Tessuto, Girolamo (2012): ***Investigating English Legal Genres in Academic and Professional Contexts.*** Newcastle upon Tyne: Cambridge Scholars Publishing. ISBN 978-1443842051, 315 pages.

Law touches all our lives and, perhaps more than any other sphere of social life, law is language- and text-bound. Consequently, legal texts are situated social constructs. It is therefore only natural that legal communication has interested researchers irrespective of language or jurisdiction. The study of legal English has produced an impressive body of research not only because of the fact that English is the language of international communication but also because in the English-speaking common law countries' language use in legal settings is highly institutionalised and dependent on special rules of language use: elaborate forms of address and politeness, and rules restricting what may be said. Today, English is the language of international communication in business and cross-border contracts and hence also cross-border disputes. It is also the language of the academic community in all disciplines. Because of the variety of areas in which law intervenes in our everyday lives, legal genres are many and varied and so are the studies of them. Associate Professor Girolamo Tessuto's contribution – *Investigating English Legal Genres in Academic and Professional Contexts* – is a welcome addition to those studies first of all because of its reliance on corpus-based data and secondly because it provides reliable analyses of both ubiquitous but less often studied text types as well as ones that are studied more often. As the title of the book indicates, the legal genres studied are both academic and professional. Studying legal genres means studying critically how language is used in socially situated discourse, and it also provides a platform for studying the ways in which knowledge is created in legal professional and academic writing.

For students and researchers of law as well as legal professionals who wish to participate effectively in the increasingly international world of scholarship, competence in English for academic purposes is a necessary prerequisite. This book provides important information based on analyses with much-debated but widely accepted methods for both native speakers and non-native speakers of English in the field of law. The author shows shrewd insight and an ability to identify relevant issues in this line of study in his choice of the three genres he analyses: case notes/briefs, which are not often studied probably because they are typical of the legal domain; abstracts to academic papers, which have attracted linguists' attention more often and have been thoroughly analysed, although not only those appearing in law journals and publications; and book reviews, which perhaps represent the middle ground as far as the volume of previous research goes. The book's overall approach builds on models from discourse analysis, genre analysis, rhetoric and linguistic pragmatics.

The author, Girolamo Tessuto, is an experienced researcher and teacher of legal English who has previously published a number of scholarly studies on legal discourse and genre analysis; he has also edited several collections of scholarly articles on law and language. He is the editor-in-chief of the internationally peer-reviewed series *Legal Discourse and Communication* (Cambridge Scholars Publishing), formerly *Explorations in Language and Law* (Novalogos). He holds the English language chair at the Departments of Law of Seconda Università degli Studi di Napoli and Università degli Studi di Napoli Federico II, and is the Head of the Centre for Research in Language and Law – RILL.

In the introductory chapter of his new book, the author gives an overview of the theories on which the study's analysis is based and other studies where these theories have been applied, focusing mainly on recent studies published since the turn of the century. The book's

bibliography is extensive, showing the thoroughness of the author's reading on the topics he discusses.

The author makes use of theories of discourse analysis, metadiscourse, genre analysis and rhetoric at the macro level; the micro level is concerned with genre analysis and rhetorical structure, focusing on rhetorical moves and steps; at the lowest level the analysis is based on linguistic markers, textual structuring and linguistic signalling.

The main body of the volume is divided into three parts according to the legal subgenres being analysed: Part I: Digging the ground of case notes; Part II: Abstracting legal research; Part III: Assessing and keeping face in legal research; the book contains five chapters. Each part begins with a literature review of the approaches and previous research that are relevant to the genre in question.

Part I (pp. 12–157) of the book describes a subgenre which, for some reason, has not previously attracted many researchers: case notes. Case notes (also called case briefs or case commentaries) form a subgenre which builds a bridge between the activities of law-applying and law-describing[1] and thus also between legal practice and legal science. Case notes are the texts students are required to learn to write throughout law school as they study court cases and precedents, and later many of them continue to write them as experts. Case notes are particularly important in the common law countries because of the function of court cases as precedents constituting the principal source of law. No doubt, case notes have a fairly universal superstructure with some variations in all jurisdictions: the facts of the case and the legal problem addressed; the basis of the judgment: the sources of law referred to and the arguments on which the decision was based; and the consequences of the case: how the judgment changed the legal status and how it has affected the future. The descriptions offered by this book are particularly interesting to those of us who teach law students in civil law countries where legal English is taught and more and more courses are being offered in English. Case notes are of special interest to legal practitioners: legal counsels, attorneys-at-law, solicitors, barristers and judges as they prepare their cases and counsel their clients. The author states that the expert case notes published in English language law journals are particularly useful because "they provide a valuable source for the widest readership to share information about decided cases in the Common Law and other territorial jurisdiction" (p. 12). This is very true from the point of view of both the content and the expression.

