenza di un’apposita fattispecie repressiva. (Diritto Penale Contemporaneo)*

[In a constitutional charter that does not incorporate a general duty of criminalisation, the only criminal act to be prohibited and enforced is torture. Yet, despite the requirements of Article 13, section 4 of the Constitution and related international obligations, there is no reference in the penal code to a specific repressive measure.]

An interesting point to note is that there is a tendency in both languages to coalesce submove 1A ‘Stating current knowledge’ with submove 2 ‘Stating a problem’, as a means of realizing the ‘Introduction’ move, in order to indicate that the research field under investigation has not been thoroughly successful or complete. In English, this rhetorical strategy was reported in 10.90% of the cases and in 20.58% of the instances in Italian. All the Italian and English examples of this move are initiated with an adversative sentence, mainly introduced by the connector *tuttavia* [*however*]. Two representative examples are given in (11) and (12).

(11) The association between delinquent peers and delinquent behavior is among the most consistent findings in the criminological literature, and *several recent studies have raised* the standards for determining the nature and extent of peer influence. Despite these advances, *however*, key questions about how deviant behavior is socially transmitted remain unresolved. (*Criminology*)

(12) Non di rado compaiono all’interno delle sentenze e della normativa in tema di stupefacenti, termini riferiti alla cannabis che non sembrano essere

in linea con gli studi scientifici condotti dalla botanica e dalla tossicologia. *Numerose sono state le occasioni* avute a livello legislativo per porre rimedio a questa discordanza lessicale e terminologica; *tuttavia, ancora oggi, persiste una diffusa incertezza* che potrebbe avere ripercussioni sulla concreta applicazione dei precetti penali previsti dal combinato disposto degli articoli 28 e 73 del T.U., D.P.R. 309/1990. (*Rassegna Italiana di Criminologia*)

[Judgments and statutes relating to drug matters often contain terms referring to cannabis that are different from those that are typically used in botany and toxicology. Numerous occasions where lexical and terminological inconsistency could have been remedied have been lost; however, even today, there is still widespread uncertainty which could influence the application of criminal provisions referred to Articles 28 and 73 of Presidential Decree 309/1990.]

### The ‘Purpose’ move

This move describes the main features of the research in question and indicates the main purpose of the study. It is the most frequent and is an obligatory element in both English and Italian abstracts (95.29% in the English corpus, 97.10% in the Italian corpus). A common practice in both languages is that law scholars describe the general purpose or an outline of their research immediately after the ‘Introduction’ move (56.47% of the abstracts in English and 44.92% of the Italian abstracts). Although less frequent, another generalised tendency in both languages is to open directly an abstract with the ‘Purpose’ move, thus omitting the ‘Introduction’ move (35.29% of the English abstracts and 47.82% of the Italian abstracts).

The ‘Purpose’ move is realised in both languages predominantly through two submoves as described by Santos (1996): submove 1A ‘Indicating main features’, by means of which the author describes the key features of his/her research, or submove 1B ‘Indicating main purpose’, in which the author indicates the main purpose of his/her study. The first option is favoured by both English and Italian law scholars: 84% of the abstracts in English and 75% of the Italian abstracts.

A further point which needs underlining is that in both languages submove 1A constitutes a massive percentage (84% of the abstracts in English and 75% of the Italian abstracts), followed – at a great distance – by submove 1B (16% of the English abstracts and 25% of the Italian abstracts).

For the realization of submove 1A, both English and Italian law scholars showed a preference for using an inanimate noun referring to the present text (*study, article, research, ricerca* [research], *contributo*



[paper], *elaborato* [paper], *articolo* [article], *lavoro* [study]) followed by a verb signalling cognitive processes such as *examine*, *investigate*, *consider*, *evaluate*, *esaminare* [examine], *focalizzare* [focus], *affrontare* [deal with] (51 instances in English and 37 instances in Italian). Both English and Italian law scholars favoured the practice of using those verbs in present tense. There were only nine instances in the passive voice (*In questo articolo vengono prese in esame* [in this article it is analysed], four instances in the present perfect tense (*La ricerca oggetto del presente contributo ha esaminato* [the present study has examined] and four instances in the future tense (*Nell'articolo verranno evidenziate* [this article will highlight]). Typical linguistic exponents of this submove in English and Italian are: *this study examines*, *the research evaluates*, *this article considers*, *l'elaborato analizza* [the paper analyses], *questo studio esamina* [this study examines]. Such usage has been shown to be a typical feature of scientific language (Prelli 1989; Master 2001).

