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## **Integrating a Swalesean move analysis in reading legal texts**

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### **Introduction**

Common law is characterized by its reliance on case law as a source of legally binding interpretation of statutes and regulation. This characteristic separates common-law countries from civil law countries such as France. It also makes the common-law legal opinion a crucial genre to study in English for Legal Purposes (ELP). It is particularly important for students to read case law in order to understand legal reasoning. As Junker (2008: 1) explains it: “Law professors offer to teach students something called ‘thinking like a lawyer’. They suggest thereby that legal thought is in some way unique. If it is, through what means is it acquired? By reading the law”. Mastering reading comprehension is therefore a vital part of becoming a lawyer in common law countries and an important skill for students of ELP.

Learning to read complex persuasive texts such as legal opinions calls for mastery at several levels, including understanding the overall text structure (*ibid.*: 15). Text structure in language teaching and learning has been studied extensively in the framework of move analysis (Swales, 1990, 2004; Moreno & Swales, 2018), but mainly for writing rather than reading purposes. In addition, the majority of studies using move analysis have been carried out in English for Academic Purposes (EAP), focusing on published research articles rather than other genres or specific disciplines such as ELP (see, however, McAllister & Lavissière, 2023); none have targeted reading comprehension skills specifically. In the early days of English for Specific Purposes (ESP), the assumption seems to have been that specialized language largely consisted of technical or semi-technical vocabulary (Hutchinson & Waters, 1987). The advent of corpus linguistics tools and techniques enabled the empirical constructions of lists for particular varieties, though often covering multiple genres and disciplines, beginning with Coxhead’s (2000) Academic Word List. Further work has extended this to academic formulae or clusters (Simpson-Vlach & Ellis, 2010) and academic collocations (Ackermann & Chen, 2013); similar principles and procedures can be applied to more specific varieties. Grammar has also been found to vary between registers in particular (*e.g.*, Biber *et al.*, 1999), and it is clearly not enough in ESP to expect learners to insert specific vocabulary into “general” grammar structures (cf. Sarré, submitted, chapter 1). In terms of skills, much research

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has been devoted to (academic) writing, but comparatively little to reading skills (Dang *et al.*, 2024): there seems to be a belief that if learners master the lexis and syntax, the rest will follow automatically. The texts read in courses are therefore often chosen for their topic and little attention is directed to their generic structure.

The study described in this article took place in the framework of Lexhnology, a national project aimed at understanding the structure of legal documents. Move analysis, as a methodology for determining discourse structure, was integrated into the reading practices of students taking a course in American legal language and culture. The focus of the present study is on the potential effectiveness and usefulness of such an approach to boost reading comprehension by helping students recognize the underlying structure of complex texts in their minds. Through the collection of students' impressions and analysis of the move structures proposed in class, two main research questions are addressed in the study:

- RQ1. How do law students identify and define moves and steps within an approach that leaves a wide margin for their impressions?
- RQ2. What are the overall impressions of a course that integrates moves into reading American case law?

The project, and this paper, is founded on the basic assumption that reading is not just about lexis and grammar, and that subject-specific knowledge is not always enough to make sense efficiently of long, complex texts such as legal decisions. The move approach was adopted to help with this, in particular by asking students to work in groups to come up with their own *naïve*<sup>2</sup> meaning with little teacher guidance. In this paper, we first review previous research on move analysis, particularly as applied to legal texts. Second, we describe the teaching situation in which the study took place. Third, we describe the data collection and analysis for three instruments: the final exam, questionnaires and semi-structured interviews. Fourth, we describe and analyze results. Finally, we interpret the results and contextualize them in relation to the current literature, concluding with perspectives for Lexhnology.

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<sup>2</sup> Specifically, students were only given the definition of *steps* by Biber *et al.* (2007) and *moves* by Swales (2004). They were asked to rely on their own intuition and knowledge of legal texts as law students to identify these units in American case law. This approach was taken because no full set of moves and for case law exists in the literature (Lavissière & Bonnard, 2024) and because French students are trained to recognize certain types of information in legal opinions throughout their degree programs.

## Literature review

Move analysis was first defined in the British School of Genre Analysis by Swales in his seminal work on genre (1990, 2004; Moreno & Swales, 2018), with a focus on teaching students of EAP to write research articles. Throughout the years, this crucial skill has been taught by analyzing how experienced research article writers structure their papers in terms of units constituting a *move* (Connor & Mauranen, 1999; Cortes, 2013; Tardy & Swales, 2014). A *move* is defined as a functional unit with a single communicative purpose. Moves, which are abstract, are composed of smaller concrete units called *steps*. A range of steps can combine in different ways to constitute a move. Neither unit necessarily corresponds to a given unit of discourse, such as the paragraph or the sentence.

In the first years following its introduction, qualitative methods were mainly used in move analysis due to the fuzzy definition of moves and steps. Starting in the 2000s, the development of corpus tools and techniques gave rise to complementary quantitative methods. Biber *et al.*'s (2007) monograph was particularly important in showing how top-down and bottom-up methods could be combined to study larger discourse units quantitatively. More recently, Cotos *et al.* (2017) and Moreno and Swales (2018) have specifically focused on making move analysis robust through consultation and validation of the moves and steps schemes by experts as well as through measures such as interrater reliability.

