Crossing the interdisciplinary border: A structural linguistics genre analysis

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Abstract

This paper presents the steps taken to develop a specific teaching framework that fulfills the fundamental real-life context of the prospective legal practitioners, using the specific genre analysis approach which integrates a corpus-based approach and a structural linguistics analysis. The findings showed the use of specific moves and parts-of-speech by the legal practitioners, in order to prepare the selected genre. In conclusion, the findings from the present study highlighted a suitable teaching framework, deemed to be useful for the teaching of the content of the sales and purchase agreements.

Keywords: Linguistics, Teaching, Genre, Sales, Purchase.

Cruzando la Frontera Interdisciplinaria: Un Análisis de Género de Lingüística estructural

Resumen

Este documento presenta los pasos tomados para desarrollar un marco de enseñanza específico que cumpla con el contexto fundamental de la vida real de los posibles abogados, utilizando el enfoque de análisis de género específico que integra un enfoque basado en corpus y un análisis de lingüística estructural. Los hallazgos mostraron el uso de movimientos específicos y partes del discurso por parte de los profesionales del derecho para preparar el género seleccionado. En conclusión, los resultados del presente estudio

resaltaron un marco de enseñanza adecuado, que se considera útil para la enseñanza del contenido de los acuerdos de compra y venta.

Palabras clave: Lingüística, Docencia, Género, Venta, Compra.

1. INTRODUCTION

In the recent 10 years, so much has already been said and written about the urgent need of reforming English language standard and proficiency among graduates in Malaysia. In fact, many higher learning institutions in the nation are sorely lagging behind many Commonwealth countries in this respect. But regrettably, there appears to be a lack of unity and sense of urgency on the part of various stakeholders to address these issue poor English skills as an alarming priority. It is quite unclear how they will come to grip with the low proficiency and unsatisfactory state of affair of English proficiency among graduates.

One thing is for sure: there is a crucial mismatch between classroom written language tasks and real-world written language requirements. Realizing the importance of reducing the gap between the professional needs of the legal practitioners and the higher learning institutions that offers the legislative education in Malaysia, it is deemed necessary to develop a framework that integrates real-life written communication with the teaching of content-based legislative discourse to future legal practitioners. By highlighting the actual needs of the legal practitioners in the country, the present teaching practices will be enhanced and aligned with the actual needs of the learners thus

realizing the vision and aspirations of the Malaysian Education Blueprint 2013-2025 and Legal Profession Qualifying Board (LPQB).

Conferring to the Malaysian Education Blueprint 2013-2025, hereafter MEB for short, it is stated that in recent years, the Malaysian education system has come under increased public scrutiny and debate, as parents' expectations rise and employers voice their concern regarding the system's ability to adequately prepare young Malaysians for the challenges of the 21st century. Thus, there is an urgent obligation to focus the present and the future educational needs to the real-world employment engagements of graduates which can only be realized by developing a framework which is designed fundamentally within the prospective requirements of its real-life context.

The framework has to be developed based on real-life written communication from the legal profession in Malaysia. The present study aims to develop a specific written framework for a particular type of legal written communication, namely; the Sales and Purchase Agreement. The framework will be developed using the specific genre analysis approach which integrates a corpus-based approach and a move analysis. The framework is hoped to enhance the teachings of content-based law courses offered at present in the higher learning institutions in Malaysia.

2. LITERATURE REVIEW

2.1. Malaysian Education Blueprint 2013-2025

The education system in Malaysia is overseen by the Ministry of Education which handles all matters pertaining to pre-school education, primary schools, secondary schools, post-secondary schools and tertiary education in the nation. Within this responsibility, the Ministry of Education engages in various improvement activities such as developing the new MEB which is a follow-up from the National Education Blueprint 2006-2010. MEB was a ground-breaking effort as it used various perspectives to assess and to evaluate the performance of Malaysia's education system.

The assessors included the World Bank, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Organization for Economic Co-operation and Development (OECD) and six local universities. The new MEB 2013-2025 was developed in order to address the rising demands of global education standards, where the Malaysian government is aspired to prepare the nation's younger generation for the needs of the 21st century and augmented public and parental expectations from the implemented education policy. MEB was the outcome of an extensive research and public engagement which was carried out by the Malaysian's Ministry of Education (MOE). Among the highlights of the MEB are;

- The Malaysian's MOE aims to ensure universal access and full

enrolment of all children from preschool through to upper secondary level by 2020.