As regards the expression of subjectivity, the overall results show that Italian law scholars tend to conceal their presence when stating their purposes. The preference is for impersonal forms realised through a noun referring to authorial reference, such as *autore/autori/autrice* [author(s)] (*gli autori hanno analizzato* [the authors have analysed]; *l'autore affronta* [the author deals with]) or *si* constructions (Renzi 1988) (*nel presente lavoro si delineano* [in the present study we outline]; *in questa prospettiva si esaminerà* [from this perspective we will examine]).

On the contrary, there were cases in which English law scholars used the first-person plural pronoun *we* to introduce their research: *we trace*, *we hypothesize*, *we address* (15 instances).

For the realization of submove 1B, both English and Italian law scholars exhibited a clear preference for using nouns indicating the purpose of their studies (*the purpose of this study*, *l'intento di questo lavoro* [the aim of this study]) followed by verbs that typically mark intentions such as *aim*, *proporre* [aim] or nouns referring to the present work (*the study aims to identify*; *our research attempts to fill these gaps*; *Il presente lavoro si pone l'obiettivo* [the present study aims to], *il presente lavoro si propone* [the present study aims to]).

Differences across the two groups of abstracts can be noted in the type of personal references used by law scholars in this submove. On some occasions (5 instances), English law scholars indicated their purposes by means of a sentence initiated by the first-person plural pronoun *we* (*we attempt to identify*).

Conversely, only one abstract in the Italian data contained the subject form of the first-person plural pronoun in this submove (*ci proponiamo*

[we aim to]). This is also the case with impersonal forms: it was found that in one instance Italian law scholars used the noun *autori* (*gli autori intendono* [the authors aim to]) and in two instances they used *si* constructions (*Con il presente articolo si intende fornire* [in this article we aim to provide]; *il presente contributo si propone* [in this paper we aim to]).

Although the *si* constructions indicate an unspecified referent, it is clear that the voice coincides with that of the writer. In explaining their use, we cite evidence from a study by Molino (2010: 95) on the use of personal and impersonal authorial references in English and Italian research articles, which showed that these constructions

have to do with the need to background the agent in order to guarantee an impersonal and objective tone which is expected in Italian in formal registers such as scientific writing.

As observed by Molino, their use can be compared to the so-called *pluralis majestatis*.

### **The ‘Methodology’ move**

This move provides information on the design of the study in terms of approaches, procedures, and materials. The frequency of occurrence of this move is significantly different in both languages. It occurs in 85.88% of the English abstracts and in 11.59% of the Italian abstracts. An interesting point to note is that this move has a similar realization in both sets of abstracts. It occurs as a completely independent move: in 75.29% of the sample analysed in English and in 10.14% in Italian. Two representative examples are given in (13) and (14):

(13) Employing *mixed-methods sequential explanatory research design*, the study utilized confirmatory factor analysis (CFA) to identify motivational factors underlying 346 crime events. Second, motivation stability was assessed across offenses committed by 69 offenders. Finally, *interview data were reviewed* to assess whether offender types emerged corresponding to CFA results. (*Journal of Criminal Justice*)

(14) Al fine di verificare l’esistenza di relazioni significative tra uso di alcol, delinquenza e vittimizzazione in età giovanile e per descrivere la natura e le caratteristiche di tali legami, *è stato elaborato il database relativo all’“International Self-Report Delinquency Study 2” (ISRD-2)*, selezionando un campione di giovani di entrambi i sessi con età compresa

tra i 12 ed i 16 anni appartenenti a 25 differenti Paesi Europei (N=57.771). (*Rassegna Italiana di Criminologia*)

[To verify whether there are significant links between the use of alcohol, juvenile delinquency and victimization and to describe the nature and characteristics of such relations, a database of the “International Self-Report Delinquency Study 2” (ISR2-2) was built up by selecting young people of both sexes, aged between 12 and 16 from 25 different European countries (N = 57,771).]