Several studies using move analysis have focused on ELP, beginning with Cheng & Sin (2007), who carried out a qualitative comparative analysis of Chinese and American judicial opinions with the aim of contrasting rhetorical preferences in the two cultures. These authors identify five moves: heading, summary, facts and issues in dispute, arguments/discussion, and conclusion/decision. Tessuto (2015) established a three-tiered structure of section-move-step for research articles in the field of law with the objective of understanding the structure of the articles, comparing the structure with other research articles, and explaining epistemological differences which stem from structural differences. Groom & Grieve (2019) studied the diachronic evolution of moves and steps in patent specifications, showing how variability, as explained by evolutionary linguistics, is compatible with the concept of genre. Goźdz-Roszkowski (2020) applied move analysis to decisions of the Polish Constitutional Tribunal in the justification (Part III), identifying five moves and a number of steps. Finally, coming from the field of natural language processing, Kalamkar *et al.* (2022) found and annotated a number of rhetorical roles<sup>3</sup> in a corpus of Indian judicial opinions that corresponded to moves identified in Cheng & Sin (2007). The rhetorical roles identified include preamble, facts, ruling by the lower court, issues, argument by petitioner, argument by respondent, statute, precedent

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<sup>3</sup> Kalamkar *et al.* (2022) propose a set of twelve rhetorical roles. In this paper, we do not propose any closed number of moves as we are interested the students' perceptions and identification of them. The students were given access to Kalamkar *et al.*'s list of moves near the end of the course as they requested a reference from the literature.

relied, precedent not relied<sup>4</sup>, ratio of the decision, and ruling of the present court. Three of the roles (statute, precedent relied, precedent not relied) are subtags to the tag called “analysis” by the authors. This last study is the most complete in that it covers full opinions and has more precise categories than those found in Cheng & Sin (2007).

A final source of literature is provided by manuals and articles aimed at legal professionals who write or read legal opinions. Lavissière & Bonnard (2024) found that legal professionals who authored this literature generally identified five sections: introduction/orientation, facts; issues to be decided/legal questions, justification of the decision of the court, and final action taken by the court. These sections correspond to those identified in Cheng & Sin (2007), but are less fine-grained than those proposed by Kalamkar *et al.* (2022).

None of the studies cited in this literature review, however, focus on teaching *reading* through the identification of moves and steps. In particular, those studies which analyze ELP do not generally have a pedagogical aim. While some studies have shown that using concepts from genre theory does increase reading comprehension (Behtary & Davaribina 2013; Minaabad & Khoshkholgh 2012), no study uses move analysis to specifically improve reading comprehension. This is a crucial gap as comprehension of legal opinions, particularly long and complex texts such as United States Supreme Court (SCOTUS) opinions, is extremely challenging even for native speakers of English and legal professionals (Kirby-Légier, 2005). To address this, the present study asked French law students to conduct their own naïve move analysis with the goal of understanding how these students (a) appreciate using the method to improve their reading comprehension and (b) define moves and steps in SCOTUS opinions.

## Course and methodology

### *Teaching scenario*

The course was part of a second-year Master’s degree in comparative law that includes a large component of courses in foreign legal language. For English as a foreign language, the students have four hours of class each week for twelve weeks, resulting in 48 hours of English in the first semester. All of the classes focus on legal English, and include legal language, legal culture, translation, and speaking skills. This paper derives from a class in “American legal language and culture” which comprises a weekly two-hour session. The course concentrated on landmark SCOTUS cases, including the history surrounding the case, the concepts involved and the vocabulary and expressions used. Particular attention was paid to legal issues surrounding both gender and ethnic and other minorities in the United States.

The participants were 25 second-year Master’s students who had successfully studied at least two foreign languages during their undergraduate degree in law and/or

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<sup>4</sup> Kalamkar *et al.* define “precedent relied” as “texts in which the court discusses prior case documents, discussions and decisions which were relied upon by the court for final decisions” (4422), and “precedent not relied” as texts where these sources were not relied upon by the court.

applied foreign languages. They formed eleven groups, three groups of three and eight groups of two. They were introduced to the concept of move analysis with minimal detail by their teacher (who was also one of the authors of this paper). The objective was to see how they would approach with little teacher guidance (please see footnote 1 for further explanations of this choice). They were also introduced to SketchEngine in a data-driven learning approach at a more lexicogrammatical level (see *e.g.*, Smith, 2020). Before class each week, they read the Supreme Court judicial opinion assigned and the chapter of Barnett *et al.* (2020) summarizing the case. Each group analyzed the moves/steps structure of the opinion and used SketchEngine to identify the keywords in the opinion. During the class, two or three groups were randomly chosen to present the context, legal issues, moves/steps of one opinion (majority, concurring or dissenting), decision in the case, case impact and five keywords in 15 minutes. They were asked to present the case and to show how the opinion is structured using visuals and to create entries in the collective glossary of legal terms. Following the presentation, the class discussed the choice of moves and steps to agree on coherence. During the final session, the students completed a questionnaire about their experience using moves. Finally, in a 90-minute written exam, the students had to identify the moves and steps of one of the cases studied in class. The course breakdown is provided in Supplement A<sup>5</sup>.

### ***Data collection, instruments and analysis***

The methodology was designed to permit triangulation of three datasets, collected with written consent from the students: the post-course evaluation, the post-course questionnaire, and semi-directed interviews with volunteers (Table 1).

<b>Data types</b>	<b>Number</b>	<b>Treatment &amp; analysis</b>	<b>Research Purpose</b>
1. Post-course evaluation	<i>n</i> =25	Coding of student exams in Taguette. Descriptive statistics and qualitative analysis.	Notice whether regular practice of move analysis contributed to performance (final exam)
2. Post-course questionnaire	<i>n</i> =23	Descriptive statistics (Mean [M], Standard Deviation [SD]) Content analysis	Investigate student perceptions and impressions of the task
3. Semi-directed interviews with students	<i>n</i> =11	Content analysis	Further investigate student perceptions and clarify doubts about the task

*Table 1 – Data overview*

The evaluation took the form of a 90-minute written exam during the final class, with no access to the Internet or other resources. All 25 students sat the exam, reading the majority opinion for Loving v. Virginia (1967) with the instructions:

<sup>5</sup> All supplements are available in a separate on HAL science ouverte at the following link: <https://hal.science/hal-04644134>.

