

# The Three Waves of Globalization



The Three Waves of Globalization:  
Winds of Change in Professional,  
Institutional and Academic Genres

Edited by

Franca Poppi and Winnie Cheng

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P U B L I S H I N G

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# TABLE OF CONTENTS

Preface .....	viii
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Introduction .....	ix
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## **PART I: GENRES IN PROFESSIONAL CONTEXTS**

Chapter One.....	2
Tracing (and Tagging!) Language Features in the Historical English Courtroom (1649-1856)	
Dawn Archer	

Chapter Two .....	23
The Language of Insurance Claims Adjustments: Interviews or Interrogations?	
Glen Michael Alessi	

Chapter Three .....	37
Tracking the Evolution of Genres: The Case of Corporate Websites	
Judith Turnbull	

Chapter Four .....	56
The Discursive Encoding of Changing Business Values in CSR Reports: A Corpus-Based Investigation	
Paola Catenaccio	

Chapter Five .....	77
Make up or Made up? Intra and Interlinguistic Messages in the Globalised World of Cosmetic Advertising	
Gillian Mansfield	

## **PART II: GENRES IN INSTITUTIONAL CONTEXTS**

Chapter Six .....	94
Modality and Performativity in Legislative Texts across Jurisdictions: The Case of <i>Shall</i>	
Giuliana Garzone	

Chapter Seven.....	123
Modality in Judgements: Italian Texts in a Diachronic and Cross-Cultural Perspective	
Francesca Santulli	
Chapter Eight.....	142
Elements of Change in Contemporary Institutional Discourse: A Longitudinal and Corpus-Based Analysis	
Julia Bamford and Giuditta Caliendo	
Chapter Nine.....	160
Tracking Language Change in the American Government: Keys in the Old and New Administrations	
Denise Milizia	
Chapter Ten .....	181
Tracking the Change in an Institutional Genre: A Diachronic Corpus- based Study of White House Press Briefings	
Cinzia Spinzi and Marco Venuti	
Chapter Eleven .....	197
The Use of Modality in UK TV Electoral Debates	
Chiara Degano	
 <b>PART III: GENRES IN ACADEMIC CONTEXTS</b>	
Chapter Twelve .....	222
Language Change in Legal Research Article Titles	
Michele Sala	
Chapter Thirteen.....	244
Relatives in Scientific English: Variation across Time and Space	
Marianne Hundt	
Chapter Fourteen .....	269
Linguistic Evolution of Conjunctive Relations in Emerging Scientific Registers	
Ekaterina Lapshinova Koltunski, Stefania Degaetano, Elke Teich and Hannah Kermes	

Chapter Fifteen .....	285
The Changing Language of Monolingual Dictionary Discourse: A Diachronic Analysis of the <i>Longman Dictionary of Contemporary English</i> Corpus Laura Pinnavaia	
Chapter Sixteen .....	307
Genre Variation across Academic Disciplines: A Case Study of “Cultures” in MA Theses Josef Schmied	
Contributors .....	339

## PREFACE

This volume investigates how generic, rhetorical and linguistic resources are creatively exploited by different Communities of Practice (CofP) in a range of professional, institutional and academic contexts to respond to different socio-cultural scenarios. In particular, it describes the language and structures specific to genres with a view to ascertaining whether homogenizing or fragmenting forces and trends have been brought about by the three waves of globalization which have swept the world since 1492 (Friedman, 2005).

Relying on the assumption that generic developments are at the same time shaped by and shaping their situational contexts, the sixteen chapters in this volume will contribute to a better understanding of language change by adopting different theoretical approaches, analytical tools and new perspectives of study, and bringing together two complementary strands of linguistic investigation - corpus analysis and genre analysis.

The geographical areas analysed here range from the USA to the UK, from Italy to South Africa and New Zealand. The genres covered are spoken genres (courtroom debates and cross-examinations, insurance claim adjustment interviews, political speeches, press conferences, press briefings and electoral debates) as well as written genres (advertisements, statutes, judgments, academic papers, MA theses, journal articles and dictionary entries). In addition, in order to acknowledge the role played by technological developments in radically changing the way information and specialized knowledge are disseminated, web-migrated (informative brochures) and web-generated genres (websites) have been investigated.

(Franca Poppi and Winnie Cheng)



# INTRODUCTION

Globalization has often been described in terms of the spatio-temporal processes of change which underpin a transformation in the organization of human affairs by linking together and expanding human activities across regions and continents (Held and McGrew, 2007: 15). Those spatio-temporal processes did not begin in recent years. On the contrary, the very first signs of global cooperation, mainly in the economic field, appeared around the end of the 15<sup>th</sup> century, when Columbus's path-breaking journey cleared the way for open trade between the Old and the New World.