- Malaysia, through education, aims to be in the top third of countries in terms of performance in international assessments as measured by outcomes in the Trends in International Mathematics and Science Study (TIMSS) and the Programme for International Student Assessment (PISA) within 15 years.

- The Malaysian Education Ministry aims to reduce the current gaps between urban-rural, socio-economic and gender achievement by the year 2020.

- By the end of 2013, the Ministry intends to promote academic and career counseling services into the secondary school timetable to help students make better-informed choices about the various education pathways available in the country.

- By 2025, the Trust School model is expanded to 500 schools in the nation, including by alumni groups or non-governmental organizations (NGOs) as potential sponsors.

MEB 2013-2025 also identified 11 shifts that are needed to ensure the occurrences of the most wanted changes in the education system. Each shift addresses minimum one of the five identified system outcomes through; access, quality, equity, unity and efficiency in order to embed a balanced set of knowledge and skills such as

creative thinking, innovation, problem-solving and leadership. Additionally, by 2025, MEB 2013-2025 aims to ensure that English is stated as a compulsory subject to secure a certificate in SPM and to ensure that every student is encouraged to learn an additional language subject in order to be prepared for the global workforce. The need for competent and capable legal practitioners is well-suited into the 11 shifts of the MEB 2013-2025 where the need is to produce quality and an efficient workforce of the nation.

2.2. Legislative Discourse

Malaysia is a former British colony. The Malaysian legislative system is to a great extent, inspired, prejudiced and modeled after the English legal system. The court structure is similar to the English Court system. The courts in Malaysian legislative system are mainly divided into the Superior Courts and the Subordinate Courts (Swales, 1990). In fact, development in legal discourse was in tandem with the developments in ESP as the need to look at course content and language pedagogy arose. The belief that legal language is convoluted, incomprehensible, and fraught, with archaic materials and multi-clause sentences contributing to the lack of research done in this particular area. However, some important work has been done in the field of applied linguistics and law and they are worth mentioning like the work of Yin (2009) on courtroom discourse, Yin (2009) on language variability and the social structure of courtroom and Yin (2009) on sentential and lexical semantics.

At the same time, in the 70s, there was also another development in the field of legal discourse in the United States that is known as the Plain Language Movement. The movement which is towards plain/simple English looks at the comprehensibility of legal language to lay persons. Research by Swales (1990) became an area of interest during this time. In fact, the concept of making the legal language simpler and easier to laymen is not a recent one; it has been of concern for a long time. Swales (1990) addresses the question of simplifying the legal language to which he labels the legal profession as a service profession. For non-native speakers of English Studies, studies on legal discourse have been mainly concentrated within the Commonwealth countries. It was largely initiated in the United Kingdom by the Aston-Birmingham School with reference to the studies by (Swales, 1990).

In Malaysia, studies on legal discourse are still few and varied. There have been studies on language planning, legal terminology, the language in legal practice and language in legal education. To date, the most comprehensive treatment of language planning for Malaysia's legal system is Swales's (1990) work. Written following the Attorney-General's most active language initiatives, and based largely on media discourses, it suggests party-political reasons for extending language policy to the legal domain. His study includes early examples of mixed discourse in the law courts.

Swales (1990) in her study on court interpreting concludes that planners have taken insufficient account of the practical difficulties of

switching languages in a specialized field dependent on authorities that remain overwhelmingly in English. She further argues that English is unlikely to be displaced from a legal system that relies heavily on a vast body of case law that has yet to be translated into Malay. Biber et al. (1998) advocating the same sentiment in his study on corpus planning issues finds that even with comprehensive terminological reform, the shift from English to Malay will not take effect without reforms of the legal system and the legal professional themselves.

According to Biber et al. (1998) the level of Malay proficiency in the legal profession reflects the slow progress of Malay in the judicial system. This is significantly aligned with the findings of a survey conducted by Biber et al. (1998), on language preferences among law practitioners. In the area of legal terminology, a study looked at terminology aspects from the legal translator's point of view. In another work on the same area, Biber et al. (1998) evaluates Istilah Undang-undang (the prescribed list of Malay law terms) and argues that Malaysian terminologists should not shy away from borrowing English terms for unfamiliar concepts.