“Describe how the opinion is structured in ‘moves’ (rhetorical divisions). The paragraphs have been numbered to facilitate this task” (Supplement B). Their exam papers were scanned and converted to electronic text prior to coding. Two researchers, also authors of this paper, then coded a digital version of the opinion according to the moves as coded by each student. Each researcher coded about half of the exams separately using Taguette<sup>6</sup>; there was no restriction on the number of codes a segment could receive. The researchers respected the tag titles and segmentation proposed by the students. A content analysis of the texts addressed how students analyzed structure, collecting all the segments referring to larger discourse divisions, including *paragraphs*, *sections*, *parts*, *moves*, and *steps*.

The questionnaire (Supplement C) was given in class at the end of the semester to identify representations retrospectively from before the course, and also subsequent to it. All but one of the 24 students present in class completed the questionnaire in whole or in part. Their mean age was 22 years and four months (SD=8 months); there were 19 women and four men. Twenty had started learning English at primary school (three in middle school), and had been learning legal English for an average of six and a half years; 15 of them had completed an undergraduate degree in applied languages and law, the remaining eight exclusively in law. The questionnaire itself included items on a five-point Likert scale, yes/no questions, and open-ended questions for expanded opinions, following Dörnyei & Dewaele (2023); analysis was conducted manually (Supplement D).

The students were contacted during the following semester with a request to participate in a semi-directed interview. An interview guide was constructed to align with the questionnaire, the objective being to gather more information about how they defined moves and steps as well as their experience of identifying them. Eleven students agreed to a 45-minute interview with a researcher, also an author of this article, who was not involved in teaching the course. The interviews took place via Zoom and were recorded for transcription and analysis (Supplement E). The transcriptions were analyzed through content analysis using the open-source tool Taguette: around 130 themes were identified, with varying degrees of frequency. The analysis concentrated on the themes linked with moves and steps, as well as experience in reading legal texts before the course, appreciation and benefits of the approach, challenges experienced, and intended future uses in their studies or careers. We were also interested in suggestions for improving future iterations of the course, and the potential application of the approach in a dedicated platform.

## Results

### *Students’ post-course evaluation*

The initial coding of the students’ exam responses resulted in 59 separate codes. Several trends emerged during this first coding step. While students were asked to provide their own segmentation and naming of moves, the numbering of paragraphs and the exam instructions clearly influenced the segmentation for all. In terms of

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<sup>6</sup> <https://www.taguette.org>.

moves, exposure to Kalamkar *et al.* (2022) during the course and in the questionnaire may have influenced some of the titles for moves. Otherwise, no uniform patterns emerged in the move segmentation. In general, student tags converged at the start and at the end of the opinion: the analysis of the Court posed greater difficulties for the students and generated the highest number of tags. The precision of the coding also varied from one student to another, with some explicitly or implicitly establishing a hierarchy within divisions. Some students focused on summarizing the content of each paragraph, rather than proposing a more abstract structure: they divided the opinion into sections according to theme rather than according to move. Others confused reading of the main case and a case cited by the justices as precedent to be relied upon or rejected; they did not understand the principle of entrenchment of one case in another or the management of the narrative voice of the Court.

#### *Summary of annotations by paragraph*

A linear analysis highlighted the students' main annotation trends. The students generally labelled paragraphs<sup>7</sup>, which was their default segment, even though that did not correspond to the overall move structure. There were trends about where transitions from one division to the next occur where all, about half, or about a third of the students identify a new division.

A majority of students noted that the first paragraph (§1) presents the issues to be discussed by the Court; five also noted that the Court already solved the issue by announcing its decision. Some students also identified this paragraph as a type of introduction which they varyingly labeled: Introduction, Preamble, Summary, Reminder. All 25 students noted a transition between §1 and §2. Nine students also separated §2 and §3 as a difference between an introductory paragraph and the facts and proceedings in the lower courts.

Students who separated §2 from the following ones identify it as a division called "Facts". However, a majority of students linked §2 to §3 through §7, as a larger division combining elements of facts and history about how the case ended up in front of the Supreme Court (including proceedings in lower courts, rulings of lower courts), with two of them highlighting the specific decision of the Supreme Court of Appeals of Virginia in §6, and one noting that §7 more specifically concerns the appeal of the petitioner to the Supreme Court.

Many of the students grouped the following six paragraphs (§6-13) in a single large division. For 21 students, these paragraphs show a description of the law examined by the Supreme Court in this case, statutes of the Virginia code. Among these students, some specified that the statutes were the reason for the conviction. Interestingly, three students saw a presentation of the respondent's arguments (State of Virginia) or of the arguments of the Supreme Court of Appeals of Virginia; one even spoke about "charges". They thus inferred that if the petitioner had been convicted based on the content of these statutes, either the SCoA of Virginia or the respondent (or both) had based their arguments in lower courts on statutory



considerations. This interpretation is false, as these paragraphs are descriptive and do not present arguments made by the parties or reasoning by the lower courts. These interpretations show a lack of understanding on the part of the students.

Eight students did not notice that §14-15 shifted from the description of statutes to a contextualization of Virginia's legislative history. Among the 15 students who did notice a shift, 11 used the words "history" or "context" (or derivatives) to define these divisions, while four of them paraphrased the specific content: "this paragraph explains that this type of marriage is an absolute prohibition and the fact that Virginia prohibits it on the basis of racial discrimination" (Student 3).

Almost every student noted that a new division started with §16; this is perhaps not surprising as Justice Warren divides the opinion with the Roman numeral "I" at this point. This paragraph explains how the lower court (SCoA of Virginia) reasoned in taking its decision. Five students considered only this paragraph as presenting the relevant precedents to the case. Some students seemed to overlook the fact that the precedent cited was invoked by the lower court to support its decision ("every precedent quoted in the 16<sup>th</sup> and 17<sup>th</sup> paragraphs are not reliable"<sup>8</sup>), without noting who uses the precedents or claims which are not reliable.