The first wave of globalization (1492-1800) was driven principally by the countries' governors, who broke down walls between nations and favoured global integration. In the second wave (1800-2000), multinational companies went global for markets and labour, thanks to the boost of the Industrial Revolution. In the first half of this era, global integration was powered by falling transportation costs; in the second half, by the diffusion of the telegraph, the telephone, the PC, the satellite and the first version of the World Wide Web. Finally, the third era (2000 – now) has been powered by individuals, who began to cooperate globally, thanks to the creation and diffusion of a global fibre-optic network all over the world, together with advances in software and applications. With the third wave of globalization that began after 2000, the world has become smaller given that plenty of technological innovations have sharply increased the availability of new modes and channels of communication as well as the range and scope of international interactions. The third wave of globalization has contributed to creating a flattened world, in which completely new social, political and business models have emerged.

On top of this, and possibly more importantly, globalization has prompted the sharing of knowledge and information, substantially improving the diffusion of ideas and practices all around the world, to wider portions of local audiences. This can account both for the emergence of new 'globalizing genres' and for the implementation of a series of adaptations to the existing ones, in an attempt to guarantee the success and survival of different genres in an era which celebrates the need for a 'global reach'.

## 1. Investigating Genres

The interest in the notion of genre has evolved from the need to classify events/objects, as genre rules are always invoked when people engage in professional activities and social interactions. Given its multifarious nature, genre theory has been approached from different perspectives. In fact, three broad ‘schools’ of genre theory are usually identified. The first is the North American New Rhetoric, which draws upon the seminal paper by Miller (1984) and is represented in the works by Bazerman (1984, 1987), Yates and Orlikowski (1992), Freedman and Medway (1994), Berkenkotter and Huckin (1995), and Coe (2000). A second orientation, based on Halliday’s (1978) Systemic Functional Linguistics (SFL), underlines the importance of the social purposes of genre in describing the rhetorical structures that have evolved to serve these purposes. Genre is thus seen as a stage-oriented social process (Martin 1997; Christie and Martin 1997). The final perspective steers between the two previously described types of orientation. It employs the Bakhtinian notions of dialogism and intertextuality (Bakhtin 1981), drawing on SFL’s understanding of text structure and Vygotskian’s (1978) principles of pedagogy. Genre here comprises a class of structured communicative events employed by specific discourse communities whose members share broad communicative purposes (Swales, 1990, 1998, 2003; Bhatia 1993, 1997, 2004).

Genres are unanimously considered dynamic constructs (cf. Yates and Orlikowski 1992, 2002; Devitt 1993; Orlikowski and Yates 1994; Berkenkotter and Huckin 1995; Bhatia 1997a; Paltridge 1997; Trosborg 2000; Nickerson 2000; Louhiala-Salminen and Kankaanranta, 2005), developed to respond appropriately to new recurrent situations brought about by a change in the social environment. If the social action invoked in response to the new situation proves useful for mastering the business at hand, it enters the stock of knowledge of the relevant community and its application becomes routine. In other words, as Miller (1984: 153) argues, “a set of genres is an open class, with new members evolving, old ones decaying”. Genres have become dynamically complex as a result of several factors, which include a tendency to mix ‘private intentions’ with socially recognized ‘communicative purposes’ (Bhatia 1993) and a need to respond to complex, novel, or changing sociocultural contexts (Fairclough 1992a, 1992b, 1993).

Among the many available definitions of genre, the present volume mainly draws inspirations from that proposed by Bhatia (2002: 5), according to which genre is considered one of the several available

instances of conventionalised or institutionalised textual artifacts adopted by the members of specific discourse communities to achieve their communicative goals, usually in response to a recurring situation. In terms of rhetorical model, and with a view to singling out those conventions which can guide the members of a community to communicate in a recognizable and easier way, genres will be analysed here as textual artifacts that share a common purpose, structure and audience.

If evolution (both diachronic and synchronic) tends to affect genres, it is also an inherent characteristic of language. In fact, it goes without saying that genres are enacted through rules that associate appropriate elements of the text's form and substance (or content) with certain recurrent situations (Yates and Orlikowski 1992: 302), with form used to refer to the observable aspects of communication, such as structural features, medium, and language (Yates and Orlikowski 1992: 301; also 2002: 14–15). This is why an analysis of change in professional, institutional and academic genres is bound to involve a fine-grained analysis of several aspects of language, explored in accordance with its two-fold distinction into code and discourse (cf. Nickerson 2000: 45), to account for the use of languages other than English (Italian, Afrikaans and other South African languages).

## **2. Genres and Technology**

The nature and construction of genres have always been defined as both static and dynamic. In fact, genres conventionally perform important discursive actions within particular historical, social, and cultural contexts, but can evolve in terms of communicative purpose, content, form, structure, language, intertextuality and interdiscursivity, subject to the powers of creativity and innovation of individuals and groups. With an increasing trend of globalization and inter-disciplinarity, new cultural and linguistic interconnections are being established in professional, institutional and academic settings to meet the demands for communication in wide-ranging contexts of situation. Moreover, the last few years have witnessed dramatic changes in technology, which, in turn, have altered the way information and expertise is disseminated around the globe.