A growing field of research is an analysis of the written English legal corpus, several text genres and some specific enactments have been investigated from corpus linguistics, genre analysis or systemic functional perspective. In the area of textual analysis, a few studies of have been carried out by local researchers namely studies done by (Yin, 1984). Yin (1984) in her study on the reading of legal cases applied genre analysis and the ethnography method show how crucial

understanding the problems that law students are facing in reading legal cases in English is. She finds that without an understanding of the genre or the role of legal cases in the discourse community, hampered by low proficiency, the majority of the students are rather minimal readers (Ameen et al, 2018).

Biber et al. (1998) examined multimodal units of the Memoranda of Understanding, hereafter MoU, and did a corpus analysis of the word frequency and collocation. The language of affidavits is studied she examines drafts and copies of affidavits to determine the writing styles and strategies of lawyers.

2.3. Computer-Assisted Corpus Analysis

Many previous studies have acknowledged the use of corpus as a suitable tool to investigate and examine the underlying structural constructs of written texts, such as Bhatia et al. (2008), Cheng (2012; 2014), and Manvender (2014). According to Mcenery and Wilson (1996), a corpus-based approach is mainly used to study real life language use. Biber et al. (1998) while supporting Mcenery and Wilson's (1996) claim, presented some fundamental characteristics of a corpus-based analyses as being an empirical analysis, analyzing the actual patterns of language use in authentic writings, utilizing large collection of naturally occurring texts which are compiled as corpus, to be used as the basis for various linguistics analyses, making extensive use of computers for the analysis and applying both the qualitative and

quantitative analytical techniques. Elaborating on the advantages of a corpus-based approach, Biber et al. (1998) identified such corpus-based analyses as providing constant and reliable analyses of language use.

According to Biber et al. (1998), the goal of the corpus-based approach is to report quantitative findings and most of all, to explore the importance of the findings in order to learn the patterns of language being used in the real-life context. In order to allow comprehensive descriptions of a collection of texts, it is necessary to use a tool (a corpus) that accommodates such an analysis and also enables a critical discovery of elements that make up the body of the texts (Manvender, 2014). Compilation of a corpus has always been conducted within a specific purpose and can be a useful tool to provide information related to language use, especially to identify and to analyze complex association patterns; the term used by Biber et al. (1998), to indicate the systematic ways in which linguistic features are used in association with other linguistic and non-linguistic features.

In order to understand language use and to address the essential structures of various genres, there is a need to use a tool that has the ability to provide a detailed and explanatory nature of the structural and rhetorical expressions of selected genres. The integration of corpus-based investigations into genre-based studies has brought forth many empirical studies (Manvender, 2014; Hafizah, 2018). Fundamentally, the Computer-Assisted Corpus Analysis, or CACA for short, was developed to assist textual analysis (Manvender, 2014).

2.4. Structural Linguistics Analysis

The main aim of a structural linguistics analysis is to highlight and examine the linguistics structures and constituents that made up the texts being investigated. Basically, a

> Structural linguistics analysis is conducted to describe the linguistic features used in the texts and to show how these features are combined and used to accommodate the ultimate communicative purpose of the entire genre (Manvender, 2014: 18).

According to Halliday (1994), functional grammar accounts for how language is used in every text. Everything which is written or said, unfolds in some context of use (Halliday; 1994). In addition to analyzing the structural components of texts, Swales (1990) introduced the move analysis through what is well-known as the C.A.R.S Model which was further used by Bhatia et al. (2008) and Cheng (2012; 2014) to conduct various professional genres. Additionally, according to Manvender et al. (2016), a move-based analysis allows speakers of English to comprehend the macro level organization of the linguistics features structures in the genre and also have a control over the micro level of linguistic features naturally used in the texts of their chosen disciplines and professions. Therefore, in order to comprehend the connotation composed in a sentence, it is essential to first establish an analytical platform of the texts and process the sentence into meaningful

communicative moves and then to analyse the grammatical units as composed in the identified move structures of the texts (Manvender et al., 2016: Alkhateeb, 2019).

3. METHODOLOGY

The present study is a multiple case study conducted using a mixed-method approach to research. Mainly, the study is deposited within the post-positivist's view of research methods. In the post-positivists' view, knowledge (referring to our thinking skills) is believed to be something that science can study (Trochim, 2006). Thus, in this case, the thinking skills used by legal practitioners, preparing the written legislative discourse, namely the Sales and Purchase Agreements, are presumably measurable with the use of an appropriately designed methodology. It is hoped to provide an understanding of observable knowledge transfer being applied by the students when preparing the written tasks (Iravani et al, 2015).