The rest of the text (§17 to §34) forms the core of the Court's analysis; there is consequently far greater divergence in the students' segmentation and description, and trends are tentative at best. The first two (§17 and §18) present the arguments of the respondent regarding the Constitution (Equal Protection Clause), occasionally commented by the Court. Four students identified them as the arguments of the respondents; others identified arguments from the petitioner.

From §19 on, some students were very specific in their categorization: "discussing the applicability of a clause", "history of the 14<sup>th</sup> Amendment". The idea of answering or rejecting the respondent's arguments was present in 10 exams. Two students divided the opinion into parts before detailing the content of each paragraph: for one student, §16-24 were grouped as "Arguments of SCoA Virginia", while another considered them to be a mix of "Arguments of the Court" and "Analysis of respondents' arguments". The purpose of citing precedents, however, was sometimes omitted: for one, §23, §27 or §28 were just referred to as "Precedent" or "Quote" rather than indicating which legal opinion was referred by the justices. Some students divided §16-34 into two parts depending on which constitutional clause was discussed. Ten acclaimed there was a division between §25 and §26, but all students saw §26 to §30 as an undivided macrodivision covering the arguments of the Court in relation to the Equal Protection Clause. Near the end of the opinion, 13 students saw a transition between §30 to §31 – it is somewhat surprising that more do not as Justice Warren separates the paragraphs with a Roman numeral "II" to open up the argumentative sequence towards the Due Process Clause. Fourteen students saw a division between §32 and §33, and all see §33 and §34 as the end of the decision.

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<sup>8</sup> Student extracts are included verbatim from the exams, questionnaires and interviews in the supplements.

In sum, there is general consensus about how the opinion is divided into macrodivisions at the beginning and, to a lesser degree, at the very end. The students showed some convergence about division at §16, the start of the analysis. This was influenced, however, by the presence of a division imposed by Justice Warren. The imposition of this division was not, however, the only factor in the students' decision to divide the opinion at §16 because there was no unanimous division at the end of §30, where the second division was imposed by Justice Warren. In other words, the combination of a change in modality (from description to analysis) between §15 and §16 in addition to the Roman numeral "I" probably resulted in the consensus about the structure.

### *Student profiles*

The data from the students' moves point towards three profiles. Profile 1 included students who seem to have limited understanding of moves. They give minimal explanation to their analysis, and generally just provide a label according to paragraph or group of paragraphs. Several (S10, S15, S23, and S24) of them did not finish this part of the exam. Profile 2 students showed somewhat more understanding, but had difficulty seeing beyond the paragraph level, especially as paragraph numbers were added to the text. This led them to focus on the content of the paragraphs rather than on finding a more abstract pattern based on the purpose of the justice in choosing to present a certain kind of content and the modalization of the presentation (S2, S3, S4, S5, S9, S11, S13, S16, S17, S19, S20, S22). A subgroup of this profile used the justice's division of the opinion into an unnumbered beginning section, and two sections numbered "I." and "II." respectively; these sections largely correspond to the legal questions dealt with by the justice (I. Do the statutes violate the Equal Protection Clause? II. Do the statutes violate the Due Process Clause?). Profile 3 represents the students most capable of abstraction and understanding the goal behind the justice's writing. They were able to describe an abstract pattern that was visually indicated by paragraph breaks or the justice's divisions of rhetorical progression and to manage the way the justice lent his voice to other stakeholders in the case (the lower courts, the parties, the legal professionals impacted by precedent) without necessarily endorsing their arguments or even rejecting their arguments. This group included S1, S16, S18, and S21.

### ***Questionnaire results***

The questions related first to students' confidence in reading legal documents before and after the course along with their difficulties and specifically the use of moves. Remembering that the course did not set out to teach *specific* moves, but to identify how students would tackle the approach by asking them to come up with their own categories and labels, we asked how they would now define a move, what moves they identified and how, difficulties and advantages of a move analysis, their interest in it and their perception of its usefulness. A final question asked for suggestions to improve the course. The questionnaire focused mainly on moves and

did not ask explicitly about the use of corpus tools for data-driven learning. Responses are given in Supplement D.

### *Reading: before and after*

Ten students said they had never previously read any American judicial opinion in English; seven claimed at least one, while the remaining six said more than 10 – some more than 30. All 13 who had read one or more said that it was because it was a requirement for their degree. At the end of the course, they rated their understanding before the course at a fairly low 3.19 on the 5-point Likert scale (Table 2, a): interestingly, eight of those who stated they had never read any such texts before also completed this question, though there was no significant difference between their answers ( $M=3.13$ ) and those who had previously read at least one ( $M=3.23$ ). Their confidence in understanding such texts prior to the course contrasts with 4.00 afterwards (Table 2, b), at the time of completing the questionnaire – an increase of 0.81 points overall, statistically significant<sup>9</sup> for those who completed both questions ( $p=.0021$  on a two-tailed paired t-test<sup>10</sup>). For those who had previously read some legal opinions and who responded to both questions, two claimed a drop of one point, four reported no difference, two an increase of one point, and four an increase of two points.

	1	2	3	4	5	M (SD)
a. Before the start of the course, I felt I understood the judicial opinions that I read well.		7	3	9	1	3.20 (0.96)
b. Today I feel confident in my reading of judicial opinions in English.			3	11	4	4.05 (0.58)

*Table 2 – Responses to Likert-scale questions*

The 21 responses to an open-ended question (Supplement D.1) asking for their main difficulties in reading them before the course emphasize the language, especially technical vocabulary and expressions (17), with three referring specifically to the use of “old English”, and the length and complexity of the sentences (6). Three cited unfamiliar concepts in American law, three the overall length of the documents with seven citing the structure of the text as being a particular difficulty, including two specifically citing moves and steps.