The adoption of digital communication has increasingly replaced face-to-face interactions and has thus dramatically changed the perception of space and time, which by definition has always served the purpose of helping us define what is commonly known as 'propinquity', that is, nearness in place and nearness in time (Korzenny, 1978). Propinquity is

the base for communication to take place, since an interactive process always occurs at a specific time, in a specific place.

The advent of the Internet in today's society has brought about a technological revolution in all professional and social domains. In fact, given its nature, it is an infinite archive of knowledge, allowing for a deep and unrivalled exploration of documents through the path of our aims or personal tastes. In addition, the advent of the new technologies has made it possible for texts to be realized by a range of semiotic resources, such as interactive images, videos, and music. As a consequence, the use of the new media has led to a decrease in the presence of monomodality in favour of multimodality, defined by Kress and Van Leeuwen (2001: 20) as "the use of several semiotic modes in the design of a semiotic product or event".

The development of Internet technologies, together with the affordances they offer, has triggered a great change in the current interchange of communications and interactions, leading to the creation of new classes of genres that are no longer printed but rely on the multimedial facilities and the multiplicity of possible reading paths. In fact, alongside a completely novel set of web-generated genres (Askehave, Ellerup Nielsen 2005: 132), existing genres are undergoing various adaptations.

### **3. The Present Volume**

An important way of capturing a large number of linguistic realizations of genres is language corpora. Corpora of genres are also useful for tracking any changes in the structure and language specific to genres, as clearly shown by a well-established tradition in historical linguistics that has conducted diachronic analyses of specialized genres. However, apart from adopting a historical perspective, researchers have also conducted generic studies that examine different contemporary discourses and genres situated in an array of contexts of interaction.

The parties involved in the communicative process usually gather into communities of practice, joined together by looser ties than those of a speech community, whose members share a common repertoire (cf. Wenger 1998) and may contribute to bringing about changes affecting the prototypicality of exemplars of genre, depending upon the complexity and diversity of the disciplinary, professional and discursive practices.

It is, therefore, pertinent that an empirically informed analysis does not only focus on the textual, intertextual and interdiscursive features, but also on the institutional, organizational, professional and socio-cultural contexts,

namely all those aspects which show how genres reflect changing disciplinary and professional cultures.

Accordingly, and in line with the multi-faceted nature of genre, different reading paths can be identified in the present volume. It is possible to make a distinction between professional, institutional and academic contexts. Five chapters focus on professional contexts and offer insights into courtroom cross-examinations and the influence of the adversarial system of law, the relationship between assessment and interrogation interviews, web-mediated corporate communication, and comparable advertisements of cosmetic products.

The institutional context is investigated through chapters which take into account different corpora of English statutes and Italian judgments, informative booklets, media coverage of the present and past American administrations, and TV electoral debates.

Finally, an insightful description of the academic context is provided by the analysis of legal and scientific research articles, learner-dictionary definitions, and native- and non-native learner corpora of academic written English,

At the same time, the concept of change can be investigated by adopting a different perspective and focusing on oral, written and web-mediated genres. As far as the first category is concerned, insights into courtroom investigations, insurance claim adjustment interviews, press-briefings, TV electoral debates, and scientific lectures will be provided. Research articles, journal articles, dictionary entries, scientific academic writing, learners' academic essays, and British statutes will be investigated as instances of written genres. Finally, print and web advertisements will bridge the gap between written and web-mediated genres, and will be analysed alongside online EU booklets, companies' websites, and CSR reports.

Throughout the volume, the different reading paths will aim at highlighting the influence of the three waves of globalization on genre evolution, thus contributing to providing evidence in favour of the homogenization or fragmentation hypothesis, namely as to whether new 'global genres' are outnumbering or are outnumbered by the proliferation of a myriad of new, customized genres.

## 4. Genres in Professional Contexts

Within the professional context, the journey through genre changes started as long ago as in the mid-1600s, as **Dawn Archer** shows by examining the most prevalent speech acts in the courtroom, which include

early examples of aggressive ‘cross-examinations’, and highlighting the various ways in which language resources were creatively exploited by courtroom dyads in the past, especially as adversarialism became more established. **Glenn Alessi** examines insurance claim adjustment interviews, which originate from the need to provide impartial expertise in accurately reporting the context, sequence, conditions and chronology of events involved in an accident. The study, based on a spoken corpus of adjuster-victim interviews, is an initial attempt to contextualize the language of insurance claim adjustments and to explore the relationship between assessment interviews and interrogation interviews. Shifting to business discourse, **Judith Turnbull** traces the evolution of a corporate website from its origins in the 1990s to its present-day global version. The diachronic perspective of the study provides interesting insights into how the evolving potential of technology has been exploited by the company to integrate text, colour, layout, images and animation to enhance and enrich the corporate message. The findings also highlight changing socio-cultural concerns and issues which have broadened the corporate discourse from straightforward promotion of a company and its products to the creation of a brand personality for the company which represents, and contributes to, a healthy and sustainable lifestyle for all its stakeholders. **Paola Catenaccio** looks for signs of discourse change in a 4-million-word corpus of CSR reports in English issued by companies worldwide between 2000 and 2009. In particular, the paper aims to outline the discursive role of mental process verbs, such as *believe* and *think*, as well as of other indicators of epistemic modality, with special attention to expressions indicating certainty/uncertainty and knowledge/opinion/belief, looking specifically at the way in which they may function as argumentative indicators pointing to persuasive strategies, typically enacted in the reports, to bring about a paradigm shift. **Gillian Mansfield** presents a contrastive qualitative analysis of two small corpora of comparable English and Italian advertisements of a cosmetic product published in the countries of origin (USA and the UK) and abroad (Italy), investigated from both a diachronic and a synchronic perspective. The study explores message content and inherent distinguishing linguistic features in the advertisements. Results from the analysis show the extent to which flexibility, as far as comprehensibility of meaning is concerned, is permissible in the creative manipulation of promotional language across cultures in the globalised world of cosmetic advertising.