However, although less frequent (one instance in Italian and nine instances in English) and as reported by other authors such as Santos (1996) and Anderson and Maclean (1997), it was found that this move is embedded in the ‘Purpose’ move, coalescing with a move in which the purpose or the main features of the study are indicated, as in the following examples:

(15) *This study develops* a formal mathematical representation of the theory and *then presents an empirical test* of the theory using an innovative online survey with responses to a hypothetical case from 1,585 prosecutors, defense attorneys, and judges. (*Criminology*)

(16) *L’articolo illustra* l’aggiornamento dei dati epidemiologici relativi al fenomeno suicidario in provincia di Modena, *e si basa sull’analisi di 1267 casi avvenuti nel periodo compreso tra il 1989 e il 2008; i dati raccolti, relativi al soggetto (dati anagrafici e socio lavorativi) e all’atto (luogo, caratteristiche di timing, modalità e movente) sono stati messi a confronto con altri, relativi al suicidio nella popolazione dell’Emilia Romagna nel periodo tra il 1973 e il 1978 ed elaborati attraverso l’analisi del X2.* (*Rassegna Italiana di Criminologia*)

[The article illustrates the updating of epidemiological data related to suicides committed in the province of Modena. It is based on the analysis of 1267 cases that occurred between 1989 and 2008; the data related to the persons involved (personal data and job description) and the type of suicide (place, time, methods and motives) were compared with other data regarding suicides in the population of Emilia Romagna between 1973 and 1978, and processed using X2 methodology.]

A linguistic feature that typically characterises the ‘Methodology’ move in both English and Italian abstracts analysed is the use of the passive voice (*logistic and binomial regression analyses are used; a series of linear regression equation was estimated; è stato elaborato il database* [a database was built up]; *è stata effettuata una lettura clinica dei verbali* [an analysis of the minutes was carried out]). Alternatively, Italian law scholars used the present tense in only two instances (*L’articolo si basa*

*sull'analisi di 1267 casi* [The article is based on the analysis of 1267 cases]; *Gli autori stanno procedendo ad interviste* [The authors have been carrying out interviews]).

A high level of similarity can, therefore, be observed between the 'Methodology' move in the English and Italian law abstracts analysed.

### The 'Results' move

This move summarises the main findings of the study. A significant difference exists in the frequency of occurrence of this move in the Italian and English law abstracts, being present in 43.47% of the Italian abstracts in comparison with 88.23% in the abstracts in English. Apart from this difference, the results are stated most frequently in both languages by means of a sentence initiated with a noun which makes reference to the function of this move (*results, findings, risultati* [results], *analisi* [analysis], *studio* [study]), followed by verbs signalling results such as *show, illustrate, highlight, mostrare* [show], *emergere* [emerge], *mettere in luce* [highlight]. The only distinctive feature that is worth noting is that the prevalent practice of using such verbs in the present and past tense or passive voice in the English abstracts (*findings highlighted, the results showed*) was not so clearly favoured by Italian law scholars. These showed a higher incidence in the use of the present tense (*I risultati indicano/mostrano* [the results show]) or the present perfect (*I risultati hanno mostrato* [the results have shown]; *L'analisi quantitativa effettuata ha confermato* [the quantitative analysis has confirmed]). The passive construction was used in only five instances in this move (*viene rilevato che* [it is revealed that]; *viene evidenziato che* [it is pointed out that]).

Differences across the two groups of abstracts can be noted in the expression of subjectivity. The overall results show that Italian law scholars tend to conceal their presence when stating their results. As observed for the realization of the 'Purpose' move, they seem more eager to employ impersonal forms realised through a noun referring to authorial reference such as *autore/autori/autrice* [author(s)] (*l'autore evidenzia/analizza/rileva* [the author points out/analyses/reveals]) or *si* constructions (*si ipotizza che* [we hypothesize that]). Again, the overall impression is that the preference is for a more objective and detached interpersonal style in Italian writing.

On the contrary, there were cases in which English law scholars used the first-person plural pronoun *we* to present the main findings so as to promote themselves in the text: *we find/found, we show, we identify* (8 instances).

### The ‘Conclusion’ move

This move discusses the main results obtained. As already mentioned, a significant difference exists in the frequency of occurrence of this move in the Italian and English law abstracts, as it is present in only 2.89% of the Italian abstracts in comparison with 84.70% in the abstracts in English. The rhetorical strategy which most commonly realised this move was submove 1 ‘Drawing conclusions’ as Santos (1996) calls it. The verb tense which predominates in this submove is the present. All the English law scholars chose the simple aspect both active and passive to draw their conclusions.