### *Understanding of moves*

We next asked how they would now define moves after a semester’s work (Supplement D.2); this produced responses from 22 students (mean length: 23 words). Some clearly had difficulty with the concept, referring to “groups of words,

<sup>9</sup> “Statistically significant” means that there is little possibility – the exact threshold is defined by each scientific discipline – that the differences in results are due to randomness. In other words, statistically significant differences in results are likely to be attributable to a specific cause.

<sup>10</sup> A t-test is a method of measuring statistical significance that is based on the average (mean) of the results of a group while accounting for their variance or distribution. It can be used on one group (single tailed/sample) as compared to a chosen value, two groups (two-tailed/sample), or groups undergoing two measurements (two-tailed paired /sample). <https://www.ncbi.nlm.nih.gov/books/NBK553048/>.

like an expression” or “phrases”, or equating them specifically with paragraphs or sequences of paragraphs. These students may have difficulty in dissociating moves from superficial typographic presentation. All of them, however, including these first students, relate moves to the structure of the “main ideas”, the “logical” progression (three students) of the underlying “reasoning” (three students) or progression of the “argumentation” – or to cite S19, “how [the ideas] are positioned and related in the text”. For several it is about the overall goal: “to reach a conclusion”, “leading to the final opinion”, and particularly “to get to the result wanted”.

The next series of questions asked students to identify moves which they had found in most judicial opinions they had read during the semester (Supplement D.3), based on the examples from Kalamkar *et al.* (2022). All 23 respondents reported finding “facts” as a move; a large majority (at least 80%) had found four more moves (Argument by petitioner, Argument by respondent, Precedent relied, Ruling by present court). Some 50-80% of respondents noted another four (Issues, Analysis, Statute, Rational of the decision), suggesting these moves are somewhat rarer or more difficult to identify. The final three moves were reported by a minority of respondents (Precedent not relied, Ruling by lower court, Preamble), suggesting these might be considered as less important by French students.

Another question prompted the students to propose additional moves; 18 students gave no response or replied “no” to this open-ended question. Of the five who did, each mentioned historical digressions, the need for a conclusion, or other explanations for their dissent. Two also noted that judges sometimes give personal views, for example in explaining the reasons for their dissent. In response to a question about naming the moves in their groups, 22 students gave free answers averaging over 20 words each (Supplement D.4). On the whole, this proved relatively unproblematic: the members of two groups declared that they did not name the moves without further explanation; for most of the others, the names arose “instinctively” by tacit agreement, relating to the basic concepts being identified.

As to how they identified moves on their own, all but two gave fairly lengthy responses (on average over 23 words per answer). Overall, responses to this question revealed a high level of awareness of their own practices (Supplement D.5). The first thing to note is that only six explicitly made some mention of words, phrases or syntax, including four who used them to identify moves or overall structure (*e.g.*, via linking words or expressions). More frequently, 10 of them emphasized the importance of working at paragraph level; this included one who numbered the paragraphs, and another who gave each one a title. This connects to the idea of text structure as a whole, mentioned by five students, with one turning this into an outline map; three made specific mention of moves. Other strategies were more general, including use of a highlighter (three students), or reading the whole text before moving to specifics (six, more or less explicitly), or simply trying to understand the writer’s intention (two).

A question on difficulties elicited responses from 22 participants (average 19 words per answer; Supplement D.6). Intriguingly, only three students noted major difficulties stemming from the complex legal ideas themselves, or referenced

unfamiliar American law. “Language” was a problem for five, especially legal vocabulary but one also explicitly mentioned syntax. A more frequent problem was length, cited as a major difficulty by 10 respondents, with one adding that this included long paragraphs; another five cited unclear structure, with the judges digressing or jumping from one point to another (*e.g.*, S9, S20). These are indeed at the core of the matter, as a move analysis should help to break the text down into more manageable segments to enable more coherent structuring. There seems to be a perception that each paragraph should correspond to a single move whereas in reality they often overlap. This also makes it difficult to “identify when a move ends and when another one begins” (S15). Though the formulation of this question on difficulties in identifying moves does not allow direct comparison with the question on reading difficulties before the course, the students were less likely to cite “language” (*i.e.*, lexis and syntax) as a major problem at the end of the semester than at the start – a pleasing result, even though the course objective was not to teach vocabulary or grammar. By the end, text structure had replaced language as the main perceived difficulty.

Next, students were asked to select the main advantages of identifying moves in the judicial opinions covered, selecting from a closed list (Table 3). A majority (15) agreed that they understood the overall structure of the argumentation better as well as the specific arguments (12), which is clearly encouraging. However, few respondents felt they had a better understanding of American legal reasoning (6), remembered the contexts better (4), read the texts faster (3) or improved their knowledge of legal vocabulary (2); this latter finding is unsurprising as the attempt was precisely to get away from a focus on detail and on to the text as a whole, although it does contrast with the responses given to earlier questions.

I understood the overall structure of argumentation better	15
I understood specific arguments better	12
I started to read the opinions faster	3
I understood legal vocabulary better	2
I remembered the contents more after the move analysis	4
I understood American legal reasoning better	6

*Table 3 – The main advantages of having identified the moves of the judicial opinion*

As to whether they intended to use move analysis in the future, the results were evenly split, with eight agreeing, eight disagreeing, and seven offering no response. Reasons for no planned future use (Supplement D.6a) mainly focused on the intention to work in contexts where it would not be required, largely working with French law only; this perhaps shows a lack of awareness that the basic idea of moves and steps could be transferable to other lengthy, complex documents in other languages or areas. However, several of those who do intend to continue (Supplement D.6b) clearly do understand this, stating that they already use such procedures in their law studies for French, Italian and potentially other languages, or that it can be helpful in understanding different types of texts. They do not specify if they use the framework of moves and steps thanks to the class presented here or

if other teachers have introduced a comparable method for identifying the structure of documents.