## 5. Genres in Institutional Contexts

**Giuliana Garzone** identifies and evaluates variations in the use of modal verbs in UK statutes from a short-term diachronic perspective. She compares two different corpora of English Statutes. The former dates back to the 1970s, before the Renton Report, commissioned in 1973 by the Heath Government to achieve greater simplicity and clarity in statute law. The latter includes acts enforced in 2010 and 2011. Special attention is paid to the status and use of *shall* whose frequency has decreased dramatically. **Francesca Santulli** also focuses on modal formulas. More specifically, she investigates a corpus of 500 judgments (2000-2005) of the Italian highest courts for civil, criminal and administrative cases, looking at the repetitive patterns occurring in strategic positions, which are functional to marking the progression of argumentation and its transition to the expression of the decision. Her analysis, which acquires a contrastive perspective thanks to the scrutiny of a selection of judgements of the House of Lords (1985-2003), shows the regular occurrence of a deontic structure which exploits the ‘necessity as excuse’ pattern and is then transformed into a performative statement introduced by a conclusive connector. In their study, **Julia Bamford** and **Giuditta Caliendo** examine the communication policy of the European Union (EU) and the crucial role played by new information technologies in the discursive construction of the institutions’ supranational identity. By analysing a corpus of informative booklets contained in the EUROPA website, the study highlights the increased agentivization of the EU as well as a more dialogic mode displayed in the discursive strategies adopted in the wake of the 2005 referendum debacle in France and the Netherlands on the Treaty that established a constitution for Europe. **Denise Milizia** investigates two corpora totalling 16 million words. In her study, interviews, speeches and remarks, statements, and press conferences delivered by the new American administration are compared with those delivered by the old administration, with the aim to uncover the aboutness of the new government with respect to the old. She concentrates on the “buzz collocations” and “buzz idioms” created by politicians to drive home their messages. The study concludes that these “buzz collocations” and “buzz idioms” need to be reworded from time to time, thus proving the temporary nature of patterns of language use in the context of political speeches.

Examining a corpus with all the press briefings from January 1993 to May 2011, **Cinzia Spinzi** and **Marco Venuti** analyze how the discourse preferences that construct the podiums and the press have changed over 18

years in their way of projecting the referenced contexts and their subjectivity. The findings show a more prominent interactive presence of the podium as an individual in Clinton's first term than in the following years, whereas in Bush's briefings, the podium seems to perform only the "mediator" role. In Obama's, a higher involvement of the speaker is observed due to the key cluster *I think the president*, which is used not merely to project an idea but also to mitigate his assertions.

Political discourse, and in particular the TV electoral debates held for the first time in the UK on the occasion of the 2010 general elections, is studied by **Chiara Degano** who finds that modality plays a particularly relevant role in electoral campaigns, where the establishing of consensus rests mainly on the capacity of constructing a certain representation of reality (what is) and of possible alternatives (what should, may, or would be). In an attempt to investigate the degree achieved in the specialization of functions, she focuses on *can*, used mostly for acclaims, i.e. moves in which the candidate extols his/her virtues, in terms of personal qualities, past achievements and political program, and *should*, usually employed for attacks on the adversaries.

## 6. Genres in Academic Contexts

**Michele Sala** examines the language used in legal research article (RA) titles from both a synchronic and a diachronic perspective. Investigating a corpus of 100 legal RAs written in English and published between 1980 and 2010, he proposes an integrated model for analysing RA titles and assessing the effectiveness of the different possible constructions. The application of this model allows him to establish the most appropriate title typology for legal RAs, discuss its prototypicality in relation to the disciplinary epistemology on the basis of legal research, and account for the possible degree of variation in titling practices over time. **Marianne Hundt** discusses the diachronic change in the use of relative clauses in one particular national variety of English: New Zealand English. The focus is on the choice of relative markers in restrictive relative clauses. The data reveal that in the early colonial days, New Zealand scientific academic writing showed relativizer choices in restrictive relatives that were practically identical to those found in parallel BrE texts. In the 20<sup>th</sup> century, New Zealand English was initially ahead of AmE in deploying a greater use of restrictive *that*. At the end of the century, however, BrE caught up with New Zealand English and the two varieties have come to display the same kind of preference in academic writing. **Ekaterina Lapshinova et al.** provide a description of the new registers