Tessuto examines the rhetorical and generic-level patterns to discover variations or stability in the writing strategies of the genre in 70 case notes retrieved from two academic and two professional journals covering the years 2009–2011. The above-mentioned superstructure is analysed in more detail in terms of moves and sub-moves adopted from Swales (1990) and Bhatia (1993). The analysis reveals some intrageneric variations in constructing information, some of which are due to the editorial policies or conventions of the journals.

The author then analyses linguistic signalling – the lexico-grammatical expressions used – and pays attention to the use of past tense narrative, declarative, passive and active voice in different sequences and moves. Since the texts studied are the result of law-describing activity, reporting rulings in the past, it is natural that past tense narrative dominates the surface of the sequence where the case is described. The author notes that "the criteria of the move-structuring information are based on the rationale of the case" (p. 36). Both the superstructural level analyses and the micro-level analyses reveal the very dense intertextual quality of the case

[1] For more on this categorisation, see Salmi-Tolonen 2008.

notes and the original court decision. The author calls this the "generic replicability" (p. 21) of the previous judgments. This is particularly notable in case notes in the professional strand.

Differences are found between the two strands, the academic and the professional, in that they have a different function. The professional case notes provide neutral and impartial summaries of the judgments, the facts of the cases and the points of law involved, the legal bases, whereas the case notes extracted from the academic strand have a more argumentative and expository overall communicative function as opposed to mere reporting and informing. Therefore, the author concludes that these case notes resemble scholarly research articles. Academic case notes are of particular importance in civil law countries, where scholarly writings, opinions and arguments are considered to be permitted, though weak, source of law.[2] In Germany, judges may, in the reasoning part of their decisions, refer to the views of academic scholars, and it is also well known that strong criticism from the academic world has sometimes led to the amending of laws.[3]

The study of metadiscursive markers in case notes provides interesting reading to anyone who is interested in legal writing: hedges and boosters as well as attitude markers and self-mention are reported and computed. Introspectively, I find some resemblance in the use of the subjective "I" pronoun in this genre and the opinions of the Advocates General of the European Court of Justice I studied a few years ago.[4] It is important to emphasize these features to help us keep in mind that too much generalization will overshadow the genres where the author's voice can and should be heard. Legal theorists have noted that legal norms and court decisions provide only the raw material of law and are not yet law, and only after the academic legal community has debated, analysed and systematized them do they become law.[5]

Part II (pp. 158–229) of the book focuses on abstracts of scholarly articles in law journals. This is a subgenre which has previously been studied more thoroughly than case notes, as the author acknowledges. What must be noted here is that, as far as I know, there are no previous corpus studies devoted solely to abstracts in academic law reviews. As the author points out, abstracts have an important communicative role to play. They represent the part of research which is most obviously in the public eye, the part which "creates an impression of the writer's research work" (p. 158) by expressing the hypotheses, aims, approach, findings, conclusions and implications of the research. In a very small space the abstract's task is to accomplish almost the same as the perhaps dozens of pages of the whole article, which, for its part, represent months or even years of research. If the abstract fails to communicate the intended information to the reader, it may be the only part of the research which is ever read. Tessuto's study reveals that the move patterns in the genre of the legal abstract are diverse and gives us systematic corpus-based insights. Only a minority of the abstract writers followed a strict format, and the majority stepped outside the typical research article pattern and wrote indicative rather than informative abstracts. Linguistic signalling indicated impersonality rather than personality, whereas knowledge claims were signalled explicitly by the first person pronouns "I" and "we". Otherwise explicit authorial presence was found to be reduced in the abstracts. The author ascribes this to the writers' wish to set up a "firewall" against attack (p. 227).

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2 This system of strongly obliging (black letter law, customary law), weakly obliging (travaux préparatoires, case law), and permitted (legal science, legal principles, moral arguments) sources of law was suggested by the legal theorist Aarnio (1982).

3 See, e.g., Markesinis et al. 2011 which, among others, contains 120 translated German court decisions.

4 Salmi-Tolonen 2005: 59–101.

5 E.g., Tolonen 2003: 14–18.

Part III (pp. 230–275) of the book analyses reviews of scholarly books. This study can be said to blaze a trail since book reviews in law are, for the most part, a white area on the map of genres. This is true despite the fact that quite a great deal of space in law journals is devoted to these peer reviews and also that in the legal field, as I have observed, book reviews are more highly regarded as publications than perhaps in any other discipline (see my comment above on legal raw material). It is, of course, possible that this fact has previously gone unnoticed by linguists. The boundaries between disciplines are still fairly clear despite attempts to encourage multi-disciplinary studies and cooperation.