Specifically, regarding moves, the responses do not show extreme opinions on the interest of the approach (Table 4, Qa) with nobody choosing 1 or 5, and the overall impression is only slightly favorable ( $M=3.17$ ). Interesting or not, there is a marked difference in perceptions of usefulness (Table 4, Qb), with students dividing into two groups: eight students disagreed compared to a majority of 14 agreeing ( $M=3.36$ ); nobody chose the median option which is often considered a default.

	1	2	3	4	5	M (SD)
I found identifying the move structure of American judicial opinions interesting.		7	5	11		3.17 (0.89)
I found identifying the moves helpful in understanding the judicial opinions.		8		12	2	3.36 (1.09)

*Table 4 – Perceived interest and usefulness of the move approach*

#### *Suggestions for course improvements*

A final question asked for suggestions on ways to improve this experimental course on move analysis (Supplement D.7). Though five students did not respond, the others had numerous ideas, reflected in the fact that mean response length, at 49.3 words, was more than double that for any other question. Rather than focusing on English, several students would have preferred a law class about the American legal system, or at least to have some input on the legal (rather than linguistic) aspects of the cases and how American judicial reasoning differs from French. This suggests a degree of confusion in what an ESP course is designed to offer. S6 was however the only one to claim that the focus on structure actually “prevent[ed them] from understanding the real impact of a case or the principles that it establishes” – clearly the opposite of what the course was aiming to achieve.

There was a general feeling that the course was demanding in terms of time and content. Many cases were rather long, and some would have preferred to start with short, simple opinions and work up to more complex cases. The limited time spent on each text may have led to “superficial” understanding; an alternative would be to go into greater detail on a smaller number of cases, varying the procedures to spend more time on debating and correcting moves explicitly together in class. Rather than working things out from first principles, some would have preferred working with “clearer examples”, especially in an introductory class. To alleviate the workload, one possibility would be to assign the week’s case to a specific group in advance, which would allow for greater depth of analysis. One felt that more topical cases would help to maintain interest; others suggested moving away from the exclusive focus on the Supreme Court to include American private law.

#### ***Interview results***

The students who were interviewed included two Profile 1, eight Profile 2, and one Profile 3, so mostly with a moderate appropriation of the move approach. The interviews generally reinforced the results from the questionnaires in terms of

appreciation of their difficulties and the benefits. The majority of the students saw a benefit in being able to have an overall vision of the text through a move analysis. This allowed them to connect the different parts of the opinion and to provide a synthesis of the text as a whole. The majority also found that having moves and steps identified in a text would allow them to read opinions faster, though the process of identifying the units themselves was seen as lengthy in the questionnaire responses. In addition, students had diverging opinions on the contribution of move analysis to legal analysis. While some felt that it gave them a precise grasp of the judges' argumentative logic, others felt that the rhetorical analysis method tended to obscure the legal content present in the clauses or macrodivisions, because they were focusing more on form than on content.

In terms of their appreciation of course, they liked the diversity of the themes treated in the cases, the focus on reading, understanding the history and historical impact of the decision, seeing how justices write, and seeing how judges construct their reasoning. In terms of difficulties, the interviews confirmed that the length of the opinions, the diversity of their structure, and the complexity of vocabulary and legal expressions posed problems both for student motivation for the course and their comprehension of the opinions themselves. The interviews also showed that several students wanted to learn "law," which is not the main goal of the ELP course. Some students found the coursework repetitive, but at the same time, others implied that repetition was the key to learning to read the opinions. One student who had studied in the United States found that the method had been very effective in helping his classmates read and understand opinions, and that in fact, they had made as much progress in three months as he had in one year of study abroad.

Concerning the students' experience with reading comprehension both of French *Cour de Cassation* decisions and SCOTUS opinions, the interviews revealed important new information. First, students were not explicitly taught to read French legal decisions. They explained that they learned through the production of "hundreds of *fiches d'arrêt*" that include identifying the facts, procedure, problem, solution in their first year of law school. One explained that it was through "bad grades" on these writing assignments that they learned how to read decisions; another added that this method of learning in French undergraduate and graduate law programs "is hard and not very enjoyable". In addition, the fact that French opinions tend to have a uniform structure may have influenced how the students thought that all legal opinions, not just French ones, should be structured. When asked about the prototypicality of American opinions, the perception of a discursive structure specific to SCOTUS rulings varied from student to student. Some students perceived a totally non-uniform structure, which was not very useful for prototype creation as it means that each text must be analyzed individually. For others, the SCOTUS opinions have an entirely uniform structure. This shows that the move method allows students to step back from the content of the texts in order to create a prototype. However, these perceptions leave no room for the nuances of structure in the texts. One more proficient student understood that there was a prototype, but also a great deal of variation.

In terms of the “naïve” definition of moves and steps, nine out of the 11 students interviewed originally made no distinction between moves and steps. After reflection, during the interview, three contradicted their original statement by imposing a hierarchical relationship of moves and steps. One saw steps as paragraphs and moves as a connection between paragraphs, while another saw the exact opposite, with steps as transitions between moves. Most often, the students defined moves and/or steps as paragraphs each of which has a specific function in the text. Four had difficulties giving any definition of moves/steps; others merely translated the terms “move” or “step” directly into French as their definition. Only two students clearly made a distinction between “moves” and “steps,” one strong profile and one intermediate (but rather strong). For several, a paragraph the only existing textual macrodivision and, therefore, given that all the opinions had paragraphs, these students considered that the opinions were generally structured. In these students’ opinion, it was thus simple to identify the structure of the opinions. Many students had difficulty identifying moves because of the lack of imposed typology, despite the suggestion to use Kalamkar *et al.* (2022) as a model. Some used collocations or connectors to help them identify the moves and to navigate through the text.