which emerge when a discipline comes into contact with computer science (“contact” discipline). The researchers discuss the extent to which the linguistic characteristics of the “pure” discipline propagate to the emerging or mixed discipline, and the way these interdisciplinary registers change over time, with particular reference to conjunctive relations. The results emerging from the English Scientific Text Corpus (SciTex), a diachronic corpus of scientific journal articles, show that “mixed” disciplines not only develop features that are different from the “contact” discipline and the respective “pure” discipline but also change their occurrence and use over the years. **Laura Pinnavaia**’s paper focuses on wordlists and definitions, namely the most ideologically-laden elements in any dictionary. The changes found across the five editions of the *Longman Dictionary of Contemporary English* (from 1978 to 2009) and prevalently in LDOCE 3 onwards reflect a changed English world both existentially and – more interestingly – socially and culturally. The study shows that later editions of the LDOCE clearly represent a current and global view of the English-speaking world, where innovation, tolerance and political correctness reign, paradoxically aided by a tighter use of prescriptive labels regarding tone. The final contribution is by **Josef Schmied**. Examining a pilot corpus of over 50 MA theses with about 2.5 million words, he investigates variation in culture in terms of the dimensions of academic discipline, gender and ethnic/linguistic background. The results indicate that the variable discipline displays interesting patterns of variation, most of which can be explained by the standard hypotheses of meta-discourse proposed by previous academic writing research. Such an analysis also helps to raise students’ awareness of their linguistic choices between individuality and conformity in their discipline.

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## **PART I:**

### **GENRES IN PROFESSIONAL CONTEXTS**

# CHAPTER ONE

## TRACING (AND TAGGING!) LANGUAGE FEATURES IN THE HISTORICAL ENGLISH COURTROOM (1649-1856)

DAWN ARCHER

### 1. Introduction

In the introduction to this edited collection, Poppi and Cheng explain how genres are simultaneously static and dynamic: that is, they perform – and, hence, come to represent – important discursive actions within particular socio-cultural, historical and/or institutional contexts, whilst also having the capacity to periodically evolve in a way that (re)shapes their communicative purposes. For example, one could argue that it was societal concerns which provoked - and subsequently drove - institutional attempts to codify and/or formalise English courtroom practice from the mid-1600s onwards. These concerns centred around the plight of defendants in the first instance – in, for example, seventeenth-century political show trials and eighteenth-century felony<sup>1</sup> trials where England’s penal code “prescribed death by hanging” (May 2003, 3) following a guilty verdict – and only later reflected rising fears in respect to crime and/or developments in policing.

Corpora offer a useful means of tracking both the static and dynamic characteristics of genre: hence this edited collection’s aim of bringing together the complimentary approaches of corpus analysis and genre analysis. In response to this aim, the present chapter describes how annotation schemes (Archer 2005) have been used to trace courtroom participants’ discursive practices in the seventeenth-, eighteenth- and nineteenth centuries. Particular attention is paid (i) to defendants’ creative exploitation of language in what – for them – constituted a very perilous speech activity, and, to a lesser extent, (ii) to defence lawyers’ emerging strategies as the *accused speaks* trial slowly “gave way to a radically

different style of proceeding, the adversary criminal trial” (Langbein 2003, 253).

## 2. Growing Professionalization of English Courtroom Practices

Langbein uses the term *accused speaks* to differentiate felony and treason trials of times past from their modern equivalent and also from historical trials relating to misdemeanour. For seventeenth-century defendants who faced misdemeanour charges were entitled to employ a lawyer to conduct the defence: trials for misdemeanours, in consequence, have always had the feel of a professional contest between opposing counsel (May 2003, 22). In stark contrast, defendants accused of a felony or a treasonable act were denied counsel at this time – in spite of the fact that their “very life was forfeit” (ibid., 15) were they to be found guilty. The reasoning? A belief that legal assistance might obscure a true determination of guilt or innocence. As one contemporary put it:

[I]f counsel ... should plead [the defendant’s] plea for him, and defend him, it may be that they would be so covert in their speeches, and so shadow the matter with words, and so attenuate the proofs and evidence, that it would be hard, or long to have the truth appear  
(Pulton 1609, adapted from Langbein 2003: 35)

The injustice of a defendant facing charges of treason having to face a Crown represented by the Attorney General and the Solicitor General (i.e. the highest-ranking prosecution counsel in the land) became a political hot potato in the wake of some notorious perversions of justice by late Stuart judges,<sup>2</sup> and it led to the introduction of the Treason Trials Act of 1696. This 1696 Act gave defendants facing treason charges a right to engage counsel and, in so doing, allowed such trials to quickly evolve into a professional contest between prosecution and defence lawyers from the eighteenth century onwards (as will become clear in this paper). The felony counsel restriction was not lifted until 1836 however, following the enactment of the Prisoners’ Counsel Act. The 1836 Act subsequently spurred lawyers into action in terms of documenting their “professional justifications for the changes it imposed” (May 2003, 5), with the result that felony trials began to take the full shape of today’s (Anglo-American) adversarial contests from the mid-nineteenth century onwards (see Section 5.2).