Although there are only two examples of conclusion moves in the Italian corpus, a common linguistic strategy used by the law scholars in both languages to signal the initiation of this move consists in explicitly using a noun which makes reference to the function of this move, e.g. *the study discusses, implications are discussed, lo studio suggerisce* [the study suggests]. Typical verbs in this move in both languages are *suggest, conclude, discuss, suggerire* [suggest], *discutere* [discuss].

Similar to the linguistic realization of the ‘Results’ move in the English sample analysed, English law scholars presented their conclusions by means of a sentence initiated by the first-person plural pronoun *we* followed verbs referring to the function of the move: *conclude, suggest*.

### Conclusions

This study shows that the rhetorical structure of law RA abstracts present two different realizations in the two language corpora analysed. Italian law scholars tend to prefer argumentative abstracts, in which they make a claim on a topic and define an issue in the disciplinary context without describing data, methodology of the analysis or presenting results. On the other hand, their English colleagues seem to be keener on using empirical abstracts in order to describe all the research procedures of the analysis carried out. To meet this purpose, they write abstracts characterized by a full IMRD rhetorical structure retracing the organizational pattern of the scientific RAs with which they are associated.

Interestingly, the analysis indicates that both English and Italian law abstracts display some generic variation. Most of the Italian law scholars opt to use a two-move abstract Introduction-Purpose and Purpose-Results, whereas their English colleagues exhibit a tendency for a four/five-move pattern, more specifically Introduction-Purpose-Methodology-Results-Discussion (I-P-M-R-D) and Purpose-Methodology-Results-Discussion

(P-M-R-D). We could account for these differences on the basis of the massive presence of argumentative abstracts in the Italian corpus that tend to position the research proposed in the academic community by foregrounding theoretical issues. Conversely, the English abstracts can be labelled for the vast majority as empirical thus reflecting the move structure of the RA they summarize.

A detailed analysis of the move structure across the two language corpora reveals a degree of similarity between the English and Italian abstracts as regards the 'Purpose' move. It is the most frequent move in both language corpora (95.29% in the English corpus, 97.10% in the Italian corpus). It can be regarded as an obligatory rhetorical element as it is present in almost all abstracts in the corpora analysed. However, some degree of dissimilarity was observed in the frequency and distribution of the other moves. A significant difference is the strong tendency to omit the 'Conclusion' move in the Italian abstracts. This move is present in only 2.89% of the Italian abstracts in contrast to 84.70% of the English abstracts. An additional difference concerns the frequency of occurrence of the 'Results' move. This move tends to be higher in the abstracts in English (88.23%), whereas in the Italian abstracts it is considerably lower (43.47%). The frequency of occurrence of the 'Introduction' move does not emerge as being significantly different, although there is a slightly greater frequency in the English abstracts (64.70% as opposed to 49.27% in Italian).

Finally, a feature where we see the clearest difference between the two language corpora is the use of personal references. The overall results show that the Italian law scholars tend to conceal their presence when stating their purposes. They prefer a more detached interpersonal style by opting for impersonal *si* constructions. Hence, it appears that compared to their English colleagues they tend to be invisible. This choice may be related to the need to produce a text which conforms to the level of writer invisibility expected within a particular discourse community. On the other hand, English law scholars show a more direct commitment in their abstracts preferring a personal style through the use of the pronoun *we*. The visibility of the writer, especially in the 'Results' and in the 'Discussion/Conclusion' moves, may be explained on the grounds that English law scholars are keener to show their presence as proactive researchers, i.e. "agentive selves" (Dyer and Keller-Cohen 2000: 294), thus active participants in the research community they belong to.

On the whole, the results here echo those of Diani (2014), who found that abstracts written by Italian linguists are less rhetorically complex than English ones. They only present some of the basic structural moves which

constitute the different sections of the underlying research article as it has emerged from the analysis of the Italian law abstracts under scrutiny. The English linguistics abstracts, on the other hand, more closely reflect these moves like the English law abstracts analysed.

We can tentatively conclude that the generic variation observed might reflect differences in intellectual styles and cultural patterns, but also differences in the relationship between the writer and the discourse community s/he addresses. As rightly noted by Hyland (2000: 75), the variety of patterns represents the writer's choice of "how best to convince others of their work, given the particular circumstances of their research, their individual goals and considerations of discipline membership".

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# Frameworks for Discursive Actions and Practices of the Law