The interviews also allowed for insights into the tool that the project Lexhnology aims to design. While these law students expressed a general reticence to the use of digital tools, most of them thought that a tool that can identify moves and steps automatically would be useful in saving time and synthesizing opinions quickly both in their courses and in their future careers. They imagined features such as coloring different parts or paragraphs of the opinion according to their meaning, extracting terms and keywords, navigating in a case, seeing if there is a fixed way of saying something (*e.g.*, to introduce an idea, or logical reasoning), facilitating understanding of syllogisms and reasoning, or identifying dicta<sup>11</sup> versus binding principles.

## Discussion

Long and complex legal texts such as those studied here are essential in legal training, but can be very difficult to engage with, especially when readers fixate on lexis and lexicogrammar as often still taught in ESP classes. The aim of this paper was to see if a move approach could help to structure the text in the students’ minds, with the emphasis on the text as a whole rather than smaller linguistic elements. Given the dearth of research in ELP reading skills, we addressed this through the use of moves and steps, as outlined initially by Swales (1990). Previous research on moves in ELP has tended to present either a limited number of moves in a highly (just five in Cheng and Sin, 2007) or relatively simplified model (*e.g.*, twelve in Kalamkar *et al.*, 2022). Further, most such studies aim to model legal texts for linguistic research purposes, without a pedagogical goal explicitly in mind. In order

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<sup>11</sup> “Dicta in law refers to a comment, suggestion, or observation made by a judge in an opinion that is not necessary to resolve the case, and as such, it is not legally binding on other courts but may still be cited as persuasive authority in future litigation.” <https://www.law.cornell.edu/wex/dicta>.



not spend excessive class time on the theory and findings of discourse analysis,, this experimental course provided only a brief introduction to the concept of moves and steps before asking the learners to develop their own tags and subsequently segment the texts assigned in ways that were meaningful for them. Given the inherently fuzzy and amorphous nature of moves and steps, where consensus is difficult to achieve, the collaborative process was central to the design.

To summarize the study itself: 25 second-year master’s students with a substantial English language component in their course analyzed a SCOTUS opinion each week. The data are drawn from post-course evaluations, questionnaires and interviews, which we now attempt to triangulate. The data collection and analysis allow us to address two of our research questions as outlined below.

***RQ1 How do law students identify and define moves and steps within an approach that leaves a wide margin for their impressions?***

Our data allows us to approach the definition of moves and steps by the students from different angles: explicit definition and identification in an actual legal text. In terms of explicit definition, overall, the students equated a move with a paragraph. This was observed in the replies to the questionnaires and in the interviews. When asked to identify the moves in a majority opinion, the students showed substantial inter-individual variation, leading us to establish three profiles in identifying moves and steps. These three profiles are typical for many classroom practices, tools and procedures: relatively small numbers at each end of the continuum, here 20% (Profile 1) who do not really understand or are unable to put it into practice vs 20% (Profile 3) who show successful mastery, with the main body (60%, Profile 2) in the middle showing some understanding. Given the recognition that there is no “best method” (Brown *et al.*, 2007: 14), the question is how to decide if an approach is worthwhile – is 20% of likely future users sufficient to justify it? The less successful Profile 1 had difficulty with the analysis, often to the point of misunderstanding crucial points. They tended to focus on very large units in linear order. The somewhat more successful Profile 2 were still influenced by visual graphic elements, especially paragraph divisions. In both cases they found the main factual elements at the start and end of the text easier to follow than the all-important analysis by the Court, the main substance of the text; this is precisely where a move approach should prove most useful. This is coherent with the findings of Kalamkar *et al.* (2022), where computational models identified the beginning and the end of Indian opinions more successfully, but with much less success in the dense analysis section. Profile 3, on the other hand, exhibited greater ability for abstracting away from the formal elements, finding recurring links at different points of the opinion and better able to follow the rhetorical progression of the text as a whole.

Other areas of both the questionnaires and the interviews were also in general alignment with the profiles outlined above. Profiles 1 and 2 generally equated moves with paragraphs, seemingly even to *want* this to be the case as it would simplify their reading, as exemplified by their stated wish for clear models and examples which, had they been provided, would not have reflected the complexity of the text. This

demonstrates a lack of perspective on moves and steps as a tool for rhetorical analysis: instead of orienting their reading towards an understanding of the text as a structured, coherent whole, the mere act of naming what they saw as a macrodivision (*e.g.*, a paragraph) occasionally diverted them from identifying the rhetorical progression in the text.

At the same time, they came to appreciate that these US legal texts, unlike their closest French equivalents, tend to include a wider range of considerations (Kirby-Légier, 2005) and not always follow what to them would have been a more logical sequence. In this sense, they realized that the move approach could be of use for English texts, where their courses in French law had largely required them to learn simply by doing, with no specific skills training offered to guide them in this. The process of identifying moves was rarely related to words, phrases or sentences, and was more often motivated at paragraph level. On the other hand, Profile 3 respondents did manage to progress to a higher level of abstraction and successfully consider the text as a whole. In deciding their own moves, the names attributed to them seem to have arisen naturally in their groups. Among those listed in Kalamkar *et al.* (2022), “facts” as a move is the only one which all students agreed in the questionnaire that they had used; others were cited by a majority, but a small number were mentioned by very few – suggestive of their limited pedagogical relevance in this context.