Because of length constraints, I focus on a handful of treason trials representative of the seventeenth and eighteenth centuries in Sections 3-

4.2, as a means of demonstrating how such treason trials acted as a forerunner of – and as a catalyst for change within – the ordinary criminal trial. I then go on to provide a summary of how interaction within the latter changed in the eighteenth and nineteenth centuries in Sections 5-5.3, as a means of identifying – discursively – the aforementioned move towards adversarialism in the historical English courtroom.

### 3. Seventeenth-Century Treason Trials

Contrary to the belief that “it require[d] no manner of Skill” for a defendant “to make a plain and honest Defence” (Hawkins 1721, 400) in trials where they were denied legal counsel, seventeenth-century defendants often struggled to respond to the judge’s invitation to address the jury and/or to cross-examine witnesses. Typical factors against them included:

- (i) not being able to prepare for the trial,
  - (ii) their actual physical and emotional state, as most were brought to trial from their prison cell in a dishevelled and hungry state,
  - (iii) their inability to talk effectively in this public setting, especially given they would not know the precise evidence that would be introduced against them until they heard that evidence in court,
  - (iv) their lack of knowledge of the law and/or the workings of the courtroom, and
  - (v) their inability to override the guilt bias so prevalent at this time, which effectively meant that the burden of proof lay with them
- (Adapted from Archer 2005: 87-89, and Archer 2010: 215)

Defendants facing treason charges, in particular, found that even when they proved themselves skilful in asking probing questions and/or in speaking effectively to the jury it did not usually lead to their freedom. Consider the Trial of Edward Coleman (1678). Coleman was falsely accused of being a *catholic conspirator* by Titus Oates (because of his association with the Duke of York, who – according to Oates – was involved in a popish plot). In his trial, Coleman bravely articulated his fear that, in spite of his innocence, “*the violent prejudices that seem to be against every man in England, that is confess’d to be a Roman Catholick*” at this point in history would mean that “*Justice will hardly stand upright*”. The judge initially reassured Coleman that he would *have a fair, just and legal Trial*, but then went on to state:



- (1)  
 L. C. Just. [...] Therefore you shall find, we [= protestants] will not do to you [= catholics], as you do to us, blow up at adventure, kill people because they are not of your perswasion; our Religion teacheth us another Doctrine...you are brought here from the necessity of things, which your selves have made; and from your own actions you shall be condemned, or acquitted. (Trial of Edward Coleman, 1678)

Notice how the opposition between *we* and *you* effectively positioned Coleman with those Catholics who *blew up at adventure, kill[ed] people*, etc., and the judge with those whose *Religion* taught what, for him at least, was a more tolerant *Doctrine*. Notice, too, the guilt implicature within the claim that Coleman had been *brought* before the Court because of his own actions (i.e., a *necessity...which* he had *made*) and the ordering of *condemned* and *acquitted* when stating the possible consequences of those actions. Cumulatively, these features suggest that Coleman was right to fear that justice would be coloured by a ROMAN-CATHOLIC-EQUALLED-TRAITOR reality paradigm on the part of the judges (Archer 2002, 2011a).<sup>3</sup>

### 3.1 Archer's (2005) Macro Speech Act Categories

In Archer (2005, 120-134; 339-345), I document three annotation schemes I have devised to portray:

- (i) Interactional information respecting whether a given utterance initiates a turn, responds to a turn or provides a follow-up to a previous response, etc., within a courtroom context;
- (ii) Macro speech acts that were used in the historical courtroom with some regularity (i.e., COUNSEL, REQUIRE, QUESTION, INFORM, SENTENCE and EXPRESS);
- (iii) Additional details about questions and answers (their types and functions).

My focus, in this sub-section, is the second scheme: in particular, the COUNSEL and REQUIRE categories applied to courtroom trials taken from the Sociopragmatic Corpus (1640-176), henceforth SPC.<sup>4</sup> The COUNSEL macro category consists of:

- CAUTIONS - where the S[peaker] strongly counsels the A[ddressee] against pursuing a certain course of action;

- THREATS and COERCIONS - where S compels A from or intimidates A into pursuing a certain course of action; and
- ADVICE and RECOMMENDATIONS - where S commends a certain course of action to A.