In this part of the book, the author highlights "politeness", a pragmatic feature studied in academic writing in general where variation is found between cultures.[6] Politeness is a pragmatic feature that is particularly critical in reviews of scholarly legal books. As noted above, the author has made clever choices and found genres and features that are of interest to anyone who is teaching, practising or studying law. Brown and Levinson's influential politeness model, which is used by Tessuto, was introduced in the 1980s and is based on three concepts: the notion of face as derived from Goffman (1967), face-threatening acts and politeness strategies. To my knowledge, the first study suggesting that the concept of politeness is central to scholarly writing was "The pragmatics of politeness in scientific articles" by Myers (1989), a work that is mentioned in the literature survey at the beginning of Chapter 5.[7] The data concerning 30 book reviews is compiled from two fairly recent Cambridge University Press Journals – The Cambridge Law Journal (CLJ) and The International Journal of Law in Context –, 15 book reviews from each from 2007 to 2010. With characteristic thoroughness the author analyses a total of 637 evaluative acts which are identified as explicitly positive, negative or mitigated; their distribution and frequency are analysed. Besides providing enlightening statistics the author also gives a fair number of examples drawn from different parts of the reviews, which is very rewarding for the reader; and, what is even more laudable, the author does not leave it at that – statistics and examples – but takes the analysis further, explaining what he considers meaningful in these findings.

Phenomena of low occurrence are at least as interesting as phenomena of high occurrence. Low occurrence may be genre-specific, as I think is the case here. Therefore, Tessuto's findings concerning negative evaluation are of particular interest first of all because unmitigated "bald criticism" occurs very rarely and secondly because of the fact that such criticism occurs at all. Rhetorical mitigation strategies are exemplified by linguistic signals the reviewers have used to soften their criticism, while at the same time saving their own face. It is definitely beneficial to study these strategies because it is important to become sensitised to the linguistic signals and rhetorical effects of different conventions. The most common one Tessuto found is hedging, which is often used in academic articles in general. However, devices have been found to vary in different discourse communities, disciplines and language cultures and also over time within the same disciplines.[8] The author discusses a wide range of devices from hedges to the use of the generic "one" to questions that enable knowledgeable readers to participate, apologies when reviewers acknowledge their inability to cover all the issues, and suggestions addressed to the author. Tessuto's conclusion is that the reviewers predominantly chose positive or, if critical, mitigative evaluative strategies. No doubt there is variation between disciplines, and

6 E.g., Salmi-Tolonen 1991 compares Finnish and English academic writing.

7 See also Lindeberg 2004.

8 Lindeberg 2004: 3.

the author has brought this up, referring to previous studies and comparing reviews assessing "soft" and "hard" sciences; he comes to the conclusion that the data studied in this book deviates from the previous findings in the soft sciences – social sciences and humanities. I do not find this surprising because despite law's reputation as being traditional and formal, the science of law is dynamic and based on argumentation and debate. It is important to keep one's eye on the ball and keep the ball in the air.

This book is extremely rich in new information on the three genres it describes: case notes, research abstracts and book reviews. The research questions are relevant, indicating that the writer is an experienced teacher of legal English. The analyses are based on corpora and conducted in meticulous detail. The analyses are substantiated by quantitative data and the text enlivened by tables and graphics. In places the statistics and frequencies are somewhat superfluous: for example, word lengths are not commented on or explained in the text, and seem to be there simply because the software that was used (WordSmith Tools 5) produced them. Then again, some comments on the type token ratios would have been welcome, if they are meaningful in this context. The volume is very rich in detail, but, as is often the case, it is sometimes difficult to see the forest for the trees. A chapter giving the writer's view of what all the findings add up to, though understandably not an easy task, would have been useful.

As noted above, a particularly welcome feature of the book is that the study is corpus-based. We need studies and analyses of real data to add to the body of knowledge to develop legal linguistics in order to study judicial and juridical language, as well as to teach future legal professionals and promote legal literacy. This cannot be done through anecdotal writings and encyclopaedic information alone.

The author is surprisingly silent on this book's aim and purpose, but states that the research reported in the book is descriptive rather than prescriptive: "the book seeks to show analytical insights in systematic and clear language, and can be of interest to native and non-native readers (of English), whether involved in English applied linguistic research or disciplinary writing instruction at both undergraduate and postgraduate levels" (p. 9). I understand that one of the aims is to reveal the prevailing propensities in the dynamic genres he analyses. I believe the author assumes that his audience has a considerable grasp of linguistics and also of higher-education-level pedagogy and therefore leaves to the reader the task of putting his findings into practice in teaching. Many legal professionals may shy away from this kind of detailed linguistic analysis, but the many examples and the concluding discussions at the end of each part will provide interesting reading for them.

Law offers rich data concerning instances of real language use for linguistic analyses which increase our understanding of how language functions in our reality. Providing us with the findings of his competent and meticulous analyses, Girolamo Tessuto makes a valuable contribution to the body of knowledge we need to understand how language functions in legal academic and professional contexts.

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