## ***5.2 RQ2 What are the overall impressions of a course that integrates moves into reading American case law?***

Interestingly, some students of all three Profiles claimed they would have preferred a course on US law rather than on English, showing a conceptual misunderstanding of the goals of an ESP course and what teachers can reasonably provide (*cf.* Sarré, submitted, chap. 2). In terms of the effectiveness of the class, the retrospective feedback found that the students as a whole claimed to understand such texts better by the end of the course, a significant difference in the questionnaires. This is coherent with the results of Minaabad and Khoshkholgh (2012). Although these researchers did not use move analysis, their study using experimental methods showed that students who were given genre information such as what information to generally expect in the different prototypical sections of a research article, had better reading comprehension results (Minaabad & Khoshkholgh 2012). While students in the class described here did not receive extensive information on what to expect in each section of the SCOTUS opinions, because that information does not yet exist in the literature, they did search to divide opinions, name, and present an analysis of the structure. This overall experience with sections of SCOTUS opinions makes the class comparable, though not identical, to the methods in Minaabad & Khoshkholgh (2012).

The prototypical genre structure is not, however, the only important factor in reading comprehension, as Behtary & Davaribina (2013) show. Their experimental study showed that first-year medical students studying English for medical purposes read general textbooks with greater success than they do medical textbooks because

of their greater experience with general English. Students in the present study also perceived vocabulary and syntax (the traditional “language” components of their previous experience) as the main difficulties at the start of the course. While they remained a major concern for five students at the end, lexis had given way to structure as the main problem perceived by most, even though this is what they had been working on for 12 weeks. On reflection, this should not be surprising: the focus on moves was motivated by the teacher’s initial perception that structure was a source of difficulty; only after working on it did the students come to realize this too, perhaps in comparison with the more uniform French legal decisions with which they had great experience. Rather than adding a problem, the course allowed the participants to understand that lexis and syntax were not the only or even perhaps the main problems, though this had likely been a major focus of their previous English classes (Sarré, submitted). In support of this, it should also be noted that those who had previously read American opinions were more likely to cite structure as a primary difficulty at the start, compared to those who had not. In other words, drawing students’ attention to this seems to have been productive (cf. Gosselin *et al.*, 2020). Perceptions of interest, usefulness and intention to use a move approach in future also largely corresponded to the possibility of having a tool that would carry out the move analysis for the students and link moves to smaller units of specialized language, which more closely corresponded to what the students expected in an ELP course.

## Conclusion

In this study, we collected three datasets from L2 learners of legal English at university level: exams, questionnaires and interviews. The students followed a 12-week course during which they read SCOTUS opinions and annotated them according to move theory (Swales, 1990). The triangulation of the datasets suggests that in terms of understanding move analysis, the students can be divided into three profiles: high mastery, low mastery and the majority in between. Thus, only the students with high mastery fully benefited from the approach, whose initial purpose was to encourage them to see the text as a structured whole beyond textual elements; the others mainly considered the idea of structure through the prism of the paragraph. As early as middle school, paragraphs, discourse markers and headed sections are generally taught as the main ways to structure a text. However, as Swales (1990, 2004) and other authors using move analysis have shown, texts can be divided into other types of units that are specific to a genre. The course described in this article did not include prescriptive information about the units in SCOTUS opinions because that information does not yet exist. Nor has the relationships between move and paragraph in SCOTUS opinions emerged in the literature. The students themselves also mentioned a number of factors that might explain this result, not least the fact that the method of rhetorical structuring differs from the methods learned through experience during their French law studies. However, by the end of the course, they had become largely aware that US judicial decisions were very different from French ones, whether in terms of authorial stance or structure. They

also realized that specific training in these elements could be very valuable when faced with documents from different legal cultures.

These results, combined with the general appreciation of the course and the benefits identified in terms of reading comprehension, suggest that move analysis could be implemented in ELP courses beyond the naïve approach implemented here. Indeed, the main difficulties experienced by students, namely the tediousness of the manual approach to tagging moves themselves, combined with the lack of prototypical structure in SCOTUS opinions, could be overcome by access to texts pre-annotated with moves and steps. The Lexhnology project fulfils this aim, providing a corpus of SCOTUS majority opinions in a language learning resource. The tool is being developed according to the students' needs to help them understand the overall structure of an individual SCOTUS opinion more quickly and to find specific information within it. It also will allow for teachers to exploit authentic case law by showing what lexicogrammatical and terminological trends characterize each move in the corpus as a whole. To this end, the results of the present study inform Lexhnology to harness move analysis and artificial intelligence for teaching legal English in a data-driven approach.

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**Abstract:** There is little pedagogical research on reading skills for students enrolled in English for Legal Purposes (ELP) courses. This paper addresses this gap by analyzing students' *naïve* perception of move analysis for reading legal texts. Three datasets were collected following a French Master level ELP course: post-course exams (n=25), post-course questionnaires (n=23) and post-course semi-directed interviews (n=11). The results suggest that Swalesean move analysis warrants a place in the ELP field, however students would prefer specific training on the approach's purposes and working with texts pre-annotated with moves.

**Keywords:** move analysis; genre analysis; English for Specific Purposes; English for legal purposes; reading comprehension

**Résumé :** Il existe peu de recherches en didactique sur la compétence de compréhension écrite des étudiant·e·s d'anglais juridique. Cet article répond à cette question en analysant les perceptions libres des étudiant·e·s au sujet de l'intégration de la théorie des *mouvements* (*move theory*) à la lecture de textes juridiques. Trois jeux de données ont été recueillis à la suite d'un cours d'anglais juridique au niveau master : des examens, (n=25), des questionnaires (n=23) et des entretiens semi-dirigés (n=11). Les résultats suggèrent que l'analyse rhétorique des *moves* mérite sa place dans le domaine de l'anglais juridique, à condition que les étudiant·e·s reçoivent une formation spécifique quant aux objectifs pédagogiques de l'approche, et qu'ils ou elles travaillent avec des textes pré-annotés des *moves*.

**Mots clés :** analyse rhétorique ; analyse de genre ; anglais de spécialité ; anglais juridique ; compréhension écrite