The REQUIRE macro category consists of

- COMMANDS/ORDERS/INSTRUCTS/DIRECTS - where S wants and expects A to do something, in a way that presupposes S has sufficient authority, and that S and A are in an asymmetrical relationship;
- DEMANDS - where S wants something to happen, but because s/he expects that A will be reluctant to comply, makes the SA force overt;
- DESIRES/REQUESTS - where S wants Y to happen and wants to cause A to do Y. Please note: REQUESTs tend to be more dispassionate than DESIREs, the latter having a strength of feeling that often implies strong intention or aim;
- PLEADS/BESEECHES/IMPLORES/APPEALS - where S wants Y from A, but knows that s/he cannot cause A to do it, in turn implying an asymmetrical relationship. For example, PLEAD appeals to A's sense of reason and justice, and IMPLORE to A's emotions (with APPEAL somewhere between the two). In contrast, BESEECHING focuses on A's action rather than any benefit following from that action  
(Adapted from Archer 2005, 339; see also Wierzbicka 1987, 39, 54, 70).

When the above tagging schemes were used in conjunction with a Sociopragmatic Scheme –which identifies S and A variables such as SEX, AGE, STATUS and ROLE (Archer and Culpeper 2003) – the results gleaned from the SPC suggest that six defendants facing treason charges (all of whom enjoyed a social status of gentleman or higher beyond the courtroom) sought more than any other defendants to creatively exploit discursive opportunities that might save their lives: by, for example, using directives and counsels instead of remaining solely in an *answerer* role (being responsible for most of the defendants' 48 singular and 78 multiple directives identified in the SPC data). The atypicality of directives generally in the SPC data,<sup>5</sup> as well as their use by both powerless and powerful interlocutors in the SPC trials, makes them a particularly interesting phenomenon to explore in some detail.<sup>6</sup>

### 3.2 Defendants' Use of Directives and Counsels

The fact that most of the defendants' directives clustered together - and often in one turn (i.e. as an utterance containing multiple requests) - suggests that (i) they were attempting to bolster the effectiveness of their requests and (ii) they became increasingly desperate as their trials progressed (Archer 2006a). Charles I, for example, requested six times that he be given an opportunity to speak in his 1649 trial for treason. And most of these indicated anxiety on his part, as here:

(2)

*The King.* When I was here yesterday, I did desire to speak for the Liberties of the People of England; I was interrupted. I desire to know yet whether I may speak freely or not.

The King was one of only two defendants in the SPC trial data (both of whom faced treason charges prior to the introduction of the 1696 Treason Act) who made use of REQUIRES and also COUNSELS (in Charles' case, in the same turn).<sup>7</sup> In Charles' COUNSEL/REQUIRE- see (4) - as with Dr Hewet's COUNSEL below - see (3) - the force used suggests they were very much aware of the potential face threat of their utterances:

(3)

*Dr. H.* *My Lord, I suppose these learned Gent. who are so learned in the Laws will be cautious in what they do against Law, and I hope they will remember what condemnation and execution befell Trecilla .. that ...did misadvise the King to do such and such things, that is much like...this Case of mine: And withal I hope they will remember what befell the Judges in the Case of Shipmoney in the time of the late King, and therefore I hope they will be cautious themselves in doing any thing that is contrary to Law .* (Trial of Slingsby, Hewet and Mordant, 1658)

In fact, Hewet's utterance has the feel of a proposal/suggestion that the Court adopt a certain course of action: see, in particular, his repetitive use of *I hope*, which served to mitigate the more face-threatening *I suppose*; and his use of presupposition and implicature within his third person statements, *they will remember what condemnation and execution befell ...* and *...they will remember what befell the Judges*. Hewet's possible intention here? To suggest that he was not merely acting in his own interest, but also seeking to help the Court to avoid what had befallen others who had not properly followed the Law.

The dual purpose of Hewet's utterance means that it fits the criteria for my *strategic ambiguity* facework zone (Archer 2011b), i.e., the use of indirectness and multifunctionality in a planned but not a malicious way, such that one attributable intention did not clearly outweigh any others: beyond, that is, a macro implicature that Hewet was innocent.<sup>8</sup> In spite of Hewet's attempts to engage in a level of face maintenance, his behaviour – and, in particular, his continued refusal to plead – was nonetheless looked upon negatively<sup>9</sup>: principally, it must be said, because the expected – and hence normative – behaviour during the arraignment section of a trial was a *guilty* or *not guilty* response to the Clerk's yes/no interrogative respecting guilt/innocence, and *By God and the Country* to the Clerk's wh-interrogative, *How do you plead?*

Most defendants justified their refusal to plead during the arraignment phase “on the basis of a certain legal expertise” or on “libertarian principles” (Cecconi 2012, 107). Charles – as King – emphasised his divine right to rule, and in ways that were atypically aggressive given his defendant status. For example, his *self*-focussed request, *I desire to* (in (2) above), became an overtly *other*-focussed *I do require you* later in his trial:

(4)

King.