A specialized legal corpus, namely; the COWSPA, was compiled from the written genre of the Sales and Purchase Agreement, which was then used for the structural move analysis conducted. An important point to clarify here is that only written texts were gathered and compiled into the representative corpus (Manvender, 2014), as it is assumed by the researchers that

"authentic written texts represent language use more closely that speech" (Manvender et al., 2016: 332).

4. DATA ANALYSIS

The texts in the corpus were tagged manually for each move structure identified. The tagging of the moves was based on the literature of various move structures identified by previous researchers, namely (Swales, 1990). A pre-determined list of moves and sub-moves was developed and used during the tagging process (Manvender, 2014). A precise system of move structures was initiated by the end of the tagging process. Initially, the CoWSPA was analysed for core components. The identified core components were then used to determine the types of linguistics moves structures being applied in the texts. Table 1 below shows the core component and the moves used in the Sales and Purchase Agreement.

Table 1: The Core Components and the Moves Used in the Sales and Purchase Agreements

No.	Core Components	Moves
1	Cover Page	Move 1: Establishing the Contract
2	Introduction	Move 2: Highlighting the purpose of the contract
3	Recitals	Move 3: Providing economical background (info) of the property.
4	Definition of terms	Move 4: Providing definition of specific terms

5	Agreement	Move 5: Describing the rights, obligations and consequences
6	Terms and condition	Move 6: Detailing the general terms and conditions
7	Attachments	Move 7: Providing supporting documents/ Schedules
8	Binding	Move 8: Initiating/installing the contract

The analysis conducted highlighted eight core components, namely; Cover Page, Introduction, Recitals, Definition of Terms, Agreement, Terms and Conditions, Attachment, and Binding and Testing. All the eight core components were found to be obligatory and were important elements of the documents. The moves analysis conducted identified eight corresponding moves as listed in Table 1.

5. CONCLUSION

In this article, the computer-assisted corpus analysis (CACA) Manvender (2014) method was used to examine, define, and describe the legal documents prepared by various legal practitioners. In doing so, it was found that the application of the CACA methodology in research areas such as examining legal semantics, enlightening legal elucidation, as well as clarifying terminologies in many legal documents, and increasing knowledge for novice legal practitioners in the legislative domain, has been extremely convenient and reliable. The CACA method proposes the development of new corpora of well-

organized data, particularly the digitized legislative scripts, to be useful for future studies.

According to Vogel et al. (2017), contrastive to the use of specialized corpora that are specifically created for the use in a solitary study, it is necessary to develop a relevant corpus that goes beyond and identifies the specialty of the linguistics structures in the genre. The CACA method assists in the compilation and creation of such corpus which not only can be useful as legal references, but also to assists in many forms of structural and semantical studies of the legal discourse.

Corpus-based research is unable to offer evidence of structural interpretations of the rhetorical patterns. This has to be done manually, through critical discourse analyses as recommended by (Bhatia et al., 2008). Hence, CACA method of structural linguistics analysis relies on interpretation and validation of the identified move structures. This step involves critical evaluation of the move structure identified where suitable specialist informants Bhatia et al. (2008) are used. As mentioned earlier, the aim of the present study was to provide a solution in reducing the gap between professional needs of the legal practitioners and the higher education providers, the findings of this study have produced a supplementary framework for the teaching of specific legislative discourse, namely in preparing the Sales and Purchase Agreements. The findings from the present study highlighted a suitable teaching framework, deemed to be useful for the teaching of the content of the Sales and Purchase Agreements. At present, most of

the higher learning institution in Malaysia do not focus precisely on teaching this particular genre.

Thus, bringing forth the problem faced by many new legal practitioners. Therefore, it is hoped that the teaching framework developed through the corpus-based analysis of authentic real-world legal documents to be utilized by the higher learning institutions in the nation to prepare and promote good writing practice among the legal practitioners especially those who are involved directly in the preparation of the Sales and Purchase Agreements. It is also hoped that the Malaysian MOE takes the initiative to integrate the teaching framework into the syllabus of the current law courses taught at various higher learning institutions in the country.

6. ACKNOWLEDGMENT

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