I say this Sir, That if you will hear me, if you will give me but this delay, I doubt not but I shall give some satisfaction to you all here, and to my People after that, and therefore I do require you, as you will answer it at the dreadfull day of Judgment, that you will consider it once again

(Trial of Charles I, 1649)

Notice that Charles – like Hewet – was commending a certain course of action: that he be allowed to address the Court (rather than plead). But the conditionals + *will* - *if you will hear me, if you will give me but this delay* - when coupled with the REQUIRE/COUNSEL - *I do require you...that you will consider it/as you will answer it at the dreadfull day of Judgment* – add a menacing aspect. Simply put, the King appeared to be implicitly cautioning the Lord President not to pursue a course of action which took away his (divine) kingly rights because it would ultimately lead to Bradshaw's spiritual damnation. Bradshaw's response to the king – *Tis not for Prisoners to require* – suggests that judges did not like defendants creatively exploiting language in ways which transgressed discursive boundaries (whether kings or paupers). In fact, such REQUIRES were almost always met with reprimands from the judges, when used by defendants, regardless of their status beyond the courtroom

(Cecconi 2012): Charles was warned for *appear[ing] as a Delinquent*, for example.<sup>10</sup>

### 3.3 The Saliency of Dispreferred Seconds

Some defendants – like political theorist Algernon Sidney<sup>11</sup> – sought to verbally trap their judges:

- (5)
- |                     |  |
|---------------------|--|
| <i>Sidney.</i>      | My Lord, will you oblige me that am an ignorant Man and confess myself so, upon hearing my Indictment for things I know not of, a long Thing, presently to raise a point of Law? |
| <i>L. President</i> | 'Tis not we oblige you, Mr Sidney, 'tis the Law obliges you. We are the Ministers of the Law...Therefore, we sit here only to administer the justice of the Nation.              |
- (Trial of Algernon Sidney, 1683)

As the second pair part of (5) makes clear, the Lord President not only recognised the trap, but also sought to counter it using an *abrogation* or *role-switch* (Bousfield 2008, 195); that is to say, he explicitly highlighted the Court's "representative role" as a "mouthpiece" and "administrator" of "the Law", not its "author" (Cecconi 2012, 83-4). As Cecconi highlights, defendants' use of dispreferred seconds - at the point when a *guilty* or *not guilty* answer was all that was required - were frequently framed in a negative light: as indicators of their disrespectfulness and/or guilt, for example. In such cases, offensive-offensive adjacency pairs tend to grow in frequency in historical trial data. Consider, for example, the following adjacency pair between Hewet and the Attorney General, taken from Hewet's trial:

- (6)
- |                  |  |
|------------------|--|
| <i>Dr H.</i>     | I hope you will have patience to heare me for vindication of my selfe, and satisfaction of my own conscience and all persons whatever; and withal, for the clearing of your selves that you do not bring blood upon your selves by taking that power that is not justifiable--   |
| <i>Att. Gen.</i> | Truly my Lord this is insufferable; Mr. Doctor hath had as much respect as ever any had. I have attended many, I never saw the like in my time; you have had the patience to heare him oppose your selves, your Authority, your persons, and to strike at the root of all. Mr. Doctor I would have you to carry your selfe with more respect. This shews |

that much of what is charged against him is true: If you will scorn the Court say it positively.

(Trial of Slingsby, Hewet and Mordant, 1658)

In spite of Hewet's attempts "to construe the Court's wants as coinciding with his own" (Cecconi 2012, 85), the Attorney General chastised him for scornful behaviour which, in his mind, demonstrated his guilt. It seems, then, that defendants' creative exploitation of language resources was not only a very risky strategy, in such activity types, but also one that failed for the most part (not least because of the misuse of treason trials for political gain during the seventeenth century).

### 3.4 The prevalence of a Guilty Paradigm

In many ways, the Attorney General's emotive outburst (above) is more typical of the way in which judges were portrayed by scribes in the seventeenth-century trial transcripts - i.e., as being patient (initially) but also willing to exercise force: first, in the form of (at times, severe) verbal chastisement and, ultimately, "in the form of physical torture or removal" (Cecconi 2012, 110) when deemed necessary. This said, some seventeenth-century judges – in particular, Scroggs and Jeffries – were overtly biased in favour of the (Stuart) Crown from the outset of a given trial. And even when these judges were not being explicitly face-aggravating, they would often make clear their guilt bias. Consider the following extract, taken from one of the trials which typify the Bloody Assizes:

(7)

*LCJ.* Have you any more to say for yourself?

*Lisle.* My Lord, I came but five days before this into the Country-

*LCJ.* Nay, I cannot tell when you came into the Country, nor I do not care; it seems you came time enough to harbour Rebels.

*Lisle.* I staid in London till all the Rebellion was past and over; and I never uttered a good Word for the Rebels, nor ever harbour'd so much a good Wish from them in my Mind: I know the King is my Sovereign, and I know my Duty to him, and if I would have ventured my Life for any thing, it should have been to serve him, I know it is his due, and I owed all I had in the World to him: But tho' I could not fight for him my self, my Son did; he was actually in Arms on the King's side in this Business; I instructed him always in Loyalty, and sent him thither; it was I that bred him up to fight for the King

*LCJ.* Well, have you done?